

Community Planning and Economic Development Planning Division Report
Expansion of a Nonconforming Use and Variance
BZZ-5450

Date: February 6, 2012

Applicant: Alliance Housing Inc.

Address of Property: 2906 Golden Valley Road

Contact Person and Phone: Kris Brogan, (612) 801-4192

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: January 3, 2012

End of 60 Day Decision Period: March 3, 2012

Ward: 5 Neighborhood Organization: NRRC

Existing Zoning: R1 Single-Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 7

Legal Description: Not applicable for this application

Existing Use: Four-unit dwelling

Concurrent Review:

- Expansion of a nonconforming four-unit dwelling located in the R1 district.
- Variance to increase the maximum floor area ratio from 0.5 to 0.633.

Applicable Zoning Code Provisions: Chapter 525, Article IX Variances, Section 525.520 (3) “To vary the gross floor area, floor area ratio and seating requirements of a structure or use,” and Chapter 531 Nonconforming Uses and Structures, Section 531.50(b).

Background: The applicant is proposing to construct a two-story rear addition on a two-story, four-unit dwelling located at the property of 2906 Golden Valley Road. The addition will add one bedroom to each existing one bedroom unit and provide an accessible entrance. A four-unit dwelling is not an allowed use in the R1 district, therefore an expansion of nonconforming use application is required to allow the proposed addition. The maximum floor area ratio (FAR) in the R1 district is 0.5. The proposed addition would increase the gross floor area by approximately 950 square feet, which increases the FAR to 0.633. A variance is required to increase the maximum FAR. As of the writing

of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

EXPANSION OF A NONCONFORMING USE: To allow a two-story rear addition to a four-unit dwelling located in the R1 district.

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.

Rezoning the property would not be appropriate. The future land use of the site is designated as urban neighborhood by the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood land use designation includes areas with a range of densities, but is primarily low density. There are no other land use designations in the immediate area that support higher density on this site. A four-unit dwelling has existed on the subject property since 1946. Surrounding properties in the immediate area are primarily occupied by single-family dwellings, with the exception of the two-family dwelling located directly west of the subject site. Properties in the immediate area are zoned R1 and R1A, both of which are single-family districts. The first zoning district where a four-unit dwelling on a lot with 6,460 square feet of area is a permitted use is in the R3 Multiple-Family District. The nearest multiple-family zoning is located over one block from the site. In 1971, the City Council adopted the Willard-Homewood 40-acre rezoning study, which established most of the current zoning in this area and down-zoned the subject site from the R4 Multiple-Family District to the R1 Single-Family Residence District. The purpose of the study was to make the zoning consistent with the comprehensive plan that was in effect at that time.

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

Surrounding properties in the immediate area are primarily occupied by single-family dwellings, with the exception of the two-family dwelling located directly west of the subject site. Most of the surrounding properties are similar in scale and height (1 ½ to 2 stories) to the subject property. The addition will comply with the 7 foot interior side yard requirements and the maximum lot coverage and impervious surface requirements will not be exceeded. The size and character of the expansion would be compatible with adjacent properties 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 expansion would enlarge four existing dwelling units by adding one bedroom to each. It would also allow two of the units to be made accessible. It would not increase the parking requirement or eliminate any on-site parking. No additional traffic, noise, dust, odors or parking congestion is expected with the expansion.

- 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 exterior changes to the building would be consistent with the size and character of other properties in the area. The primary exterior materials of the building are stucco, glass and wood. The same exterior materials would be used on the addition. The materials would be durable. The property will be renovated as part of the project. The expansion should improve the appearance and stability of the neighborhood.

- 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 property is not located in the Floodway District.

VARIANCE: To increase the maximum floor area ratio from 0.5 to 0.633.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

There are existing practical difficulties and unique circumstances that were not created by the applicant. The maximum FAR in the R1 district is 0.5. The existing gross floor area (GFA) is 3,144 square feet, which is an FAR of 0.487. The proposed GFA is 4,092 square feet, which is an FAR of 0.633. The difference between the existing and proposed FAR is 948 square feet. The four-unit dwelling was established when it was a permitted use. Under the R1 zoning classification, the FAR restrictions are greater than in a district where the use would be permitted. The first zoning district where a four-unit dwelling on a lot with 6,460 square feet of area is a permitted use is in the R3 district. The maximum FAR for a multiple family dwelling in the R3 district is 1.0.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Policies of the comprehensive plan also support the purpose of the building bulk ordinances. The proposed addition is consistent with the scale and character of the existing structure and other

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properties in the immediate area. The addition will comply with the 7 foot interior side yard requirements and the maximum lot coverage and impervious surface requirements will not be exceeded. The request is reasonable and in keeping with the spirit and intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The proposed addition is consistent with the scale and character of the existing structure and other properties in the immediate area. The addition will comply with the 7 foot interior side yard requirements and the maximum lot coverage and impervious surface requirements will not be exceeded. The proposed expansion would enlarge four existing dwelling units by adding one bedroom to each. It would also allow two of the units to be made accessible. It would not increase the parking requirement or eliminate any on-site parking. No additional traffic or parking congestion is expected with the expansion. The granting of the variance should have little effect on surrounding property.

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 **approve** the application for an expansion of a legal nonconforming use to allow a rear two-story addition to a four-unit dwelling located at 2906 Golden Valley Road.

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 **approve** the variance to increase the maximum floor area ratio from 0.5 to 0.633 at the property of 2906 Golden Valley Road.

Attachments:

- 1) PDR report
- 2) Applicant statement of use, findings and floor area calculations
- 3) Zoning map
- 4) Plans
- 5) Photos