



CPED STAFF REPORT
Prepared for the City Planning Commission

CPC Agenda Item #4
June 9, 2014
BZZ-6556

LAND USE APPLICATION SUMMARY

Property Location: 3900 4th Avenue South
Project Name: Syverson Porch Expansion
Prepared By: [Lisa Steiner](#), City Planner, (612) 673-3950
Applicant: James Syverson
Project Contact: James Syverson
Request: To allow the replacement of an existing enclosed porch with a new enclosed porch with a larger footprint and deck above.

Required Applications:

Expansion of a Legal Nonconforming Use	To allow the enlargement of a structure containing a legal nonconforming use.
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SITE DATA

Existing Zoning	RIA: Single-Family District
Lot Area	5,280 square feet
Ward	8
Neighborhood	Bryant
Designated Future Land Use	Urban Neighborhood
Land Use Features	None
Small Area Plan	None

Date Application Deemed Complete	May 9, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	July 8, 2014	End of 120-Day Decision Period	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. This property is an existing legal nonconforming duplex in the RIA district. The building is a two-story stucco structure with one unit on the first floor and another on the second floor. Originally constructed in 1902, the building was noted as a duplex in building permit records as early as 1930. In 1924, this property was zoned for multiple-family residences with a three-story height limit. In 1963, the property was rezoned to the RIA Single-Family District, which does not allow two-family dwellings. The duplex use was legally established prior to this rezoning and thus is a legal nonconforming use.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The property is located on the southwest corner of East 39th Street and 4th Avenue South. The majority of surrounding properties are one to two-story residential buildings. There are primarily single and two-family homes in the surrounding area as well as a few multi-unit buildings. The property is located one block south of East 38th Street, where some institutional and small-scale commercial uses are located. Phelps Park is located a few blocks to the east.

PROJECT DESCRIPTION. The applicant is proposing to tear down the existing enclosed side porch and replace it with a new enclosed porch with a larger footprint. The one-story porch which is proposed to be replaced is located along the south side of the rear portion of the building. The porch currently provides access to both units as well as the basement of the building. The current porch is 119 square feet and the proposed porch will be 160 square feet in size. Additionally, the applicant proposes to add a deck to the roof of the new enclosed porch that will be accessed by the second-story unit. An existing upper story window will be converted to a doorway to provide this access to the deck. No other changes to the property are proposed.

PUBLIC COMMENTS. No correspondence has been received as of the writing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

EXPANSION OF A NONCONFORMING USE

The Department of Community Planning and Economic Development has analyzed the application to replace an existing enclosed porch with a larger enclosed porch with deck above based on the following [findings](#):

- I. *A rezoning of the property would be inappropriate.*

The property is located in the RIA Single-Family District. Nearly all surrounding residential properties are also zoned RIA. Two-family dwellings are not permitted in the RIA District, and because the subject lot area is 5,280 square feet, the property would need to be rezoned to R2B in order to legalize the two dwelling units and meet minimum lot area requirements. In the *Minneapolis Plan for Sustainable Growth*, the future land use for this site is designated as Urban Neighborhood, which is not intended to accommodate significant new density. Higher density zoning would not generally be supported without proximity to identified nodes and corridors or contiguous R2B zoning. There are no such features located in close proximity to the subject property. Rezoning may not be appropriate.

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

The expansion will be compatible with adjacent property and the neighborhood. The surrounding area contains primarily residential uses that are mostly single and two-family homes and are similar in scale and height to the subject property. There are a few multi-unit buildings in the area as well, including a ten-unit building on the 3900 block of 4th Avenue South. This application does not increase the number of dwelling units from the existing two dwelling units.

The proposed porch will extend approximately five feet further to the rear of the property than the existing porch. It will also extend almost one and a half feet closer to the adjacent property to the south. The proposed porch meets the setback requirements; this property has a required side yard of 7 feet and the setback from the proposed porch to the property line will be approximately 10 feet. The proposed porch will not extend further than the established setback of the rest of the existing building. The enlargement of the enclosed porch remains compatible with the neighborhood as well as with adjacent property.

The porch is proposed to be constructed of beige fiber cement lap siding which staff finds to be compatible with the existing building and the neighborhood. The location of the porch at the rear of the building and mostly facing the interior side yard makes it only minimally visible from the public right-of-way. Additionally, staff finds that the beige color of the proposed lap siding will be compatible with the stucco that clads the rest of the building.

Section 531.60 of the zoning code allows for nonconforming uses to be expanded with the addition of a deck not exceeding 100 square feet. However, the deck proposed is approximately 160 square feet in size and is therefore also considered an expansion of nonconforming use. The deck will sit directly above the enclosed porch, complies with height and setback requirements, and will be compatible with the adjacent property and neighborhood.

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 nonconforming use is not expected to result in any significant increases of adverse off-site impacts. The number of dwelling units will remain the same. A two-car garage exists on the property and adequate off-street parking is provided. No significant increase in traffic, noise, dust, odors, or parking congestion is anticipated to be caused by this expansion.

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 existing porch is in poor condition and the proposed porch will improve the appearance and safety of the structure. The legal expansion of the structure through the expanded porch size and additional deck above will likely increase the value of the property and contribute to the stability of the neighborhood.

Additionally, the new enclosed porch with a larger footprint is expected to increase the security of the rear entrance of the structure, as the entrance will now be significantly more visible from the street. The applicant has stated that the porch has been subject to a number of attempted break-ins due to its location hidden from the street and most neighbors. With an expanded footprint and improved lighting, the rear entry will have better visibility and potentially reduce the entrance's vulnerability to criminal activity. The enlargement of the enclosed porch with deck above will likely improve the appearance and 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. The duplex was legally established prior to the RIA zoning and is a legal nonconforming use. The proposed replacement of the enclosed porch with a new larger porch and deck above will not result in the creation of more than the two existing dwelling units.

6. *The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.*

This property is not located in the Floodway District.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Expansion of a Nonconforming Use:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a nonconforming use application.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Oblique aerial
4. Site plan and survey
5. Plans
6. Photos
7. Correspondence

Attachment #1

James L. Syverson porch. City of Minneapolis land use application.

