



**LAND USE APPLICATION SUMMARY**

*Property Location:* 3301 1<sup>st</sup> Avenue South  
*Project Name:* 3301 1<sup>st</sup> Ave S Fire Egress  
*Prepared By:* Shanna Sether, Senior City Planner, (612) 673-2307  
*Applicant:* Dreamland, LLC  
*Project Contact:* Joseph Walz  
*Request:* To allow for a rear dormer and stair addition to allow for fire egress.  
*Required Applications:*

<b>Expansion of a Legal Nonconforming Use</b>	To allow for a rear dormer and stair addition to allow for fire egress.
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**SITE DATA**

<b>Existing Zoning</b>	R2B Two-Family District
<b>Lot Area</b>	12,086 square feet / 0.28 acres
<b>Ward(s)</b>	8
<b>Neighborhood(s)</b>	Lyndale Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Community Corridor (Nicollet Avenue one block west)
<b>Small Area Plan(s)</b>	Not applicable

<b>Date Application Deemed Complete</b>	October 5, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	December 4, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property was constructed as a single-family dwelling in 1894. The zoning classification for the property from 1924 to 1963 was Multiple with an “E” density, which would have allowed up to 15 dwelling units on the property. The City of Minneapolis adopted a new zoning code in 1963 and the classification changed to R5 Multiple Family District, which would have allowed up to 13 dwellings. The property was downzoned in 1976 in response to the *Model Cities – 40 Acre Study*. The property has remained R2B since 1976. The former property owner received a certificate of nonconforming use in 2003 to legally establish a six-unit, multiple-family dwelling.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** There are a range of uses within the surrounding neighborhood. The predominant land use is single- and two-family dwellings. There are additional multiple-family dwellings ranging from four units to 20 units. There retail and mixed use buildings at the corner of 33<sup>rd</sup> St E and Nicollet Avenue and MN Teen Challenge at 32<sup>nd</sup> St E between 1<sup>st</sup> Ave S and Stevens Ave.

**PROJECT DESCRIPTION.** The applicant is proposing to remodel the interior of the structure to allow for one unit on each floor, thus reducing the total number of dwelling units from six to four. The applicant is required to provide two means of egress from the third floor. Therefore, the applicant is proposing to add a dormer through the existing gambrel roof to a new steel egress stair that will connect to an existing roof deck over the first floor addition and then to the ground. Structures containing a nonconforming use may not be expanded or enlarged without approval by the city planning commission. Therefore, the applicant is seeking an expansion of the nonconforming use to allow for the dormer and egress stair addition to the existing structure.

### RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-1295	Certificate of nonconforming use	Establish legal, nonconforming rights to 6 dwellings in the R2B District.	The city planning commission approved the wall sign only on <u>4/9/07</u> .

**PUBLIC COMMENTS.** Staff has not received any comments, at the time of writing the report, regarding the proposed land use application. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### EXPANSION OF A NONCONFORMING USE

The Department of Community Planning and Economic Development has analyzed the application to allow for a dormer and egress stair to an existing building based on the following findings:

1. A rezoning of the property would be inappropriate.

The property was originally constructed prior to the first zoning ordinance. The zoning on the property between 1924 and 1976 would have allowed for multiple-family dwellings. However, the property was downzoned in 1976 to R2B Two-Family District and that zoning remains today. The

block and east half of the block across the street is zoned R2B. The blocks north, northwest and the west half of the next block to the west are zoned R4 Multiple-Family District. Nicollet Avenue is a Community Corridor and is located one block to the west. Community Corridors are predominately residential and may support higher density, where appropriate. Staff finds that there are City policies and similar land uses with more intense zoning classifications in the area that may allow for the consideration of rezoning the property; however, the rezoning of this parcel to allow for a dormer addition and egress stair is unnecessary.

