

**Department of Community Planning and Economic Development - Planning Division**  
Expansion of a Legal Nonconforming Use and Variance  
BZZ - 2952

**Date:** May 22, 2006

**Applicant:** Warren Czaia

**Address of Property:** 1549 East River Terrace

**Contact Person and Phone:** Warren Czaia, 612-333-1990

**Planning Staff and Phone:** Michael Wee, 612-673-5468

**Date Application Deemed Complete:** April 11, 2006

**End of 60 Day Decision Period:** June 10, 2006

**End of 120 Day Decision Period:** N/A

**Ward: 2**      **Neighborhood Organization:** Prospect Park – East River Road

**Existing Zoning:** R1 Single Family Residential

**Zoning Plate Number:** 22

**Proposed Use:** Detached garage

**Concurrent Reviews:** Expansion of non-conforming use to allow construction of a 3-car detached garage for a duplex in R1 district. Variance for a detached 3-car garage from the required 6 feet to 1.5 feet from the north lot line.

**Appropriate Section(s) of the Zoning Code:** Section 531.50 Expansion /Alteration of Non-conforming uses; Section 546.220 Yard requirements in R1 District.

**Background:**

Warren Czaia, who owns two rental units at 1549 East River Terrace, plans on taking an existing 2-car detached garage down and construct a new 3-car detached garage at the same address. The property is located in an R1 Single-Family District. Section 531.50 of the code provides that any expansion of a legal non-conforming use shall require an approval from the City Planning Commission. Section 537.60 also restricts maximum floor area for all detached accessory structures to 676 square feet or 10% of the lot area, whichever is greater, but not to exceed 1000 square feet. The applicant's lot area is 8,050 square feet. The proposed detached garage is 792 square feet, just under the 10% requirement. The garage is 36 feet long to be built 10 feet from the rear lot line, which brings the structure beyond the 40 feet provision of Section 535.280(d). Therefore, the application will also require a side yard setback variance from 6 feet to 1.5 feet from the north lot line. Proposed exterior materials will closely match

the primary structure in color and texture using stucco boards. The proposed garage must also be reviewed by the Zoning staff to ensure compliance with section 537.60(b)(1) of the zoning code.

The application was continued from the May 8, 2006, meeting to allow additional time for the neighborhood group and the applicant to discuss the project. No comments were received from the neighborhood group at this time.

**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 duplex property is located in a predominantly R1 Single Family District. Rezoning it to R2 Two-Family District is not appropriate when the surrounding areas are all zoned single family.
- (2) The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.**  
The proposed detached garage at 792 square feet in area is approximately similar in size as the adjacent property to the north. Exterior finish will match in color and texture of the primary structure. It is deemed to be compatible with adjacent property and the neighborhood.
- (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.**  
There will be no increase in the number of residential units. Off-street parking is adequate for its current use. No additional traffic, noise, dust, odors, and parking congestion are expected to result of this expansion.
- (4) The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**  
Replacing the existing garage that is in poor condition will definitely improve the appearance and 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 dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**  
No additional units are proposed.

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

The property is not in a floodplain.

**(7) The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

Policy 4.14 of *The Minneapolis Plan* states that, “Minneapolis will maintain the quality and unique character of the City’s housing stock, thus maintaining the character of the majority of residential blocks in the City.” Improvements to this property are in conformance with this policy of the comprehensive plan.

**VARIANCE**

**Findings as required by the Minneapolis Zoning Code:**

**1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Strict adherence to code requirements is possible because the property is 50 feet wide, enough to accommodate a 36 foot wide detached garage if positioned crosswise. However, the applicant wants to position it lengthwise in order to gain more green area in between the house and the garage. As proposed, the garage has to be pushed back 1.5 feet closer from the side lot line to allow for a 24-foot wide maneuver space. Recognizing the applicant’s concerns, the garage can still be built to face the back of the house and mitigate the view of concrete mass by installing “grasscrete” or permeable pavers, then adding ornamental shrubs to mitigate the view of expanse of garage doors.

**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 property is a lot of record and not unique to warrant a variance. The applicant’s desire to position the new garage facing east does not constitute an undue hardship when there is sufficient space for the proposed project to be code compliant.

**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 adjacent property to the north already has a detached 3-car garage. Proposal to construct a 3-car garage will be compatible with the surroundings, but granting a variance to allow project as proposed will definitely be a complete departure from standard layout for accessory structures in the neighborhood.

**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.**

Congestion of the public street is not likely to happen as a result of this variance.

**Recommendation of the Community Planning and Economic Development Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to expand a legal non-conforming two-unit dwelling unit in R1 district to allow the construction of a 3-car detached garage at 1549 East River Terrace.

**Recommendation of the Community Planning and Economic Development Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a north side yard variance for a detached garage at 1549 East River Terrace from the required 6 feet to 1.5 feet.

**Attachments:**

1. Statement of use
2. Findings
3. Zoning Map
4. Plans and Elevations
5. Photos