

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-4070

**Date:** June 12, 2008

**Applicant:** Manuel Perez, on behalf JAMM Investment Group, LLC

**Address of Property:** 3541 Cedar Avenue

**Contact Person and Phone:** Manuel Perez, 612-281-6140

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

**Date Application Deemed Complete:** May 7, 2008

**Publication Date:** June 6, 2008

**Hearing Date:** June 12, 2008

**Appeal Period Expiration:** June 23, 2007

**End of 60 Day Decision Period:** July 7, 2008

**Ward:** 9      **Neighborhood Organization:** Corcoran (adjacent to Powderhorn Park)

**Existing Zoning:** C1 Neighborhood Commercial District

**Proposed Use:** Parking lot improvements to a site with two commercial uses

**Proposed Variances:**

- A variance to reduce the required landscaping around a parking lot on the north interior yard, south interior yard, and the rear yard; and
- A variance to reduce the maximum impervious surface from 1,883 sq. ft. to 1,659 sq. ft. (3 percent reduction)

to allow for parking lot improvements at 3541 Cedar Avenue in the C1 Neighborhood Commercial District.

**Zoning code section authorizing the requested variance:** 525.520 (25) (15)

**Background:** The subject property is an existing single story commercial building and surface parking lot located north east of the intersection of Cedar Avenue and East 36<sup>th</sup> Street. The applicants are proposing to renovate the building into two new businesses, a restaurant and retail space. The proposed

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new uses will meet the off-street parking requirements; however, the changes to the parking lot do not meet the maximum impervious surface and landscaping requirement.

Currently, the parking lot is entirely paved with asphalt. The applicant is proposing to add landscaping around all four sides of the parking lots, including a large green space in the front yard adjacent to a residential property to the north for a total of 1,659 sq. ft. of green space. The parking lot will not meet the minimum 7 ft. landscape buffer; however, the interior and rear yards will have some landscaping. The north interior yard will have a 5 ft. landscape buffer, the rear yard will have a 2 ft. buffer, and the south interior yard will have a 6 ft. buffer.

Even though the parking lot improvements are adding green space, the site will have three percent less the required impervious surface. In addition, garbage containers with a trash enclosure are being proposed for the northeast corner of the lot.

### **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.**

**A variance to reduce the required landscaping around a parking lot on the north interior yard, south interior yard, and the rear yard; and a variance to reduce the maximum impervious surface from 1,883 sq. ft. to 1,659 sq. ft. (3 percent reduction)**

Strict adherence to the zoning code prevents the parking lot improvements because they do not meet the meet the maximum impervious surface and landscaping requirement, even though the existing site exists with no improvements. Because this site has the existing building and the parking lot is moving toward compliance to parking lot requirements, the proposed changes are a reasonable use.

- 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.**

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The circumstances are unique to parcel of land due to the existing building location and that the parking lot is moving toward compliance to parking lot requirements. The applicants are improving a property while staying in conformance with the off-street parking requirement.

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- 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.**

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Granting the variances will be in keeping with the spirit and intent of the ordinance. The proposed parking lot would accommodate the required number of off-street parking spaces, while adding green space to the site.

The maximum impervious variance is a small reduction, three percent. Replacing parking spaces with green space would move the site toward compliance, but would result in noncompliance with the parking requirement and another variance request. The site is being improved with more green space than existing along the public sidewalk as well as landscaped buffers along the shared interior property lines. The smallest buffer is along the alley, which would have less impact on other property in the area. The parking is meeting the required setback along the north property line (adjacent to the residential use to the north) of 5 ft., however, it is 1 ft. less the required landscaping.

The site design also included installation of shrubs and trees, as required for parking lot improvements of 10 space or more (530.160). The applicant is installing eight trees (seven deciduous and one ornamental) and preserving 4 other trees on site. Coniferous and deciduous shrubs are also being planted around the parking area, mostly to shield the views of the parking lot from the right of way. Fencing is also planned around the interior and rear of the property. The property has been reviewed by the Preliminary Development Review group and has been tentatively approved, pending these variances.

- 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 proposed variance would likely have a positive impact on decreasing congestion and enhancing public safety. The proposed parking lot would accommodate the required number of off-street parking spaces, while adding green space to the site.

**Recommendation of the Department of Community Planning and Economic Development Planning Division:**

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The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the

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to allow for parking lot improvements at 3541 Cedar Avenue in the C1 Neighborhood Commercial District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.