

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-3462

Date: April 9, 2007

Applicant: Susan Lauer

Address Of Property: 2400 Humboldt Avenue S.

Project Name: Sun room addition

Contact Person And Phone: Jeff Nuss, 763-463-0558

Planning Staff And Phone: Michael Wee, 612-673-5468

Date Application Deemed Complete: March 14, 2007

End of the 60 Day Review Period: May 13, 2007

Ward: 10 **Neighborhood Organizations:** East Isles

Existing Zoning: R1 Single-Family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 18

Legal Description: Not applicable for this application.

Proposed Use: Sun Room Addition

Concurrent Review: No other applications are required beyond the expansion of a legal nonconforming use.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures; Section 531.50 Expansion or alteration of nonconforming uses and structures.

Background:

Built in 1902, the existing house is a duplex located in an R1A Single-Family District, which makes it a legal nonconforming use. Staff verification showed the property is not in a designated historic district nor considered for potential designation. It is surrounded by a high concentration of single-family houses, and the western half of the property is located within a Shoreland Overlay District. The applicant, represented by Jeff Nuss of Renaissance Exteriors, submitted an application for an expansion of a non-conforming use to construct a 64 square foot rear sunroom at 2400 Humboldt Avenue S.

Extending approximately 6 feet from the rear wall, an existing window will be removed to accommodate an interior access while providing a sliding door on the side that leads to the rear yard. The structure will be elevated about two feet from existing grade line to match the existing floor line of the house. Total structure height is 11 feet where it meets with existing rear porch roof line. Code requires an accessory structure to be located at least 6 feet from the primary structure, which will now include the proposed sunroom. The sunroom will be 13 feet away from the detached garage. The lower wall proposed for the sunroom is stucco, painted to match with the color of the existing structure, with walls/windows using mostly glass all around and a glass roof.

The applicant lives in the lower unit while the second unit on the second floor is rented out. The lot is 100 feet wide facing Humboldt Avenue and 155 feet deep along W 24th Street with a total lot area of 15,500 square feet. The proposed addition of 64 square feet will not significantly impact the lot coverage which is currently at 27% and a total impervious coverage of 32 percent. Code allows up to 60% and 75%, respectively, in R1 District.

At the time of writing this staff report, no comments were received from the neighborhood association. Staff will forward comments, if any are received, at the City Planning Commission meeting.

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 a proposed expansion in use if the use meets the following standards as specified in section 531.50 of the Zoning Code:

1. A rezoning of the property would be inappropriate.

It would be inappropriate to rezone the property at 2400 Humboldt Avenue where the immediate surrounding areas are zoned R1 single-family. Allowing an attached sunroom located to the rear of a primary structure does not deviate from the intent and purpose of the zoning code in an R1 district. The addition will not increase the intensity of a non-conforming use at 2400 Humboldt Avenue.

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

The rear sunroom addition, as proposed, will be compatible with adjacent residential property and the neighborhood. Its floor area is insignificant as to impact existing floor area ratio, lot coverage, and impervious surface, which are way under the allowable maximum outlined in Chapter 546 of the zoning code. The proposed expansion will not increase the intensity of existing non-conforming use.

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 rear addition will become part of the applicant's home. It will not increase any adverse impact in terms of 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 proposed addition to the rear will not necessarily improve the appearance or stability of the neighborhood, but it is located at the rear and does not affect its curb appeal.

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 or rooming 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. The sunroom will be part of the dwelling unit where the applicant resides.

6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the floodway district.

The proposed sunroom is not in a floodway district, but the western half of the property is within the Shoreland Overlay District. Required findings under the SH Overlay District is not necessary for this application because the development is not on a steep slope and also not within 50 feet of the ordinary high water mark.

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 Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a nonconforming use to construct a 64 square foot rear sunroom located at 2400 Humboldt Avenue S.

Attachments:

- 1) Statement from the applicant
- 2) Zoning map
- 3) Floor plans
- 4) Photos