

Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use
BZZ – 2722

Date: December 20, 2005

Applicant: Teddy Morse, 16832 49th Place N, Plymouth MN 55446

Address of Property: 536-538 37th Ave NE

Project Name: 536-538 37th Ave NE

Contact Person and Phone: Teddy Morse, 16832 49th Place N, Plymouth MN 55446, 763-516-2161

Planning Staff and Phone: Tara Beard, 612-673-2351

Date Application Deemed Complete: November 4, 2005

End of 60-Day Decision Period: January 3, 2006

Ward: 3 **Neighborhood Organization:** Columbia Park Neighborhood Association

Existing Zoning: R1A (Single-family) district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 5

Lot Area: 6,458 square feet

Legal Description: Not applicable for this application

Proposed Use: An expansion of a nonconforming use to finish the basements of each unit in the duplex at 536-538 37th Ave NE. Each unit has two bedrooms and would have a third added in the finished space. The duplex is nonconforming because it is located in a (R1A) Single Family District.

Concurrent Review:

- Expansion of a non-conforming use to permit additional bedrooms in an existing duplex.

Applicable zoning code provisions: Chapter 531 Expansion or alteration of nonconforming uses and structures and Chapter 546 Residence Districts.

Background: The applicant’s two-unit residential duplex is nonconforming in the existing R1A District. Currently the side by side duplex has two two-bedroom units with unfinished basements. The applicant would like to finish the basements of each unit and in doing so create a third bedroom. Creating a third bedroom for each unit constitutes an expansion of the nonconforming use under section 531.50 of the zoning code. There is no garage on the property but off-street parking is provided on site. No variances are required for the proposed construction.

Multiple other duplexes are present on the 500 block of 37th Ave NE, although they are also nonconforming uses.

At this time staff has not received written correspondence from the Columbia Park Neighborhood Association.

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 R1A. 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 proposed addition of a third bedroom for each unit would be within the confines of the existing building; it is a completely interior renovation. The current size of the structure is compatible with the adjacent property and the neighborhood.

(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 changes may increase the size of families that may be comfortable living in the units, but there is no indication that that would result in adverse impacts to surrounding sites with regard to traffic, noise, dust, odors, or 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 basements of the units are walk-out in the rear, and there is not much to indicate landscaping or activity from the basements to the rear yard. Finishing the basements of the units, which would include living space and a bathroom in addition to a third bedroom, may increase the attention toward and use of the back yard.

- (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 third bedroom in the units at 536 and 538 37th Ave NE.

Attachments:

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