

Department of Community Planning and Economic Development – Planning Division
Expansion of a Legal Nonconforming Use
BZZ-1833

Date: August 9, 2004

Applicant: Maryann Campo

Address of Property: 512 53rd Street West

Contact Person and Phone: Maryann Campo

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 23, 2004

End of 60 Day Decision Period: August 22, 2004

Ward: 11 **Neighborhood Organization:** Tangletown

Existing Zoning: R1A Single-family Residential

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 36

Legal Description: Not applicable for this application.

Existing Use: An existing legally nonconforming duplex.

Concurrent Review: Expansion of a Legal Nonconforming Use to allow the enclosure of a second-story porch of an existing legally nonconforming duplex.

Appropriate Section(s) of the Zoning Code: Section 531.50 Expansion or alteration of nonconforming uses and structures.

Background: An expansion of a nonconforming use permit was approved on October 20, 2003 (BZZ-1409) to allow the applicant to repair and change the roof of an existing legally nonconforming duplex. The applicant now proposes to enclose a second-story porch. The site is zoned R1A, which allows single-family homes. The duplex is legally nonconforming. An addition or an expansion to a nonconforming use requires the approval by the City Planning Commission, however, the addition otherwise conforms to all of the applicable standards of the zoning code.

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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 zoned R1A Single-family Residential. There are residential uses and zoning surrounding the property. A duplex would require R2 zoning. It would be inappropriate to rezone this property to R2 when the majority of the adjacent property is zoned R1A.

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

The applicant proposes to enclose a second story porch. The addition meets all of the applicable requirements of the zoning code, but requires Planning Commission approval because it is a nonconforming use. It is not out of character with the area.

(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.

No new units are being added. Therefore, no additional noise, dust, odor, traffic, or parking congestion should be added.

(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 addition to the house will use materials that are compatible with the existing structure.

(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.

The expansion will not add an additional unit. The applicant is aware that adding additional units to the duplex would require a rezoning.

- (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.

- (7) The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

Policy 4.14 of *The Minneapolis Plan* states that, “Minneapolis will maintain the quality and unique character of the City’s housing stock, thus maintaining the character of the majority of residential blocks in the City.” The improvements to this property are in conformance with this policy of the comprehensive plan.

RECOMMENDATION

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to expand a legal nonconforming use for property located at 512 53rd Street West subject to the following conditions:

- 1) No additional units are allowed by code.
- 2) The materials of the addition shall be compatible with the rest of the house.

Attachments:

1. Letter from the applicant
2. Letter from the neighborhood group.
3. Zoning map.
4. Elevations.
5. Photos.