

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-4729

Date: March 29, 2010

Applicant: Paul & Sara Bowser, 4532 Garfield Avenue South, Minneapolis, MN 55419, (612) 730-5748

Address of Property: 4532 Garfield Avenue South

Project Name: Bowser Remodel

Contact Person and Phone: Paul & Sara Bowser, 4532 Garfield Avenue South, Minneapolis, MN 55419, (612) 730-5748

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

Date Application Deemed Complete: February 19, 2009

End of 60 Day Decision Period: April 19, 2009

End of 120-Day Decision Period: Not applicable for this application

Ward: 11 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: R1A (Single-family) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 30

Lot area: 5,112 square feet or approximately .12 acres

Legal Description: Not applicable for this application

Existing Use: Two-family dwelling

Concurrent Review:

- Expansion of a non-conforming use to allow an existing duplex in the R1A (Single-family) district to finish the basement for additional living space, as well as add a balcony, deck and expand an existing dormer.

Applicable Zoning Code Provisions: Chapter 531, Section 531.50(b).

Background: The owner is proposing to convert unfinished basement space within an existing duplex into habitable space, expand the existing dormer, as well as add a balcony and deck on the property. The current zoning of the property is R1A, which does not allow two-family dwellings. A two-family dwelling has existed on the property since at least 1962 and is legally nonconforming. City records indicate that the property was down-zoned to R1A as part of the R3 40-acre rezoning study in 1991.

The residence is an up/down duplex. Converting unfinished space of a nonconforming use to finished, habitable space, expanded the existing dormer and adding the balcony and deck is an expansion of a nonconforming use under Section 531.50(b) of the zoning code and therefore requires authorization from the City Planning Commission. The expanded dormer would allow for an additional bedroom in the upper unit. The applicant proposes to install a bathroom, bedroom and family room in the unfinished basement as well as a new internal staircase connecting the main level and basement. A balcony is proposed which would attach to the top and main level of the back of the house. A new fence and a rear deck would be constructed as well.

Staff has not received any official correspondence from the Kingfield Neighborhood Association or any neighborhood letters prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

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 in the R1A (Single-family) district. Nearly all surrounding properties within the vicinity are also zoned R1A. The R1A district does not allow two-family dwellings; however, many of the properties on the south half of this block are duplexes. As previously mentioned, the subject property (and the south half of the block) were down-zoned as part of the R3 40 acre rezoning study in 1991, which resulted in many non-conforming uses across the City and within this vicinity. The applicant could propose to rezone to the R2B district which is the first district that would allow a two-family dwelling; however, Staff would lack the policy basis for support of a rezoning in this location.

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

The expansion is compatible with adjacent properties and the neighborhood. The applicant is not proposing to increase the number of dwelling units. Further, the majority of the expansion

would be internal to the structure other than the dormer expansion and the exterior balcony/deck improvements.

- (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 expansion of the non-conforming use would not result in significant increases of adverse off-site impacts. There would be no increase in residential units and there is currently adequate off-street parking provided for the property. No additional traffic, noise, dust, odors or parking congestion would be expected with the proposed modifications.

- (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 changes to the use would be primarily internal to the structure. Allowing the existing building bulk to be converted to habitable space would likely increase the value of the property and contribute to the stability of the neighborhood. The minor modifications exterior to the structure including the dormer expansion and deck/balcony additions should not have any adverse impacts and would also be expected to improve the appearance of the existing structure.

- (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 property is not located in the Floodway District.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of 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 legal nonconforming use to allow the conversion of unfinished basement space to habitable space, as well as add a balcony, deck and expand an existing dormer for an existing duplex located at 4532 Garfield Avenue South.

Department of Community Planning and Economic Development - Planning Division
BZZ-4729

Attachments:

- 1) Statement of use/description of project
- 2) Findings
- 3) Correspondence
- 4) Zoning map
- 5) Plans
- 6) Photos