

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3268

Date: November 2, 2006

Applicant: Robert Serr

Address of Property: 913 West Lake Street

Contact Person and Phone: Christian Dean, 612-872-2398

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

Date Application Deemed Complete: October 11, 2006

Appeal Period Expiration: November 13, 2007

End of 60 Day Decision Period: December 10, 2006

Ward: 10 **Neighborhood Organization:** CARAG (adjacent to Lowry Hill East)

Existing Zoning: C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District

Proposed Use: Establishing a restaurant in a commercial building

Proposed Variance: Robert Serr has filed a variance to reduce the required off-street parking to establish a restaurant at 913 West Lake Street in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District.

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

Background: The subject property is commercial building on an interior lot measuring 56 ft. by 92 ft. The applicant is proposing to establish a new restaurant in the subject building and needs a parking variance to satisfy the off-street parking requirement of 22 spaces. The property has grandfather rights to 4 spaces and needs to provide 18 spaces. The applicant has applied and received approvals for a shared parking agreement with the property owners of 912-918 West Lake Street.

The shared parking agreement allows customers of 913 West Lake Street to park in the 26 space lot in the rear of 912-918 West Lake Street. There is a bookstore and auto parts store at 912-918 West Lake Street that have hours overlapping with the proposed restaurant. The shared parking agreement would only allow the restaurant to be open the hours that the bookstore and auto-parts store were closed. The overlapping hours are in the early evening, typically until 7 p.m. The applicant is applying for the parking variance to eliminate the parking requirement with the intention of using the lot at 912-918

West Lake Street for customer parking. The approval for the shared parking agreement includes landscaping the lot and trash enclosure, provided by the applicant.

There is also a small parcel to the rear of 913 West Lake Street that has been used for parking with the address of 3011 ½ Colfax Avenue South. It is owned by the same property owner as 913 West Lake Street and has the same zoning, which makes the subject site and 3011 ½ Colfax Avenue South the same zoning lot. Because it is adjacent to residential uses on the west and south side, it is subject to the screening requirements of the zoning code.

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.**

The applicant is seeking a variance to reduce the required number of off-street parking spaces from 22 spaces to 0 spaces for a new restaurant. The property does have rights to 4 spaces. Due to the size of the property and the building, there is no parking on site. Strict adherence to the parking code regulations in the Zoning Code would prevent any use, including a restaurant, with an off-street parking requirement greater than 4 spaces.

- 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 circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The subject building was built in 1921, prior to the adoption of the Minneapolis Zoning Code in 1924 and prior to off-street parking regulations added in 1963. The size of the property is not large enough to provide all the required parking for a restaurant. The age of the building and size 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.**

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 subject site is located in Uptown, which has a mixture of land uses, and restaurants with bars being very common. The property is in the Pedestrian Oriented Overlay District and The Minneapolis Plan identifies West Lake Street as a Commercial Corridor. The business owner has obtained off-site parking for the restaurant that will be shared with two other businesses. The applicant has agreed to provide landscaping of the parking lot and a trash enclosure.

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The lot at 3011 ½ Colfax Avenue South, directly south of the subject site, is the same zoning lot as the subject property because it is owned by the same property owner and has the same zoning as 913 West Lake Street. The lot is adjacent to residential uses to the west and south. Because of the small size, the lot is only subject to the screening requirement for parking. A 3 ft. tall decorative fence, masonry wall or hedges is required for screening. (530.160)

- 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. The business owner has obtained off-site parking for the restaurant that will be shared with two other businesses. The applicant has agreed to provide landscaping of the parking lot and a trash enclosure. In addition, Metro Transit Route 21 provides all day bus service along Lake Street and the site is accessible by bicycle and pedestrian connections, including the Midtown Greenway and bike lanes.

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 to establish a restaurant at 913 West Lake Street in the C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The parking area at 3011 ½ Colfax Avenue South be screening with a 3 ft. tall decorative fence, masonry wall or hedge,
2. That the Planning Division review and approve building permits for interior renovation.