

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2277****Date:** April 21, 2005**Applicant:** Dan and Julie Ziegler**Address of Property:** 910 West 36th Street**Contact Person and Phone:** Dan and Julie Ziegler, (612) 825-3718**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** March 25, 2005**End of 60 Day Decision Period:** May 24, 2005**Ward:** 10 **Neighborhood Organization:** CARAG**Existing Zoning:** C1, Neighborhood Commercial District**Proposed Use:** A second commercial use in a mixed use building.**Proposed Variance:** A variance to reduce the required amount of off-street parking for a mixed use building that includes a dwelling, florist, and hair salon from 9 to 5 spaces, where 5 spaces are grandfathered.**Zoning code section authorizing the requested variance:** 525.520 (7)

Background: The subject property is located on the corner of 36th Street West and Bryant Avenue South. The property consists of two lots that have been combined in an L shape. One lot is 39 ft. by 84 ft. and the other lot is 42 ft. by 90 ft. for a total of 7,056 sq. ft. The property consists of an existing 998 sq. ft. single family dwelling and a 5,008 sq. ft. commercial building south of the dwelling. The commercial portion of the site was previous occupied by a florist. The property was sold to a new owner that will occupy the dwelling and the rear portion of the commercial space, the front portion of the commercial space along Bryant Avenue South will be occupied by a hair salon. Each of the commercial uses requires 4 parking spaces and the dwelling requires 1 parking space, for a total of 9 required parking spaces.

The applicant is grandfathered for 5 spaces counted towards the property, for the one dwelling unit and one commercial use. The division of the commercial space into two separate uses requires the 4 space parking variance. Therefore, the variance is from the required 9 parking spaces to 5 grandfathered parking spaces, which is a difference of 4 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 reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces from the required 9 spaces to 5 spaces, where 5 have grandfather rights. The subject site consists of zero parking spaces with 5 spaces grandfathered. The property is located along a bus line although the bus stop located in front the subject property was moved. The uses will have a high turn over of parking spaces, and the businesses will draw a number of people from the local community that could walk to the businesses. Due to the constructed size of the building, any use of this building could require a parking 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.**

Parking reduction: The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The subject site consists of an existing building with zero parking spaces and a building that occupies the majority of the lot. Although, not all on and off-street parking in the area exists for the sole purpose of the florist and the hair salon the applicant has stated that the existing parking will adequately address their parking needs given most of the traffic will be short term parking. Only one retail sales and services use or an office use could occupy this space without requiring a parking variance.

- 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 reduction: Staff does not believe that the parking reduction variance would alter the essential character of the neighborhood considering this space was constructed as a mixed use development and has been operating as a commercial florist and residence for a number of years. Granting the parking variance will likely not be injurious to the use or enjoyment of other property in the area given the nature of the parking for this use is mainly short term parking. The use will likely not significantly increase the number of cars parked in the vicinity. The property is also located on a bus line which will also help alleviate the parking congestion caused by the new use. Staff believes that the new use meets the intent of the ordinance and is in keeping with the neighborhood. Staff believes the applicant could provide a bicycle rack in the public right of way, with the approval of the Public Works Department to aide in alleviating the need for automobile traffic.

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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 reduction: Granting the parking variance would likely have little or no impact on the congestion of area streets or fire safety, nor would the proposed use 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 **approve** the variance to reduce the required amount of off-street parking for a mixed use building that includes a dwelling, florist, and hair salon from 9 to 5 spaces, where 5 spaces are grandfathered.