

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-1965**

Date: October 7, 2004

Applicant: David and Mara Bernick, Riverview Cafe

Address of Property: 3745-3753 42nd Avenue South

Date Application Deemed Complete: September 10, 2004

End of 60 Day Decision Period: November 9, 2004

End of 120 Day Decision Period: January 8, 2005

Appeal Period Expiration: October 18, 2004

Contact Person and Phone: David Bernick, 612-749-7777

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

Ward: 12 **Neighborhood Organization:** Howe

Existing Zoning: C1, Neighborhood Commercial District

Proposed Use: Café and coffee shop

Proposed Variance: A variance to reduce the required amount of off-street parking from 15 spaces to 0 spaces.

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

Background: The subject site is 80 ft. x 79 ft. (6,320 sq. ft.) and consists of an existing 4,025 sq. ft. one story building with 2 tenants, Riverview Antiques and Riverview Cafe. Currently one tenant space is vacant. The applicant is proposing to expand the Riverview Café into the vacant tenant space. Riverview Café will consist of approximately 3,400 sq. ft. when completed.

The subject property consists of 0 parking spaces on site. A parking variance was granted down to zero spaces for the original coffee shop on June 6, 1997 with the condition that the seating be limited to 30. As the site configuration has not changed and there is still no parking provided on site, the applicant is seeking an additional parking variance from 15 spaces to 0 spaces for the addition of the new floor area to the Riverview Cafe.

Adjacent to the east of the subject site is a parking lot that is owned by Fairview Hospital and Healthcare Services. The parking lot consists of 14 parking spaces. Approximately 4 ft. of the western most portion of the parking spaces is located on the subject site. A license agreement exists between the subject site and Fairview that allows both parties to utilize the parking lot area. However, because the subject property cannot accommodate full sized parking spaces, these spaces do not count towards the parking requirement and thus the variance is needed.

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 variance: The applicant is seeking a variance to reduce the required number of off-street parking spaces from the required 15 spaces to 0 spaces. The applicant states that as the demand for housing in the city increases, spaces for surface parking become either unavailable or impractical. The applicant further states that to accommodate on site parking would require the removal of either a commercial or residential structure. Strict adherence to the regulations would limit the use of the building to uses that require only 4 parking spaces (the number of spaces grandfathered for the vacant tenant spot). Based on the submitted information, staff believes that the expansion of the Riverview Cafe 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.**

Parking reduction variance: The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The subject site consists of a 4,025 sq. ft. building with no on site parking. The applicant would need to acquire additional property to provide the required 15 parking spaces. The configuration of the property is not a circumstance 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.**

Parking reduction variance: Staff does not believe that the parking reduction variance would alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the area. The Riverview Café serves many area residents providing a viable local amenity for the neighborhood. In addition, many improvements have been made to the property such as landscaping within planters that provide an enhanced sidewalk and streetscape.

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 variance: 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/café use has a higher requirement for parking than some other more general retail uses, staff does not believe that the expansion will negatively impact the surrounding neighborhood. The Riverview Café serves many area residents. They have estimated that approximately 85 percent of their business comes from within a 10 block radius and that the majority of those people either walk or ride a bicycle. They also have access to nearby adjacent parking and there is a bus stop on the corner of the property.

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 amount of off-street parking from 15 spaces to 0 spaces subject to the following conditions:

1. That the Planning Division review and approve final site and elevation plans.
2. That the applicant comply with all Minor Site Plan Review requirements.