

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

Variance Request  
BZZ-3884

**Applicant:** Michael W. MacKay

**Address of Property:** 1222 2<sup>nd</sup> Street Northeast

**Contact Person and Phone:** Michael W. MacKay, (612) 702-2861

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

**Date Application Deemed Complete:** November 20, 2007

**Publication of Staff Report:** December 6, 2007

**Public Hearing:** December 13, 2007

**Appeal Period Expiration:** December 24, 2007

**End of 60 Day Decision Period:** January 19, 2008

**Ward: 3**      **Neighborhood Organization:** Sheridan Neighborhood Organization

**Existing Zoning:** C1 Neighborhood Commercial District

**Proposed Use:** A new restaurant

**Proposed Variance:** A variance to reduce the required off-street parking from 22 to 8 spaces, where 8 spaces are grandfathered to allow for a new restaurant.

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

**Background:** The subject site is a two-story commercial building which currently contains an art gallery, antique store and offices. In November of 2006 the property owner received CPED-Planning approval for a second story addition and a parking variance from 3 spaces to zero spaces (BZZ-3285). The construction for the approved addition has not been fully completed.

The applicant is proposing to convert the existing first floor retail space and art gallery into a restaurant. The restaurant is proposing to have about 1,100 square feet for dining and customer area and requires 22 off-street parking spaces. The existing retail space and art gallery have grandfather rights to four parking spaces each.

The subject property is 3,349 square feet and does not have space to provide any off-street parking on the site. A variance is required to reduce the off-street parking requirement from 22 spaces to 8 spaces where those 8 parking spaces are grandfathered. Because the eight spaces are grandfathered, the end result would be zero off-street parking spaces provided for this business.

**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 off-street parking requirement from 22 spaces to 8 spaces to allow for a new restaurant. The subject site is quite small and the existing footprint of the structure covers nearly the entire parcel which does not permit an area sufficient enough in size to allow for all of the required off-street parking. There is ample on-street parking in the area and the site is located on the number 11 bus line making transit very accessible.

Requiring that this use provide the full parking requirement may not allow a reasonable use of the property. Staff believes that a restaurant 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 conditions upon which the variances are sought are unique to this parcel. The existing building was built in 1928 at a time when there where off-street parking was not required by the zoning ordinance. The building covers most of the subject parcel leaving no room to provide off-street parking on site. The subject site is located on the 11 bus route that runs along 2<sup>nd</sup> Street Northeast making transit very accessible.

- 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 in a negative way and it will not be injurious to the use or enjoyment of other property in the area. The subject site is located in a neighborhood commercial node as identified in The Minneapolis Plan. Neighborhood commercial nodes are small-scale service locations and focal points for neighborhoods. The small scale operation of a restaurant of the proposed size at this location would be consistent with the comprehensive plan. In addition, the site is located on 2<sup>nd</sup> Avenue Northeast which is well served by a bus line.

The intersection of 13<sup>th</sup> Avenue and 2<sup>nd</sup> Street is an area that has received renewed attention from new businesses and development. In June of 2007 a parking variance was granted for a new

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restaurant at 1300 2<sup>nd</sup> Street Northeast (BZZ-3571). As this area grows there will likely be an increased demand for parking. There are numerous off-street parking areas located within a few blocks of the subject site. The applicant is encouraged to pursue shared off-street parking to mitigate any impact on the surrounding properties that may occur as a result of the proposed restaurant.

- 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 additional traffic generated by the restaurant is minimal compared to existing, daily traffic counts of 13<sup>th</sup> Avenue Northeast and 2<sup>nd</sup> Street Northeast; 1,900 and 3,900 cars respectively. While a restaurant use has a higher requirement for parking than the previous uses, staff does not believe that the new establishment will negatively impact the surrounding neighborhood.

**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 a variance to reduce the required off-street parking from 22 to 8 spaces, where 8 spaces are grandfathered to allow for a new restaurant at 1222 2<sup>nd</sup> Street Northeast in the C1 Neighborhood Commercial District subject to the following condition:

1. The subject site shall be in compliance with its previously approved site plan (BZZ-3285)
2. CPED-Planning review and approve final site plan, floor plans, and elevations.

**Attachments**

1. Letter from Applicant
2. Map of Site
3. Site Plan
4. Photo of Site
5. Letter of Support from Sheridan Neighborhood Organization