

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2693**

Date: November 17, 2005

Applicant: Laura Boyd, on behalf of Loreto Sanchez

Address of Property: 4601 Grand Avenue South

Contact Person and Phone: Laura Boyd, 763-413-8887

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

Date Application Deemed Complete: October 19, 2005

End of 60 Day Decision Period: December 18, 2005

Appeal Period Expiration: November 28, 2005

Ward: 11 **Neighborhood Organization:** Tangletown

Existing Zoning: C1, Neighborhood Commercial District

Proposed Use: Restaurant

Proposed Variance: A variance to reduce the required off-street parking requirement from 17 spaces to 0 spaces (where 4 are grandfathered) for a restaurant located at 4601 Grand Avenue South in the C1 Neighborhood Commercial District.

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

Background: The subject property is a corner lot that is approximately 5,205 sq. ft. (40 ft. x 127 ft.) and consists of a 4,541 sq. ft. building with three other establishments built in 1921. The applicant is planning to renovate previous grocery store space into “Café Ena”, a restaurant specializing in Argentinean cuisine. The other establishments in the building include three office spaces. The building is built up to the property lines along Grand Avenue and West 46th Street and there is no off-street parking on the lot. The proposed restaurant has grandfather rights to four (4) parking spaces and is required to provide 17 spaces. The applicant has begun discussions with the business owner across the street, Rau Barber Photography, to use a nine-space parking lot at nights and weekends, but there is no lease yet. The applicant has also proposed to install a bicycle rack that accommodates up to 10 bicycles.

The corner of Grand Avenue South and West 46th Street has a number of small commercial uses and has three bus routes running north-south (including the 18 route with midday and evening service) and one east-west route with stops at the four corners of the intersection. In addition to the commercially zoned

properties at the corner, the surrounding area is zoned mainly single- and two-family residential districts with higher density zoning approximately one block to the north and south.

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.**

The applicant is seeking a variance to reduce the required number of off-street parking spaces from 17 to 0 spaces. Currently, there are no off-street parking spaces on this lot. Without the variances, the zoning code prevents this establishment from locating at this property, which is a permitted use in the zoning district. Staff believes that a land use that serves pedestrian and transit oriented trade and has the opportunity to use an off-site parking lot is a reasonable use of the property.

- 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.**

The circumstances for which the variance is sought are unique to the parcel of land and have not been created by the applicant. The structure was built in 1921 and does not provide parking on-site. The property cannot accommodate parking spaces because of the size of the lot and the placement of the structure on the property. Only land uses with a parking requirement of four spaces could occupy this property without a variance. The placement of structure and configuration of the property are not circumstances created by the applicant.

- 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.**

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 applicant states that the new restaurant will serve many neighborhood residents that may not drive to this establishment. The establishment is also at an intersection that is serviced by four bus routes, including the 18 which runs at off-peak hours. The applicant has also entered into a discussion with the business owner across West 46th Street to the north, Rau Barber Photography, to use 9 parking spaces. The applicant also states that the other businesses on this site operate during the day and that the on-street parking that is utilized for these uses will be available in the evening and weekends. The applicant has also proposed to install a bicycle rack that accommodates up to 10 bicycles.

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.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the proposed parking reduction variance be detrimental to welfare or public safety. While a restaurant use has a higher requirement for parking than other uses permitted in the C1 District, staff does not believe that the proposed restaurant will negatively impact the surrounding neighborhood. The applicant states the restaurant's busiest hours of operation are different than other retail business in the area and customers for the surrounding businesses will be able to utilize on-street parking at alternate hours. They applicant also states that the restaurant will serve neighborhood residents that may not drive to the establishment and has proposed to install a bicycle rack. The restaurant is also located on a transit line with midday and evening service.

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 requirement from 17 spaces to 0 spaces (where 4 are grandfathered) for a restaurant located at 4601 Grand Avenue South in the C1 Neighborhood Commercial District, subject to the following conditions:

1. That the Planning Division review and approve building permits for interior renovation.
2. Bicycle racks shall be provided to accommodate no fewer than four (4) bicycles for the restaurant. The bicycle parking may be located in the public right-of-way with permission of the city engineer.