

**Department of Community Planning and Economic Development – Planning
Division**

Expansion of a Non-Conforming Use
BZZ-3735

Date: September 17, 2007

Applicant: Jeremy Fink, 4324 Lyndale Avenue South, Minneapolis, MN 55409,
(612) 822-3465

Addresses of Property: 4322 and 4324 Lyndale Avenue South

Project Name: Fink Residence

Contact Person and Phone: Jeremy Fink, 4324 Lyndale Avenue South, Minneapolis,
MN 55409, (612) 822-3465

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

Date Application Deemed Complete: August 14, 2007

End of 60-Day Decision Period: October 12, 2007

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

Ward: 13 (adjacent to 11) **Neighborhood Organization:** East Harriet/Farmstead
Neighborhood Association (adjacent to Kingfield Neighborhood Association)

Existing Zoning: R1A (Single-family) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 30

Lot area: 10,453 square feet or .24 acres

Legal Description: Not applicable for this application

Proposed Use: Expansion of an existing duplex to allow both interior and exterior
improvements.

Concurrent Review:

- Expansion of a non-conforming use (duplex) in the R1A(Single-family) district to
(1) remove and replace the existing front stoop which would include extending
the existing hip roof; (2) addition of exterior stairs on the north side of the

property to access the basement; (3) and the addition of egress windows in the basement for additional light as well as two new bedrooms.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures.

Background: The applicant, Jeremy Fink, proposes to make interior and exterior improvements to an existing legal nonconforming duplex in the R1A (Single-family) district located on the property at 4322 and 4324 Lyndale Avenue South. The use of the property as a duplex is a non-conforming use in the R1A district, therefore an expansion of a non-conforming use is required in order to make the proposed improvements which include: (1) remove and replace the existing front stoop which would include extending the existing hip roof; (2) addition of exterior stairs on the north side of the property to access the basement; (3) and the addition of egress windows in the basement for additional light as well as two new bedrooms. No additional land use applications are required.

Staff has not received official correspondence from the East Harriet/Farmstead Neighborhood Association or any neighborhood letters prior to the printing of this report. The applicant has provided signatures of adjacent residents in support of the proposed expansion. Those signatures have been attached for reference.

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 within a residential area where the majority of the properties are zoned R1A. Rezoning the property to a higher zoning classification which allows duplex dwelling units, 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 proposed expansion would be compatible with the adjacent property and with the neighborhood located in the immediate vicinity. The proposed expansion would largely be confined within the existing structure as the only visible exterior

improvements necessitating the land use application would be the proposed improvements to the front stoop, exterior stairs to the basement and new egress windows. The interior work would result in a finished basement with the addition of two new bedrooms.

- (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 expansion of the use would not be expected to result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors and parking congestion.

- (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 expansion of the use would result in the addition of habitable space within the basement as well as exterior improvements to the existing structure on site. Staff would argue that allowing the expansion of the non-conforming use would result in improvements to the subject property.

- (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 expansion of the use will not result in the creation or presence of more dwelling units on the subject property. The structure was originally built as a duplex dwelling unit, and has continued to function as duplex since it was constructed. The proposed interior improvements to the basement will result in additional bedrooms but will not result in an additional dwelling unit. The applicant is aware that should the approvals be granted for the expansion of a non-conforming use, any modifications to the basement shall not result in the presence of more dwelling units.

- (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 Department of Community Planning and Economic Development – Planning Division for the expansion of a legal non-conforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow an expansion of a legal non-conforming use as a duplex on the properties located at 4322 and 4324 Lyndale Avenue South subject to the following condition:

1. The proposed improvements shall not result in any additional dwelling units on the site.

Attachments:

1. Description of project and findings
2. Correspondence including neighborhood signatures
3. Zoning map
4. Plans –site plan, floor plan, elevations, landscape plan
5. Photos