

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2801

Date: February 16, 2006

Applicant: Jocaró Inc.

Address Of Property: 2945 44th Avenue South

Contact Person And Phone: Tom Madden 763-398-6666

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: January 12, 2006

Appeal Period Expiration: February 28, 2006

End of 60 Day Decision Period: March 13, 2006

Ward: 2 **Neighborhood Organization:** Cooper-Longfellow Community Council

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Office.

Proposed Variances: A variance to reduce the required parking for an office from four spaces to one space where one space is credited for the provision of a bicycle rack.

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

Background: The applicant proposes to use the building at 2945 44th Avenue South for an office for his business and rent space to other professionals for office space. Currently the building is approximately 1,100 square feet of retail space and 1,400 square feet of garage space. The applicant is proposing to convert the retail space to office space and to expand the office space into the garage addition, but no expansion of the building itself will occur. The building is required by code to have four parking spaces currently and after the expansion. Four spaces could be provided inside the building and it is their elimination that causes the need for a variance, not the additional square footage of office space. The applicant is providing four (4) bicycle parking spaces to mitigate the impacts of the parking reduction and to receive a credit for one parking space. The applicant tried to secure a lease for parking on the Dairy Queen lot immediately south and adjacent to the site, but the owner refused.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The building has four garage spaces. No record can be found of their previous use, but it is likely that they were some type of service bay or vehicle storage, rather than customer or employee parking. If the variance were denied it would deprive the owner of a use of the site that is similar to many other properties on Commercial Corridors and this could be considered a hardship. The applicant intends to market the office space to people in the immediate area, so there is a potential that tenants could walk, bike, or bus to the site. This 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.**

This building is on a bus route and the owner states that he will market the office space to persons in the immediate area, so there is a potential for pedestrian, bicycle, and transit oriented trade to the site. Historically the site has not had customer parking available. This situation is not generally applicable to other properties in the area.

- 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.**

The intent of the ordinance is to provide parking that matches the demand of the uses in the building. The building, even after the interior expansion, will be a small office that should not generate significant demand. It appears that it never had customer parking available; therefore, the demand at the site should not change from previous uses. The variance should not circumvent the intent of the ordinance.

- 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.**

Because there is a probability of pedestrian, bicycle, and transit oriented tenants at the site, the variance should not significantly increase traffic in the public streets or be detrimental to the public welfare and safety. The variance should not increase the danger of fire.

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Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required parking for an office expansion from four spaces to one space at 2945 44th Avenue South in the C1 Neighborhood Commercial District subject to the following condition:

- 1) Staff review and approve the final site plan for design and maintenance review.
- 2) No fewer than four (4) bicycle parking spaces shall be provided at the site. The bicycle parking may be located in the public right-of-way with the permission of the city engineer.