

Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use and 3 Variances
BZZ – 1947

Date: September 27, 2004

Applicant: James Gray, 2845 Irving Avenue South, Minneapolis, MN 55408

Address of Property: 2845 Irving Avenue South

Project Name: N/A

Contact Person and Phone: Chris Rydrych, 5510 Spruce Road, Mounds, MN 55364, (952) 451-6205

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

Date Application Deemed Complete: August 31, 2004

End of 60-Day Decision Period: October 29, 2004

Ward: 7 Neighborhood Organization: East Isles Residents Association

Existing Zoning: R2B (Two-family) district and located in the Shoreland Overlay district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Lot Area: 6,350 square feet or .15 acres

Legal Description: Not applicable for this application

Proposed Use: Four-car, 946-square-foot attached garage accessory to an existing non-conforming four-unit building in an R2B District.

Concurrent Review:

- Expansion of a non-conforming use to permit an attached garage accessory to a four-plex in the R2B (Two-family) district.
- Variance to allow an increase in the allowable accessory structure size from 676 square feet to 946 square feet for an attached four car garage.
- Variance to allow principal and accessory structures to exceed the maximum permitted lot coverage of 60% in the R2B district to approximately 66%.
- Variance of the interior side yard setbacks from the required 7 feet to 3 feet 6 inches for an attached garage.

Applicable zoning code provisions: Expansion or alteration of nonconforming uses and structures 531.50 and Article IX Variances.

Background: The applicant's four-unit residential building is nonconforming in the existing R2B District. The subject property is located within the Shoreland Overlay district as it is located 1000 feet of the ordinary high water mark of the Lake of the Isles. The proposed garage is under the maximum height of 2.5 stories or 35 feet permitted in the Shoreland Overlay district. Construction of a garage constitutes an expansion of the nonconforming use under section 531.50 of the zoning code. A four-car garage with 946 square feet of area is proposed and would replace surface parking. In addition to the expansion of the non-conforming use, three variances are also being applied for which include a variance to allow an increase in accessory structure size, a variance to increase the maximum allowable lot coverage for principal and accessory structures as well as a variance of the interior side yard setbacks in order to match the proposed garage into the existing setbacks established by the residential building on site.

There are currently three garages within a block of the subject property that have garages of similar or greater size. The applicant's intention is to provide one enclosed parking space for each residential unit in the building. The applicant proposes to utilize materials, more specifically rock face concrete block to compliment and blend into the existing structure.

Staff has received a letter from the East Isles Resident's Association (EIRA) Zoning Committee. The EIRA Committee voted to approve the requests contingent upon the adjoining property owners' concurrence with the project. Staff has received an email from the adjacent property owner to the north that supports the proposed garage as long as the current and new improvements be constructed within the boundaries of the subject property; and not encroach onto the adjacent property to the north. The garage will be constructed as such. Two additional emails were received that support the proposed garage. All correspondence has been attached for reference.

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.**

The property is located on block where all residential properties are zoned R2B. Rezoning the property to a higher zoning classification would not be appropriate for this property within the context of the surrounding area.

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

The placement of the attached garage, ten feet from the public alley, would be compatible and relatively consistent with the placement of other attached garages in the vicinity.

- (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 garage would accommodate four vehicles; one enclosed parking space per unit. The garage would allow for convenient enclosed parking instead of the surface parking which currently exists. The expansion of the non-conforming use will not result in significant increases of adverse 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 garage, as noted, would replace surface parking on site. The applicant proposes the garage exterior be composed of rock face concrete block. Planning staff believes the selected material should be relatively consistent with the principal structure. To ensure compatibility with the property and surrounding area, all areas not covered by the driveway or walkways include turf or landscaping. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material as required by section 541.300 of the zoning code.

- (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 site is not located in a Floodway District.

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Variance to increase accessory structure size from 676 square feet to 946 square:

The site could be put to a reasonable use because the site as it currently exists with only surface parking is a reasonable use of the property. However, it would not be possible to provide covered parking for all four units located on site with strict adherence to the regulations of the zoning ordinance. It is not uncommon for Staff to allow garages that permit one enclosed parking space per unit.

Variance to allow principal and accessory structures to exceed the maximum permitted lot coverage of 60% in the R2B district to approximately 66%:

The site would be unable to accommodate enclosed parking for the existing four units on the property without exceeding the maximum lot coverage. The increase allows the applicant to provide one enclosed parking space for each unit.

Variance of the interior side yard setbacks from the required 7 feet to 3 feet 6 inches:

The site would be unable to accommodate an enclosed attached parking garage on site that matches into the existing residential structure without attaining interior side yard setback variances. The proposed garage has been designed to match into the setbacks established by the existing residential structure.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Variance to increase accessory structure size from 676 square feet to 946 square:

The circumstances are unique to this parcel of land as four units are established on a relatively small parcel. In order to provide enclosed parking for each unit a variance of the accessory structure size must be provided.

Variance to allow principal and accessory structures to exceed the maximum permitted lot coverage of 60% in the R2B district to approximately 66%:

The circumstances are unique to this parcel of land as four units are established on a relatively small parcel. In order to provide enclosed parking for each unit a variance of the maximum allowable lot coverage for principal and accessory structures must be permitted.

Variance of the interior side yard setbacks from the required 7 feet to 3 feet 6 inches:

The circumstances are unique to this parcel of land as four units are established on a relatively small parcel. In order to provide enclosed parking for each unit and in order to

construct a garage that matches into the setbacks established by the established residential structure a variance of the interior side yard setbacks to 3 feet 6 inches must be permitted.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Variance to increase accessory structure size from 676 square feet to 946 square:

The granting of the variance will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. There are similarly sized and designed garages in close proximity to the site.

Variance to allow principal and accessory structures to exceed the maximum permitted lot coverage of 60% in the R2B district to approximately 66%:

The granting of the variance will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. There are similarly sized and designed garages in close proximity to the site.

Variance of the interior side yard setbacks from the required 7 feet to 3 feet 6 inches:

The granting of the variance will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. The existing residential building is located at 3 feet 6 inches from both interior lot lines. The proposed garage has been designed to match into the established setbacks as an extension of the existing residential structure.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Variance to increase accessory structure size from 676 square feet to 946 square:

Staff does not believe that the granting of a variance to increase the allowable accessory structure size shall impact or affect public safety in any way.

Variance to allow principal and accessory structures to exceed the maximum permitted lot coverage of 60% in the R2B district to approximately 66%:

Staff does not believe that the granting of a variance to increase the maximum permitted lot coverage on this site impact or affect public safety in any way.

Variance of the interior side yard setbacks from the required 7 feet to 3 feet 6 inches:

Provided the project complies with the building code, Staff does not anticipate that granting the variance would affect public safety in any way.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Expansion of a 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 nonconforming use to allow a new attached garage accessory to an existing four-family building in the R2B District at 2845 Irving Avenue South, subject to the following conditions:

1. All areas not covered by the driveway or walkways include turf or landscaping. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material as required by section 541.300 of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow an increase in the allowable accessory structure size from 676 square feet to 946 square feet for an attached four car garage for the property located at 2845 Irving Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow principal and accessory structures to exceed the maximum permitted lot coverage of 60% in the R2B district to approximately 66% for the property located at 2845 Irving Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required interior side yard setbacks from 7 feet to 3 feet 6 inches for the property located at 2845 Irving Avenue South.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos