

Department of Community Planning and Economic Development – Planning Division
Expansion of Non-Conforming Use
BZZ-5574

Date: June 11, 2012

Applicant: Michael Sullivan

Addresses of Property: 4133 Grand Avenue S

Contact Person and Phone: Michael Sullivan, (612) 282-8428

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

Date Application Deemed Complete: May 15, 2012

End of 60-Day Decision Period: July 14, 2012

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

Ward: 8 **Neighborhood Organization:** Kingfield

Existing Zoning: R1A, Single-family residential

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 31

Legal Description: Not applicable for this application.

Existing Use: Multiple-family dwelling with four units.

Concurrent Review:

Expansion of non-conforming use: to allow an existing four-unit building in the R1A, Single-family district to finish the basement for additional living space including two bedrooms, two bathrooms and living space.

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

Background: The owner is proposing to finish the basement of an existing non-conforming four-unit building in the R1A district. The additional living space would include two additional bedrooms, two bathrooms and open living space. The additional finished space would be combined with the two first floor units so that each unit would include one additional bedroom, one additional bathroom and one family room. The inclusion of the additional bedrooms and living space is the trigger for the expansion of a legal non-conforming use application. The existing structure is a two-story, four-unit building.

There are two units located on the first floor and two units on the second floor. The current zoning of the property is R1A, which does not allow four-unit dwellings.

The basement currently includes storage space and a utility room. A storage space and utility room would remain in the rear of the building and the additional living space would be added to the front. The finished living space would be accessed via existing stairs internal to each unit. As part of the project, the applicant is proposing an egress window for each basement bedroom. The egress window wells will be less than 16 square feet in area and will be a minimum of two feet from the property line, in compliance with the zoning code. Allowing additional basement bedrooms and converting into legal, habitable space is an expansion of a nonconforming use under Section 531.50(b) of the zoning code and therefore requires authorization from the City Planning Commission. With the exception of the egress windows there will be no change in the exterior appearance of the building.

Staff had not received any official correspondence from the Kingfield Neighborhood Association prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

EXPANSION OF NON-CONFORMING USE: to allow an existing four-unit building in the R1A, Single-family district to finish the basement for additional living space including two bedrooms, two bathrooms and living space.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. A rezoning of the property would be inappropriate.

The property is located in the R1A, Single-family District along Grand Avenue South. Nearly all surrounding properties within the vicinity are also zoned R1A with the exception of one C1, Neighborhood Commercial District property at the corner of Grand Avenue South and 42nd Street West. The R1A district does not allow four-unit buildings. The subject lot is 5,000 square feet in area. In order to legalize the four dwelling units the property would need to be rezoned to R4, which has a minimum lot area requirement of 1,250 square feet per dwelling unit. The future land use map in *The Minneapolis Plan for Sustainable Growth* identifies the site as Urban Neighborhood, which would not generally support this higher density zoning without the presence of other land use features. There are no such features in close proximity to the site and therefore rezoning would be inappropriate.

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

The expansion is compatible with adjacent properties and the neighborhood. The surrounding area contains a mix of single and two-family homes. The applicant is not proposing to increase the number of dwelling units. Further, the expansion would primarily be internal to the structure, with the only exterior work being the construction of two egress windows.

- 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 expansion of the non-conforming use would not result in significant increases of adverse off-site impacts. There would be no increase in residential units and there is currently adequate off-street parking provided on the property which is accessed from the alley. No additional traffic, noise, dust, odors or parking congestion would be expected with the proposed modifications.

- 4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

With the exception of two egress windows, the changes to the use would be internal to the structure. The egress window wells would be constructed in compliance with the zoning code as they would be less than 16 square feet in area and two feet from the property line. Allowing the applicant to legally convert a portion of the basement to bedrooms, baths and living space and combine the new finished space with the first floor dwelling units would likely increase the value of the property and contribute to the stability of the neighborhood. No adverse impacts are anticipated as a result of the proposal.

- 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.

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 additional bedrooms, bathrooms and living space in the basement of the existing four-unit building located at 4133 Grand Avenue S subject to the following condition:

1. The egress window wells shall be smaller than 16 square feet and shall be located at least two feet from the interior property line.

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Attachments:

1. Statement of proposed use and description of project
2. Findings prepared by the applicant
3. Emails to Council Member Glidden and Kingfield Neighborhood Association
4. Zoning map
5. Site plan and floor plans
6. Photos of property and existing structures