

Department of Community Planning and Economic Development – Planning Division

Variance Request

BZZ-2484

Date: August 18, 2005

Applicant: Christopher Yang

Address of Property: 1724 Lowry Avenue North

Contact Person and Phone: Christopher Yang, (612) 287-1259

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: July 12, 2005

End of 60 Day Decision Period: September 10, 2005

Appeal Period Expiration: August 29, 2005

Ward: 4 **Neighborhood Organization:** Folwell Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District,

Proposed Use: A new restaurant use.

Proposed Variance: A variance to reduce the required amount of off-street parking from 37 to 13 spaces to allow for a restaurant at 1724 Lowry Avenue North in the C1 Neighborhood Commercial District.

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

Background: The subject property is approximately 90 ft. by 113 ft. The property consists of an existing 49 ft. by 63 ft. (3,087 sq. ft.) commercial building. An existing 20 ft. wide curb cut exists along Lowry Avenue as an entrance and an existing 20 ft. wide curb cut exists along Knox Avenue North as an exit. The subject property has 12 standard parking space and 1 handicap parking space. The applicant has no grandparent rights for parking, as the site previously exceeded the number required for the use.

The commercial space was previously occupied by a grocery store. The site went through site plan review in 1999 (PR-537). The applicant is planning to renovate the building for a restaurant. The previous grocery store required 4 parking spaces. The proposed seating floor area of the restaurant is approximately 1,867 sq. ft. and requires 37 parking spaces. The site has 13 parking spaces on site.

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 amount of off-street parking from 37 to 13 spaces to allow for a restaurant. The subject site consists of 13 parking spaces. The previous parking requirement was 4 parking spaces. Strict adherence to the regulations would not allow for the proposed restaurant based on the parking requirement. The proposed restaurant is a reasonable use of a property zoned C1.

- 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 13 legal parking spaces. The site consists of an existing building that could not be utilized as a restaurant based on the parking requirement. The size and location of the building and parcel were not circumstances created by the applicant. The parcel has a number of bus routes in the area and parking facilities that are available to the general public.

- 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: Granting the variance will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the area. The subject site would be located near a number of bus lines. The restaurant will provide an additional viable local amenity for the neighborhood where a vacant space currently exists. To increase the opportunity for patrons to arrive at the site via alternative transportation modes, staff recommends that the applicant incorporate bicycle racks on the site or in the adjacent public right of way, with the approval of the Public Works Department. The applicant is proposing to add a door to the east side of the building, this would reduce the drive aisle and the applicant would have to apply for a variance in order to accomplish this because they are operating from a previously approved plan. Staff would also recommend that they install windows in the window opening that have been enclosed with wood on the west and south side of the building in order to bring the site closer to compliance with the Zoning Ordinance.

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. While a restaurant/café use has a higher requirement for parking than some other more general retail uses, staff does not believe that the new restaurant will negatively impact the surrounding neighborhood.

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 37 to 13 spaces to allow for a restaurant at 1724 Lowry Avenue North in the C1 Neighborhood Commercial District subject to the following conditions:

1. That the Planning Division review and approve final site and floor plans.
2. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles at each establishment on the property. The bicycle parking may be located in the public right-of-way with permission of the city engineer.
3. That the applicant does not install a door and a stoop into the drive aisle required for the parking lot or a variance would be required to reduce the drive aisle width.