

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-4433

Date: July 16, 2009

Applicant: Varsity Bikes

Address of Property: 1316 4th Street SE

Project Name: Varsity Bikes

Contact Person and Phone: Rob Dettoff, (612) 209-2828

Planning Staff and Phone: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: June 4, 2009

End of 60-Day Decision Period: August 3, 2009

Ward: 3 Neighborhood Organization: Marcy-Holmes Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 15

Legal Description: Not applicable

Proposed Use: Outdoor display of bicycles accessory to an existing retail bicycle shop.

Variance: A variance to the enclosed building requirement to allow for outdoor storage and display accessory to an existing bicycle shop in the C1, Neighborhood Commercial District, and the PO, Pedestrian Overlay District.

Applicable Code Provisions: Chapter 525, Article IX, Variances, Specifically Section 525.520(26) “to vary the enclosed building requirements of this zoning ordinance.”

Background: The subject property is an existing shopping center, the Dinkydale Mall, which is located in the C1 Neighborhood Commercial District. The applicant operates an existing bicycle retail sales use along 4th Street SE. The applicant is proposing to display two bicycles outdoors, in a covered area near the entrance to the Dinkydale Mall, which is adjacent to the bicycle shop. The zoning ordinance (Chapter 548.180 (C)) provides for outdoor storage and display for certain uses in the commercial districts, subject to a series of conditions. General retail uses are not included in this group, and therefore outdoor storage and display accessory to such uses is prohibited.

Section 548.180 requires that all display of goods shall be conducted within a completely enclosed building.

548.180. Enclosed building requirement. (a) *In general.* All production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in sections (b) and (c) below or elsewhere in this ordinance.

(b) *Outdoor dining.* Outdoor dining shall be allowed, provided the following conditions are met:

(1) The outdoor dining area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review.

(2) Sidewalk cafes shall comply with the requirements contained in Chapter 265 of the Minneapolis Code of Ordinances, Special Permits for Specific Businesses and Uses.

(c) *Outdoor sales and display.* The following may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use, as specified in Chapter 530, Site Plan Review:

(1) Automobile sales.

(2) Direct refueling of motor vehicles.

(3) Lawn and garden sales, provided the outdoor sales and display area shall be included in the maximum gross floor area of such use, as regulated in each district.

(4) Permitted drive-through facilities.

(5) Building material sales located in the C4 District only.

(6) Truck, trailer, boat or recreational vehicle sales, service or rental, subject to the regulations of the C4 District governing the outdoor parking of trucks and other commercial vehicles.

The applicant is applying for a variance of the enclosed building requirement to allow for outdoor display of 2 bicycles for an existing bicycles sales shop.

Staff has received a letter of support from the Marcy-Holmes Neighborhood Association and the Dinkytown Business Association; both letters are attached to the staff report.

VARIANCES

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.**

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The applicant is seeking variances to allow for the outdoor display of two bicycles under an existing overhang, within a recessed entrance from 4th Street that is adjacent to the existing bicycle sales use in the C1 District. Strict adherence to the regulations would not allow for the display of goods outside of a completely enclosed structure. The proposed location of the bicycle display will be completely on the property and will not interfere with pedestrian traffic on the public sidewalk or those entering and exiting the Dinkydale shopping center. The applicant has stated that the desire to display the bicycles outdoors is due to the request of customers to test drive the bicycles and it is difficult to move the bicycles in and out of the building efficiently. The Community Planning and Economic Development department believes the proposed outdoor display within this location will allow for 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.**

While the applicant is contributing to the need for a variance by requesting the outdoor display of goods, the circumstances upon which the variance is requested are unique to the parcel of land. A unique circumstance of the existing structure is that it provides sufficient space for a limited amount of outdoor storage within a recessed entrance area of the building that does not conflict with ingress/egress to the front entrance of the shopping mall, or with pedestrian movements in the public right of way. In this respect the proposed use has similarities to indoor storage, as the applicant is simply requesting approval of a unique way to take advantage of this space. The applicant also identified a hardship based on the fact he must move cumbersome bicycles (especially the three-wheel tricycles) in and out of the building each day. The alternatives, which include requiring the applicant to store these items indoors, or to construct additional storage space in the limited remaining space on the property, may not be very reasonable in light of the circumstances. The existing structure fills the entire lot fronting on 4th Street. The parcel is bounded by a horseshoe alley on two sides, and the adjacent lot-line to lot-line commercial structure on the other side, leaving little other space to store these items.

- 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.**

Staff believes that the outdoor display of only two bicycles will not substantially alter the essential character of the surrounding neighborhood. The applicant has stated that the bicycles will only be stored outdoors during business hours. Further, staff believes that by allowing the outdoor display of only two bicycles within the bounds of the parcel in a manner that does not interfere with pedestrian traffic or building egress/ingress, the potential for harmful effects on the adjacent businesses or other properties in the vicinity is mitigated. Granting the variance may even enhance the pedestrian character of the Dinkytown street scene.

- 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.**

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Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed outdoor display be detrimental to the public welfare or endanger the public safety, as long as the bicycles remain within the property boundaries.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance of the enclosed building requirement to allow for outdoor display of two bicycles for an existing bicycle sales use for the property located at 1314-1316 4th Street SE in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.

Attachments:

- 1) Statement and findings from applicant.
- 2) May 6, 2009, letters to Marcy-Holmes Neighborhood Association and CM Hofstede
- 3) Letter of support from Marcy-Holmes Neighborhood Association
- 4) Letter of support from the Dinkytown Business Association
- 5) Zoning map
- 6) Site plans
- 7) GIS map and aerial photo
- 8) Photos