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Pre-application meeting. Owner James L. Syverson and contractor Paul Kujawski met with City of Minneapolis City Planner Lisa Steiner on Wednesday, April 30.

Correct fees paid. Check provided with hard-copy application.

List of property owners within 350 feet of the subject site. Purchased from Hennepin County. Contents of envelope from Hennepin County provided with hard-copy application.

Statement of proposed use and description of the project.

We are proposing the demolition of the dilapidated enclosed porch (6.2 ft. by 19.2 ft.) on the rear of the duplex at 3900 4th Avenue South in the Bryant Neighborhood of Minneapolis, and replacement with a flat-roofed, enclosed porch (6.83 ft. by 23.5 ft.). The new porch would also have a deck above the flat roof with access from the upper duplex unit. The proposed porch would be used for access to upper and lower duplex units, bike storage, and the deck above would provide space for outdoor relaxation.

Expansion or alteration of nonconforming use.

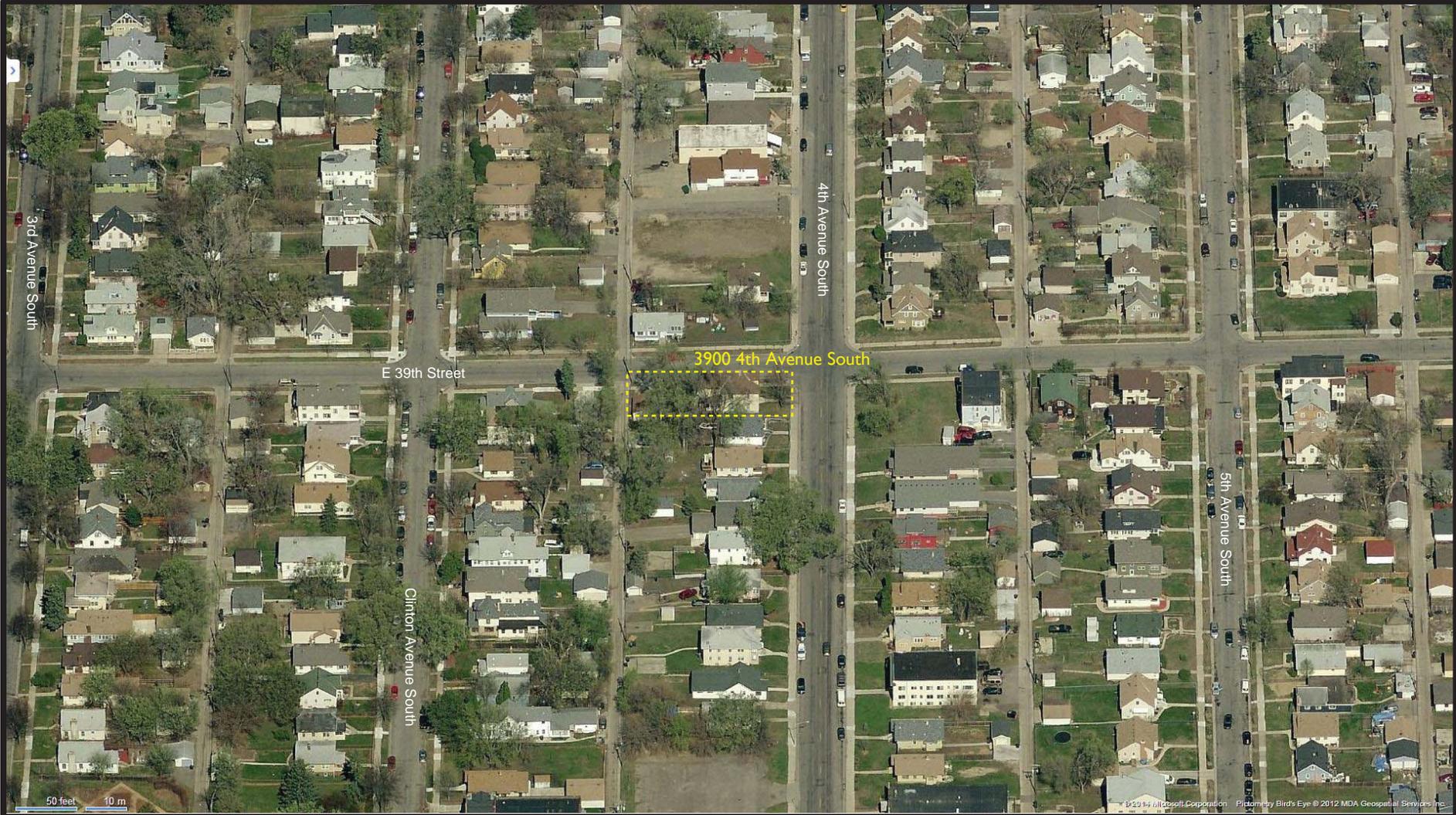
Statement by applicant James L. Syverson, owner of duplex at 3900 4th Avenue South addressing the following required findings:

- (1) Per Minneapolis City Planner Lisa Steiner, we understand that a rezoning of the property would be inappropriate.
- (2) The proposed new porch is compatible with adjacent property and the neighborhood. The proposed porch is only slightly larger (8" wider and 4' 4" longer) than the existing porch. The proposed porch will be safer for residents and neighbors than the current dilapidated structure. It will also have dramatically improved aesthetics. The proposed porch will provide enhanced security for the home, through improved wiring for exterior lighting and increased visibility of the rear entry to the building. Improved interior lighting and new stable flooring and walls will provide safer, easier access to the two housing units. The slightly larger interior space will provide improved access to bicycles, which are a valued, low-impact, source of transportation for residents. The deck above the enclosed porch will provide residents a place to enjoy the outdoors, currently lacking at the residence, and encourage more social interaction with neighbors. We feel that the proposed porch will benefit the neighborhood and the duplex residents.
- (3) We do not foresee any significant increases of adverse off-site impacts as a result of construction of the proposed new porch.
- (4) We expect that the proposed new porch will improve the appearance of the neighborhood by removing the current dilapidated porch, which is somewhat of an eyesore, and replacing it with a new porch. The presence of residents on the proposed deck of the new porch will increase social interaction in the neighborhood by giving residents a suitable place to enjoy the outdoors, currently lacking at the residence. The proposed new porch is designed to be 4'4" longer than the current porch, which will make the back door to the duplex more visible to the street. The back door is currently hidden from the street and most neighbors, and has been subject to a number of attempted break-ins. The proposed new porch will have improved lighting and visibility to potentially reduce criminal activity.
- (5) The proposed porch will not result in the creation or presence of more dwelling units or rooming units on the subject property. The enclosed portion of the proposed new porch will be used for access to the two existing dwelling units, access to the basement, and for bike storage, like we use the current porch.
- (6) Per Minneapolis City Planner Lisa Steiner, we understand that the proposed porch will not be located in the Floodway District.

Letter from the property owner, if other than the applicant, authorizing the application. Property owner is the applicant.

Attachment #3

Bird's Eye View: 3900 4th Avenue South



BZZ-6556

SITE ADDRESS: 3900 4TH AVE. S
MINNEAPOLIS, MN 55409

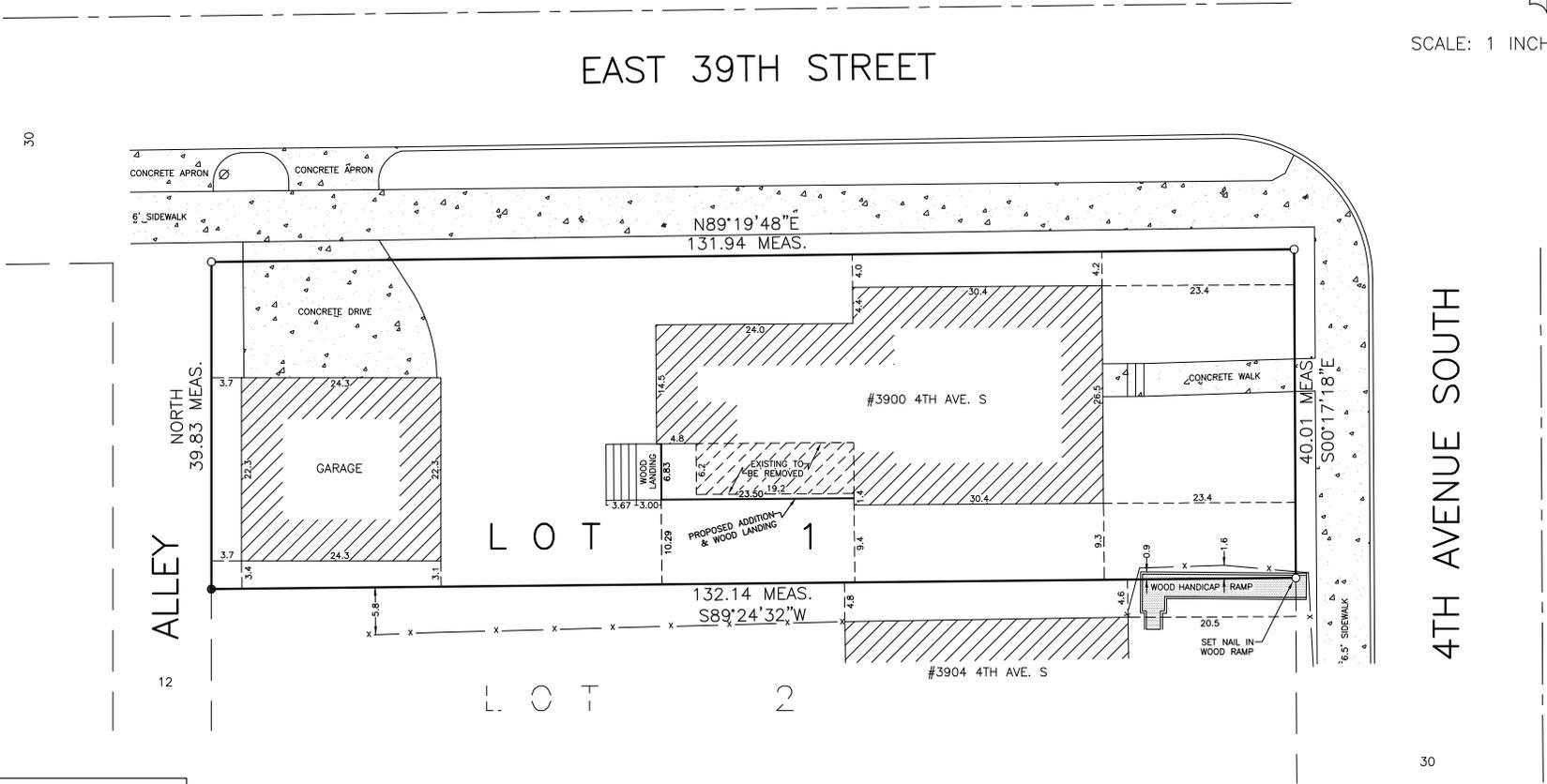
EXISTING CONDITION SURVEY w/ PROPOSED ADDITION FOR: JAMES SYVERSON

Legend

- x — x — Fence
- ∅ Power Pole
- ==== Concrete Curb
- Denotes Iron Monument Found
- Denotes Set, 1/2" x 14" Iron Pipe w/ Plastic Cap Inscribed R.L.S. 15230.



SCALE: 1 INCH = 10 FEET



AREA CALCULATION:

Lot Area = 5,271 SF
IMPERVIOUS SURFACE:
 House = 1,273 SF
 Detached Garage = 542 SF
 Concrete Drive = 309 SF
 Concrete Walk = 93 SF
 Proposed Addition = 161 SF
 Portion of Home Removed = -119 SF
 Wood Landing = 46 SF
 Total = 2,305 SF
 = 43.7%

PROPERTY DESCRIPTION: Lot 1, Block 1, BAKERS FIFTH ADDITION, Hennepin County, Minnesota.

