Department of Community Planning and Economic Development – Planning Division
Variances
BZZ 5571

Date: July 26, 2012

Applicant: Rapson Architects

Address of Property: 2429 Franklin Avenue East

Contact Person and Phone: Toby Rapson, (612) 333-4561

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: June 15, 2012

End of 60-Day Decision Period: August 14, 2012

Ward: 2 **Neighborhood Organization:** Seward Neighborhood Group

Existing Zoning: C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.

Zoning Plate Number: 21

Proposed Use: Addition to an existing commercial building to allow for a new coffee shop.

Concurrent Review:

- Variance to reduce the west interior side yard setback to allow for a building addition to an existing commercial building.
- Variance to reduce the required off-street parking from 4 spaces to 3 spaces.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, specifically Section 525.520(1) "to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations" and to section 525.520(6) "to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces."

Background: This application was continued from the July 12, 2012, Board of Adjustment hearing after a copy of a recorded deed was presented to staff showing an easement on the subject property. The applicant has amended their plans to reflect the 4 foot easement that exists adjacent to the western property line.

The subject property is approximately 40 feet by 122 feet (4,881 square feet) and has an existing 3,271 square foot building with a grocery store on the first floor and an office use on the second floor. The applicant is proposing to construct a new one-story, 13 foot 9 inch by 54 foot 8 inch, 780 square foot addition to the existing building to allow for a new coffee shop. The proposed addition would be located 4 feet from the west interior side property line. Where a side lot line abuts a side lot line of a structure

used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such side lot line. The adjacent property to the west is zoned C2 Neighborhood Corridor Commercial District and the use is a 4-story, multiple-family structure with windows on their eastern façade. This conditional residential use is subject to a minimum interior side yard setback of 11 feet. Therefore, the subject property is required to meet a minimum 11 foot interior side yard setback and a variance is required to locate the proposed addition 4 feet from the west property line.

The existing structure on the subject property has an existing grocery store on the first floor and office space on the second floor. The second floor was converted from 1 dwelling unit to office space in 2009. When the floor plans were submitted for review of the conversion from residential to office in 2009, staff miscalculated the floor area for the purposes of parking and the subject property is currently deficient by one parking space. The proposed 780 square foot addition for the coffee shop does not require any additional off-street parking. However, the parking deficiency has been identified and the applicant is now requesting a variance to reduce the required off-street parking from 4 spaces to 3 spaces.

Staff has received a letter from the Seward Neighborhood Group in support of the variances; a copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to reduce the required west interior side yard setback from 11 feet to 4 feet

Findings Required by the Minneapolis Zoning Code:

1. **Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

   The circumstances upon which the setback variance is requested are unique to the parcel of land due to the zoning classification and use of the adjacent property. Staff believes that these circumstances have created practical difficulties in complying with the ordinance. The subject property is zoned C1 Neighborhood Commercial District and the adjacent property to the west is zoned C2 Neighborhood Corridor Commercial District. Interior side yard setbacks would not be required for a commercial building in the C1 District. However, the adjacent use is a multiple-family dwelling with windows on their eastern façade. This structure is subject to a minimum interior side yard setback of 11 feet. The portion of the existing building on the adjacent parcel is the entrance to the parking garage and it is located between 0 and 1 foot from the shared property line at the first floor. Floors 2-4 are setback approximately 20 feet to the shared property line. The applicant is proposing to add a 780 square foot addition to the existing commercial building to allow for a coffee shop. The proposed addition would be located 4 feet from the west interior property line in order to comply with an existing easement.

2. **The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff believes that the applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The applicant is seeking a variance to reduce the west interior side yard setback from 11 feet to 4 feet to allow for a 780 square foot addition to an existing commercial building. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The adjacent use and structure to the proposed addition is a driveway and parking garage for the residential building, which is located between 0 and 1 foot from the shared property line. Staff has reviewed the proposed drawings and believes that with the proposed 4 foot setback and 3 foot 4 inch recessed entry, vehicles exiting the underground parking garage will be able to see oncoming pedestrians, bicyclists and motorists.

The Minneapolis Plan for Sustainable Growth shows the subject property located on a commercial corridor and within an activity center and the future land use designation is mixed use. Staff believes that the proposed variance furthers the following policies outlined in the comprehensive plan:

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, with the addition of windows,

exterior materials that complement the existing building and pedestrian-level lighting along the west wall of the proposed addition. Area residents have expressed concern of the dangers to having a 4 foot corridor between the two structures and the likelihood of nuisance activity in this location. Staff recommends that the applicant discuss options with the adjacent property owners for providing a gate between the two structures, if the existing easement allows for it. The proposed west wall of the addition does not comply with section 530.120 of the zoning code, which prohibits blank walls in excess of 25 feet in length. With the proposed setback of 4 feet, the applicant has the opportunity to provide glazing on the west wall, not to exceed 10%, as allowed by the building code. Further, granting of the variance with the added windows and lighting will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: to reduce the required number of off-street parking spaces from 4 spaces to 3 spaces

Findings Required by the Minneapolis Zoning Code:

1. **Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

   The circumstances upon which the variance is requested are unique to the parcel of land, based on the previous uses and the existing parking deficiency. The subject property has been mixed use since it was constructed in 1915. The previous use on the second floor was a single-dwelling unit. The second floor was converted from one dwelling unit to office space in 2009. The subject property became deficient to the required parking at that time. The site is currently deficient in required parking by one space. The change of use from residential to office increased the parking requirement by 1 space and the applicant is requesting a variance. The existing grocery store is frequented by pedestrians and many patrons of the grocery store have alternative options of transportation including walking, biking, Light Rail Transit and busing. These circumstances have not been created by the applicant.

2. **The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

   Staff believes that the applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and comprehensive plan. The intent of parking and loading regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability. The uses that are subject to the minimum parking requirement are the existing grocery store and the existing office space. The proposed coffee shop does not require any additional off-street parking. Staff believes that many patrons of the use will use alternative forms of transportation including walking, biking, Light Rail Transit and busing.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

   Staff believes that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The office space was added in 2009 and the off-street parking requirement has been deficient by one parking space since that time. There is an existing off-street parking area to the rear of the property. The parking area is not currently striped, landscaped or screened. The applicant shall stripe the parking stalls and install the appropriate landscaping and screening. With the proposed site plan improvements, staff does not believe that the proposed variance will be detrimental to the health, safety or welfare of the general public.

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 staff findings and **approve** the variance to reduce the west interior side yard setback to allow for a building addition to an existing commercial building for the property located at 2429 Franklin Avenue East in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

2. All site improvements shall be completed by July 26, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. The applicant shall provide a minimum of 10% glazing on the west façade, as permitted by the building code.

4. There shall be no blank walls in excess of 25 feet, per section 530.120 of the zoning code.

5. The exterior materials of the proposed addition shall complement the existing building.

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 off-street parking from 4 spaces to 3 spaces for the property located at 2429 Franklin Avenue East in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

2. All site improvements shall be completed by July 26, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. April 10, 2012, e-mails to Council Member Gordon and Seward Neighborhood Group
3. Correspondence
4. Zoning map
5. Survey
6. Site plan
7. Easement
8. Floor plans
9. Elevations
10. Photos