



PLANNING COMMISSION

AGENDA SECTION	PUBLIC HEARINGS
MEETING DATE	JULY 7, 2026

ITEM:	Consideration of a Variance for reduced parking lot setback for 81 38th Ave NE.		
<i>Presenting Item:</i> Ursula Brandt, City Planner			
DEPARTMENT: Community Development		BY/DATE: Ursula Brandt, City Planner, 6/10/26	
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i> ☒ Community that Grows with Purpose and Equity ☐ Engaged, Effective and Forward-Thinking ☐ High Quality Public Spaces ☐ Resilient and Prosperous Economy ☐ Safe, Accessible and Built for Everyone ☐ Inclusive and Connected Community			

CASE NUMBER: 2026-PZ05

APPLICANT: Millie Kwatt LLC

LOCATION: 81 38th Ave NE, Columbia Heights, MN 55421

BACKGROUND:

The applicant owns the building at 81 38th Ave and have run a successful business in this location for decades. In 2012, the applicant first asked for a variance to the parking setback to accommodate the addition of a parking lot to the west of the building. The original request (granted through resolution 2012-050) was to allow for a 0.5ft setback from the side property line to accommodate 18ft by 9ft parking spaces and a 24ft drive aisle. The current request is for a 0 ft setback from the side property lines to accommodate an accessible sidewalk leading to the west entrance along with 18ft by 9ft parking spaces and a 24 ft drive aisle.

As noted in 2012, and is still relevant today, a vacation of the California Street right-of-way conducted in the 1990s. The result of the vacation gave an additional 30 ft of land to the subject property. Upon review of the area, it was discovered that there are some city utilities along the right-of-way, but they are buried deep enough to accommodate the construction of a parking lot.

The applicant is utilizing the building for office and warehousing. The City Code requires 1 parking space for each 300 sqft of office space and 1 parking space for each 3,000 sqft of warehousing. The building has 1,500 sqft of office and 4,500 sqft of warehouse, requiring 7 parking spaces. Currently, the property utilizes approximately 11 parking spaces along the south side of the building, all of which are legal non-conforming for setbacks, and none are handicap accessible. The applicant would like to accommodate more parking on the property by constructing a 5 parking space parking lot to the west of the building which includes one handicap accessible parking space located in front of the main entrance to the building. City Code 9.111(C) requires parking areas to be no closer than 20 ft from the front property line, and 5 ft from the side and rear property lines. City Code 9.106(L)(7) prescribes parking spaces to be a minimum of 9 ft wide and 18 ft deep when abutting a curb, and the drive aisle width to access the parking spaces can be no less than 24 ft. To

accommodate the new parking lot the applicant is seeking a variance for the following:

1. Variance to allow for a 0 ft parking lot setback on the west and north property lines and an increased amount of 0 ft setback on the east property line.

ZONING ORDINANCE

The Zoning Ordinance requires the Planning Commission to hold a public hearing on the application for the variance and submit its recommendation to the City Council. The subject property is zoned I-1 (Industrial), the land to the south and west are also zoned I-1 while the north is zoned PO (Parks and Open Space) and to the east is R3 (Limited Multi-family Residential). The current use of the property as a business complies with the Zoning Code and is otherwise code compliant.

COMPREHENSIVE PLAN

The City's 2040 Comprehensive Plan guides the subject site as "Industrial" as well as the area to the south and west. Consistent with the zoning discussed above the Comprehensive Plan guides the property to the north as Open Space and the east as Low Density Residential. A variance to allow for more parking to accommodate the existing use is consistent with the goals and intent of the Comprehensive Plan.

CURRENT STATUS

Staff has reviewed the variance materials submitted including applicant narrative, site plan and survey illustrating the proposed parking lot and its relation to adjacent properties and structures as well as the existing parking associated with this property.

FINDINGS OF FACT

Section 9.104 (G) of the Zoning Ordinance outlines required findings of fact that must be met for the City to grant approval for a Variance. The findings are as follows:

The City Council shall make each of the following findings before granting a variance:

- (a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

This is correct. Due to the current set up of the building on the property there is no direct access to the west and main entrance to the building that is handicap accessible. The applicant is proposing to use the property in a reasonable manner, but is required to first receive a variance to do so.

- (b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

This is correct. The conditions upon which the variance is based are a function of the placement of the building on the property in relation to the property lines. While this might not be a specifically unique situation in the City, this is not an occurrence that happens often on industrially zoned parcels.

- (c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

This is correct. The provisions of the Code require a certain dimensional criteria for parking spaces and drive aisle widths. In order to comply with these requirements, the parking lot had to be shifted towards the property lines. For this reason, the provisions of the Code caused the practical difficulties in this matter.

- (d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

This is correct. The Comprehensive Plan guides this area as industrial. A variance to allow for more parking to accommodate the existing use is consistent with the intent of the Comprehensive Plan.

- (e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

This is correct. The proposed placement of the parking lot is next to a City park and unused property. The use of the parking lot will not be materially detrimental; in fact the granting of this variance will result in newly accessible parking allowing better and more equitable access to the existing building.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend Resolution 2026-043 to the City Council with the following conditions:

1. The variance applies to the zero ft setback for parking to the north and west and an increased utilization of the zero ft setback on the east, if changes are made to the proposed parking lot a reassessment will need to be made.
2. A Building Permit Application must be submitted prior to construction due to the additional parking lot being a proposed accessible route.
3. Must start construction within one year or the variance will be considered null.

RECOMMENDED MOTION(S):

MOTION: Move to close the public hearing and waive the reading of draft Resolution No. 2026-043, there being ample copies available to the public.

MOTION: Move to recommend that the City Council approve Resolution No. 2026-043, a Variance allowing a 0 ft parking setback for 81 38th Ave NE, Columbia Heights, MN 55421.

ATTACHMENT(S):

1. Draft Resolution
2. Applicant Narrative
3. Site Location Map

4. Site Plan/Survey
5. Building Department Comments
6. Public Hearing Notice Affidavit