

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-4330

Date: March 23, 2009

Applicant: Delora Freeman-Lothenbach, 2954 Dupont Avenue North, Minneapolis, MN 55411,
(612) 529-9007

Address of Property: 2824 and 2826 James Avenue North

Project Name: 2824 and 2826 James Avenue North

Contact Person and Phone: Delora Freeman-Lothenbach, 2954 Dupont Avenue North, Minneapolis,
MN 55411, (612) 529-9007

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

Date Application Deemed Complete: February 19, 2009

End of 60 Day Decision Period: April 19, 2009

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

Ward: 5 **Neighborhood Organization:** Jordan Area Community Council

Existing Zoning: R1A (Single-family) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 7

Lot area: 6,978 square feet or approximately .16 acres

Legal Description: Not applicable for this application

Existing Use: Two-family dwelling

Concurrent Review:

- 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.

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

Background: The owner and applicant is proposing to convert unfinished basement space within an existing duplex to habitable space on the property located at 2824 and 2826 James Avenue North. The property is located in a large residential area south of Jordan Park on the southeast corner of 29th Avenue North and James Avenue North. The current zoning on the property is R1A, which does not allow two-family dwellings. A two-family dwelling has existed on the property since 1962 and is legally nonconforming. The residence is a side-by-side duplex. Converting unfinished space of a nonconforming use to finished, 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.

As of the writing of this staff report, Planning Staff has not received any official correspondence from the Jordan Area Community Council. Staff will forward any comments if received, to the City 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. Nearly all surrounding properties within the vicinity are zoned R1A with the exception of a single parcel to the south which abuts the subject property, and is zoned R2B (Two-family). The structure located on the R2B zoned parcel was converted from a duplex to a single-family dwelling in 1999. As previously mentioned, the R1A district does not allow two-family dwellings, and the majority of all surrounding residential uses are single-family dwellings. The applicant could propose to rezone to the R2B district, which is the first district that would allow a two-family dwelling. However, there are no two-family dwelling units located within the immediate vicinity. Further, Staff would lack the policy basis for support of a rezoning despite the adjacency of the site to a singularly zoned R2B parcel.

(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 changing the footprint of the existing structure or adding additional building bulk.

(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 will not result in significant increases of adverse off-site impacts. There will be no increase in residential units and there is currently adequate off-street parking provided for the property. No additional traffic, noise, dust, odors or parking congestion would be expected with the additional habitable space.

- (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 are only internal to the structure. Allowing existing building bulk to be converted to habitable space will likely increase the value of the property and contribute to the stability of the neighborhood.

- (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 the conversion of unfinished basement space to habitable space for an existing duplex located at 2824 and 2826 James Avenue North.

Attachments:

- 1) Statement of use/description of project
- 2) Findings
- 3) Correspondence

Department of Community Planning and Economic Development - Planning Division
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- 4) Zoning map
- 5) Plans
- 6) Photos