

**Department of Community Planning and Economic Development – Planning Division**  
Expansion of a Nonconforming Use  
BZZ – 3192

**Date:** September 18, 2006

**Applicant:** Andrew Cox

**Address of Property:** 2832 Harriet Ave S

**Project Name:** 2832 Harriet

**Contact Person and Phone:** Andrew Cox, 612-280-7231

**Planning Staff and Phone:** Tara Beard, 612-673-2351

**Date Application Deemed Complete:** August 18, 2006

**End of 60-Day Decision Period:** October 17, 2006

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** I1 Light Industrial District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 24

**Lot Area:** 2,963 square feet

**Legal Description:** Not applicable for this application

**Proposed Use:** 396 square foot detached garage accessory to an existing non-conforming single family dwelling in an I1 District.

**Concurrent Review:**

- Expansion of a non-conforming use to permit a detached 396 square foot garage accessory to a single family dwelling in the I1 (Light Industrial) district.

**Applicable zoning code provisions:** Chapter 531: Nonconforming uses and structures

**Background:** The applicant's single family dwelling is nonconforming in the existing I1 District. There is no existing garage, and all parking has been on-street or on a gravel pad in the rear yard. The applicant would like to construct enclosed parking off the existing alley. The proposed garage is 396 square feet and 12 feet in height; less than or equal to the respective

maximums of 676 square feet and 12 feet. Construction of a garage constitutes an expansion of the nonconforming use under section 531.50 of the zoning code.

The adjacent property to the north is an industrial building and to the south is another nonconforming single family home, and the majority of the block consists of other residential uses that enjoy garages off the alley.

At this time staff has not received written correspondence from Whittier Alliance.

### **EXPANSION OF A LEGAL NONCONFORMING USE -**

#### **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 surrounded to the north, south and east by I1 zoning. There is R2B zoning across the alley from the property and for the north half of the block. The property to the north is an industrial building and another industrial building is located further north in the R2B portion of the block. Rezoning this property to a residential zoning district would not be appropriate given its immediate surroundings.

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

The proposed garage would be located off an alley that supports many other garages for nearby residential structures. There is no indication that the proposed garage would have a negative impact on the surrounding industrial uses.

**(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 alley is already used for access to parking and garages for the entire block. The applicant is already parking in his rear yard off the alley – allowing a garage to enclose his vehicle should not change off-site impacts. There is a curb cut on Harriet in front of the property – but only half of the curb cut leads to the applicant’s property and the yard is covered in sod. Staff is recommending that as a condition of approval no parking be permitted in the front of the property to ensure that the existing curb cut continues to remain unused.

Relative to the industrial use to the north and the single family home to the south, a residential garage will not have a significant impact on the surrounding uses.

- (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 applicant proposes the new garage exterior be composed of lap siding painted to match the principal structure. Planning staff believes the selected material will be consistent with the principal structure. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material, or four inches of class five crushed limestone, as required by section 541.300 of the zoning code.

- (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 site is not located in a Floodway District.

### **RECOMMENDATIONS**

#### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Expansion of a Nonconforming Use:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a nonconforming use to allow a new detached garage accessory to an existing single-family building in the I1 District at 2832 Harriet Ave S, subject to the following conditions:

1. All areas not covered by the driveway or walkways will be turf or landscaping. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material, or four inches of class five crushed limestone, as required by section 541.300 of the zoning code.
2. Parking will not be permitted in the front yard of the property.

#### **Attachments:**

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans

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6. Photos