

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3009

Date: June 1, 2006

Applicant: David Harris, on behalf of Fidelity Group LLC

Address of Property: 323 East Lake Street

Contact Person and Phone: David Harris, 651-480-2087

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: May 3, 2006

Public Hearing Date: June 1, 2006

Appeal Period Expiration: June 12, 2006

End of 60 Day Decision Period: July 2, 2006

Ward: 8 (adjacent to Ward 6) **Neighborhood Organization:** Central (adjacent to West Phillips)

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Establish two retail establishments

Proposed Variance: A variance to reduce the off-street parking requirement from 8 to 3 spaces for two retail establishments at 323 E Lake St in the C1 Neighborhood Commercial District.

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

Background: The subject site is an existing commercial building with one retail space. The applicant is proposing to remodel the space into two retail spaces. The off-street parking requirement for two retail spaces is 8 spaces (4 spaces for each use). There is a parking lot in the rear of the lot along the alley that has parking spaces. Based on the dimensions of that parking area and the minimum size for parking spaces, there is room for one accessible space and two parking spaces. There is also a portion of the lot to the west of the building that is open space. There is not sufficient room in this area to legally park vehicles.

Findings Required by the Minneapolis Zoning Code:

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- 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.**

The applicant is seeking a variance to reduce the required number of off-street parking spaces from 8 to 3 spaces. Without the variance, the zoning code prevents the creation of the second retail use, which is a permitted in the zoning district. Staff believes that the proposed businesses are a reasonable use of the property.

- 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.**

The applicant is moving into an existing storefront location which was built in 1946, prior to the adoption of off-street parking requirement in the Zoning Code. The subject building is mostly built out to the property lines and the open space to the west of the building is not large enough to accommodate parking. This circumstance is unique and has not been created by the applicant.

- 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.**

Granting the parking variance will be in keeping with the spirit and intent of the ordinance and will not alter the character of the surrounding area. The subject site is located on East Lake Street which has transit service, including midday service. The Minneapolis Plan also identifies East Lake Street as a Commercial Corridor, which supports commercial uses and a mix of uses within the same structure.

- 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.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety. In addition to transit and pedestrian activity from local residents and workers, the subject site is located on a corner with on-street parking.

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

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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 off-street parking requirement from 8 to 3 spaces for two retail establishments at 323 E Lake St in the C1 Neighborhood Commercial District.