

**Department of Community Planning and Economic Development**  
Variance  
BZZ-6254

**Date:** October 24, 2013

**Applicant:** May Day Cafe

**Address of Property:** 3440 Bloomington Avenue South

**Contact Person and Phone:** Denise Lunning, (612) 247-7883

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

**Date Application Deemed Complete:** September 26, 2013

**End of 60-Day Decision Period:** November 25, 2013

**Ward:** 9      **Neighborhood Organization:** Powderhorn Park Neighborhood Association

**Existing Zoning:** C1 Neighborhood Commercial District

**Existing Overlay District:** SH Shoreland Overlay District

**Zoning Plate Number:** 35

**Proposed Use:** 990 square foot addition to an existing sit-down restaurant

**Variance:** north interior side yard setback from 5 feet to approximately 2.8 feet to allow for the construction of a rear addition to an existing sit-down restaurant.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) "to vary the minimum yard requirements" and Chapter 546 Residence Districts

**Background:** The subject property is approximately 25 feet by 123 feet (3,075 square feet) and has an existing 1,456.5 square foot building. The tenant of the building is the May Day Café, a sit-down restaurant. The applicant is proposing to construct a new one-story, 45 foot by 22 foot, 990 square foot addition to the existing building in order to accommodate a new kitchen facility with code compliant mechanical systems and new accessible bathrooms. The proposed addition would be located 2.8 feet from the north 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 north is zoned R2B Two-Family District and the use is a single-family dwelling. The adjacent permitted residential use is subject to a minimum interior side yard setback of 5 feet. Therefore, the subject property is required to meet a minimum 5 foot interior side yard setback and a variance is required to locate the proposed addition 2.8 feet from the from property line.

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The existing structure on the subject property has an existing sit-down restaurant with office space in the basement, totaling 2,206.5 square feet (1,456.5 square feet on the first floor and 750 square feet in the basement) of area calculated towards meeting the minimum off-street parking requirement. Based on the area of the existing use, there are 5 off-street parking spaces required. The existing property does not have access to any off-street parking; therefore there are nonconforming rights to 5 off-street parking spaces. The proposed addition and reconfiguration of the basement will increase the total gross floor area calculated for off-street parking to 2,567 square feet (2461 square feet on the first floor and 106 square feet in the basement). The increased floor area will increase the parking requirement by one space. The applicant will be providing a minimum of 4 bicycle parking spaces, which will reduce the required parking by one off-street parking space. Therefore, with the applicant is meeting the minimum off-street parking requirement.

Staff has not received correspondence from the Powderhorn Park Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**VARIANCE:** to reduce the required north interior side yard setback from 5 feet to 2.8 feet to allow for a 990 square foot addition to an existing sit-down restaurant.

**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, the use and layout of the adjacent property and the narrow zoning lot, the topography of the properties. Staff finds 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 north is zoned R2B Two-Family District. The adjacent structure to the north is subject to a minimum interior side yard setback of 5 feet, but is located less than 1 foot to the existing property line and is immediately adjacent to the existing restaurant. Further, the adjacent property to the north has an existing retaining wall and 8 foot tall fence between the principal structure and detached garage. The subject property is narrow at 25 feet in width, which limits the width of the addition and prevents the addition from be located 5 feet from the north property line. Finally, the topography of the site changes 8 feet in height from the front of the site to the rear and the adjacent property to the north is approximately 3 feet higher in grade than the existing site. Staff finds that 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.**

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Staff finds 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 north interior side yard setback from 5 feet to 2.5 feet to allow for a 22 foot wide by 45 foot deep (990 square feet) 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 retaining wall and 8-foot tall fence and a detached garage located between 0 and 1 foot from the shared property line.

*The Minneapolis Plan for Sustainable Growth* shows the subject property located on Bloomington Avenue, a community corridor and is within a neighborhood commercial node. The future land use designation is mixed use. Staff finds 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.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node's main intersection.

1.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood Commercial Nodes.

1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.

1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.

- 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 finds 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 elimination of the blank wall on the north elevation, exterior materials that complement the existing building and pedestrian-level lighting at the rear of the proposed addition. 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.

**Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant will provide an erosion control plan to be reviewed which will show the existing vegetation which will remain, silt fences and the driveway will be the temporary stockpile area for removed soil. These erosion control measures will be in place prior to and during construction and after determination that the site has been permanently stabilized. After construction, the area adjacent to the addition will be fully landscaped. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Powderhorn Lake.

- 2. Limiting the visibility of structures and other development from protected waters.**

The project area is not located on or near the top of a steep slope, but is located within the SH Shoreland Overlay District. The proposed addition is at the rear of the site where the grade is 7 feet lower than the public street along Bloomington Avenue. Powderhorn Lake is located approximately 700 feet northwesterly of the property. Any views of the property from

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Powderhorn Lake will be consistent with what has existed on this property for many years. Staff finds that the visibility of the addition will be limited due to the existing topography and natural vegetation and will appear as it has for many years.

**3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject property is located approximately 700 feet from Powderhorn Lake and does not have access to the lake directly.

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

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the north interior side yard setback from 5 feet to approximately 2.8 feet to allow for the construction of a rear addition to an existing sit-down restaurant located at 3440 Bloomington Avenue South in the C1 Neighborhood Commercial District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. The applicant shall provide windows, entries, recesses or projections, or other architectural elements, to avoid having blank, uninterrupted walls that exceed 25 feet on each elevation of the proposed addition.
2. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by October 24, 2015, 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. E-mails to Council Member Schiff and Powderhorn Park Neighborhood Association
3. Zoning map
4. Land use map
5. Existing survey
6. Site plan
7. Building elevations
8. Photos