NOTE: No Search Was Made For Any Easements

NOTE: The location of all utilities shown are from plans furnished by the utility companies and are approximate. Utility companies should be notified for exact location before doing any excavation.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

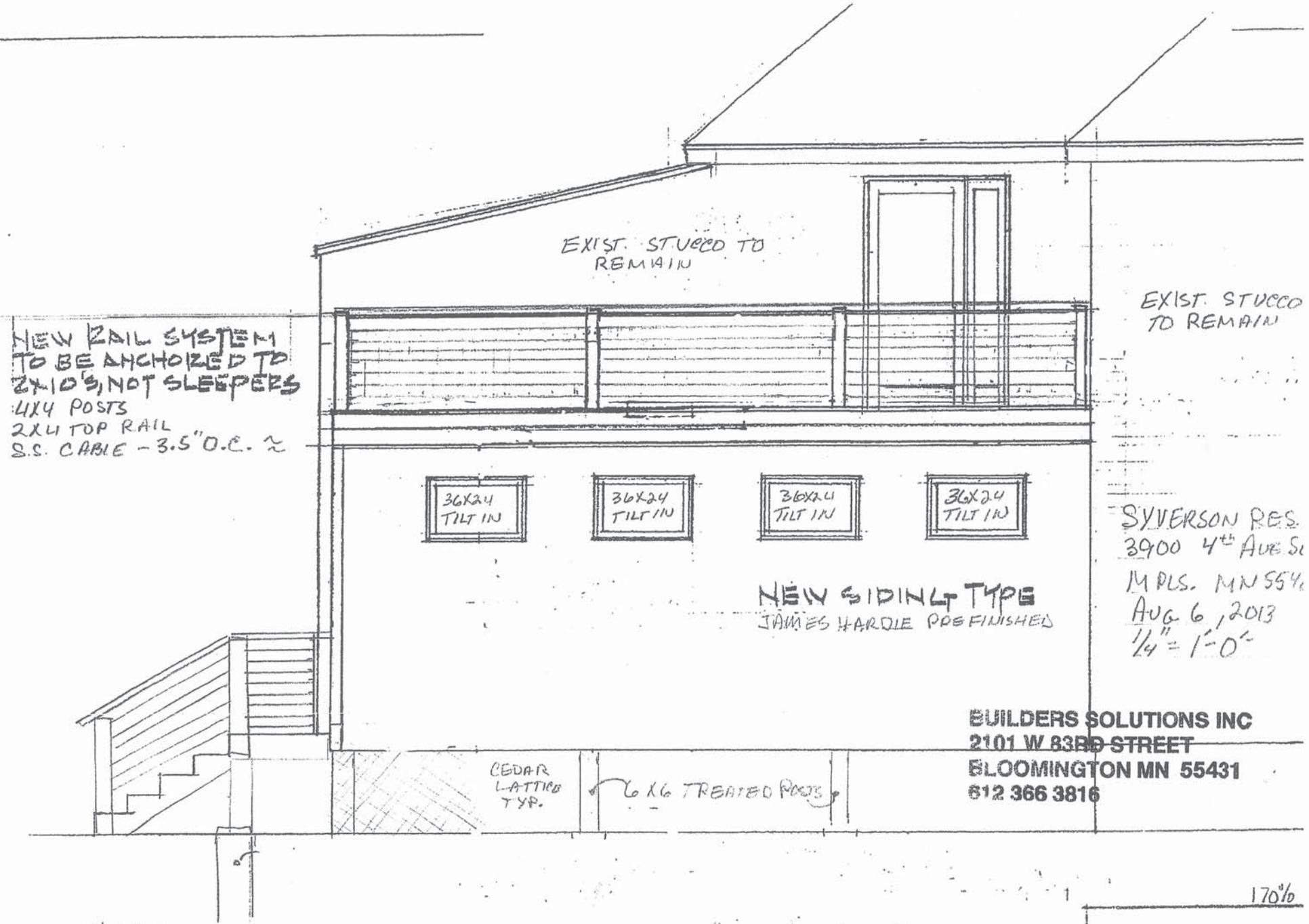
W. BROWN LAND SURVEYING, INC.

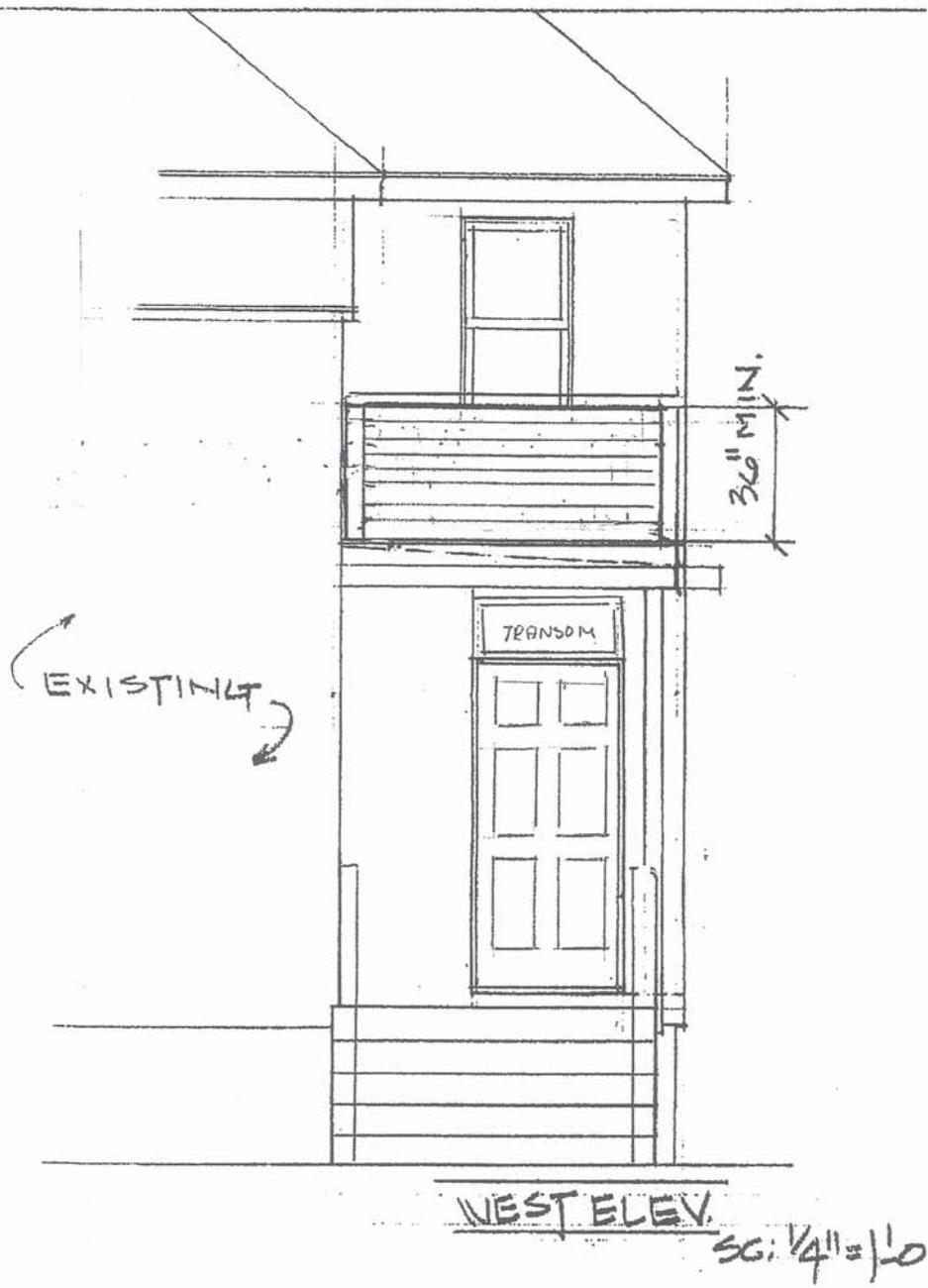
Woodrow A. Brown
 Woodrow A. Brown, R.L.S. MN REG 15230

