

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2216****Date:** March 17, 2005**Applicant:** Michael Trebnick**Address of Property:** 2516 Hennepin Avenue**Date Application Deemed Complete:** February 22, 2005**End of 60 Day Decision Period:** April 23, 2005**Appeal Period Expiration:** March 28, 2005**Contact Person and Phone:** Michael Trebnick, 612-237-7498**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 7 **Neighborhood Organization:** East Isles**Existing Zoning:** C1, Neighborhood Commercial District**Proposed Use:** Restaurant

Proposed Variance: A variance to reduce the required off-street parking from 20 spaces to 4 spaces for a second story expansion of an existing coffee shop to allow for a restaurant at 2516 Hennepin Avenue 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 50 ft. x 100 ft. (5,000 sq. ft.) and consists of a coffee shop that was converted from a two-family dwelling to a commercial building in 1996. Parking for the property consists of four off-street parking spaces. In 1998, the applicant was granted a variance (V-4276) for the coffee shop from eight to four off-street parking spaces. The applicant is planning to convert the existing coffee shop and art gallery, Pandora's Cup, to a full service restaurant. The applicant is applying for a liquor license and has submitted an application for a minor site plan review.

The conversion will utilize space previously considered "art gallery" space as restaurant customer area, thus increasing the off-street parking requirement to a total of 20 spaces. Also, the large discrepancy between the previous and current required off-street parking is a due to changes in off-street parking calculations. Prior to 1999, the Zoning Code parking requirements were determined by actual number of customer seats and now parking is determined by the size of customer area. The coffee shop also has a conditional use permit for extended hours until 1 A.M., Sunday-Saturday. With a liquor license, the

restaurant will be allowed to be open until 2 A.M.; otherwise, the CUP will need to be amended for extended hours for a restaurant. The off-street parking requirement for the proposed use is 20 and the applicant is seeking a variance to 4 parking spaces.

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 variance: The applicant is seeking a variance to reduce the required number of off-street parking spaces from 20 spaces to 4 spaces. Currently, there are four parking spaces onsite. The applicant states that there is no off-site parking available within an adequate distance. In addition, the applicant states that the restaurant will serve local area residents who will walk and bike to the property. Based on the submitted information, staff believes that the use of the property as a restaurant 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 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 structure was built in 1908 as a two-family structure and has been converted into a commercial use. The size of the lot and the placement of the structure on the property accommodates only four parking spaces. Only uses with a parking requirement of four spaces could occupy this property without a variance. The placement of structure and configuration of the property are not circumstances 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 variance: 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. Restaurants and coffee shops are similar types of uses and currently have the same off-street parking requirements. The applicant states that a restaurant is a permitted use in the C1 District and is in pedestrian oriented, commercial corridor along Hennepin Avenue. The applicant states that the proposed restaurant will result in a less intense use with fewer daily trips per person than the existing coffee shop. There are residential uses to the west of the property that are impacted by on-street parking and behavior of customers, especially late at night, to the businesses along Hennepin Avenue. To increase opportunities for customers to use alternate modes of

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transportation to arrive at the site and thereby to reduce the impact of parking congestion, staff recommends that the applicant install bicycle racks to accommodate at least four bicycles.

- 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 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 use has a higher requirement for parking than some other more general retail uses, staff does not believe that the conversion will substantially increase the impact to the surrounding neighborhood. The applicant states that the restaurant will mainly serve neighborhood residents who will arrive on foot or bike and have proposed to install four bike racks. In addition, there are multiple bus lines that run on Hennepin Avenue.

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 20 spaces to 4 spaces for the property located at 2516 Hennepin Avenue to allow for a restaurant, subject to the following conditions:

1. That the Planning Division review and approve building permits for interior renovation.
2. That the applicant complete and comply with minor site plan review.
3. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles. The bicycle parking may be located in the public right-of-way with permission of the city engineer.