

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-3932

Date: February 25, 2008

Applicant: Jeffrey Gatesmith

Address Of Property: 4601 Colfax Avenue South

Project Name: Mud Room addition

Contact Person And Phone: Jeffrey Gatesmith, 612-590-4725

Planning Staff And Phone: Brad Ellis, 612-673-3239

Date Application Deemed Complete: January 31, 2008

End of the 60 Day Review Period: April 1, 2008

Ward: 13 **Neighborhood Organizations:** Lynnhurst

Existing Zoning: R1A Single-Family District

Proposed Use: 352 square foot addition for mudroom to existing duplex

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures

Background: Jeffrey Gatesmith has proposed a 352 square foot addition to a legal nonconforming two-family dwelling in the R1A Single Family District. Per City records, the house was built in 1923 as a duplex, and it has maintained those duplex rights since the property became zoned R1A Single Family District in 1963. The addition is 32 feet by 11 feet along the north corner side of the structure on 46th Street West. It will extend 11 feet outward from the existing wall toward 46th Street West. The addition meets general zoning standards, lot coverage, and required yards.

At the time of writing this staff report, two comments have been received from neighbors. Staff will provide additional comments, if any, at the City Planning Commission meeting.

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.

It would be inappropriate to rezone the property at 4601 Colfax Avenue South. Colfax Avenue South itself is zoned single family (either R1 or R1A) from 38th Street West to almost 50th Street West. While the property is adjacent to a neighborhood commercial node, there may not be a strong policy basis for rezoning to a higher density district along Colfax Avenue.

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

As proposed, the mudroom addition will be compatible with the existing structure, the adjacent residential property, and the neighborhood. After the addition, the structure would still meet all floor area ratios, lot coverage, impervious surface requirements, and setbacks. The proposed mud room will not increase the intensity of existing non-conforming use.

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 proposed rear addition will become part of the applicant's dwelling. It will not result in increases in traffic, noise, dust, odors, or parking congestion.

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 proposed addition matches the appearance of the existing dwelling, which is a typical dwelling in the neighborhood in terms of size and appearance. The addition will not change the use, and the owner is making an investment in the property.

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 or rooming units on the subject property than is allowed by the regulations of the district in which the property is located.

The expansion of the nonconforming use will not result in the creation or presence of more dwelling units on the subject property. The structure was originally built as a two-family unit, and has continued to function as one since it was constructed. The mud room will be part of the dwelling unit in which the applicant resides.

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.

**Recommendation of the Community Planning and Economic Development Department –
Planning Division for the expansion of a legal nonconforming use:**

The 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 nonconforming use to construct a 352 square foot addition to the side of an existing duplex located at 4601 Colfax Avenue South.

Attachments:

- 1) Statement of use from the applicant
- 2) Statement of findings from the applicant
- 3) Correspondence
- 4) Zoning map
- 5) Plans – building elevations, existing and proposed site plans, and floor plans
- 6) Photos