

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-5429

Date: December 12, 2011

Applicant: Capital Investment Group, LLC, Attn: Cecil Lefevre, 7845 Brooklyn Boulevard #102, Brooklyn Park, MN 55445

Address of Property: 2211 Queen Avenue North

Project Name: 2211 Queen Avenue North

Contact Person and Phone: Capital Investment Group, LLC, Attn: Cecil Lefevre, 7845 Brooklyn Boulevard #102, Brooklyn Park, MN 55445, (763) 639-7544

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

Date Application Deemed Complete: November 16, 2011

End of 60 Day Decision Period: January 15, 2012

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

Ward: 5 **Neighborhood Organization:** Northside Residents Redevelopment Council (NRRC)

Existing Zoning: R1A (Single-family) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 7

Lot area: 5,577 square feet or approximately .12 acres

Legal Description: Not applicable for this application

Existing Use: Two-family dwelling.

Concurrent Review:

- Cecil Lefevre, on behalf of Capital Investment Group, LLC, has applied for an expansion of a non-conforming use to allow an existing duplex in the R1A (Single-family) district to expand the second story of the existing structure to accommodate a larger living space including the expansion of a current nonconforming bedroom to a conforming bedroom on the property located at 2211 Queen Avenue North.

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

Background: The owner is proposing to expand the second story of the existing duplex by converting an existing porch to habitable space on the property located at 2211 Queen Avenue North. The current zoning of the property is R1A, Single-family District, which does not allow two-family dwellings.

The residence is a top/down duplex with three legal bedrooms located in the first floor unit and two located in the second floor unit. The structure was constructed in 1911 as a single-family dwelling and was legally converted to a duplex in 1966. The duplex was damaged in the May 22, 2011, tornado and as a result the entire front porch of the building must be removed and rebuilt in addition to several other structural repairs. As the entire front porch is required to undergo renovation due to the storm damage, the applicant proposes to rebuild the front porch and add 217 square feet of living space to the upper level above the reconstructed porch. The additional space will allow for a third conforming bedroom in the second floor unit. In addition to the porch and second story alterations, the applicant proposes to repair the exterior of the structure. The exterior of the building is currently clad in vinyl siding. The applicant has stated that with the proposed modifications to the structure, the building will need to be re-clad with a new exterior covering. Planning Staff will recommend that the Planning Commission require that the exterior of the structure be clad with a material other than vinyl siding as a tradeoff for allowing the expansion.

The applicant is aware that consultation with Plan Review is necessary, and that all required permits shall be attained in order to legalize the proposed expansion/modifications should the expansion of a non-conforming use be approved. Reconstructing the porch, expanding it and converting it 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 a change in the exterior appearance of the duplex which will improve the overall aesthetics of the dwelling.

Staff has not received any official correspondence from the Northside Residents Redevelopment Council (NRRC) 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 R1A (Single-family) district and all surrounding properties within the immediate vicinity are also zoned R1A. The R1A district does not allow two-family dwellings. 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. The proposed expansion would be both internal and external to the structure as the second story porch would be an enclosed portion of the second floor unit, improving the aesthetics of the dwelling. The plans submitted with the application materials indicate that the expansion will meet all required setbacks.

- (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 both internal and external to the structure. Allowing the applicant to reconstruct the existing porch while allowing for the conversion of the second story component to habitable space would likely improve the stability of the neighborhood as the appearance would be improved. 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 for the reconstruction of the existing porch and the expansion of the second floor unit for the duplex located on the property at 2211 Queen Avenue North subject to the following conditions:

1. All necessary building permits shall be attained.
2. There shall be no additional dwelling units permitted on the premises. The building shall remain a duplex.
3. Vinyl siding shall not be permitted on the exterior of the structure. Hardi-board or another durable material shall be utilized to re-clad the structure.

Attachments:

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

