

Department of Community Planning and Economic Development
Expansion of a Legal Nonconforming Use
BZZ-6125

Date: August 26, 2013

Applicant: Marsh Rentals LLC

Address of Property: 810 6th Street Southeast

Contact Person and Phone: Dan Anderson, The One Tree Group (612) 812-3324

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

Date Application Deemed Complete: July 26, 2013

End of 60 Day Decision Period: September 24, 2013

Ward: 3 Neighborhood Organization: Marcy Holmes Neighborhood Association

Existing Zoning: R2B Two-Family Residential District and UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 15

Legal Description: Not applicable for this application

Existing Use: Three-family dwelling

Concurrent Review: Expansion of a nonconforming use to allow attic space to be finished for living space.

Applicable Zoning Code Provisions: Chapter 531, Section 531.50(b).

Background: An existing legally nonconforming triplex is located at the property of 810 6th Street Southeast. The site is zoned R2B, which allows single- and two-family dwellings but not triplexes. City records indicate that a triplex has existed on the property since 1904 when it was established as a permitted use. The existing configuration of the building consists of two 2-bedroom units on the first floor and one 4-bedroom unit on the second floor. The basement and attic were previously unfinished. The owner had started to do work in the attic without permits to create a new dwelling unit. To legalize the work done in the attic, the applicant is requesting approval to finish attic space for a 3-bedroom dwelling unit. Because the existing triplex is a nonconforming use, additional dwelling units cannot be added. To maintain the same number of dwelling units, the applicant will combine the two

first floor units into one 3-bedroom unit. No changes are proposed to the second floor unit or the basement. As a result of this proposal, the total number of bedrooms will increase from 8 to 10.

Adding bedrooms and converting unfinished space to living 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. Compliance with applicable building codes and obtaining a building permit is also required in addition to needing zoning approval. The applicant will need to work with Regulatory Services Department staff to identify any code issues and to process the necessary permit(s).

A paved parking area with 6 spaces is located behind the building. The parking area is accessed from 5th Street Southeast across the adjacent property of 500 8th Avenue Southeast, which is occupied by a place of assembly. The applicant also owns the adjacent property of 806 6th Street Southeast.

As of writing 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 NONCONFORMING USE

Findings as Required by the Minneapolis Zoning Code:

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 future land use map in *The Minneapolis Plan for Sustainable Growth* classifies the use of the site as urban neighborhood. It is not within or adjacent to any designated land use features. The site is also located within the boundaries of the adopted *Master Plan for the Marcy Holmes Neighborhood*. The small area plan calls for single- and two-family residential development on the subject site and in the immediate surrounding area. Principal uses in the immediate area are primarily low-density residences zoned R2B. The first zoning district that would allow a triplex on a lot of this size (5,445 square feet) is the R3 Multiple-Family District. A rezoning of the property 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 applicant is not changing the footprint of the existing structure or adding building bulk. There is sufficient parking on-site to accommodate the additional bedrooms. As per section 546.50 of the zoning code, the maximum occupancy of a dwelling unit located in the R2B District cannot exceed one family plus up to 2 unrelated person living together as a permanent household, provided that the family plus the unrelated persons shall not exceed a total of 5 persons. The maximum occupancy requirements

have been taken into consideration in the combining of the first floor units and the proposed third floor unit.

- 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.**

There will be no increase in residential dwelling units. Six vehicle parking spaces are located on the property. For 10 bedrooms, 5 parking spaces are required. Behind the building, the applicant will provide one long-term bicycle space for each of the new bedrooms proposed. Adequate off-street parking is provided for the property. Therefore 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.**

With the exception of the proposed bicycle parking, the changes to the use are internal to the structure. Allowing existing building bulk to be converted to legally habitable space will likely increase the value of the property and contribute to the 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.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development for the Expansion of Nonconforming Use:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for an expansion of a legal nonconforming use to allow attic space to be finished for living space of a triplex within the R2B Two-family District located at the property of 810 6th Street Southeast, subject to the following conditions:

1. The total number of bedrooms shall not exceed 10.

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2. At least two long-term bicycle parking spaces shall be provided as required by section 541.180 of the zoning code.

Attachments:

- 1) Applicant statement of use and findings
- 2) Zoning map
- 3) Plans
- 4) Photos