

Department of Community Planning and Economic Development – Planning Division
Expansion of Nonconforming Use
BZZ-3448

Date: April 9, 2007

Applicant: Kent Christenson and Ann Sargent

Addresses of Property: 432 Ridgewood Avenue

Project Name: Not applicable.

Contact Person and Phone: Kent Christenson, (612) 870-9995

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: March 9, 2007

End of 60-Day Decision Period: May 8, 2007

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

Ward: 6 **Neighborhood Organization:** Stevens Square Community Organization, adjacent to
Citizens for a Loring Park Community

Existing Zoning: OR2 High Density Office Residence District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: New 22' by 26' feet detached garage.

Concurrent Review:

Expansion of a nonconforming use: to allow for the construction of a detached accessory structure to an existing two-family dwelling with an additional four rooming units in the OR2 High Density Office Residence District.

Applicable zoning code provisions: Chapter 535, Regulations of General Applicability and Chapter 531, Nonconforming Uses and Structures

Background: The subject property contains an existing nonconforming use. The structure was originally constructed as a single family dwelling. In 1972, the structure was converted to dwelling units

and rooming units. The Zoning Ordinance was amended in 1999 and omitted rooming units and rooming houses as permitted or conditional uses in all of the zoning districts. Therefore, the existence and continuous use of the dwelling units and rooming units deem the use to be nonconforming. Structures containing one (1) or more legal nonconforming uses shall not be moved to a new location on the zoning lot, expanded, enlarged in any way, nor shall such use be intensified, except by granting of an application for expansion of nonconforming use.

The applicant is proposing to construct a new 22 ft. by 26 ft. detached garage accessory to the existing two-family dwelling with four rooming units located at 432 Ridgewood Avenue.

EXPANSION OF A LEGAL NONCONFORMING USE - to allow for the construction of a detached accessory structure to an existing two-family dwelling with an additional four rooming units in the OR2 High Density Office Residence District.

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 existing structure contains a two dwelling units and four rooming units. The structure was originally constructed as a single family dwelling in 1889 and was converted to dwelling units and rooming units in 1972. The Zoning Ordinance prohibits the use of rooming units and/or rooming houses in all of the zoning districts. Rezoning to a higher zoning classification would not allow the use to be conforming in any other zoning classification and would therefore be inappropriate. The subject property and surrounding area is zoned OR1 Neighborhood Office Residence District, OR2 High Density Office Residence District and OR3 Institutional Office Residence District.

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

The current owners have a driveway and curb cut off of Ridgewood Avenue that previously led to a detached garage that was destroyed in December of 2006. The applicant is proposing to construct a new 22 ft. by 26 ft. detached garage to the rear of the existing single family home in approximately the same location as the previous detached garage. The height of the proposed detached accessory structure will be approximately 15 feet 8 inches at the midpoint of the hip roof. The applicant is required to have approval of an administrative review application to increase the maximum height of a detached accessory structure from 12 feet to 15 feet 8 inches on the contingency that the roof pitch and exterior materials compliment that of the principal structure before the issuance of a building permit. There are a variety of land uses in neighborhood including single family homes, two-family homes and multi-family homes. In

addition, the proposed detached accessory structure is consistent with the size and placement of other 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.**

The proposed garage would accommodate two vehicles inside the garage and potentially two more vehicles parked outside of the detached garage. The applicants have also applied for an administrative review to increase the maximum height of the proposed garage in order to accommodate additional space on the second floor of the garage. The applicant has stated that the additional space is to allow for an office/studio space. Per 535.450 (5), home occupations shall be conducted only within an enclosed area of the dwelling and are prohibited in the proposed garage.

- 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 is proposing to use a stucco board exterior on the detached garage to complement the stucco on the existing single family home. Planning staff believes the selected material for both structures will be relatively consistent with each other. To ensure compatibility with the property and surrounding area, 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. The existing structure currently contains two dwelling units and four rooming units. There is not a proposal to change the existing configuration or number of dwelling units in the principal structure. In addition, the proposed detached garage will not result in the creation of any additional dwelling units, as it is prohibited in the Zoning Code under section 535.190.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a nonconforming use to allow for the construction of a detached accessory structure to an existing two-family dwelling with an additional four rooming units in the OR2 High Density Office Residence District subject to the following condition:

1. The maximum height of the detached accessory structure shall not exceed twelve (12) feet unless authorized through a variance or increased to no more than sixteen (16) feet as authorized through approval of an administrative review per 537.50.

Attachments:

1. Statement of use
2. Expansion of nonconforming use findings.
3. February 23, 2007, e-mail to Council Member Lilligren and Stevens Square Community Organization
5. Zoning map
6. Site plan, floor plans and elevations
7. Photos of the site and surrounding area