

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2253

**Date:** April 21, 2005

**Applicant:** Gilbert Junge

**Address of Property:** 2859 Johnson Street Northeast

**Date Application Deemed Complete:** March 28 2005

**End of 60 Day Decision Period:** May 27, 2005

**Appeal Period Expiration:** May 2, 2005

**Contact Person and Phone:** Gilbert Junge, 612-788-0455

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

**Ward: 1      Neighborhood Organization:** Audubon Neighborhood Association

**Existing Zoning:** C1, Neighborhood Commercial District

**Proposed Use:** Restaurant

**Proposed Variance:** A variance to reduce the required off-street parking requirement from 24 spaces to 0 spaces for a restaurant located at 2851 Johnson Street Northeast.

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

**Background:** The subject property is a corner lot that is approximately 10,080 sq. ft. (80 ft. x 126 ft.) and consists of a 5,994 sq. ft. building with three establishments built in 1926. The applicant is planning to renovate previous retail space into a restaurant called “Snap!” that is a retro pizza and ice cream parlor. The building is built up to the property lines along Johnson Street Northeast, 29<sup>th</sup> Avenue Northeast, and the south interior lot line. Parking for the property consists of a parking lot with 11 spaces shared with two other establishments in the rear of the property. Snap! will share the parking lot with Pop! and the Sarah Janes Bakery. The three establishments at the property have grandfather rights to 21 spaces and one loading berth. The proposed establishment contributes rights to 4 parking spaces to the total grandfathered parking. The proposed new use has a parking requirement of 24 spaces and the applicant is seeking a variance to 0 parking spaces.

The applicant has also submitted an application for a minor site plan review and site review by Public Works. The applicant is also a business partner in a restaurant called “Pop!” that is located at the corner of the building and lot.

**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 variance:** The applicant is seeking a variance to reduce the required number of off-street parking spaces from 24 to 0 spaces. Currently, there are 11 spaces on site that are shared with two other establishments. The applicant states that there is off-site parking available at other businesses that have hours different than the proposed restaurant. In addition, the applicant states that the restaurant will serve local area residents who may not drive to the property. Without the variance a restaurant could not occupy this space which is a reasonable use of the 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.**

**Parking variance:** The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The structure was built in 1926 and does provide some parking on-site. However, the size of the lot and the placement of the structure on the property accommodates only eleven parking spaces. Only uses with a parking requirement of four spaces could occupy this property without a variance. The placement of structure and configuration of the property are not circumstances 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.**

**Parking variance:** Granting the variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. The applicant states that the new restaurant will serve many neighborhood residents that may not drive to this establishment. The applicant also states that the restaurant will be able to utilize some off-site parking at a “neighborhood” parking lot managed by the Johnson Street Merchants Association and the applicant has provided documentation of that situation. To increase the opportunity for patrons to arrive at the site via alternative transportation modes, staff recommends that the applicant incorporate bicycle racks on the site or in the adjacent public right of way.

- 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.**

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**Parking variance:** 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. While a restaurant use has a higher requirement for parking than other uses permitted in the C1 District, staff does not believe that the expansion will negatively impact the surrounding neighborhood. The applicant states the restaurant's evening hours of operation are different than other retail business in the area and customers for the surrounding businesses will be able to utilize on parking at alternate hours. They applicants also state that the restaurant will serve neighborhood residents that may not drive to the establishment. The restaurant is also located on a transit line with midday and evening service.

**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 off-street parking from 24 spaces to 0 spaces for the property located at 2851 Johnson Street Northeast to allow for a coffee shop, subject to the following conditions:

1. That the Planning Division review and approve building permits for interior renovation.
2. That the applicant complete and comply with minor site plan review as required by Chapter 530 of the zoning code.
3. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles at each establishment on the property. The bicycle parking may be located in the public right-of-way with permission of the city engineer.