

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-5054

Date: January 10, 2011

Applicant: William Zeimetz, 1606 East 58th Street, Minneapolis, MN 55417, (612) 823-7316

Address of Property: 1604 and 1606 East 58th Street

Project Name: 1604 and 1606 East 58th Street

Contact Person and Phone: Kathy and Tom Delacy, 4458 Denbigh Road, Mound, MN 55364, (612) 247-9506

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: December 7, 2010

End of 60 Day Decision Period: February 4, 2011

End of 120-Day Decision Period: Not applicable for this application

Ward: 11 **Neighborhood Organization:** Hale, Page, Diamond Lake Community Association

Existing Zoning: R1 (Single-family) District, SH (Shoreland Overlay) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 38

Lot area: 6,480 square feet or approximately .15 acres

Legal Description: Not applicable for this application

Existing Use: Two-family dwelling

Concurrent Review:

- Kathy and Tom Delacy, on behalf of William Zeimetz, have applied for an expansion of a non-conforming use to allow an existing duplex in the R1(Single-family) district to add one additional basement bedroom to each dwelling unit on the properties located at 1604 and 1606 East 58th Street.

Applicable Zoning Code Provisions: Chapter 531, Section 531.50(b).

Background: The owner is proposing to legalize two existing basement bedrooms in an existing single-story, side-by-side duplex on the property located at 1604 and 1606 East 58th Street. The current zoning of the property is R1, which does not allow two-family dwellings. A two-family dwelling has existed on the property since 1962 and is legally nonconforming.

The residence is a single-story, side-by-side duplex with two bedrooms located in each unit. The egress windows in each of the units were installed without a permit; the applicant is proposing to legalize the existing condition. The applicant is aware that additional modifications may be necessary to each of the basement bedroom units per the building code should the expansion of a non-conforming use be approved. Allowing an additional basement bedroom in each of the non-conforming dwelling units and converting them into legal, habitable space, is an expansion of a nonconforming use under Section 531.50(b) of the zoning code and therefore requires authorization from the City Planning Commission. There will be no change in the exterior appearance of the duplex.

Staff has not received any official correspondence from the Hale, Page, Diamond Lake Community Association or any neighborhood letters prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

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 located in the R1 (Single-family) district along East 58th Street which is the southernmost boundary of the city in this location. Nearly all surrounding properties within the vicinity are also zoned R1. There is one R2B zoned property at the corner of Bloomington Avenue and East 58th Street. The R1 district does not allow two-family dwellings; however, many of the properties along East 58th Street between 16th Avenue South and 18th Avenue South are duplexes. The applicant could propose to rezone to the R2B district which is the first district that would allow a two-family dwelling; however, Staff would lack the policy basis for support of a rezoning in this location.

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

The expansion is compatible with adjacent properties and the neighborhood. The applicant is not proposing to increase the number of dwelling units. Further, the expansion would be internal to the structure as the egress windows already exist.

(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 expansion of the non-conforming use would not result in significant increases of adverse off-site impacts. There would be no increase in residential units and there is currently adequate off-street parking provided on the property. No additional traffic, noise, dust, odors or parking congestion would be expected with the proposed modifications.

(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 changes to the use would be internal to the structure. Allowing the applicant to legalize one existing basement bedroom in each unit would likely increase the value of the property and contribute to the stability of the neighborhood. No adverse impacts are anticipated as a result of the proposal.

- (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 property is not located in the Floodway District.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of 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 legal nonconforming use to allow one additional basement bedroom in each of the dwelling units on the property located at 1604 and 1606 East 58th Street.

Attachments:

- 1) Statement of use/description of project
- 2) Correspondence
- 3) Zoning map
- 4) Plans
- 5) Photos