

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

Variance Request  
BZZ-2138

**Date:** January 6, 2005

**Applicant:** Erik Lees

**Address of Property:** 1500 Como Avenue Southeast

**Date Application Deemed Complete:** December 9, 2004

**End of 60 Day Decision Period:** February 7, 2005

**End of 120 Day Decision Period:** April 8, 2005

**Appeal Period Expiration:** January 18, 2004

**Contact Person and Phone:** Erik Lees, 612-298-8202

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

**Ward: 2**      **Neighborhood Organization:** Southeast Como

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

**Proposed Use:** Coffee shop

**Proposed Variance:** A variance to reduce the required off-street parking from 8 spaces to 0 spaces for the property located at 1500 Como Avenue Southeast to allow for a coffee shop.

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

**Background:** The subject site is a reverse corner lot that is approximately 30 ft. x 78 ft. (2,345 sq. ft.) and consists of a 2,345 sq. ft. building with three office/retail establishments. The building faces Como Avenue Southeast and 15<sup>th</sup> Avenue Southeast and is built up to the property lines. The applicant is planning to renovate previous office/retail space at 1500 Como Avenue Southeast for a coffee shop. Parking for the property consists of only on-street parking. The building was built in 1963 and has “grandfather” rights to 4 spaces, which reduces the required off-street parking to 8 spaces. Eight parking spaces are required for the proposed new use and the applicant is seeking a variance to 0 parking spaces.

**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 8 spaces to 0 spaces. The building is built out to the property lines and cannot accommodate off-street parking. The applicant states that there is no off-site parking available within an adequate distance. In addition, the applicant states that the coffee shop will serve local area residents who will walk and bike to the property. Based on the submitted information, staff believes that the use of the property as a neighborhood coffee shop that will be accessed mostly by residents who will walk or bike to the property 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 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 building was built in 1963 and has “grandfather” rights to 4 parking spaces. The building is built up to the property lines and cannot accommodate off-street parking. The building previously consisted of office and retail space with no off-street parking. The history 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 coffee shop is on a thoroughfare between the University of Minnesota, Dinkytown and the Como Neighborhood and will serve area residents who will either walk or bike to the property. The coffee shop is located on a transit line with midday service. The applicant states that the coffee shop will replace a vacant building space and provide a viable local amenity for the neighborhood.

- 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/coffee shop use has a higher requirement for parking than some other more general retail uses, staff does not believe that the expansion will negatively impact the surrounding neighborhood. The coffee shop will mainly serve neighborhood residents who will arrive on foot or bike. In addition, the applicant states that in November 2004, on-street parking around this intersection was regulated to 90 minutes, which will reduce the all-day parking from commuting students and free up on-street parking spaces near the coffee shop.

**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 8 spaces to 0 spaces for the property located at 1500 Como Avenue Southeast 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.
3. That the applicant install at least 4 bicycle parking racks.