

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3953

Date: March 6, 2008

Applicant: Victoria Lauing, on behalf of the Chicago Avenue Fire Arts Center

Address of Property: 3749 Chicago Avenue

Contact Person and Phone: Victoria Lauing, 612-824-6966

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

Date Application Deemed Complete: February 12, 2008

Publication Date: February 29, 2008

Hearing Date: March 6, 2008

Appeal Period Expiration: March 17, 2008

End of 60 Day Decision Period: April 12, 2008

Ward: 8 **Neighborhood Organization:** Powderhorn Park Neighborhood Association, adjacent to Central Area Neighborhood Development Organization

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Use: Convert auto-body repair shop into a artist studio

Proposed Variance: Victoria Lauing, on behalf of the Chicago Avenue Fire Arts Center, has applied for a variance of the specific development standards for an artist studio to allow for metalwork (Fire Arts Center) at 3749 Chicago Avenue in the C2 Neighborhood Corridor Commercial District.

Zoning code section authorizing the requested variance: 525.520 (22)

Background: The subject site is currently an auto-body repair shop located near the intersection of Chicago Avenue and East 38th Street. The site, originally built as the Nokomis Theater, has been an auto-body shop since 1987 (established with a conditional use permit, C-1006). The auto-body repair shop includes activities such as welding and soldering to repair vehicles. There is also an existing paint booth (contained space with walls) in the building for painting vehicles.

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The applicants are proposing to renovate the building for the use the Chicago Avenue Fire Arts Center. The Center is considered an artist studio, with accessory uses for arts education classes. The focus of the Center includes fine and industrial art forms that are created by uses heat, spark or flame and includes sculptural welding, blacksmithing, jewelry-making, glassworking, neon, and electronics/LED. The Fire Arts Center will allow for workspace for artists in residence as well as classes in the above-mentioned arts disciplines. The Minneapolis zoning code limits the extent of metalworking for artist studio to jewelry making through Specific Development Standards:

536.20. Specific development standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Art Studio. (1)An art studio may include the design and fabrication of jewelry, ornamental ceramics, pottery and visual arts.

(2) Metalworking shall be prohibited, except for jewelry making. Except in the C4, B4S and B4C Districts, jewelry making shall be limited to twelve hundred (1,200) square feet and the main entrance shall open to a retail or office component equal to not less than fifteen (15) percent of the floor area of the use.

The subject property is proposed to be used internally much in the same way as the auto-body shop. The front of the building has retained the historic theater lobby, which is proposed to be used as gathering and gallery space for the proposed Fire Arts Center. The auditorium of the space was converted by the auto-body shop to be the main work area. This space is also proposed to be the main work area for the Fire Arts Center. Interior floor plan shows the configuration of this work area which includes location of materials used in the production of the fire arts and emergency facilities (shower and eye wash). The proposed change of use also requires a building permit and building code review, which will address fire safety issues as well.

The applicants do not proposed changes to parking lot or site. The off-street parking requirements are met by the 11 (eleven) parking 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.**

Strict adherence to the zoning code prevents artist studios to include metalworking beyond jewelry making anywhere in the City. Metalworking is allowable through other uses, such as medium industrial uses. This property has been used as an auto-body repair shop, which has similar safety issues related to metalworking as the proposed Fire Arts Center. Allowing this type of fine arts production is a reasonable use of the property because the building has been outfitted for an auto-body repair shop, which has a similar type of fabrication.

- 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.**

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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 parcel of land due to the current use of auto-body repair at this location. This property has been used as an auto-body repair shop, which has similar safety issues related to metalworking as the proposed Fire Arts Center. Allowing this type of fine arts production is a reasonable use of the property because the building has been outfitted for an auto-body repair shop, which has a similar type of fabrication. The applicants have sought out a building that can accommodate the work associated with the use of the Fire Art Center, such as the auto-body repair shop. While the circumstance of locating the proposed use in this building have been created by the application, the use of this building as an auto-body shop is a circumstances not 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 in keeping with the spirit and intent of the ordinance. The intent of prohibiting metalworking for artist studio relates to the impacts of this type of artwork may have on the subject and surrounding properties. Artist studios, allowed in the Commercial, Downtown and Industrial District, are not limited to the particular types of buildings or locations, so that a variety of commercial/industrial buildings may have artist studios. Buildings like storefronts, office building, and other types of commercial building may not be appropriate locations for metalworking arts due to the actual building construction and surrounding uses. The impacts of the proposed use are similar to the auto-body shop due to the functions of car repair such as welding and soldering. The impacts of the proposed Fire Art Center will not be greater than the impacts of the current use of auto-body shop.

- 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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The impacts of the proposed use are similar to the auto-body shop due to the functions of car repair such as welding and soldering which involve an energy source, such as gas flame or electric arc. The proposed variance to allow for the Fire Arts Center would not have more of an impact on public safety than the existing auto-repair shop. The proposed change of use would not be detrimental to the public welfare or endanger the public safety.

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The proposed variance would likely have no impact on congestion of area streets. The change of use would not increase the off-street parking requirement.

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 of the specific development standards for an artist studio to allow for metalwork (Fire Arts Center) at 3749 Chicago Avenue in the C2 Neighborhood Corridor Commercial District, subject to the following conditions:

1. CPED-Planning Division review and approve the final site plan, floor plans, and elevation.