

Department of Community Planning and Economic Development – Planning Division
Expansion of a Legal Nonconforming Use
BZZ – 1886

Date: August 23, 2004

Applicant: Ron Lifson

Address of Property: 1716 Tyler St. NE

Project Name: N/A

Contact Person and Phone: Mike Russell, (612) 651-645-0331

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: July 28, 2004

End of 60-Day Decision Period: September 26, 2004

Ward: 1 **Neighborhood Organization:** Northeast Park

Existing Zoning: R2B

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 10

Legal Description: Not applicable for this application

Proposed Use: Three-car, 675-square-foot detached garage accessory to an existing three-unit building in an R2B District

Concurrent Review:

Expansion of a Legal Nonconforming Use: Expansion of a nonconforming use to allow a new detached garage accessory to a three-family building in an R2B District.

Applicable zoning code provisions:

531.150. Expansion or alteration of nonconforming uses and structures.

Background: The applicant's three-unit residential building is nonconforming in the existing R2B District. Construction of a garage constitutes an expansion of the nonconforming use under section 531.50 of the zoning code. A three-car garage with 675 square feet of area is proposed and would replace an existing detached garage.

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 block where all residential properties are zoned R2B. While the site is adjacent to a Commercial Corridor, rezoning the property to a higher zoning classification at this point is not compelling.

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

The placement of the garage, seven feet from the public alley, would be consistent with the placement of detached garages in the vicinity.

(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 three vehicles. The garage would allow for convenient enclosed parking while the existing garage is in a state of disrepair and is awkwardly positioned to not allow direct access from the alley.

(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 a garage that is not of high quality. The applicant proposes to clad the garage in vinyl siding. Planning staff encourages the applicant to use stucco to ensure consistency with the principal structure. Because the applicant is not proposing to increase the maximum permitted area or height of the proposed garage, staff is not recommending that the Commission require that the materials match the principal structure. To ensure compatibility with the property and surrounding area, the applicant must remove the existing driveway materials located to the area east of the proposed garage and ensure that 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 Legal 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 legal nonconforming use to allow a new detached garage accessory to an existing three-family building in the R2B District at 1716 Tyler Street NE, subject to the following conditions:

1. All driveway surfacing materials (e.g., class five gravel, asphalt, etc.) shall be removed from areas east of the proposed garage.

Attachments:

1. Statements submitted by the applicant
2. Zoning map
3. Aerial photograph
4. Site plan
5. Floor plan and elevations
6. Elevations
7. Photos