Dated: 04-24-2014

W. BROWN LAND SURVEYING, INC.
 8030 Cedar Avenue So., Suite 228.
 Bloomington, MN 55425
 Bus: (952) 854-4055
 Fax: (952) 854-4268

Drawing: 50-14	Date: 04-24-2014	1 Of 1
Scale: 1 Inch = 10 Feet		



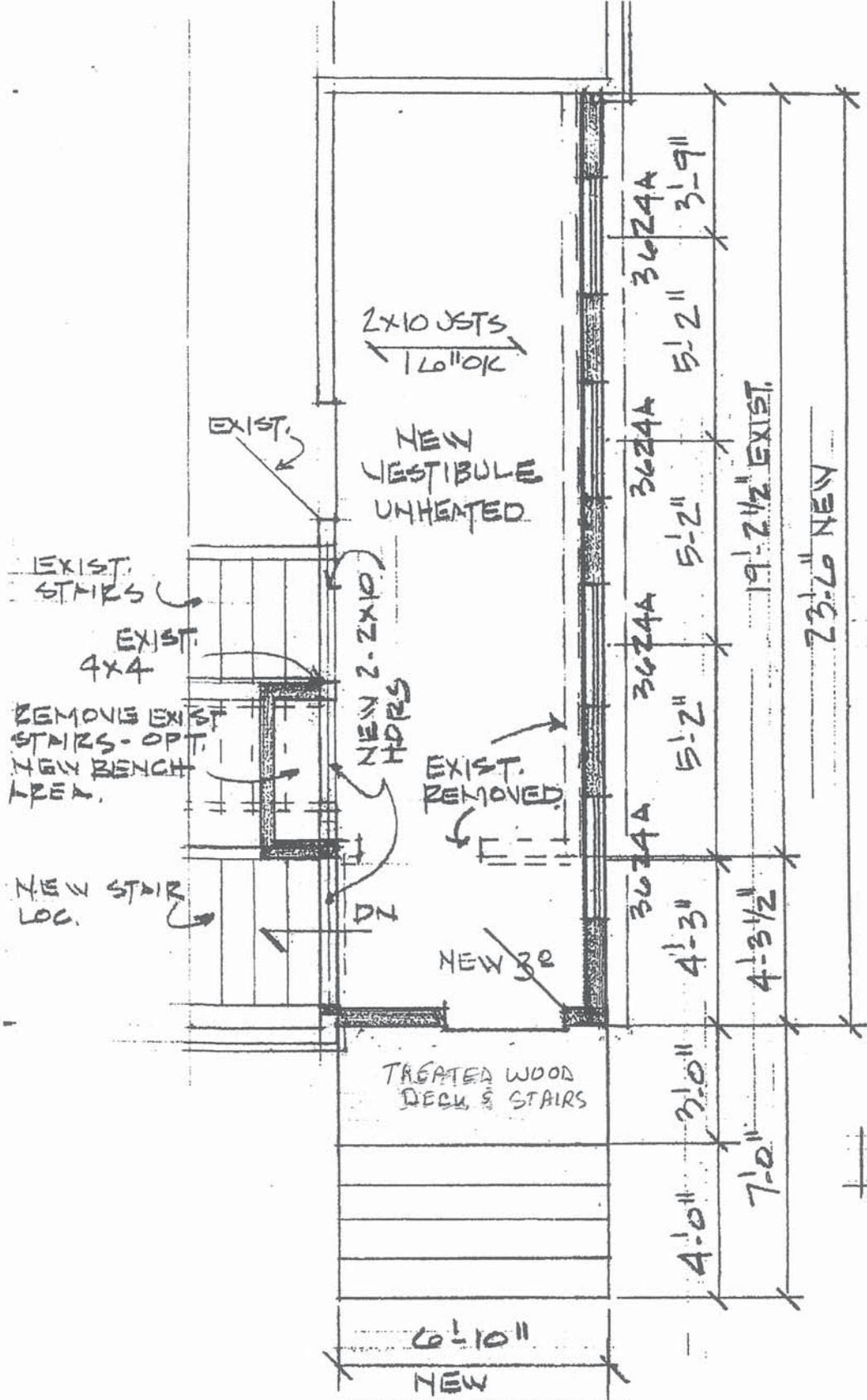


EXISTING

WEST ELEV. SC: 1/4" = 1'-0"

