

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3367**

Date: January 4, 2007

Applicant: Kjersten Winters, on behalf of Obento-Ya, LLC

Address of Property: 1510 Como Avenue Southeast

Contact Person and Phone: Kjersten Winters, (952) 927-0960

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

Date Application Deemed Complete: December 12, 2006

Public Hearing: January 4, 2007

Appeal Period Expiration: January 16, 2007

End of 60 Day Decision Period: February 11, 2007

Ward: 2 Neighborhood Organization: Southeast Como Improvement Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: A new restaurant

Proposed Variance: A variance to reduce the required off-street parking from 9 spaces to 0 spaces to allow for a new restaurant at 1510 Como Avenue Southeast in the C1, Neighborhood Commercial District.

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

Background: The subject site is an interior lot that is 21.5 feet wide by 98.5 feet long. The lot is 2,117 square feet and the building footprint is 1,239 square feet. It is located on Como Avenue between 15th Avenue SE and 16th Avenue SE. The property is land locked and does not have alley or driveway access.

The subject building is currently being used as an office. Prior to its current use the building housed Idlewilde Coffeehouse. In February 1996, Idlewilde Coffeehouse was granted a parking variance to reduce the off-street parking from 11 to zero (0) spaces (V-4004). The rights to those eleven spaces were lost when the building became an office use in June 2000.

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 9 to 0 spaces to allow for a new restaurant. There is no room for off-street parking on the site. The subject site is 21.5 feet wide by 98.5 feet long and does not permit an area sufficient enough in size to allow for all of the required off-street parking. Even if the property could accommodate the required parking, the site does not have alley or driveway access to allow for egress from the parking to the street. The site is located on a bus line making transit very accessible.

In 1996 the property received a variance to reduce the off-street parking from 11 to zero spaces for a coffee shop. The parking requirements for a coffee shop and a restaurant are the same and are 30 percent of the capacity of persons.

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 circumstance for which the variance is sought is unique to the parcel of land and has not been created by the applicant. The subject site is 21.5 feet wide by 98.5 feet long and does not permit an area sufficient enough in size to allow for all of the required off-street parking. Even if the property could accommodate the required parking, the site does not have alley or driveway access to allow for egress from the parking to the street.

There is a parking lot adjacent to the rear of the of the subject site. However, in the testimony for the previous variance for Idlewild Coffeehouse, the owner of this adjacent lot to the east indicated that it would not be possible to allow access or parking spaces in this lot as it is fully used for his tenants. The constraints of the site have been created by the existing building location and the size of the lot and are not 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.**

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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 intersection of 16th Avenue Southeast and Como Avenue Southeast is considered a neighborhood commercial node 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 Como Avenue which is well served by a bus line.

- 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. While a restaurant use has a higher requirement for parking than the previous office use, 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** the variance to reduce the required off-street parking from 9 spaces to 0 spaces to allow for a new restaurant at 1510 Como Avenue Southeast in the C1, Neighborhood Commercial District subject to the following condition:

1. CPED-Planning review and approve final site plans, floor plans and elevations.