

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-3632

Date: July 16, 2007

Applicant: Arden Wes Hallberg

Address Of Property: 3833 10th Avenue S.

Project Name: Detached Garage

Contact Person And Phone: Daniel Tousignant, 612-788-2706

Planning Staff And Phone: Michael Wee, 612-673-5468

Date Application Deemed Complete: June 15, 2007

End of the 60 Day Review Period: August 14, 2007

Ward: 8 **Neighborhood Organizations:** Bancroft

Existing Zoning: R1A Single-Family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 32

Legal Description: Not applicable for this application.

Proposed Use: Expand an existing non-conforming two-family dwelling in the R1 District by adding a 576 square foot detached garage.

Concurrent Review: No other applications are required beyond the expansion of a legal non-conforming use.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures; Section 531.50 Expansion or alteration of nonconforming uses and structures.

Background:

The applicant owns a non-conforming duplex located in an R1A district at 3833 10th Avenue S. This dwelling was converted into a duplex in October, 1953. The existing detached garage was demolished about two years ago when the house was under renovation. On behalf of the property owner, Daniel Tousignant of DTM Remodeling submitted an application to build a 24' x 24' detached garage. Section 535.80(d) of the zoning code allows an interior side yard set back of one foot for detached

accessory structure provided the building is located in the rear 40 feet or rear 20% of the lot, whichever is greater. The entire accessory structure will be located in the rear 40 feet of the lot, with an interior side yard setback of 1.5 feet and a rear set back of 6 feet.

The applicant also proposes to pave the remaining area between the detached garage and the south property line, 17 feet wide and extending 30 feet from the alley, thus allowing another 510 square feet of parking space. Section 541.260(1)(c) of the zoning code permits uncovered driveways in required rear yards, provided the driveway leads to a properly located parking area. The applicant plans on using this area to park one additional vehicle.

The property will meet the maximum lot coverage of 60% and 75% maximum impervious surface of Chapter 546 requirement. This application has 26% lot coverage and 50% impervious surface, including the uncovered parking area. FAR exceeded the 0.50 maximum at 0.52, but the dwelling was built before 1953.

At the time of writing this staff report, no comments were received from the neighborhood association. Staff will forward comments, if any are received, 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 a proposed expansion in use if the use meets the following standards as specified in section 531.50 of the Zoning Code:

1. A rezoning of the property would be inappropriate.

The property is located in a predominantly single-family district, but had been converted into a two-family dwelling in 1953. Rezoning the property to suit its current use would not be appropriate when all its surroundings land uses are R1A. Further, an accessory structure meets the requirements of Section 537.60 of the zoning code (i.e., maximum floor area of 676 square feet or 10% of the lot area, whichever is greater).

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

The proposed expansion is to build a detached garage located at the rear 40 feet of the lot, which is consistent with adjacent properties in the neighborhood. The concrete pavement for additional parking may not be compatible with adjacent neighborhood, but it can be reduced in total impervious area and still meet the applicant's parking requirement. A 12-foot wide pavement, rather than the 17-foot being proposed, should be sufficient for one vehicle parked perpendicularly. Landscaping is also recommended in the space between the paved area and the property line.

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.

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The proposed expansion will have no significant impact on traffic, noise, dust, odors and parking congestion in the surrounding area. The applicant shall consult with the city engineer for drainage emanating from the paved parking area. Storm water runoff shall not drain to adjacent property.

- 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 will allow the property owner to provide a safe storage of vehicles. Thus, it will reduce on-street parking in 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 or rooming units on the subject property than is allowed by the regulations of the district in which the property is located.**
No additional dwelling or rooming units are proposed. The existing dwelling will continue to be a legal non-conforming two-family unit, one being occupied by the applicant.

- 6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the floodway district.**
The subject property is not in a flood plain area.

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 24' x 24' detached garage and a concrete pavement between the garage and south property line at 3833 10th Avenue South subject to the following conditions:

1. CPED Planning staff review and approval of the final site plan before permits are issued.
2. Maintain a 5-foot landscaped space between the open parking and south property line.

Attachments:

- 1) Statement from the applicant
- 2) Zoning map
- 3) Floor plans
- 4) Photos