Department of Community Planning and Economic Development – Planning Division
Expansion of a Legal Nonconforming Use
BZZ – 1860

Date: August 9, 2004

Applicant: John Meldahl

Address of Property: 3037 Knox Ave. S.

Project Name: N/A

Contact Person and Phone: John Meldahl, (612) 374-1538

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: July 14, 2004

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

Ward: 10 **Neighborhood Organization:** ECCO

Existing Zoning: R2B

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Four-car detached garage accessory to an existing multi-family building in an R2B District

Concurrent Review:
Expansion of a Legal Nonconforming Use: Expansion of a nonconforming use to allow a new detached garage accessory to a multi-family building in an R2B District.
Variance: Variance to increase the maximum permitted area of an accessory structure from 676 square feet to 880 square feet.

Applicable zoning code provisions:
531.150. Expansion or alteration of nonconforming uses and structures.
Chapter 537. Accessory Uses and Structures. 537.60. Maximum floor area.
525.520. Authorized variances. 525.520(3) To vary the gross floor area, floor area ratio and seating requirements of a structure or use.

Background: The applicant's five-unit multi-family residential building is nonconforming in the existing R2B District. Construction of a garage constitutes an expansion of the nonconforming use under section 531.50 of the zoning code. Also, accessory structures for multi-family uses are limited to 676 square feet of 10 percent of the lot area, whichever is greater. The property, having approximately 5,913 square feet, would be limited to the 676-square-foot garage without a variance. A four-car garage with 880 square feet of area is proposed and would replace an existing four-space parking lot. The applicant has indicated that a four-car garage previously existed on the property but that it collapsed under the weight of a heavy snowfall.

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 not located on a Community Corridor or Commercial Corridor. Rezoning the property to a higher zoning classification (e.g., R5) would result in a much more intense zoning district located within an area having primarily R2B zoning, with R4 one-half block to the north and R1A to the south. Such a rezoning would not be appropriate.

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

The placement of the garage, seven feet from the public alley, would be consistent with the placement of detached garages in the vicinity. The garage would be larger than most in the immediate area; however most area garages do not serve multi-family uses. The proposed garage would feature exterior materials that match those of the principal building.

(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; the same number of vehicles that are served by the existing off-street parking area that the garage would replace.

(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 would provide enclosed parking for four of the five residential units in the building and would be constructed of materials that match the principal dwelling (brick and stucco). The garage would increase the property's compatibility with the surrounding area. The applicant must ensure that impervious surfaces cover no more than 75 percent of the lot as required by section 546.150 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.

VARIANCE -

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

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.

Complying with the maximum accessory structure area would essentially limit the applicant to a three-car garage (e.g., 30 feet by 22 feet). The Planning Department has generally considered the inability to provide up to one enclosed parking space per dwelling unit a hardship.

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.

The number of units in the building, the layout of the existing site and the lot size are factors that were established prior to the existing zoning code and prior to the applicant's interest in the parcel.

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.

The intent of the ordinance is to limit the scale of accessory structures to that they do not overwhelm the appearance of the property and so that they remain truly subordinate in

area to the principal structure. Further, the floor area limitation is intended to prevent overuse of open space on a site and preserve the character of established neighborhoods. While a garage of the size proposed would appear out of scale if accessory to a single- or two-family dwelling, the proposed garage would be clearly subordinate to the existing multi-family building on the site. The applicant has indicated an intent to construct a patio between the principal and accessory buildings. Adding the patio in conjunction with the garage would place the property very close to the maximum permitted impervious surface ratio (75 percent) in the R2B District. Staff must review the final site plan to ensure that the project is within the impervious surface limitation. Further, in order to mitigate the visual impact of increased floor area, staff recommends that the Commission require that the materials match the those of the principal structure (as proposed by the applicant).

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.**

   The applicant would provide the same number of off-street parking spaces that are currently provided. The garage would be situated seven feet from the public alley right of way, which would allow a sufficient amount of space to maneuver safely and efficiently into and out of the garage.

RECOMMENDATIONS

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 Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a legal nonconforming use to allow a new detached garage accessory to an existing multi-family building in the R2B District at 3037 Knox Avenue South, subject to the following conditions:
1. Impervious surfaces shall not cover more than seventy-five (75) percent of the lot.

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 above findings and **approve** the application for a variance to increase the maximum permitted floor area of an accessory structure from 676 square feet to 880 square feet at 3037 Knox Avenue South, subject to the following conditions:
1. The accessory structure shall utilize primary exterior materials that match the primary exterior materials of the principal structure.

Attachments:

1. Statements submitted by the applicant
2. Zoning map
3. Aerial photograph
4. Site plan
5. Elevations
6. Photos