

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2136****Date:** January 6, 2005**Applicant:** Riverside Plaza Limited Partnership**Address of Property:** 1509 4th Street South**Contact Person and Phone:** Hassan Warsame, (612) 781-0005**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** December 8, 2004**End of 60 Day Decision Period:** February 6, 2005**End of 120 Day Decision Period:** April 7, 2005**Ward:** 2 **Neighborhood Organization:** Cedar Riverside/West Bank**Existing Zoning:** I1, Light Industrial District**Proposed Use:** Conversion of a warehouse to a community center.**Proposed Request:** A variance to reduce the required amount of off-street parking for a Place of Assembly from 77 to 0 spaces.**Zoning code section authorizing the requested variances:** 525.520 (7)

Background: The subject property is approximately 55 ft. x 165 ft. (9,075 sq. ft.) and consists of an existing 5,157 sq. ft. building that is approximately 40 ft. by 130 ft. The subject property is located near the corner of 4th Street South and 15th Avenue South. The applicant is proposing to convert the existing warehouse into a place of assembly. The subject site consists of an existing building with zero parking spaces. The only alterations to the site the applicant proposes to make are to add windows and a door to the side of the existing structure.

A total of zero parking spaces are provided on the property. The site consists of an existing structure that was last used as a warehouse and storage that required 5 parking spaces. Zoning calculated the parking requirement of the new use as 82 spaces. The applicant is grandfathered for 5 spaces counted towards the property, therefore the variance is from 77 to 0 spaces. The applicant has not supplied any additional information confirming lease agreements for parking spaces or letters of support to allow attendees to utilize parking for the residential buildings in the area.

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.**

Parking reduction: The applicant is seeking a variance to reduce the required amount of off-street parking from 77 to 0 spaces. The applicant is proposing to convert the existing warehouse use into a place of assembly. By converting the buildings use, the parking requirement increases. The applicant states that there are meters, a pay lot, and public transportation to adequately address their parking needs. Strict adherence to the regulations does not allow for the conversion to a place of assembly without adequate parking. Staff does believe the place of assembly is a reasonable use of the property, but does not believe that a variance from 77 to 0 spaces is appropriate.

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.**

Parking reduction: The circumstances for which the variance is sought are unique to the parcel of land, but have been created by the applicant. The existing structure on the property occupies a large portion of the site and currently provides zero parking spaces. The configuration of the lot and current parking situation are not circumstances created by the applicant, they are existing circumstances. The intensification of a property that has no available parking is a circumstance created by the applicant. The applicant states the majority of the attendees of the place of assembly will walk and not require a vehicle. Staff feels that the nature of a place of assembly is to draw people from various locations to worship in one location. Though a large portion of the attendees may come from the area, some will still travel to the site and there is no available parking on the site. Additionally, the number of parking spaces in the area is already inadequate for the density of development 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.**

Parking reduction: Staff believes that the parking variance could alter the essential character of the neighborhood. The applicant states that the majority of the attendees will be from the immediate vicinity and will walk to the site. The applicant also mentions the existing parking in the area adequately addresses the parking needs. Staff believes that the parking variance request does not meet the intent of the ordinance and could be injurious to the use or enjoyment of other property in the vicinity by further decreasing the parking for surrounding residences and businesses. Proposed Pedestrian Oriented Overlay district regulations for the Transit Station

Areas require only 75 percent of the parking requirement or 58 parking spaces. This number is still significantly higher than the zero spaces provided.

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.**

Parking reduction: Granting the parking variance could increase congestion in the area due to the lack of existing parking in the area. Staff does not believe the parking variances will increase the danger of fire safety, nor would the proposed variance be detrimental to welfare or public safety.

Recommendation of the Community Planning and Economic Development Department:

1. The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the finding above and **deny** the variance to reduce the required amount of off-street parking for a Place of Assembly from 77 to 0 spaces.