

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-1949****Date:** October 7, 2004**Applicant:** Benita Diaz**Address of Property:** 2400 Central Avenue NE**Date Application Deemed Complete:** August 31, 2004**End of 60 Day Decision Period:** October 30, 2004**End of 120 Day Decision Period:** December 29, 2004**Appeal Period Expiration:** October 18, 2004**Contact Person and Phone:** Aide Salgado, 612-822-1000**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 3 **Neighborhood Organization:** Holland**Existing Zoning:** C1, Neighborhood Commercial District, PO, Pedestrian Overlay District**Proposed Use:** Los Gallos #3, Atlas Travel Agency, and grocery store**Proposed Variance:** A variance to reduce the required amount of off-street parking from 16 spaces to 7 spaces.**Zoning code section authorizing the requested variance:** 525.520 (7)**Background:** The subject site is 43 ft. x 177 ft. (7,611 sq. ft.) and consists of an existing 3,648 sq. ft. one story building with 2 tenants, Los Gallos #3 and Atlas Travel Agency. The applicant is proposing to add a 3rd tenant into the building space for a grocery store business. The grocery store will likely be a specialized market place and thus does not require much floor area.

The subject property consists of 7 parking spaces on site. As the site configuration is established with the building and will not change, there will be no additional parking provided on site. The applicant is seeking a parking variance from 16 spaces to 7 spaces for the addition of the new grocery store.

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 variance: The applicant is seeking a variance to reduce the required number of off-street parking spaces from the required 16 spaces to 7 spaces. The applicant states that in order to make use of the whole building a parking variance is needed for the new grocery store. Strict adherence to the regulations would limit the use of the building to uses that require only 7 parking spaces (the number of spaces provided on site). Based on the submitted information staff believes that the addition of the grocery store is 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.**

Parking reduction 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 subject site consists of a 3,648 sq. ft. building that accommodates 3 tenant spaces with 7 on site parking spaces. The applicant would need to acquire additional property to provide the required 16 parking spaces or limit the use of the building to less uses. The configuration of the property is not a circumstance 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 reduction variance: Staff does not believe that the parking reduction variance would alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the area. The businesses within the building as well as the proposed grocery store will serve many area and Hispanic residents providing a viable local amenity for the neighborhood. In addition, many improvements will be made to the property in compliance with minor site plan review such as landscaping and reconfiguring the existing parking area. The property is also located within a Pedestrian Overlay District where pedestrian activity is encouraged and auto oriented uses are discouraged.

- 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 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 grocery store increases the parking requirement

CPED Planning Division Report
BZZ-1949

for the building, staff does not believe that the expansion will negatively impact the surrounding neighborhood. The building tenants serve many area residents. They also have access to nearby adjacent parking and there is a bus stop on the corner of the property. The property is also located within a Pedestrian Overlay District where pedestrian activity is encouraged and auto oriented uses are discouraged.

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 from 16 spaces to 7 spaces subject to the following conditions:

1. That the Planning Division review and approve final site and elevation plans.
2. That the applicant comply with all Minor Site Plan Review requirements.