

Community Planning and Economic Development Planning Division Report

Expansion of a Legal Nonconforming Use

BZZ - 1935

Date: September 27, 2004

Date Application Deemed Complete: August 24, 2004

End of 60 Day Decision Period: October 23, 2004

End of 120 Day Decision Period: December 22, 2004

Applicant Waive 60 Day Requirement: No

Applicants: Applied Land, Inc.

Address of Property: 3106-08 Hennepin Avenue South

Contact Person and Phone: Gayle Steiger, Southwest Family Services, 612-825-4407

Planning Staff and Phone: Lonnie Nichols, 612-673-5468

Ward: 10 **Neighborhood Organization:** East Calhoun Community Organization (ECCO)

Existing Zoning: R4 (medium density, multiple family residential)

Proposed Use: renovate vacant apartment to office as expansion of nonconforming use of property

Appropriate Section(s) of the Zoning Code: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement, Chapter 535 Regulations of General Applicability, and Chapter 546 Residential Districts.

Background: The original structure was built in 1908. The lot size is 5567 sf. Southwest Family Services has filed application for a NonConforming Use Expansion to renovate a vacant apartment on the third floor of an existing building to expand the office space for the existing business occupying the 1st and 2nd floors of the said structure. Southwest Family Services is a mental health organization with 10 Twin City locations, with the administrative headquarters being located at 3106-08 Hennepin Avenue South in the R4 (medium density, multiple family residence) district since 1982. Southwest Family Services has indicated the proposed improvements of the third floor space would more adequately support the current needs of the business. The ECCO zoning committee recommended granting the required permission to make the requested changes to enable the property to continue in its current nonconforming status. Hours of operation allowed under the R4 district are from 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.

Findings as Required by the Minneapolis Zoning Code for a Nonconforming Use Expansion:

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 would be inappropriate as the building was constructed as a residential structure. Although the present use of the building is for offices, the building could be converted back to residential. The site is located in the R4 zoning district.

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

The subject property is located just south of a bank building and just north of a residential structure being used for law offices. The proposed interior alterations on the second and third floors to expand the existing office space will be compatible with the adjacent properties. The survey submitted shows that a brick walk and the northern tip of a raised bed planter of the Walker Law Offices building (adjacent to the south) encroach onto Applied Lands' property. The applicant is encouraged to communicate with the Walker Law Offices to coordinate the design, height, style, length, and placement of the new fencing along the southern edge of the property and to resolve any property line disputes as a private matter.

(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 enlargement, expansion, relocation, structural alteration or intensification should not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

(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 only proposed exterior improvements to the property are fencing the yard as per code regulations. The proposed expansion should not impact or change 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

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dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

The structure is a legal nonconforming office in the R4 zoning district. The expansion and interior structural alteration and proposed fencing will not result in the creation of dwelling units on the property.

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

The expansion and structural alteration is not located in the Floodway District.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a Nonconforming Use Expansion to convert a vacant apartment on the third floor of the building to additional office space for the existing business, Southwest Family Services, occupying the 1st and 2nd floors of the said structure located at 3106-08 Hennepin Avenue South in the R4 (medium density, multiple family residence) district, subject to the following conditions:

- 1.) The interior improvements will meet building and fire code requirements.
- 2.) The fencing will meet the requirements specified in Chapter 535, Article VI. Fences, sections 535.370 to 535.430 of the zoning code.

Attachments:

1. Staff report including zoning code information
2. Statement of use
3. Findings
4. Correspondence
5. Zoning map
6. Site map and floor plans
7. Photographs