

Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use
BZZ-1977

Date: October 13, 2004

Applicant: Jason Gemmell

Address of Property: 1720 58th Street East

Project Name: Gemmell Garage

Contact Person and Phone: Jason Gemmell, 612-387-4680

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

Date Application Deemed Complete: September 13, 2004

End of 60-Day Decision Period: November 12, 2004

End of 120-Day Decision Period: January 11, 2005

Ward: 11 Neighborhood Organization: Hale Page & Diamond Lake Community Association

Existing Zoning: R1

Zoning Plate Number: 38

Proposed Use: garage replacement

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures

Background: The 361 square foot 2-stall garage on site is structurally unsound, unattractive, and needs replacement. The applicant proposes a 484 square foot garage to permit some storage space. The garage will be similar in all respects to the existing structure. The property is a duplex in an R1 (single family) district, so the garage replacement requires a permit to expand a nonconforming use.

A single family garage is across the alley to the north, a church parking lot is across 18th Avenue South to the east, and across 58th Street to the south is undeveloped airport land and the 5-8 Club (bar and restaurant) zoned C2 to the southeast.

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 area is zoned R1 except for the single parcel on Cedar Avenue to the southeast zoned C2.

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

The new garage will be similar in all respects to all other garages in the immediate area.

(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.

A 2-car garage will be replaced with a 2-car garage with limited storage space and will not result in an increase of 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.

A dilapidated garage will be replaced with a new garage. The new garage will still be less than 676 square feet which is the allowed size without a variance.

(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.

Additional dwelling units are not proposed and would not be allowed.

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

not applicable.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development – Planning Division for expansion of a nonconforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to expand a nonconforming use at 1720 58th Street East on condition that the garage will be no larger than 484 square feet.

Attachments: applicant's statement
neighborhood support
zoning map
site plan
elevations
photographs
aerial photographs