

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Expansion of Nonconforming Use
BZZ-1975

Date: October 13, 2004

Applicant: Stephen Lyster

Address of Property: 2848 Irving Avenue South

Project Name: Lyster 5-Plex

Contact Person and Phone: Jeremy Drews, 651-248-1327

Planning Staff and Phone: Fred Neet, 612-673-3242

Date Application Deemed Complete: September 14, 2004

End of 60-Day Decision Period: November 13, 2004

End of 120-Day Decision Period: January 12, 2005

Ward: 7 **Neighborhood Organization:** East Isles Residents Association

Existing Zoning: R1

Zoning Plate Number: 24

Proposed Use: reconstruction of the rear portion of the third floor of a legally nonconforming 5-plex

Concurrent Review: conditional use permit to expand the 3rd floor, and expansion of a nonconforming use.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; and Chapter 531, Nonconforming Uses and Structures

Background: The rear addition of the 3rd floor, apparently constructed prior to 1959, is in poor condition and needs replacement. The original structure, not including the rear addition, was constructed in 1907. The applicant proposes to replace the narrow addition atop a flat roof with an expanded structure to accommodate a gambrel roof to match the front portion of the structure, which requires the application to expand a legally nonconforming 5-plex in an R1 district. The gambrel roof extends the potentially habitable portion to more than 50% of the 3rd floor, which requires a conditional use permit to increase the height from 2 ½ stories to 3, even though the effective height of the entire structure would remain at 35 feet. Its entire block face, and the few blocks toward Lake of the Isles, is zoned R1. Zoning across the street is R2B.

CONDITIONAL USE PERMIT – to increase building height from 2 ½ stories to 3

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Reconstruction of an existing, legal addition, nonconforming since 1963, will not affect public health, safety, morals, comfort, or welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The existing flat roof is out of character with the neighborhood. Replacement of the rear addition to match the front gambrel roof will improve general appearance of the immediate neighborhood. Lateral expansion of the rear addition should not affect views of neighbors toward the Lake. General property values will increase.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

All infrastructure is provided

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Number of dwelling units will not increase, and off street parking availability will not change.

5. Is consistent with the applicable policies of the comprehensive plan.

East Isles is a Protection neighborhood. Applicable policies of *The Minneapolis Plan* include

4.14 Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.

Implementation Steps

Continue using high quality materials for new construction and historic preservation that reinforce long-term housing maintenance goals.

Encourage adaptive re-use, retrofit and renovation projects that make the city's housing stock competitive on the regional market.

Provide the flexibility in the city's ordinances to improve and maintain existing structures.

The age and demand for Minneapolis' housing stock over time created past opportunities for reinvestment throughout the city. In some of the city's neighborhoods, some of the most dilapidated housing has no outstanding quality or character that recommends it to full scale renovation. When existing housing has been ignored by a succession of owners, an opportunity for change presents itself to the neighborhood.

Rehabilitation is preferred whenever feasible over demolition; preserving the architectural gems of residential Minneapolis is an important contribution to the city's character. In order to maximize the possibility of retaining older homes that possess unique architectural features or neighborhood value, community residents and the city's development and regulatory bodies need to discuss common goals and strategies that provide guidance to the city's activities. The legacy of generations gone before lives on in the shape and form of the city's neighborhoods. We appreciate and invest in the old houses not only because they tell us stories about the past, but because they continue to offer shelter and the creature comforts we demand of our housing.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

EXPANSION OF A NONCONFORMING USE – to replace the 3rd floor addition

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 entire block face is zoned R1. Rezoning to a higher zoning district would be inappropriate.

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

Replacement of the addition on a flat roof with an addition with a gambrel roof is more compatible with the original structure and will be more compatible with adjacent property and the neighborhood in general. Expansion to accommodate the gambrel roof will be more in scale with the original structure.

(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.

No units are added, no parking is reduced, and the other factors are generally not applicable to residential uses.

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

A gambrel roof as well as the altered massing will be more compatible to the property and 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 units will be added to the legally nonconforming structure.

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

Not applicable.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

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 a conditional use permit to increase height to 3 stories at 2848 Irving Avenue South on condition that the addition not exceed the height of the front portion of 35 feet.

Recommendation of the Department of Community Planning and Economic Development – Planning Division to expand a nonconforming use:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to expand the legally nonconforming use at 2848 Irving Avenue South by reconstructing the 3rd floor on condition that no additional units are added to the building.

Attachments: applicant's statement
neighbor support
zoning map
elevations

floor plans
photographs
aerial photograph