

Community Planning and Economic Development Planning Division Report
Expansion of a Legal Nonconforming Use
BZZ - 1927

Date: September 13, 2004

Date Application Deemed Complete: August 19, 2004

End of 60 Day Decision Period: October 18, 2004

End of 120 Day Decision Period: December 17, 2004

Applicant Waive 60 Day Requirement: No

Applicant: Sussell Corporation, dbf, Brent Stregge

Address of Property: 8 Penn Avenue South

Contact Person and Phone: Mike Russell from Sussell, 651-645-0331

Planning Staff and Phone: Lonnie Nichols, 612-673-5468

Ward: 7 **Neighborhood Organization:** Bryn Mawr

Existing Zoning: R1A (Single Family Residence)

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 17

Legal Description: Lots 3 and 4 Hawthorne Avenue Addition to Minneapolis

Proposed Use: Three-car, 792-square-foot detached garage accessory to an existing three-unit building in an R1A District

Concurrent Review: Expansion of a Legal Nonconforming Use: Expansion of a nonconforming use to allow a new detached garage accessory to a three-family building in an R1A District.

Appropriate Section(s) of the Zoning Code: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement, Chapter 531 Nonconforming Uses and Structures-note 531.50 expansion or alteration of nonconforming uses and structures, Chapter 535 Regulations of General Applicability, Chapter 537 Accessory Uses and Structures-note 537.60 (b)(2) maximum floor area for accessory uses and structures located in the residence and OR1 districts for all other uses, Chapter 541 Off Street Parking and Loading-note 541.300 Surfacing, and Chapter 546 Residential Districts.

Background: The existing triplex on the site was constructed in 1949. The applicants have owned the property for approximately ten years. During this decade, the applicants indicate they have renovated the dwelling units, rented to responsible tenants, complied with City regulations, and cooperated on neighborhood projects. The applicants have further indicated the addition of the garage (providing one enclosed parking stall per dwelling unit) will add value to the property and they feel, in turn, will increase the value of neighboring properties.

The applicant's three-unit residential building is nonconforming in the existing R1A District. Construction of a garage constitutes an expansion of the nonconforming use under section 531.50 of the zoning code. A three-car garage with 792 square feet of area is proposed and would be built on top of a concrete slab. An asphalt parking pad currently exists in the said area.

The 792 sf garage is allowed as per zoning code section 537.60 Maximum floor area: (b) Accessory uses and structures located in the residence and OR1 Districts, (2) All other uses. The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, except for a parking garage within the building, entirely below grade or of at least two (2) levels, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater. Calculation: Lot Area x 10% = 10,400 x .10 = 1040 sf.

Findings as Required by the Minneapolis Zoning Code for an Expansion of a nonconforming use to allow a new detached garage of 792 sf accessory to a three-family building in an R1A District:

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 located in an area where all residential properties are zoned R1A. While the site is located on a Community Corridor, rezoning the property to a higher zoning classification at this point is not compelling.

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

The placement of the garage, 12 feet from the public alley, would be compatible with the placement of detached garages in the vicinity.

(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 garage would accommodate three vehicles. The garage would allow for convenient enclosed parking while the existing parking pad is in a state of disrepair and gives the appearance of a parking strip along the alley.

- (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 garage, as noted, would replace a section of asphalt that is not of high quality or aesthetic value. The applicant proposes to use hardiplank stucco siding of compatible color to the principal structure, which has a stucco exterior. Because the applicant is not proposing to increase the maximum permitted area or height of the proposed garage, staff is not recommending that the Commission require that the stucco of the garage match the principal structure, provided it is compatible. To ensure compatibility with the property and surrounding area, the applicant must remove the existing driveway materials located to the area west and south of the proposed garage and ensure that all areas not covered by the driveway or walkways include turf or landscaping. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material 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.

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 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 of 792 sf accessory to a three-family building in an R1A District at 8 Penn Avenue South, subject to the following condition:

1. All driveway surfacing materials (e.g., class five gravel, asphalt, etc.) shall be removed from areas west and south of the proposed garage.

Attachments:

1. Staff report
2. Statements submitted by the applicant
3. Zoning map

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4. Site plan
5. Floor plan and elevations
6. Photos