

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-5147

Date: May 23, 2011

Applicant: Catherine Cameron, 19645 Manor Road, Deephaven, MN 55331, (612) 804-0694

Address of Property: 4719 Bryant Avenue North

Project Name: 4719 Bryant Avenue North

Contact Person and Phone: Catherine Cameron, 19645 Manor Road, Deephaven, MN 55331, (612) 804-0694

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: April 27, 2011

End of 60 Day Decision Period: June 25, 2011

End of 120-Day Decision Period: Not applicable for this application

Ward: 4 **Neighborhood Organization:** Lind-Bohanon Neighborhood Association

Existing Zoning: R1A (Single-family) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 2

Lot area: 10,320 square feet or approximately .24 acres

Legal Description: Not applicable for this application

Existing Use: Two-family dwelling.

Concurrent Review:

- Catherine Cameron has applied for an expansion of a non-conforming use to allow an existing duplex in the R1A (Single-family) district to finish the basement for additional living space including one additional bedroom, one bathroom and an open area on the property located at 4719 Bryant Avenue North.

Applicable Zoning Code Provisions: Chapter 531, Section 531.50(b).

Background: The owner is proposing to finish the basement of an existing non-conforming duplex in the R1A district. The additional living space would include one additional bedroom, bathroom as well as an open area. The inclusion of an additional bedroom is the trigger for the expansion of a legal non-conforming use application. The existing structure is a two-story, top/down duplex on the property located at 4719 Bryant Avenue North. The current zoning of the property is R1A, which does not allow two-family dwellings.

According to the submitted floor plans, each of the dwelling units within the building consists of a two-bedroom, one bath unit. The applicant is aware that additional modifications may be necessary for the proposed basement bedroom per the building code should the expansion of a non-conforming use be approved. Allowing an additional basement bedroom and converting into legal, habitable space is an expansion of a nonconforming use under Section 531.50(b) of the zoning code and therefore requires authorization from the City Planning Commission. There will be no change in the exterior appearance of the duplex.

Staff has not received any official correspondence from the Lind-Bohanon Neighborhood Association or any neighborhood letters prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

(1) A rezoning of the property would be inappropriate.

The property is located in the R1A (Single-family) district along Bryant Avenue North. Nearly all surrounding properties within the vicinity are also zoned R1A. There is one OR1 zoned property at the corner of Bryant Avenue North and 47th Avenue North. The R1A district does not allow two-family dwellings; however, there are other duplexes/multi-family structures located along Bryant Avenue North between 47th Avenue North and 48th Avenue North. The applicant could propose to rezone to the R2B district which is the first district that would allow a two-family dwelling; however, Staff would lack the policy basis for support of a rezoning in this location.

(2) The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The expansion is compatible with adjacent properties and the neighborhood. The applicant is not proposing to increase the number of dwelling units. Further, the expansion would be internal to the structure as the egress window already exists. The existing structure is also located on a double lot (there are two underlying platted lots).

(3) The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The expansion of the non-conforming use would not result in significant increases of adverse off-site impacts. There would be no increase in residential units and there is currently adequate off-street parking provided on the property. However, the existing off-street parking that is provided on the premises currently does not meet the parking surfacing requirements of Sections 541.300 or 541.305 of the Zoning Code. As a result, Planning Staff will require that the off-street parking areas be surfaced in compliance with either of these provisions subject to the outlined specifications. Further, the parking spaces shall meet the minimum parking space dimensions outlined in Section 541.330 of the Zoning

Code. No additional traffic, noise, dust, odors or parking congestion would be expected with the proposed modifications.

- (4) **The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

The changes to the use would be internal to the structure as an existing egress window is located in the basement where the proposed bedroom would be located. Allowing the applicant to legally convert a portion of the basement to a bedroom would likely increase the value of the property and contribute to the stability of the neighborhood. No adverse impacts are anticipated as a result of the proposal.

- (5) **In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

No additional dwelling units are proposed.

- (6) **The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The property is not located in the Floodway District.

RECOMMENDATIONS:

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 City Planning Commission adopt the above findings and **approve** the application for an expansion of a legal nonconforming use to allow one additional basement bedroom in a non-conforming duplex on the property located at 4719 Bryant Avenue North subject to the following condition:

1. The off-street parking area shall be surfaced to meet the parking surfacing requirements outlined in Section 541.300 or 541.305 of the Zoning Code. Further, the parking spaces shall meet the minimum parking space dimensions outlined in Section 541.330 of the Zoning Code.

Attachments:

- 1) Statement of use/description of project
- 2) Correspondence
- 3) Zoning map
- 4) Plans
- 5) Photos