

## Request for Committee Action

**To:** Zoning & Planning  
**Date:** 5/19/2016  
**From:** Community Planning & Economic Development  
**Prepared by:** Janelle Widmeier, Senior City Planner  
**Presented by:** Janelle Widmeier, Senior City Planner  
**File type:** Action  
**Subcategory:** Land Use Application

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**Subject:**

Certificate of Nonconforming Use appeal: Justin D. Ebel, 2636-2638 W Broadway

**Description:**

Considering an appeal by Justin D. Ebel of the Zoning Board of Adjustment decision denying a Certificate of Nonconforming Use (BZZ – 7516) for the sale of used vehicles located at the property of 2636-2638 West Broadway.

**Previous Actions:**

On April 21, 2016, the Zoning Board of Adjustment denied a certificate of nonconforming use application with the following actions taken:

**2636-2638 West Broadway, Ward 4**

Staff report by [Janelle Widmeier](#), BZZ-7516

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by State Autos Corp. for the properties located at 2636-2638 West Broadway:

**A. Certificate of nonconforming use.**

Action: The Zoning Board of Adjustment **denied** the application for a certificate of nonconforming use to establish legal nonconforming rights for the sale of used vehicles located in the OR2 High Density Office Residence District.

**Absent:** Johannessen and Drescher

**Aye:** Cahill, Finlayson, Ogiba, Sandberg, Saufley, Thompson

**Motion passed**

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**Ward/Neighborhood/Address:**

Ward 4

Jordan (adjacent to NRRC)

2636-2638 W Broadway

**Background/Analysis:**

On May 2, 2016, Justin D. Ebel filed an appeal of the decision of the Zoning Board of Adjustment to deny a certificate of nonconforming use for the sale of used vehicles located at the property of 2636-2638 West Broadway. The reason for appeal is attached to this report along with the following additional documentation:

- City of Minneapolis License Annual Billing (6/18/10)
- City of Minneapolis Affidavit for Escrow Requirement for surety of repair, replacement or removal of fire damaged structure (6/27/11)
- State of Minnesota Dealer License Certificate (expiration 3/31/12)

- Minnesota Department of Public Safety Motor Vehicle Dealer License Surety Bond (2/3/12)
- Two Minnesota dealer renewal records for Base Ventures International (expired 1/14)
- Minnesota Department of Public Safety Verification of Property Lease (7/1/14 to 8/1/14)
- Minnesota dealer renewal record for Vince Automotive Group (expired 3/15)
- Property lease with Vince Auto Group (8/1/14 to 8/1/15)
- Jordan Area Community Council letter of support (1/8/16).

In addition to state licensing requirements, City licensing requirements apply to all motor vehicle dealers. Nonconforming rights were determined to be lost in July of 2011 when the last motor vehicle dealer license issued by the City expired. For nonconforming rights to be retained, a nonconforming use must not be discontinued for more than a year and must remain otherwise lawful. Since a City license has not been obtained in 5 years, the use of the property has not remained otherwise lawful.

End of 120-day decision period: July 20, 2016

**Financial Review:**

**No financial impact.**

**Attachments:**

1. Statement for reason of appeal and additional documents
2. Excerpt from the April 21, 2016, Zoning Board of Adjustment meeting
3. Original CPED staff report including attachments