SYVERSON RES
 3900 4th AVE. So.
 MPLS. MN. 55409
 AUG 6, 2013
 1/4" = 1'-0"

BUILDERS SOLUTIONS INC
 2101 V. 93RD STREET
 BLOOMINGTON MN 55431
 612 365 3816



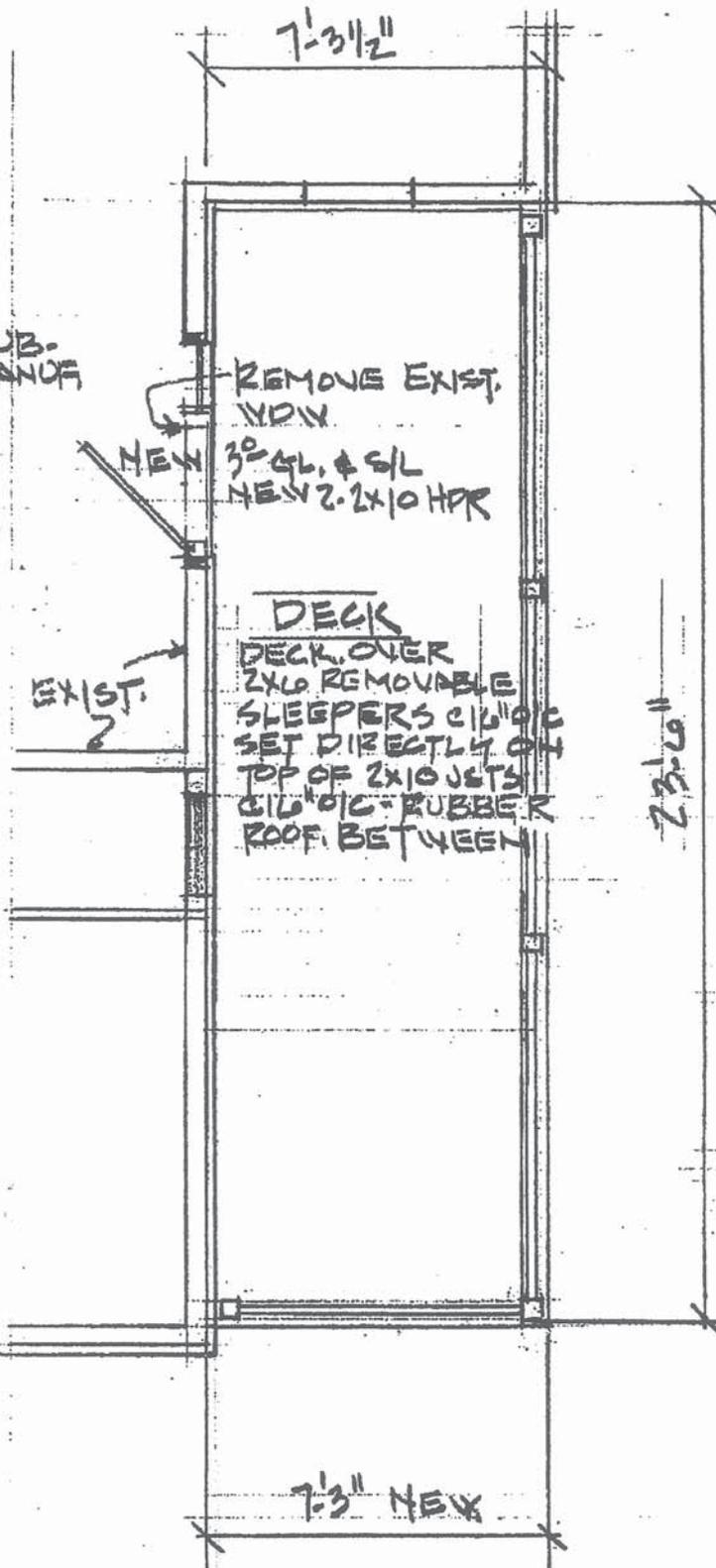
1ST FLOOR PLAN

SCALE 1/4" = 1'-0"

SYVERSON DES
 3900 4TH AVE. SO
 MPLS., MN 55409
 AUG 6, 2013
 1/4" = 1'-0"

