

Department of Community Planning and Economic Development - Planning Division
Variance Application
BZZ - 2654

Date: November 3, 2005

Applicant: Travis Metzger dba First Course Restaurant

Address Of Property: 5607 Chicago Avenue South

Contact Person And Phone: Travis Metzger 612-825-6900

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: September 29, 2005

End of 60 Day Decision Period: November 28, 2005

Appeal Period Expiration: November 14, 2005

Ward: 11 **Neighborhood Organization:** Hale, Page, Diamond Lake

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Expansion of an existing restaurant (first course) into adjacent tenant space.

Proposed Variances: A variance to reduce the required parking for restaurant seating expansion from nine spaces to zero spaces.

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

Background: Travis Metzger proposes to expand his restaurant, First Course, into an adjacent tenant space, in a multi-tenant building, that previously was occupied by a barber shop. This requires nine additional spaces. The multi-tenant building that has an overall parking requirement of 44 spaces including the existing First Course restaurant. The site can provide six spaces. A variance (V-418) of eight spaces to zero spaces was approved for the original configuration of the First Course Restaurant in 2001. A variance of seven spaces was granted for Mike's Corner Store, another tenant in the building at 5601 Chicago Avenue South, in September of 2005 (BZZ-2546). The difference of 14 spaces is grandfathered. The nine spaces required for the expansion are not grandfathered and can not be provided on site, so the applicant is requesting a variance. Staff is recommending the provision of four (4) bicycle parking spaces to mitigate the impacts of the parking reduction. This project (and the previously approved Mike's Corner Store expansion) are subject to design and maintenance review for compliance with the zoning code, therefore the applicant is required to have a site plan reviewed and approved by staff. As of the writing of this staff report, the Hale, Page, Diamond Lake Community Association has not provided staff with any commentary on the variance.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The addition of a small seating area expansion is a reasonable use of the building. The addition of the seating would not be allowed if it had to comply with the off-street parking requirement. The applicant has indicated that the restaurant draws people from the local area and therefore a parking reductions may be appropriate where pedestrian oriented activity makes parking spaces less necessary. The applicant states that they receive much of their business from pedestrian activity from these developments and adjacent businesses. There is also a significant amount of on-street parking along Chicago Avenue adjacent to Todd Park.

- 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.**

This building is on a bus route and the owner states that much of his business is pedestrian traffic from the surrounding area. In addition, there is a large amount of on-street parking on Chicago Avenue adjacent to Todd Park. This situation is not generally applicable to other properties in the City.

- 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.**

The intent of the ordinance is to provide parking that matches the demand of the uses in the building. The site is on a community corridor and a transit route so there are factors that warrant granting a variance that do not circumvent the intent of the 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.**

Because there is a probability of pedestrian oriented trade to the site, the variance should not significantly increase traffic in the public streets or be detrimental to the public welfare and safety. The variance should not increase the danger of fire.

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

The Community Planning and Economic Development Department - Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to reduce the required parking for a restaurant expansion from nine spaces to zero spaces at 5607 Chicago Avenue South in the C1 Neighborhood Commercial District subject to the following condition:

- 1) Staff review and approve the final site plan for design and maintenance review.
- 2) All improvements shall be completed by September 1, 2006 (unless extended by the zoning administrator).
- 3) No fewer than four (4) bicycle parking spaces shall be provided at the site. The bicycle parking may be located in the public right-of-way with the permission of the city engineer.