

Department of Community Planning and Economic Development
Expansion of Non-Conforming Use
BZZ-5888

Date: January 22, 2013

Applicant: Ross Lumley

Addresses of Property: 681 Lowry Avenue Northeast

Contact Person and Phone: Ross Lumley, (424) 272-1434

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: December 19, 2012

End of 60-Day Decision Period: February 17, 2013

Ward: 1 Neighborhood Organization: Holland Neighborhood Improvement Association

Existing Zoning: R1A, Single-Family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 9

Legal Description: Not applicable for this application.

Existing Use: Duplex.

Expansion of non-conforming use: to allow an existing duplex in the R1A, Single-Family District to finish the basement for an additional bedroom.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures.

Background: The subject property contains a 2.5 story residence that was built prior to 1884. It was converted into an upstairs/downstairs duplex prior to 1934. The 1st floor unit currently contains two legally established bedrooms on the first floor and a third bedroom in the basement, which was not legally established. The 2nd floor unit has three bedrooms. The attic is unfinished with insulation covering the floor.

The applicant, who purchased the property in April 2012, is trying to establish legal rights to the bedroom in the basement. The request to have the additional bedroom in the basement is the trigger for the expansion of a legal non-conforming use application. The current zoning of the property, R1A, does not allow for two-family dwellings. The basement currently includes the bedroom in question, a living room area, bathroom, and a laundry room shared by both units.

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The exact date of when the basement bedroom was built is unknown. The applicant states that they purchased the house [in April 2012] with the bedroom in the basement. “It was a space that was previously used as a bedroom with an existing egress window. The only work we did to the [bedroom] space was repaint and put carpet in it.”

In 2005, the previous owner pulled a building permit to allow for the bedroom’s egress window (BIRE 3039331). The permit approval stated “this permit for an egress window in no way allows creation of an additional dwelling unit nor does it make a basement bedroom legal.”

The applicant is aware that additional modifications may be necessary for the proposed basement bedroom per the building code should the expansion of a non-conforming use be approved.

Since taking over ownership in April, the applicant has made building repairs caused by a fire. Mr. Lumley has provided before and after images showing the work that he completed since taking over ownership.

A majority of the properties within 350 feet are zoned R1A. The adjacent properties to the east and west, like the subject property, are legally nonconforming to the R1A zoning district. The building at 689 Lowry Avenue Northeast is a 12-unit apartment building and the building at 677 Lowry Avenue Northeast is a duplex.

Prior to the printing of this report, the Holland Neighborhood Improvement Association has not taken a position on the application nor has there been any other public comments submitted. Correspondence received after the publication of the report shall be forwarded on to the Planning Commission for consideration.

EXPANSION OF NON-CONFORMING USE: to allow an existing duplex in the R1A, Single-Family District to have an additional bedroom in the basement.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. A rezoning of the property would be inappropriate.

In order to remove the nonconforming status 681 Lowry Avenue Northeast would need to be rezoned to R2B/Two-Family District. While changing the zoning classification of the property to R2B may be inappropriate given the existing zoning pattern, the R2B District may be considered appropriate if it were considered as part of a larger rezoning study on the Community Corridor.

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

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The proposed expansion (legalizing an additional bedroom in the basement) is compatible with adjacent properties. The adjacent property to the west, like the subject property, is a duplex; the adjacent property to the east is a 12-unit apartment building.

The proposed expansion is also compatible with the neighborhood. The surrounding area is primarily a mix of one and two-unit residential buildings. The allowance of the basement bedroom will provide a third bedroom to the lower unit, subject to compliance with the building code, which is not an uncommon bedroom count for a duplex in Minneapolis. In addition, the bedroom in the basement does not require exterior alterations. Therefore, the subject property will maintain its similar scale and massing to the surrounding residential structures.

- 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. The impact of adding one bedroom to a duplex unit (three bedrooms total) will have a minimal impact on traffic and noise levels. In addition, the subject property contains a three-car detached garage, which is more off-street parking than typical for a Minneapolis duplex.

- 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 proposed expansion will improve the appearance and stability of the neighborhood. Since taking over ownership in April 2012, Mr. Lumley has improved the property by repairing interior fire damage that took place during a previous ownership (see before and after images). Allowing the applicant to legally have the third bedroom in the basement will increase the value of the property and contribute to the stability of the neighborhood.

- 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.

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RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development 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 an additional bedroom in the basement at 681 Lowry Avenue Northeast.

Attachments:

1. Statement of proposed use and description of project
2. Findings prepared by the applicant
3. Emails to Council Member Reich and Holland Neighborhood Improvement Association
4. Zoning map
5. Site plan and floor plans
6. Aerial and photos of property