

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-1954

Date: November 4, 2004

Applicant: Erte

Address of Property: 323 13th Avenue NE

Date Application Deemed Complete: October 7, 2004

End of 60 Day Decision Period: December 6, 2004

End of 120 Day Decision Period: February 4, 2005

Appeal Period Expiration: November 15, 2004

Contact Person and Phone: Mark Kraske, 651-439-3427

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning: District C1, Neighborhood Commercial District

Proposed Use: Restaurant

Proposed Variance: A variance to reduce the required amount of off-street parking from 53 to 24 to allow for the expansion of a restaurant.

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

Prior Case History: BZZ 1153 – The Board of Adjustment approved a parking variance from 13 to 0 to allow for a coffee shop May 7, 2003.

Background: The applicant is proposing to expand the existing Erte restaurant into the remaining vacant tenant space in an existing mixed-use building located on the northwest corner of 13th Avenue NE and University Avenue NE. The building consists of office space on the second floor and the restaurant space on the first floor. The expanded restaurant will be located in the retail space formerly occupied by Blast from the Past, a store that specialized in new and vintage motorcycle parts. The parking requirement for the restaurant is 53 parking spaces. Twenty four (24) of the parking spaces are accounted for by sixteen parking spaces being provided in a parking lot that serves the entire building located at 318 13th Avenue NE and the remaining 8 are grandfathered. Therefore, the variance is for 29 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 variance: The applicant is seeking a variance to reduce the required number of off-street parking spaces to expand a restaurant proposed in an existing mixed-use building from the required 53 spaces to 24 spaces where 16 spaces are provided and 8 spaces are grandfathered. The applicant has indicated that the restaurant is located in a predominately residential area and will capitalize on serving residents of the neighborhood who will walk to the site. The applicant has also stated that on-street parking is readily available in the area. There is no other place to expand the parking on the site and the property is located at the corner of University Avenue NE where an existing bus route serves the area. Strict adherence to the regulations would require the applicant to obtain ownership of a lot to install surface parking or would prohibit the expansion of the restaurant due to the lack of required parking. Based on the submitted information, staff believes the request seems reasonable.

- 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 variance: This parcel of land is unique in that there is no other physical location for parking on the site. Without a variance to the required parking this use would not be possible in this location.

- 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 variance: Staff does not believe that the parking reduction variance would alter the essential character of the neighborhood or be injurious to the use or enjoyment of other property in the area. Some off-street parking is provided in the existing parking lot and the applicant has stated that on-street parking is readily available in the area. The success of the restaurant has been an asset to the area.

- 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 variance: Granting the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety.

CPED Planning Division Report
BZZ-1954

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 from 53 to 24 to allow for the expansion of a restaurant subject to the following conditions:

1. That the applicant comply with all Minor Site Plan Review Requirements.