

**Minneapolis City Planning Department Report  
NCE - 2260**

**Community Planning and Economic Development Planning Division Report**

Expansion of a Legal Nonconforming Use

BZZ - 2260

**Date:** April 11, 2005

**Date Application Deemed Complete:** March 18, 2005

**End of 60 Day Decision Period:** May 17, 2005

**End of 120 Day Decision Period:** Not applicable at this time

**Applicant:** Trendy Construction, dba the property owner, Juan Bermeo

**Address of Property:** 3749 4<sup>th</sup> Avenue South

**Contact Person and Phone:** George Hulinsky, 763-591-9433

**Planning Staff and Phone:** Lonnie Nichols, 612-673-5468

**Ward:** 8      **Neighborhood Organization:** Central Neighborhood Improvement Association

**Existing Zoning:** R1A (single family residential)

**Proposed Use:** Finish basement of existing nonconforming duplex

**Appropriate Section(s) of the Zoning Code:** Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement, Chapter 531 Nonconforming Uses and Structures – specifically 531.50 expansion or alteration of nonconforming uses and structures, Chapter 535 Regulations of General Applicability, Chapter 546 Residence Districts.

**Background:** Trendy Construction, on behalf of property owner Juan Bermeo, filed application for an expansion of a nonconforming use to construct a rear entry and create livable space in the basement of an existing duplex located at 3749 4<sup>th</sup> Avenue South in the R1A (Single Family) district. The rear entry addition has been constructed, but may need reconstruction to meet building code requirements. Mr. Bermeo purchased the property in 2002, and is assumed to have worked in good faith with a contractor that did not pull the applicable building permits when work was started on the renovation. Inspections stopped work on the project and Mr. Bermeo contracted with Trendy Construction to complete the project in compliance with the applicable City codes and ordinances. The goal of the project is to create more code compliant living area (two bedrooms, one bath, living room and family room) in the basement connected to the first floor unit. The second story unit will remain in its current status.

**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.**

Rezoning the property is not necessary for this application to make livable space in the basement of a legally nonconforming duplex in the R1A. The property is adjacent to a C1 district but the rest of the properties on the block face are part of a much larger R1A zoning district that includes the nearby Sebathani Center.

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

The proposed expansion is an interior refinish of the basement, adding two bedrooms and a bathroom. An exterior entryway to the basement, compatible with the principal structure, will be added to the rear of house in the middle of the lot that will not infringe on adjacent property. The rear entry addition will be painted to match the color of the rest of the structure.

**(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 dwelling units would be added, so the proposed expansion and structural alterations will not result in significant increases of adverse off-site impacts such as traffic, noise, dust, odors, and parking congestion. The property has a two stall garage, providing the required amount of off-street parking for two dwelling units.

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

While the proposed expansion and structural alterations will not be clearly visible from the street, the appearance or stability of the neighborhood should improve by providing more comfortable and livable space to the residents of building because of improvements to the property.

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- (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 structure is a legal nonconforming duplex in the R1A zoning district. The expansion and structural alteration will not result in the creation of more dwelling units on the subject property.

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

The expansion and structural alteration is not located in the Floodway District.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division for the nonconforming use expansion:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a Nonconforming Use Expansion to create and exterior entry to and livable space in an existing basement of a nonconforming duplex located at 3749 4<sup>th</sup> Avenue South in the R1A (Single Family Residence) district, subject to the following conditions:

- 1.) no additional dwelling units will be created.
- 2.) the exterior of the basement entry addition will match the rest of the structure.
- 3.) the necessary building plan review and permits will be obtained from the City prior to further construction and completion of the project.