

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3212

Date: October 5, 2006

Applicant: Tim Novy, dba Isabel's Bistro

Address of Property: 4159 Cedar Avenue South

Contact Person and Phone: Tim Novy, (612) 721-6264

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

Date Application Deemed Complete: September 8, 2006

Public Hearing: October 5, 2006

Appeal Period Expiration: October 17, 2006

End of 60 Day Decision Period: November 7, 2006

Ward: 12 **Neighborhood Organization:** Standish Ericsson Neighborhood Association (Adjacent to Field, Regina, Northrop Neighborhood Group and Bancroft Neighborhood Association)

Existing Zoning: C1 Neighborhood Commercial District

Proposed Use: Expansion of an existing restaurant

Proposed Variance: A variance to reduce the required number of off-street parking stalls from 23 spaces to 0 spaces, where 16 spaces are grandfathered, to allow for the expansion of an existing restaurant located at 4159 Cedar Avenue South in the C1 Neighborhood Commercial District.

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

Background: The subject site is on a corner lot that is approximately 65 ft. x 122 ft. (7,930 sqft) and consists of a 6,746 sqft, one story building. The structure was built in 1923 and the parking for the subject property consists of only on-street parking. There are a total of six tenant spaces in the existing building. Five of the tenant spaces are currently occupied; the existing restaurant Isabel's on the northeast corner of the building. The remaining tenant space, along 42nd Street East, is currently vacant. The applicant is proposing to expand the existing restaurant into the vacant tenant space to the east and increase the total floor area of the restaurant by 1036 sqft to allow for additional seating area and a new kitchen.

The parking requirement for a restaurant is based on thirty (30) percent of the occupancy of persons, where one person is permitted per fifteen (15) square feet of floor area devoted to seating and lobby area for customers. The existing floor area of the seating area and lobby of the restaurant is 600 sqft. Based on the floor area, 12 parking stalls would be required for the use, which has been grandfathered in. The vacant tenant space was previously used for neighborhood serving retail and sales and would have required 4 parking stalls for the use, which have been grandfathered in. The applicant is proposing to increase the seating and lobby area by an additional 600 sqft. Therefore the total proposed floor area devoted seating area and lobby will be 1200 sqft and a total of 24 spaces would be required. The applicant has proposed to install bicycle parking for four (4) bikes on the property, which will be equivalent to providing one (1) parking stall. Therefore, the applicant is applying for a variance to reduce the parking requirement for the expansion of an existing restaurant from 23 spaces to 0, where 16 spaces are grandfathered.

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 number of off-street parking spaces from the required 23 spaces to 0 spaces, where 16 are grandfathered in. The applicant states that the restaurant is intended to serve residents and patrons in the neighborhood who will walk or bike to the business. Strict adherence to the regulations would not allow for the proposed expansion of the restaurant based on the parking requirement. The site plan shows the existing structure, which occupies the majority of the site and does not allow for an area devoted to off-street parking. Based on the submitted information, the proposed expansion to the restaurant is a reasonable use of the property, with the addition of the proposed bicycle rack.

- 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 is located on a community corridor and near to a neighborhood commercial node as defined by the Minneapolis Plan. There are a variety of different zoning classifications and land uses along Cedar Avenue and in the nearby vicinity. The subject site does not permit any area sufficient enough in size to allow for any off-street parking area. The constraints of the site have been created by the existing building location and the size of the lot and 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.**

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 applicant has stated that the new restaurant will serve surrounding area residents who will either walk or bike to the property. 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. In addition, the applicant has stated that two bus lines run near the subject site.

- 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 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 some other more general retail uses, staff does not believe that the expansion of the existing restaurant will negatively impact the surrounding neighborhood. The applicant will be providing a new bicycle rack and there are two bus lines as well as on-street parking in the area and the property is located near two pedestrian overlay districts.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** variance to reduce the required number of off-street parking stalls from 23 spaces to 0 spaces, where 16 spaces are grandfathered, to allow for the expansion of an existing restaurant located at 4159 Cedar Avenue South 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 on the property. The bicycle parking may be located in the public right-of-way with permission of the city engineer.