

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2205

Date: April 7, 2005

Applicant: Francisco Contreras

Address of Property: 19 26th Street East

Contact Person and Phone: Augustin Zarate, (612) 810-6609

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: February 10, 2005

End of 60 Day Decision Period: April 11, 2005

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C1, Neighborhood Commercial District

Proposed Use: Tae Kwon Do school.

Proposed Variance: A variance to reduce the required amount of off-street parking for a Tae Kwon Do school from 7 to 4 spaces.

Zoning code section authorizing the requested variance: 525.520 (7)

Background: application was continued from the meeting of April 7, 2005. The subject site is 21 ft. x 65 ft. (1,360 sq. ft.) and consists of an existing 2,700 sq. ft. two-story building. The subject property is located near the corner of 26th Street East and 1st Avenue South.

Half of the main floor of the building is proposed to be Tae Kwon Do school. The remaining portion of the first floor and basement is proposed as storage. The second floor of the building is an apartment. A total of zero parking spaces are provided on the property. Zoning calculated the parking requirement of the entire site to require 7 spaces. The applicant is grandfathered for 4 spaces counted towards the property. Therefore, the variance is from the required 7 spaces to 4 spaces which is a difference of 3 parking spaces from the previous use in the building. The adjacent buildings are also mixed use buildings under individual ownership. All of the properties have dumpsters located in the alley. The dumpsters are not enclosed and move accordingly. The Zoning code identifies all trash containers to require enclosures 2 ft. taller than the container another alternative to this requirement is to store the container inside the building.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Parking reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces from the required 7 spaces to 4 spaces, where 4 have grandfather rights. The subject site consists of zero parking spaces with 4 spaces grandfathered. The property is located along a bus line and in a designated Activity Center, will have a high turn over of parking spaces, and the business will draw a number of people from the local community that would walk to the business. Due to the building being constructed the size of the parcel, any use of this building could require a parking variance.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Parking reduction: The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The subject site consists of an existing building with zero parking spaces. The applicant states that building was constructed in 1901. Although, not all on and off-street parking in the area exists for the sole purpose of the Tae Kwon Do school use, the applicant has stated that the existing parking will adequately address their parking needs given most of the traffic will be dropping-off students before class and picking-up students after class. No use, other than an office or a retail store, can occupy this space without requiring a parking variance.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Parking reduction: Staff does not believe that the parking reduction variance would alter the essential character of the neighborhood considering this space was originally constructed as a mixed use development and has been used as one for over a hundred years. Grant the parking variance will likely not be injurious to the use or enjoyment of other property in the area given the nature of the parking for this use is mainly drop-off and pick-up of students. The small scale use will likely not significantly increase the number of cars parked in the vicinity. The property is also located on a bus line which will also help alleviate the parking congestion caused by the new use. Staff believes that the new use meets the intent of the ordinance and is in keeping with the neighborhood. Staff believes the applicant could provide a bicycle rack in the public right of way, with the approval of the Public Works Department to aide in alleviating the need for automobile traffic.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Parking reduction: Granting the parking variance would likely have little or no impact on the congestion of area streets or fire safety, nor would the proposed Tae Kwon Do school be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required amount of off-street parking for a Tae Kwon Do school from 7 to 4 spaces.