

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3663

Date: July 26, 2007

Applicant: Heidi Woodman (restaurant owner), on behalf of Tangletown Properties

Address of Property: 819 West 50th Street

Contact Person and Phone: Heidi Woodman, (612) 387-0840

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: May 10, 2007

Public Hearing: July 26, 2007

Appeal Period Expiration: August 6, 2007

End of 60 Day Decision Period: August 26, 2007

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: C1, Neighborhood Commercial District

Proposed Use: Restaurant conversion

Proposed Variances: Variance to reduce the required off-street parking from **12** spaces to **4** spaces, where **4** spaces are grandfathered to allow for a restaurant conversion at 819 West 50th Street in the C1, Neighborhood Commercial District.

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

Background: The subject property is located on the southeast corner of 50th Street West and Bryant Avenue. This parcel is 7,770 sq. ft. and contains a 7,450 sq. ft., one-story, multi-tenant building (four establishments) which was built in 1912. The current building tenants are two sit-down restaurants, Pane Vino Dolce (PVD) and Blackbird, as well as two retail establishments, Stems and Vines (floral shop) and Patina (gift store). The subject property has two off-street parking spaces. On December 7, 2006, Blackbird Restaurant was granted a variance to reduce the required number of off-street parking stalls from 20 spaces to 0 spaces, where 4 spaces are grandfathered, to allow for the conversion of a coffee shop to a sit-down restaurant.

The applicant, Heidi Woodman, has a purchase agreement for the Pane Vino Dolce restaurant. She proposes to have the establishment remain a sit-down restaurant, but with a new concept. The new

restaurant would be open six nights a week (Tuesday-Sunday) and for Sunday brunch. The proposed restaurant's floor area would not change, and the seating area would be the same as the existing restaurant (approximately 610 sq. ft.).

There are two reasons the applicant is required to apply for a variance to allow for a new restaurant to take over the existing restaurant. First, PVD's approved site plan from 1999 shows rights to four off-street parking spaces on the subject parcel, this is not the case today. From a visual inspection it appears the parcel only has two off-street parking spaces total. Second, PVD added 250 sq. ft. to the restaurant sometime after 1999 (it took over the small establishment labeled Collage on 1993 Site Plan attachment) and the Planning Department does not have records showing zoning approval for this addition. Therefore, a parking variance is required to bring the entire restaurant into legal conformance.

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 requested variance is to reduce the required number of off-street parking spaces from 12 spaces to 4 spaces (where 4 are grandfathered) to allow for a restaurant conversion. Staff believes that strict adherence to the Zoning Code parking regulations would cause undue hardship by not allowing this permitted use in the C1, Neighborhood Commercial District. In fact, it is unlikely that any permitted use with a parking requirement greater than 4 spaces would be allowed, since there is no room for additional parking on this site. Furthermore, providing the required parking would necessitate demolition of a nearby property. For these reasons, the existing property can not be put to a reasonable use without the variance.

- 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.**

There are two circumstances for which the parking variance is sought that are unique to the parcel of land and have not been created by the applicant. First, the structure was built in 1912, which was prior to the City of Minneapolis having off-street parking regulations. Second, the size of the building footprint in relation to the size of the lot does not allow space for additional parking.

- 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.**

Granting the variance will be keeping with the spirit and intent of the ordinance and the Minneapolis Plan (TMP). The location of this restaurant, on West 50th Street, is recognized in the TMP as a Community Corridor. A characteristic of a Community Corridor is the presence of small-scale retail sales and services that serve the immediate neighborhood, which is the proposed restaurant's intended purpose. In addition to West 50th Street being a Community Corridor, the intersection of West 50th Street and Bryant Avenue South is designated a Neighborhood Commercial Node in the TMP. The TMP describes Neighborhood Commercial Nodes as having a historical commercial function, oriented to pedestrian traffic, and providing at least three retail or service uses to residents of surrounding neighborhoods.

Granting of the variance will also not alter the essential character of the surrounding neighborhood for two reasons. First, the existing establishment has operated as a sit-down restaurant, the proposed use, since 1999. Second, there are two other sit-down restaurants in close proximity, the Malt Shop and Blackbird, that do not have off street parking. Finally, granting the variance will not be injurious to the use or enjoyment of other property in the area.

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 proposed variance will not substantially increase the congestion of the public streets for two reasons. First, as noted in the third finding, the proposed restaurant is located along a Community Corridor. A traffic characteristic of Community Corridors is that they carry heavy volume of traffic. Second, on-street parking and bus service are available along 50th Street West and Bryant Avenue. Granting this variance will also not substantially increase other negative side effects.

Recommendation of the Department of Community Planning and Economic Development:

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 number of off-street parking stalls from **12** spaces to **4** spaces, where 4 spaces are grandfathered at 819 West 50th Street to allow for the restaurant conversion at 819 West 50th Street in the C1, Neighborhood Commercial District subject to the following condition:

1. That the Planning Division-CPED review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer's scale.

Attachments:

- Zoning map (1 page)
- Statement of proposed use and request of variance statement (2 pages)
- Applicant photos (3 pages)
- Site plan and floor plan (2 pages)

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- 1993 site plan (1 page)