

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-1988****Date:** October 21, 2004**Applicant:** Philip Nelson**Address of Property:** 2700 Central Avenue**Date Application Deemed Complete:** September 22, 2004**End of 60 Day Decision Period:** November 21, 2004**End of 120 Day Decision Period:** January 20, 2005**Appeal Period Expiration:** November 1, 2004**Contact Person and Phone:** Philip Nelson, 612-781-6941**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward: 3      Neighborhood Organization:** Columbia**Existing Zoning:** C1, Neighborhood Commercial District**Proposed Use:** Demolition of an existing building and construction of a new building for a animal hospital**Proposed Variance:** A variance to increase the maximum permitted floor area ratio from 4,000 sq. ft. to 7,380 sq. ft. to allow for the demolition of an existing 1,275 sq. ft. building and the construction of a new 7,380 sq. ft. building for use as a pet clinic.**Zoning code section authorizing the requested variance:** (3)**Prior case history:** BZZ 1869 - A variance to increase the maximum permitted floor area ratio from 4,000 sq. ft. to 6,000 sq. ft. and a variance to reduce the required front yard setback along Central Avenue NE from 20 ft. to 0 ft. both to allow for the demolition of an existing 1,275 sq. ft. building and the construction of a new 6,000 sq. ft. building for use as a pet clinic. These variances were denied by the Board of Adjustment on August 19, 2004. The applicant appealed the decision to the Zoning and Planning Committee of City Council who approved both variances on September 15, 2004 subject to the entrance door being relocated to the southeast corner of the building adjacent to Central. The City Council upheld this decision on September 24, 2004.

**Background:** The subject site is 19,150 sq. ft. and is located at the northwest corner of Central Avenue NE and 27<sup>th</sup> Avenue NE. The property consists of an existing building that totals 1,275 sq. ft. and approximately 20 parking spaces. The applicant is proposing to demolish the existing building where their pet hospital is currently located and construct a new 130 ft. x 58 ft. 8 in. (7,380 sq. ft.) building on the property with 15 new parking spaces.

The C1 District allows for a maximum gross floor area of 4,000 sq. ft. per use. A bonus to increase the maximum gross floor area to 6,000 sq. ft. may be obtained if parking is not located between the principal structure and the street. An additional bonus to increase the maximum gross floor area to 8,000 sq. ft. may be obtained if in addition to the aforementioned bonus, the building is 2 stories in height. The applicant is seeking a variance from the maximum gross floor area requirement of 4,000 sq. ft. to 7,380 sq. ft. Parking required for the pet clinic use is 7 spaces and the applicant will be providing 15 spaces on site.

**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.**

**Maximum gross floor area:** The applicant is seeking a variance to increase the maximum permitted floor area from 4,000 sq. ft. to 7,380 sq. ft. to allow for the demolition of an existing 1,275 sq. ft. building and the construction of a new 7,380 sq. ft. building for use as a pet clinic. The applicant states that the variance is necessary because they are unable to locate the parking behind the building and utilize the bonus that would allow a gross floor area of 6,000 sq. ft. without a variance. Strict adherence to the regulations would allow for the building to be located along 27<sup>th</sup> Avenue NE with parking behind the building which would allow for the utilization of the gross floor area bonus. Staff believes a site plan could be prepared that locates the building and parking in compliance with the ordinance requirements. In addition, staff and the Board of Adjustment reviewed a two story clinic on France Avenue which would qualify for the second bonus. Staff believes that the property could be developed in accordance with the ordinance and a variance would not be necessary.

- 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.**

**Maximum gross floor area:** The circumstances upon which the maximum gross floor area variance is requested are not unique to the parcel of property and have been created by the applicant. The applicant is proposing to demolish an existing building and develop a new building on the property. The property is 19,150 sq. ft. and there are no circumstances on the parcel of land that would prevent designing a site plan in compliance with the ordinance. The C1 Districts limits the maximum gross floor area per use to 4,000 sq. ft. but does allow for

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bonuses to increase the maximum gross floor area per use. The applicant could propose a two-story building and a site plan that locates the building and parking in such a manner that would qualify for the maximum gross floor area bonuses.

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.**

**Maximum gross floor area:** Granting the variance will not be in keeping with the spirit and intent of the ordinance and will alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The intent of the C1 District is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. In addition to commercial uses, residential uses, institutional uses and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The C1 District allows for a maximum gross floor area of 4,000 sq. ft. per use. A bonus to increase the maximum gross floor area to 6,000 sq. ft. may be obtained if parking is not located between the principal structure and the street. An additional bonus to increase the maximum gross floor area to 8,000 sq. ft. may be obtained if in addition to the aforementioned bonus, the building is 2 stories in height.

The subject site is 19,150 sq. ft. and consists of a 1,275 sq. ft. building that will be demolished. The applicant is proposing to construct a new 7,380 sq. ft. building. The spirit and intent of the C1 District allows for a greater maximum floor area per use subject to meeting the requirements for a gross floor area bonus. These requirements deal with the location of on-site parking and the height of the building to maintain urban characteristics and strengthen corridors and neighborhoods within the city. Granting a variance that allows for the construction of a building that could otherwise be permitted with bonuses based on a project that is designed to meet the bonus criteria circumvents the spirit and intent of the ordinance. Staff believes a site plan could be prepared that locates the building at the corner in order to provide a more substantial anchor at the intersection versus a parking lot. In addition, as staff recently presented a two-story pet clinic to the Board for review, staff believes that applicant could also construct a two-story building that would qualify for the second bonus as well. Staff believes that the subject property is not unique in its shape, size, or location and could be developed in compliance with the ordinance requirements to meet the spirit and intent of the ordinance. In addition, staff believes that the project could be injurious to the surrounding area as the city has spent significant resources improving the Central Avenue NE corridor. Staff believes that new development proposals should reflect compliance with the zoning ordinance to protect infrastructure and corridor investments made by the city.

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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**Maximum gross floor area:** Granting the variance would likely have no impact on the congestion of area streets, increase fire safety or be detrimental to the public welfare or endanger the public safety.

**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 **deny** the variance to increase the maximum permitted floor area ratio from 4,000 sq. ft. to 7,380 sq. ft. to allow for the demolition of an existing 1,275 sq. ft. building and the construction of a new 7,380 sq. ft. building for use as a pet clinic.