

**Department of Community Planning and Economic Development – Planning Division**  
Expansion of Nonconforming Use  
BZZ-2362

**Date:** June 13, 2005

**Applicant:** Martin Koepf

**Address of Property:** 4957 Logan Avenue South

**Project Name:** Not applicable for this application

**Contact Person and Phone:** Martin Koepf, (612) 822-8135

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** May 11, 2005

**End of 60-Day Decision Period:** July 10, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 13      **Neighborhood Organization:** Lynnhurst Neighborhood Association

**Existing Zoning:** R1A, Single-Family District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 30

**Legal Description:** Not applicable for this application

**Proposed Use:** Garage

**Concurrent Review:**

**Expansion of a nonconforming use:** to allow for the construction of a garage for a duplex located in the R1A zoning district.

**Applicable zoning code provisions:** Chapter 531, Nonconforming uses and structures.

**Background:** The applicant recently purchased the property located at 4957 Logan Avenue South. The property contains a duplex. Prior to purchasing the property, the garage that was once on the property was destroyed by a fire. The applicant is proposing to construct a new two-car detached garage in approximately the same location as the previous garage. The property is zoned R1A, Single-Family District. Duplexes are not allowed in the R1A zoning district. Therefore, approval of an application for expansion of a nonconforming use is required before the garage can be built.

**EXPANSION OF NONCONFORMING USE**

**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.**

Duplexes are first allowed in the R2 zoning district. In the R2 zoning district, duplexes are required to have a minimum lot area of 12,000 square feet. The subject property has a lot size of 5,140 square feet. Based on the size of the lot and the number of dwelling units within the structure this particular use would be permitted in the R2B zoning district. The properties located to the north and east are zoned R1A, the property to the south is zoned R1 and the properties to the west are zoned R2B. The properties to the north and west contain single-family dwellings, the property to the east contains a duplex and the property to the south contains a church and its parking lot. Given the zoning classification of the surrounding properties and the uses of those properties, the Planning Division does not believe that it would be appropriate to rezone the subject site to R2B.

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

The expansion involves the construction of a new two-car garage that measures approximately 484 square feet. The garage will be located in the northeast corner of the property and will be accessed from the existing driveway off of West 50<sup>th</sup> Street. The exterior material of the duplex is tan stucco with red accents and has a red shingled, hip roof. The exterior material of the detached garage will be vinyl siding and will have a 4/12 roof pitch. The color of the siding and the roof color will be similar to those of the duplex. Staff believes that although the materials and roof pitch of the garage will be different than those of the duplex, that because the colors will be similar and because the applicant is proposing a garage that is modest in size and does not seek any exceptions to the maximum height and floor area regulations, that the detached garage will be compatible with the duplex itself, the adjacent properties and the surrounding 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 Planning Division does not believe that the expansion will increase adverse, off-street impacts such as traffic, noise, dust, odors or parking congestion. The new garage will accommodate two vehicles thus elevating some impact on the surrounding area.

**4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

Overall the property has been well maintained. The expansion of the structure will result in the construction of a new detached garage that will accommodate two vehicles and other household items.

**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 dwelling units are being added to the site as a result of this expansion.

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

This site is not located in the Floodway District.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of 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 garage for a duplex located in the R1A zoning district located at 4957 Logan Avenue South subject to the following conditions:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.

#### **Attachments:**

1. Statement of proposed use
2. Responses to the findings for an expansion of a nonconforming use
3. May 4, 2005, e-mail to CM Lane and the Lynnhurst Neighborhood Association
4. Zoning Map
5. Site plan and elevations
6. Photographs of the site and surrounding area