

Community Planning and Economic Development - Planning Division Report
Nonconforming Use Certificate and Change of Nonconforming Use
BZZ-4666

Date: January 14, 2010

Applicant: Source MN, PO Box 8212, Minneapolis, MN 55408, (612) 822 5200

Address of Property: 2601 2nd Avenue South

Contact Person and Phone: Tom Peterson, Station 19 Architects, 2001 University Avenue Southeast, Minneapolis, MN 55414, (612) 623-1800

Planning Staff and Phone: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: December 21, 2009

End of 60-Day Decision Period: February 19, 2010

End of 120-Day Decision Period: On January 6, 2010, staff sent a letter to the applicant extending the decision period to no later than April 20, 2010.”

Ward: 6 Neighborhood Organization: Whittier Neighborhood Association

Existing Zoning: OR2 High Density Office Residence district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 25

Proposed Use: Establish nonconforming rights to an existing Educational Arts Center use operating out of an existing building on a substandard lot.

Applicable Zoning Code Provision: Chapter 531 Nonconforming Uses and Structures; Section 531.30 and 531.80.

Continuance: The subject property was originally constructed in 1906 and has hosted a variety of uses since it was built, most recently the Childrens Theatre. The applicants received a violation notice from the City regarding the existing use of the property, and subsequent questions arose as to whether the uses were lawfully established at the site. The use of the property has been determined to be an Educational Arts Center, which is a permitted use in the OR2 zoning district subject to a 20,000 square foot minimum lot area requirement. The subject property is 7500 square feet in area, and is therefore nonconforming to the standard. The applicant is requesting approval of a nonconforming use certificate to lawfully establish the existing Educational Arts Center in the OR2 Office Residence zoning district for property located at 2601 2nd Avenue South.

The applicant and the neighborhood group are requesting a continuance of this application. As the Whittier Alliance board meeting falls on the same day as the next Board of Adjustment public hearing on January 28, the request for a continuance is for two cycles to allow adequate time for the neighborhood group to take action on the application.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Nonconforming Use Certificate:

The Community Planning and Economic Development Department – Planning Division recommends that the Board of Adjustment adopt the above findings and **continue** the application for the nonconforming use certificate to lawfully establish the existing Educational Arts Center in the OR2 Office Residence zoning district for property located at 2601 2nd Avenue South to the February 11, 2010 Board of Adjustment hearing.

Attachments:

1. E-mail from the applicant requesting a continuance to the next Board of Adjustment public hearing.
2. Zoning Map
3. 60-120 day extension letter