

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3516

Date: May 3, 2007

Applicant: Todd Paulus and Joy Davina

Address of Property: 3742 23rd Avenue South

Contact Person and Phone: Todd Paulus, (612) 968-2401

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: April 12, 2007

Public Hearing: May 3, 2007

Appeal Period Expiration: May 13, 2007

End of 60 Day Decision Period: June 11, 2007

Ward: 9 **Neighborhood Organization:** Standish Ericsson Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District & PO Pedestrian Oriented Overlay District

Proposed Use: A dance studio

Proposed Variance: A variance to reduce the required off-street parking from **63** parking spaces to 0 spaces, where 16 spaces are grandfathered, to allow for a dance studio at 3742 23rd Avenue South in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.

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

Background: The subject site is located at the northwest corner of 23rd Street South and 38th Street East. The lot area is 6,124 square feet and the building is 4,600 square feet. The building is divided into four retail spaces and there is no parking provided on the site.

The applicant is proposing to combine the four retail spaces into one space for a dance studio. The proposed dance floor area of the studio is 4,200 square feet. The applicant states that they plan to hold approximately 30 group and 40 individual classes a week. The approximate class size will be between 30 and 40 adults and there would be six classes a night.

The parking requirement for a dance studio is 30 percent of the capacity of persons. This results in an off-street parking space requirement of 84 spaces. However, the subject site is located in 38th Street LRT Transit Station Pedestrian Overlay District (PO). In this PO District the required off-street parking is reduced by 25 percent. The resulting required off-street parking for the proposed use is 63 spaces.

The subject site also has grandfather right to 16 parking spaces and in effect the variance is to reduce the required parking from 47 spaces to 0 spaces as the subject site cannot provide any off-street parking on site.

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 has requested a variance to reduce the required off-street parking from 63 to 0 spaces to allow for a dance studio. There is no room for off-street parking on the site. The subject site is 62 feet wide by 99 feet long and does not permit an area sufficient enough in size to allow for any of the required off-street parking.

There is a large surface parking lot located across 23rd Avenue South, 3717 23rd Ave S. The recently adopted 38th Street Transit Station Area Plan calls for this site to be redeveloped and the neighborhood is actively pursuing redevelopment of the parcel. Relying on this parcel to provide off site parking is not a feasible option.

In addition to the potential redevelopment of 3717 23rd Avenue South, the Zoning Ordinance prohibits off-site parking in residence districts for uses located in a commercial district. The proposed dance studio is located on a lot zoned commercial and the parking lot is zoned residential. Providing off site parking at 3717 23rd Avenue South is prohibited. The proposed use can provide off site parking, but it must be located on a commercially zoned parcel.

The site is easily serviced by transit. The proposed dance studio is located on 38th Street East which is on both the number 23 and 19 bus routes.

Requiring that this use provide the full parking requirement may not allow a reasonable use of the property. The proposed use is limited in the locations of off site off-street parking. Staff believes that a dance studio is a reasonable use of this property and that strict adherence of the Zoning Ordinance would cause undue hardship.

- 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 are not been created by the applicant. As previously mentioned, there is not additional space on the lot

to provide any off-street parking. Possible off site parking locations are limited due to the Zoning Ordinance and the site is easily serviced by transit.

- 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 likely alter the essential character of the surrounding neighborhood and will be injurious to the use or enjoyment of other property in the area. The Minneapolis Plan identifies 38th Street as a Community Corridor and the intersection of 38th Street and 23rd Avenue S as a Neighborhood Commercial Node. The Minneapolis Plan states that:

Neighborhood Commercial Nodes are the small-scale service locations and focal points for neighborhoods. Their character is defined by the limited impact and scale of businesses operating in these locations, making them good neighbors to the largely low-density residential areas that surround them.

The proposed use requires 63 off-street parking spaces and the applicant has indicated that they expect to have anywhere between 60 and 80 people in classes at one time. Reducing the required off-street parking to 0 spaces will force all parking onto the surrounding streets.

Staff is concerned about the negative impacts of the amount cars parked on the street. Staff believes that, while an active use such as a dance studio would be a good addition to the neighborhood, the scale of the proposed business and the lack of off-street parking will not make the proposed dance studio good neighbors to surrounding residents. Staff believes that the large amount of on street parking will negatively alter the essential character of the neighborhood and would be injurious to the enjoyment of other property in the vicinity.

- 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 likely increase congestion in the area due to amount of on-street parking required. Staff does not believe granting the variance will increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety.

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 **deny** the variance to reduce the required off-street parking from **63** spaces to 0 spaces to allow for a dance studio at 3247 23rd Avenue South in the C1 Neighborhood Commercial District and PO Pedestrian Overlay District.