

Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use
BZZ – 2335

Date: May 23, 2005

Applicant: Suzette Jamison, 909 Woodlawn Court, Burnsville, MN 55337

Address of Property: 2610 41st Street West

Project Name: 2610 West 41st St Condos

Contact Person and Phone: Ron Guichard, 2610 West 41st St Condo LLC, 909 Woodlawn Court, Burnsville, MN 55337, (773) 474-6566

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

Date Application Deemed Complete: April 22, 2005

End of 60-Day Decision Period: June 20, 2005

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

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1 (Single-family) district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 29

Lot Area: 5,955 square feet or .14 acres

Legal Description: Not applicable for this application

Proposed Use: Four-car, 675 square foot (35 feet, 6 inches x 19 feet) detached garage accessory to an existing non-conforming, five-unit building in the R1 District.

Concurrent Review:

- Expansion of a non-conforming use to allow the construction of a 4-car detached garage. The property is located in the R1 (Single-family) district and the residential building contains 5-units.

Applicable zoning code provisions: Expansion or alteration of nonconforming uses and structures 531.50.

Background: The applicant's five-unit residential building is nonconforming in the existing R1 District. Construction of a garage constitutes an expansion of the nonconforming use under section 531.50 of the zoning code. A four-car garage with 675 square feet of area is proposed and would replace surface parking currently located in the front yard along 41st Street West. The shape and configuration of the lot is fairly unique as there is no alley to the rear of the property. Additionally, the location of the residential structure on the lot relative to its proximity to the interior side yard lot lines does not allow vehicle access to the rear of the property. The applicant has acquired a 10 foot easement from the adjacent property owner in perpetuity for a retaining wall and driveway in order to access the rear of the property. The proposed placement of the detached garage would be located at approximately 1 foot, 6 inches from the north (rear) property line, 1 foot, 6 inches at the closest point to the east property line and approximately 4 feet at the closest point from the west property line. The applicant received building permit approval for a foundation only parking pad in the rear yard in November of 2004.

The proposed garage would be located in the rear 40 feet of the lot and the principal structure on the adjoining lot has its rear wall at least 40 feet from the rear lot line. This allows the interior side yard requirement to be reduced to 1 foot. Additionally, the rear yard requirement may also be reduced for this proposal to 1 foot.

The applicant's intention is to provide some enclosed parking for the existing residential units in the building. The applicant believes that the garage will improve the appearance and stability of the neighborhood by providing off-street parking in a more appropriate location than what currently exists.

Staff has not received a response from the Linden Hills Neighborhood Council upon the printing of this report.

EXPANSION OF A LEGAL NONCONFORMING USE -

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 on a block and within an area where all residential properties are zoned R1. Rezoning the property to a higher zoning classification would not be appropriate for this property within the context of the surrounding area.

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

The shape and configuration of the lot is fairly irregular and unique as there is no alley to the rear of the property. The placement of the detached garage is proposed to be located at approximately 1 foot, 6 inches from the north (rear) property line, 1 foot, 6 inches at the closest point to the east property line and approximately 4 feet at the closest point from the west property line. The applicant has acquired a 10 foot easement from the adjacent property owner in perpetuity for a retaining wall and driveway in order to access the rear of the property. Enclosing four vehicles in a detached structure would be compatible with adjacent properties.

(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 proposed garage would accommodate four vehicles. The garage would allow for convenient enclosed parking instead of the surface parking currently utilized in front of the house along 41st West as well as on-street parking. The expansion of the non-conforming use will not result in significant increases of adverse off-site impacts.

(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 garage, as noted, would replace the surface parking currently utilized in front of the house along 41st West as well as on-street parking. The applicant proposes the garage exterior be composed of vinyl siding. Planning staff recommends that the Planning Commission require that the garage exterior be composed of materials that match the existing residential structure on site to ensure that the garage would be compatible in appearance with the principal structure. To ensure compatibility with the property and surrounding area, all areas not covered by the driveway or walkways include turf or landscaping. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material as required by section 541.300 of the zoning code.

(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 site is not located in a Floodway District.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a nonconforming use to allow a new 675 square foot detached garage accessory to an existing five-unit building in the R1 District at 2610 41st Street West, subject to the following conditions:

1. All areas not covered by the driveway or walkways include turf or landscaping. The proposed driveway must be paved with asphalt, concrete, brick, cement pavers or similar material as required by section 541.300 of the zoning code.
2. The exterior materials of the proposed garage must be modified to match the existing residential building.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos