

**Department of Community Planning and Economic Development – Planning Division**  
Expansion of a Legal Nonconforming Use  
BZZ – 2090

**Date:** December 13, 2004

**Applicant:** Hai Quan

**Address of Property:** 2918-20 Benton Blvd.

**Project Name:** N/A

**Contact Person and Phone:** Hai Quan, (612) 924-4047

**Planning Staff and Phone:** Jason Wittenberg, (612) 673-2297

**Date Application Deemed Complete:** November 15, 2004

**End of 60-Day Decision Period:** January 15, 2005

**Ward:** 7      **Neighborhood Organization:** Cedar Isles-Dean Neighborhood Association

**Existing Zoning:** R1

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 23

**Legal Description:** Not applicable for this application

**Proposed Use:** Two-story rear addition (measuring approximately 14 ft. by 18 ft.) to an existing two-family dwelling in an R1 District

**Concurrent Review:** Not applicable for this application

**Applicable zoning code provisions:**

531.150. Expansion or alteration of nonconforming uses and structures.

**Background:** The applicant's two-family residential building is nonconforming in the existing R1 District. A two-story addition to the rear (west side) of the building is proposed, which triggers the need for an expansion of a legal nonconforming use application.

**EXPANSION OF A LEGAL NONCONFORMING USE -**

**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.**

Rezoning the property to the R2B District would appear to favor a particular property owner and would be inappropriate. A more comprehensive rezoning of multiple two-family dwellings (e.g., the property in question and the corner property immediately to the south) may be more defensible but is not proposed at this time.

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

The siding material on the addition will match the siding material of the existing home. It appears that the addition will not be visible from a public street. The applicant has a good deal of lot area within which to accommodate the moderate expansion proposal.

**(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 proposed addition would add living space to one of the two dwelling units and would not have significant off-site impacts.

**(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 proposed expansion would not be visible from a public street and would not negatively alter the appearance or 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. The addition would provide additional living space for one of the two dwelling units within the structure.

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

The site is not located in a Floodway District.

### **RECOMMENDATIONS**

#### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Expansion of a Legal Nonconforming Use:**

The Community Planning and Economic Development Department – 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 a two-story rear addition (measuring approximately 14 ft. by 18 ft.) to an existing two-family dwelling in an R1 District Located at 2918-20 Benton Boulevard.

#### **Attachments:**

1. Statements submitted by the applicant
2. Aerial photograph
3. Zoning map
4. Site plan
5. Floor plans
6. Elevations
7. Photos