BUILDERS SOLUTIONS INC
 2101 W 83RD STREET
 BLOOMINGTON MN 55431
 612 366 3816

INSTALL NEW RUBBER ROOF TO MANUF. SPECS

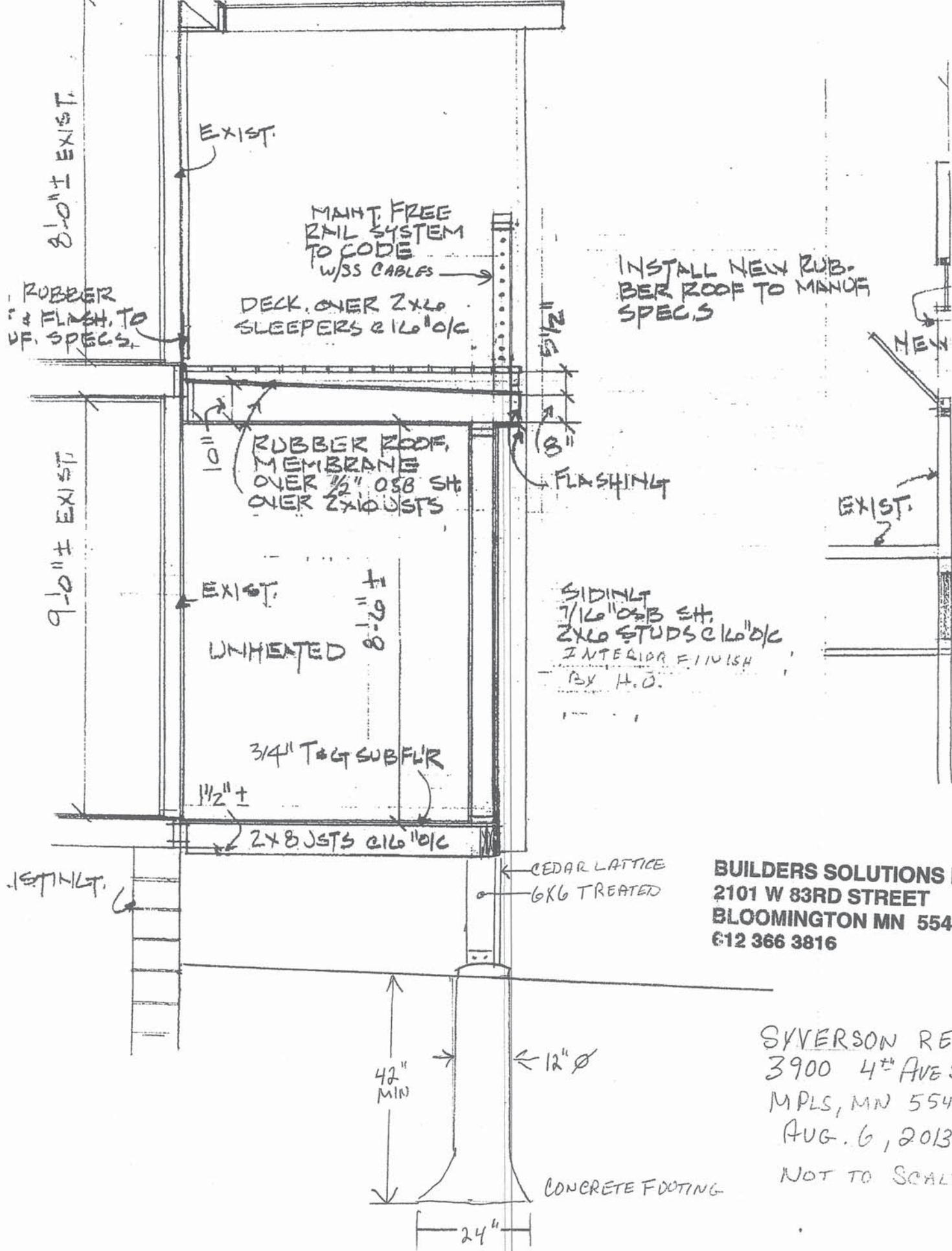


SYVERSON RES.
3900 4th AVE. So.
MPLS, MN 55409
AUG 6, 2013
1/4" = 1'-0"

BUILDERS SOLUTIONS INC
2101 W 83RD STREET
BLOOMINGTON MN 55431
612 366 3816

2ND FLOOR PLAN

501 1/4" = 1'-0"



8'-0" ± EXIST.

EXIST.

MAINT. FREE
RAIL SYSTEM
TO CODE
W/SS CABLES

DECK OVER 2x16
SLEEPERS & 16" O/C

INSTALL NEW RUB-
BER ROOF TO MEET
SPECS

RUBBER
FLASH. TO
UP. SPECS.

RUBBER ROOF,
MEMBRANE
OVER 1/2" OSB SH
OVER 2x10 USTS

FLASHING

9'-0" ± EXIST.

EXIST.

UNHEATED

SIDING
7/16" OSB SH,
2x16 STUDS @ 16" O/C
INTERIOR FINISH
BY H.O.

