

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-1842

Date: August 5, 2004

Applicant: Bennett Porter

Address of Property: 4339 and 4345 France Avenue South

Date Application Deemed Complete: July 2, 2004

End of 60 Day Decision Period: August 31, 04 **End of 120 Day Decision Period:** October 30, 04

Appeal Period Expiration: August 16, 2004

Contact Person and Phone: John Dietrich, 952-933-0972

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 13 **Neighborhood Organization:** Linden Hills

Existing Zoning: C1, Neighborhood Commercial District

Proposed Use: Demolition of a building and renovation of a building for a pet clinic

Proposed Variance: A variance to increase the maximum permitted floor area from 4,000 sq. ft. to 8,600 sq. ft. to allow an existing building to be used as a pet clinic.

Zoning code section authorizing the requested variance: (3)

Background: The subject site is comprised of two separate parcels that have been combined to create one zoning lot that totals 14,602 sq. ft. located at the southeast corner of Glendale Terrace and France Avenue South. Both parcels consist of existing buildings that total 10,065 sq. ft. The building located at 4339 France Avenue South consists of Westgate Pet Clinic. The building at 4345 France Avenue South consists of a retail shop for Westgate Pet Clinic and Curves. The applicant, Westgate Pet Clinic, is proposing to demolish the northern most building at 4339 France Avenue South where their clinic is currently located and relocate into the southern building at 4345 France Avenue South. The applicant plans to remodel the 4345 building and finish out the basement for a total of 8,528 sq. ft. This is a reduction of 1,537 sq. ft. from the 10,065 sq. ft. of gross floor area existing on the property. In addition, 11 new parking spaces will be constructed on the northern portion of the site.

The C1 District allows for a maximum gross floor area of 4,000 sq. ft. per use. A bonus to increase the maximum gross floor area to 6,000 sq. ft. may be obtained if parking is not located between the principal structure and the street. An additional bonus to increase the maximum gross floor area to

8,000 sq. ft. may be obtained if in addition to the aforementioned bonus, the building is 2 stories in height. Therefore, the applicant is seeking a variance from the maximum gross floor area requirement of 4,000 sq. ft. to 8,528 sq. ft. Parking required for the pet clinic use is 10 spaces and the applicant will be providing 11 spaces on site. The proposed project also complies with all setback requirements and screening requirements set forth in the ordinance.

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.**

Maximum gross floor area: The applicant is seeking a variance to increase the maximum permitted floor area from 4,000 sq. ft. to 8,600 sq. ft. to allow an existing building to be used as a pet clinic. The applicant's clinic facilities are located in the 4339 building and the applicant's retail facilities are located in the 4345 building. The applicant would like to be located in one building and is proposing to demolish the 4339 building and remodel and finish out the basement of the 4345 building. The total building square footage on the property currently is 10,065 sq. ft. The total building square footage that will exist on the property after the 4339 building is demolished and the 4345 building is remodeled will be 8,528 sq. ft. Strict adherence to the regulations would not allow for both the applicant's clinic facilities and retail facilities to be located in one building. As the overall gross floor area on the property will be reduced by 1,537 sq. ft. and the applicant will no longer occupy portions of two buildings on the property but will instead be located in one building, staff believes that the proposed use of the property as a pet clinic is reasonable in District C1.

- 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.**

Maximum gross floor area: The circumstances upon which the maximum gross floor area variance is requested are unique to the parcel of property and have not been created by the applicant. The applicant is currently located in two buildings on the property. The project consists of demolishing one building and installing 11 new parking spaces and remodeling the second building. The C1 Districts limits the maximum gross floor area per use to 4,000 sq. ft. but does allow for bonuses to increase the maximum gross floor area per use. The applicant does not qualify for either of the maximum gross floor area bonuses because the applicant is remodeling an existing building on an existing site. Furthermore, the applicant is reducing the overall gross floor area square footage existing on the property by 1,537 sq. ft. and complying with the off-street parking requirement. In addition the number of commercial uses existing on the property is being reduced from 2 to 1. The location of the buildings, the overall existing building square footage on the property, the number of uses existing on the property, and the configuration of the site were 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.**

Maximum gross floor area: Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The intent of the C1 District is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. In addition to commercial uses, residential uses, institutional uses and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The C1 District allows for a maximum gross floor area of 4,000 sq. ft. per use. A bonus to increase the maximum gross floor area to 6,000 sq. ft. may be obtained if parking is not located between the principal structure and the street. An additional bonus to increase the maximum gross floor area to 8,000 sq. ft. may be obtained if in addition to the aforementioned bonus, the building is 2 stories in height. The subject site currently consists of two buildings that consist of 2 separate uses with a total gross floor area of 10,065 sq. ft. The applicant is proposing to occupy one building instead of 2, is proposing to demolish one of the buildings, and will reduce the total amount of gross floor area existing on the property by 1,537 sq. ft. The spirit of the C1 District allows for a greater maximum floor area per use subject to meeting the requirements for a gross floor area bonus. These requirements deal with the location of on-site parking and the height of the building. Because the applicant will be utilizing an existing one story building on the property, it is difficult for the applicant to comply with the bonus that involves a second story. In addition, due to the location of the existing building the applicant plans to occupy, it is not possible to locate the on-site parking anywhere else on the property other than between the principal structure and street (Glendale Terrace). The applicant would need to remove both buildings in order to comply with all ordinance requirements.

Staff is concerned that the only entrance being proposed for the building after renovation is facing the proposed parking lot. Currently the building consists of two entrances that face France Avenue South, one for the pet clinic retail store and one for Curves. Staff would recommend that an entrance remain on France Avenue which acts as the front of the property. In addition, staff believes that providing an entrance along France Avenue South is more consistent with the intent of the C1 District to provide several 4,000 sq. ft. uses on a property to maintain storefront characteristics and design.

- 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.**

Maximum gross floor area: Granting the variance would likely have no impact on congestion of area streets, increase fire safety or be detrimental to the public welfare or endanger the public safety since the applicant will be providing the required number of off-street parking spaces.

CPED Planning Division Report
BZZ-1842

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 increase the maximum permitted floor area from 4,000 sq. ft. to 8,600 sq. ft. to allow an existing building to be used as a pet clinic subject to the following conditions:

1. That the Planning Division review and approve final site, landscaping, floor, and elevation plans.
2. That the plans be revised to provide an entrance fronting/facing France Avenue South.