

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3993

Date: April 10, 2008

Applicant: Sarah Harris, on behalf of University Episcopal Center

Address of Property: 331 – 17th Avenue Southeast

Contact Person and Phone: Sarah Harris, 612-366-7830

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: March 10, 2008

Publication Date: April 4, 2008

Hearing Date: April 10, 2008

Appeal Period Expiration: April 21, 2008

End of 60 Day Decision Period: May 11, 2008

Ward: 2 **Neighborhood Organization:** University of Minnesota area (Marcy Holmes and Prospect Park also notified)

Existing Zoning: OR3 Institutional Office Residential District

Proposed Use: Conversion of first floor space from dwelling units and place of assembly to office space

Proposed Variances: A variance to decrease the required parking to allow for the first floor to be converted from residential and place of assembly to office space at 331 – 17th Avenue Southeast in the OR3 Institutional Office Residential District.

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

Background: The subject property is a five-story building containing 44 dwelling units, first floor office and chapel space, that was built in 2003. The first floor dwelling units and place of assembly is proposed to be converted into office space. Due to the different requirements for the calculation of off-street parking for residential, office, and place of assembly uses, the required parking is increased by 7 spaces for the new office use. When the building received land use approvals, the City Planning Commission did approved a parking variance to reduce the required number of space from 66 stalls to 48 interior parking spaces (BZZ-509). The site also includes indoor storage for 174 bicycles. The office

space is to be used for offices for the University of Minnesota, and the main campus is located one block south of the subject site.

In addition to the spaces contained within the site, there are public parking facilities in close proximity to the subject property. Directly across 4th Street Southeast, there is a public parking ramp maintained by the University of Minnesota. There are other ramps located within the East Bank campus as well as contract lots operated by the University of Minnesota.

The site is also served by transit and pedestrian activity. There is midday bus service along 4th Street Southeast, University Avenue, and 15th Avenue Southeast. Pedestrian activity comes from the University of Minnesota and nearby Dinkytown neighborhood. The subject site is also located less than two blocks south of the Dinkytown Pedestrian Oriented Overlay District which places limits on off-street parking requirements and encourage pedestrian character of commercial areas.

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.**

Due to the size of the existing building, the site can not accommodate the required off-street parking. It is reasonable to expect that the first floor could be used for office space due to the existing configuration of the mixed use building, its location in the OR3 district, and proximity to more intense uses, such as the University of Minnesota.

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.**

The circumstances are unique to the property due to the size the building and property. While the site does accommodate 48 spaces internally, the site lacks the space for all the parking. There is no expansion space for parking on the site or within the building. While the applicant is making the application for the variance, the limited space due to the building size and lot size is has not been 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.**

Granting the variance will be keeping with the spirit and intent of the ordinance. A reduction in 7 spaces will not alter the character of the area or be injurious to other properties. The proposed plan attempts to maximum parking by using interior as well as exterior parking spaces.

In addition to the spaces contained within the site, public parking facilities in close proximity to the subject property. Directly across 4th Street Southeast, there is a public parking ramp

maintained by the University of Minnesota. There are other ramps located within the East Bank campus as well as contract lots operated by the University of Minnesota.

The site is also served by transit and pedestrian activity. There is midday bus service along 4th Street Southeast, University Avenue, and 15th Avenue Southeast. Pedestrian activity comes from the University of Minnesota and nearby Dinkytown neighborhood. The subject site is also located less than two blocks south of the Dinkytown Pedestrian Oriented Overly District which places limits on off-street parking requirements and encourage pedestrian character of commercial areas.

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.

The variances will have little impact on congestion of area streets or fire safety, nor would the parking variance be detrimental to the public welfare or endanger the public safety due to the availability of off-site public parking and transit. Directly across 4th Street Southeast, there is a public parking ramp maintained by the University of Minnesota. There are other ramps located within the East Bank campus as well as contract lots operated by the University of Minnesota.

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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 decrease the required parking to allow for the first floor to be converted from residential and place of assembly to office space at 331 – 17th Avenue Southeast in the OR3 Institutional Office Residential District, subject to the following conditions:

1. CPED-Planning review and approve final site plans, floor plans and elevations.