

**Department of Community Planning and Economic Development - Planning Division**  
Expansion of a Legal Nonconforming Use  
BZZ-3720

**Date:** August 27, 2007

**Applicant:** Jim and June Stuhr

**Address Of Property:** 3031 46<sup>th</sup> Avenue S.

**Project Name:** Detached Garage

**Contact Person And Phone:** Mike Russell, 651-645-0331

**Planning Staff And Phone:** Michael Wee, 612-673-5468

**Date Application Deemed Complete:** August 2, 2007

**End of the 60 Day Review Period:** October 1, 2007

**Ward:** 12      **Neighborhood Organizations:** Cooper

**Existing Zoning:** R1A Single-Family District

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

**Zoning Plate Number:** 28

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

**Proposed Use:** Expand an existing non-conforming two-family dwelling in the R1A District by adding a 660 square foot detached garage.

**Concurrent Review:** No other applications are required beyond the expansion of a legal non-conforming use.

**Applicable zoning code provisions:** Chapter 531, Nonconforming Uses and Structures; Section 531.50 Expansion or alteration of nonconforming uses and structures.

**Background:**

The applicant owns a non-conforming duplex located in an R1A district at 3031 46<sup>th</sup> Avenue S. This dwelling was constructed as a duplex in September, 1956. The original detached garage was demolished and the applicant wants to construct a new one as a replacement. The property is surrounded by residential uses with detached garages in R1A district. Total lot area is 4,960 square feet (40' x 124'), which seems to be the characteristic of other properties in the neighborhood.

On behalf of the property owner, Mike Russell of Sussel Corporation submitted an application to build a 22' x 30' (660 square feet) detached garage. This will be located within 40 feet from the rear lot line. Section 537.60 provides accessory structures intended for the parking of vehicles shall not exceed 676 square feet or 10% of the lot area, whichever is greater. Further, Section 535.80(d) allows an interior side yard set back of one foot for detached accessory structures provided the building is located in the rear 40 feet or rear 20% of the lot, whichever is greater. The entire accessory structure will be located in the rear 40 feet of the lot, with an interior side yard setback of 2 feet and a rear set back of 10 feet.

Including the proposed detached garage, the property will meet the maximum lot coverage of 60% and 75% maximum impervious surface of Chapter 546 requirement. This application has 37% lot coverage and 37% impervious surface, and an FAR of 0.47 which is below the maximum permitted in single and two-family dwellings.

At the time of writing this staff report, no comments were received from the neighborhood association. Staff will forward comments, if any are received, at the City Planning Commission meeting.

#### **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 a proposed expansion in use if the use meets the following standards as specified in section 531.50 of the Zoning Code:**

**1. A rezoning of the property would be inappropriate.**

The property is located in a predominantly single family residential uses, but the structure was constructed as a two-family dwelling in 1956. Rezoning the property to suit its current use would not be appropriate when all its surroundings land uses are R1A. Further, an accessory structure meets the requirements of Section 537.60 of the zoning code. The same detached garage would be permitted in R1A district.

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

The proposed expansion is to build a detached garage located at the rear 40 feet of the lot, which is consistent with adjacent properties in the neighborhood. The rear yard setback of 10 feet from the alley is to allow better maneuvering to access the proposed garage and will not be used for parking.

**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 expansion will have no significant impact on traffic, noise, dust, odors and parking congestion in the surrounding area. Storm water runoff shall not drain to adjacent property.

**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 addition will allow the property owner to provide a safe storage of vehicles. Thus, it will reduce on-street parking in 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 or rooming units on the subject property than is allowed by the regulations of the district in which the property is located.**

No additional dwelling or rooming units are proposed. The existing dwelling will continue to be a legal non-conforming two-family unit.

**6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the floodway district.**

The subject property is not in a flood plain area.

**RECOMMENDATION:**

**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 Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a nonconforming use to construct a 22' x 30' detached garage at 3031 46<sup>th</sup> Avenue South.

**Attachments:**

- 1) Statement from the applicant
- 2) Zoning map
- 3) Floor plans
- 4) Photos