

Department of Community Planning and Economic Development – Planning Division
Expansion of Non-Conforming Use
BZZ-5622

Date: July 16, 2012

Applicant: Matthew Buzzard

Addresses of Property: 3128 E 25th Street, Apt. 2

Contact Person and Phone: Matthew Buzzard, (612) 810-7703

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 19, 2012

End of 60-Day Decision Period: August 18, 2012

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

Ward: 2 Neighborhood Organization: Seward

Existing Zoning: R1A, Single-family residential

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Legal Description: Not applicable for this application.

Existing Use: Duplex.

Concurrent Review:

Expansion of non-conforming use: to allow an existing duplex in the R1A, Single-family district to expand a dormer in the attic of the 2.5 story structure.

Variance: to reduce the required front yard on a reverse corner lot.

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

Background: The owner is proposing to expand a dormer in the attic of an existing non-conforming duplex in the R1A district. The structure is a 2.5 story duplex with one unit on the first floor and one unit that comprises the second floor and half story. The additional finished space in the attic would be used as a living room. The attic currently contains a bedroom, bathroom and living room. The dormer that is the subject of this application is located on the east side of the structure, facing 32nd Avenue S. When finished, the dormer will be approximately 100 square feet in area.

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The current zoning of the property is R1A, which does not allow duplexes. The expansion of the dormer and additional living space is the trigger for the expansion of a legal non-conforming use application under Section 531.50(b) of the zoning code and therefore requires authorization from the City Planning Commission.

An additional land use application was identified after the public hearing notice was sent out. The property is a reverse corner lot and the proposed dormer, while extending straight up from the existing building wall, would be located in the required front yard. Staff is recommending that the application be continued for one cycle, to July 30, 2012, to allow for proper notice of the variance application.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for an expansion of a legal nonconforming use for the property located at 3128 E 25th Street to the July 20, 2012 City Planning Commission meeting.

Attachments:

1. Zoning map