

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

**Date:** May 8, 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:** Not applicable for this application.

**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. Per Section 531.50 of the code, any expansion of a legal non-conforming use shall require an approval from the City Planning Commission. Maximum floor area of all detached accessory structures shall not exceed 676 square feet or 10% of the lot area, whichever is greater, not to exceed 1000 square feet (Section 537.60). The applicant's lot area is 8,050 square feet. The proposed detached garage is 792 sf., just under the 10% requirement. This will be located 10 feet from the rear lot line built lengthwise facing east to the drive to avoid excavation on the rear portion of the lot. The proposed garage must also be reviewed by the Zoning staff to ensure compliance with Section 537.60(b)(1) of the zoning code. Proposed exterior materials will closely match the primary

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structure in color and texture using stucco boards. Because the new garage is located 46' from the rear lot line, it does not meet the provisions of Section 535.280 (d), therefore, it requires a side yard setback variance from 6 feet to 1.5 feet from the north lot line.

Staff at the Prospect Park-East River Road Improvement Association (PPERRIA) have indicated that they did not receive the early notification from the applicant, which is required as part of a complete land use application. Further, the letter that the applicant suggests was sent to PPERRIA did not include the necessary contact information. For these reasons, staff is recommending that the Commission continue the application to allow for communication between the applicant and the neighborhood association.

## **RECOMMENDATIONS**

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

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission **continue** 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 **continue** the application for a 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