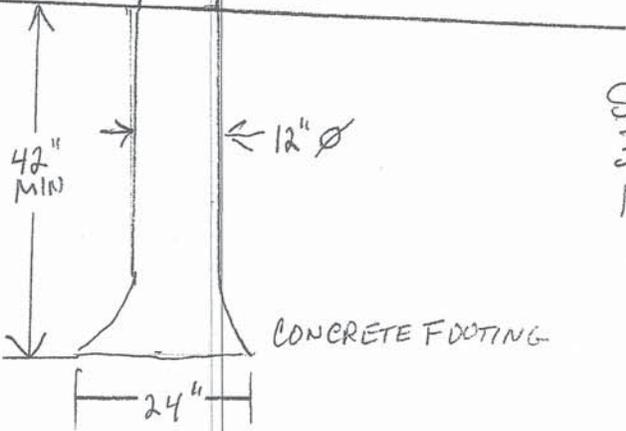
3/4" T&G SUBFLR

2x8 USTS @ 16" O/C

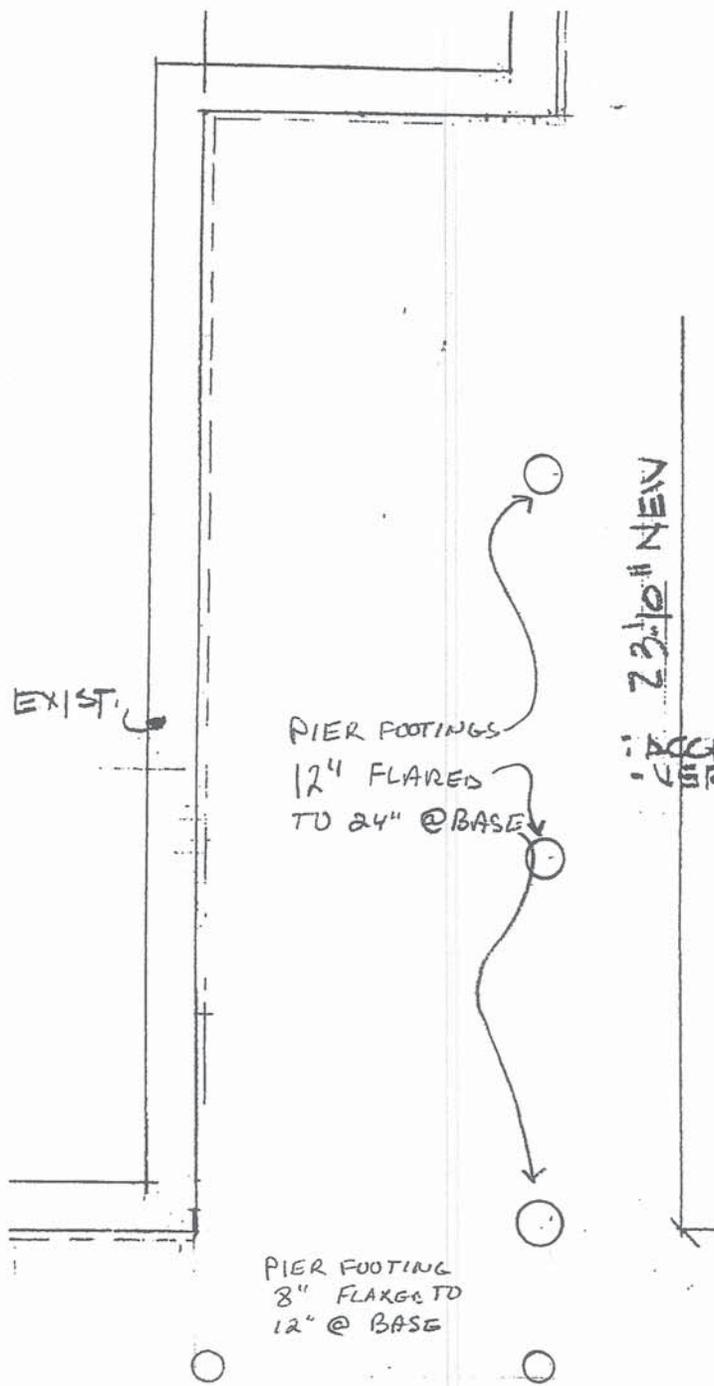
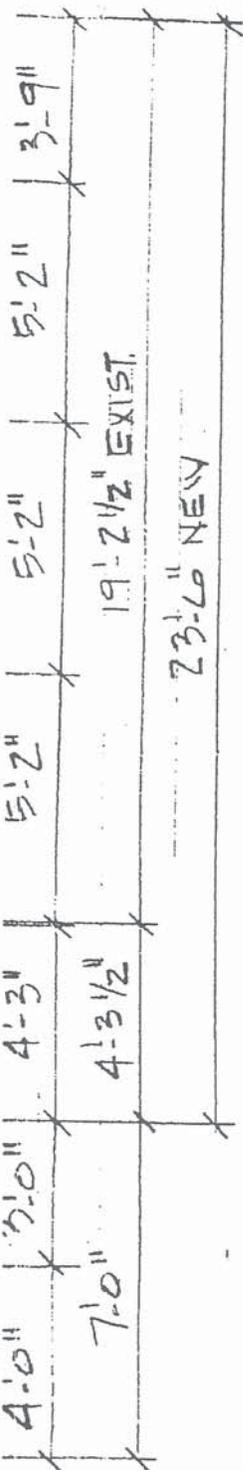
CEDAR LATTICE
6x6 TREATED

BUILDERS SOLUTIONS INC
2101 W 83RD STREET
BLOOMINGTON MN 55431
612 366 3816

SIDING



SYVERSON RES.
3900 4th AVE So
MPLS, MN 55409
AUG. 6, 2013
NOT TO SCALE



23'-6" NEW
ACCESS TO VERIFY

PIER FOOTING
8" FLANGE TO
12" @ BASE

PIER FOOTINGS
12" FLARED
TO 24" @ BASE

1'-0" =

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

SYVERSON, P.E.
3900 4th Ave So
MPLS, MN 55409
Aug 6, 2013
1/4" = 1'-0"

BUILDERS SOLUTIONS INC
2101 W 83RD STREET
BLOOMINGTON MN 55431
612 366 3816

Attachment #6

James L. Syverson porch. City of Minneapolis land use application.

Photos of property.

Porch interior:



Porch exterior:



Duplex other photos:

Front... east side facing 4th Ave.



Back... west side facing garage.



North side... facing 39th St.



West side... facing garage.



South side...



Attachment #7

James L. Syverson porch. City of Minneapolis land use application.

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Copy of a letter or email, sent to the applicable neighborhood group(s) and city council office, explaining the proposed project.

Letter to city council:

From: Jim Syverson <syverson.jim@gmail.com>

Date: Wed, May 7, 2014 at 8:03 AM

Subject: land use permit

To: elizabeth.glidden@minneapolismn.gov

Dear Elizabeth Glidden,

I have owned and lived in the duplex at 3900 4th Avenue South since 1979. This duplex was previously a boarded-up property, which I have worked to improve over 35+ years. I am hoping to demolish the dilapidated enclosed porch (6.2 ft. by 19.2 ft.) on the rear of the duplex, and replace it with a flat-roofed, enclosed porch (6.8 ft. by 23.5 ft.). The new porch would also have a deck above the flat roof with access from the upper duplex unit. I have had plans drawn and hired a contractor. However, last week when the contractor tried to get the city permit, we learned that additional zoning approval is required before the project can proceed.

I am applying for a land-use permit from the City of Minneapolis, for expansion of the porch as noted above. The proposed porch is slightly larger (8" wider and 4' 4" longer) than the existing porch. The proposed porch will be safer for residents and neighbors than the current dilapidated structure. It will also have improved aesthetics. The proposed porch will provide enhanced security for the home, through improved exterior lighting and increased visibility of the rear entry to the building. We feel that the proposed porch will benefit the neighborhood and duplex residents.

The address where I am seeking zoning approval is:

3900 4th Avenue South

My contact information is:

Jim Syverson

3900 4th Avenue South

Minneapolis, MN 55409

612-483-4744

Syverson.jim@gmail.com

It is my hope that the city will approve my permit for this proposed porch, which I feel will be an improvement to the Bryant Neighborhood, a place I have been proud to call home for 35 years.

Sincerely,

James L. Syverson

Letter to neighborhood organization:

From: Jim Syverson <syverson.jim@gmail.com>
Date: Wed, May 7, 2014 at 8:03 AM
Subject: City of Minneapolis land use permit
To: BryantNeighborhood@gmail.com

Dear Bryant Neighborhood Organization,

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The address where I am seeking zoning approval is:

3900 4th Avenue South

My contact information is:

Jim Syverson
3900 4th Avenue South
Minneapolis, MN 55409
612-483-4744
Syverson.jim@gmail.com

It is my hope that the city will approve my permit for this proposed porch, which I feel will be an improvement to the Bryant Neighborhood, a place I have been proud to call home for 35 years.

Sincerely,

James L. Syverson