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

The site is located at the corner of 1<sup>st</sup> Ave S and 33<sup>rd</sup> St E. The proposed dormer will be located within the existing gambrel roof and a set of steel egress stairs will connect the third floor to the roof deck over the first floor. The stairs will then connect to the rear yard. The upper level of stairs will be visible from 33<sup>rd</sup> St E, however, the lower stairs will be predominately screened from view by the existing six-foot fence above the retaining wall and the line of trees in the rear yard. The stairs are only intended to be utilized during an emergency. Staff finds that the proposed dormer and egress stairs will be compatible with 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 dormer and egress stair will not have any additional impact to the traffic, noise, dust, odor 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 subject property has been out of compliance with the building and housing maintenance codes for several years. The new owner is proposing to significantly remodel the existing building and reduce the number of dwellings from six to four. The intent of the dormer and stair addition is to ensure the safety of the occupants of the structure. Staff finds that the applicant is proposing to improve the property by providing safe, comfortable and livable dwelling units which will improve 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.*

The property had previously received a certificate of nonconforming use to allow for up to six dwelling units. The applicant is proposing to reduce the number of dwelling units to four.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application by Joseph Walz, on behalf of Dreamland, LLC, for the property located at 3301 1<sup>st</sup> Avenue South:

### A. Expansion of a Nonconforming Use.

Recommended motion: **Approve** the application for a dormer and egress stair addition to the existing building.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Plans
5. Building elevations
6. Photos

## **Statement of Proposed Use and Description of the Project**

### **Statement of Proposed Use:**

Comply with Fire safety Ordinances for 3<sup>rd</sup> floor living.

### **Description of the Project:**

3<sup>rd</sup> floor- Building a dormer for a door to come out of 3<sup>rd</sup> floor roof. Building a stairway from the dormer to the 2<sup>nd</sup> floor (1<sup>st</sup> floor flat roof).

2<sup>nd</sup> floor- Build Deck and/or railing for the stair landing on the the flat roof. Stairway from 2<sup>nd</sup> floor to ground to complete fire escape path. May need to alter existing gazebo to accomplish.

(future- phase 2) Existing above ground swimming pool - looking to put a greenhouse structure within footprint of the swimming pool.

## **Expansion or alteration of Nonconforming Use Statement:**

- (1) Rezoning- At this time it doesn't seem to be a solution, the city plan doesn't call for it.
- (2) There already is stairs in multiple properties in the area, this would be compatible with those.
- (3) No impact on traffic, noise, dust, odors, and parking congestion- reducing it from a 6 plex to a 4plex, if anything reduction and it's a double lot.
- (4) This property will be improved both in appearance and stability. Appearance will remain similar, stairways and deck will be no different then properties in neighborhood. Having a house that is improved visually/security wise, will create stability.
- (5) Reduction in units from a 6plex to a 4plex (note: across the street to the north is R4 zone/1 block from C2)
- (6) Not located in a floodway district



Joseph Walz &lt;joejoewalz@gmail.com&gt;

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## 3301 1st Ave.- Explaining the Proposed Project

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Joseph Walz &lt;joejoewalz@gmail.com&gt;

Thu, Oct 1, 2015 at 2:12 PM

To: Elizabeth.glidden@minneapolismn.gov, mark@lyndale.org

Hello!

My Name is Joseph Walz, owner of 3301 1st Ave S., which I purchased in March 2015. The purpose of the email is to comply with requirements of general land use application and provide required information as follows:

### 1) Description of the project:

Comply with Fire safety Ordinances for 3<sup>rd</sup> floor living. To do this, I need to complete the following on the exterior:

3<sup>rd</sup> floor- Building a dormer for a door to come out of 3<sup>rd</sup> floor roof. Building a stairway from the dormer to the 2<sup>nd</sup> floor (1<sup>st</sup> floor flat roof).

2<sup>nd</sup> floor- Build Deck and/or railing for the stair landing on the the flat roof. Stairway from 2<sup>nd</sup> floor to ground to complete fire escape path. May need to alter existing gazebo to accomplish.

(future- phase 2) Non fire safety related- Existing above-ground swimming pool - looking to put a greenhouse structure within footprint of the swimming pool.

### 2) Applying for Expansion of Non Conforming use application

### 3) Address: 3301 1st Ave S.

4) Joseph Walz, 3301 1st Ave S. Minneapolis, MN 55408, phone#: [651-300-9544](tel:651-300-9544), email: [joejoewalz@gmail.com](mailto:joejoewalz@gmail.com)  
(there is no neighborhood boundary adjacent to this property)

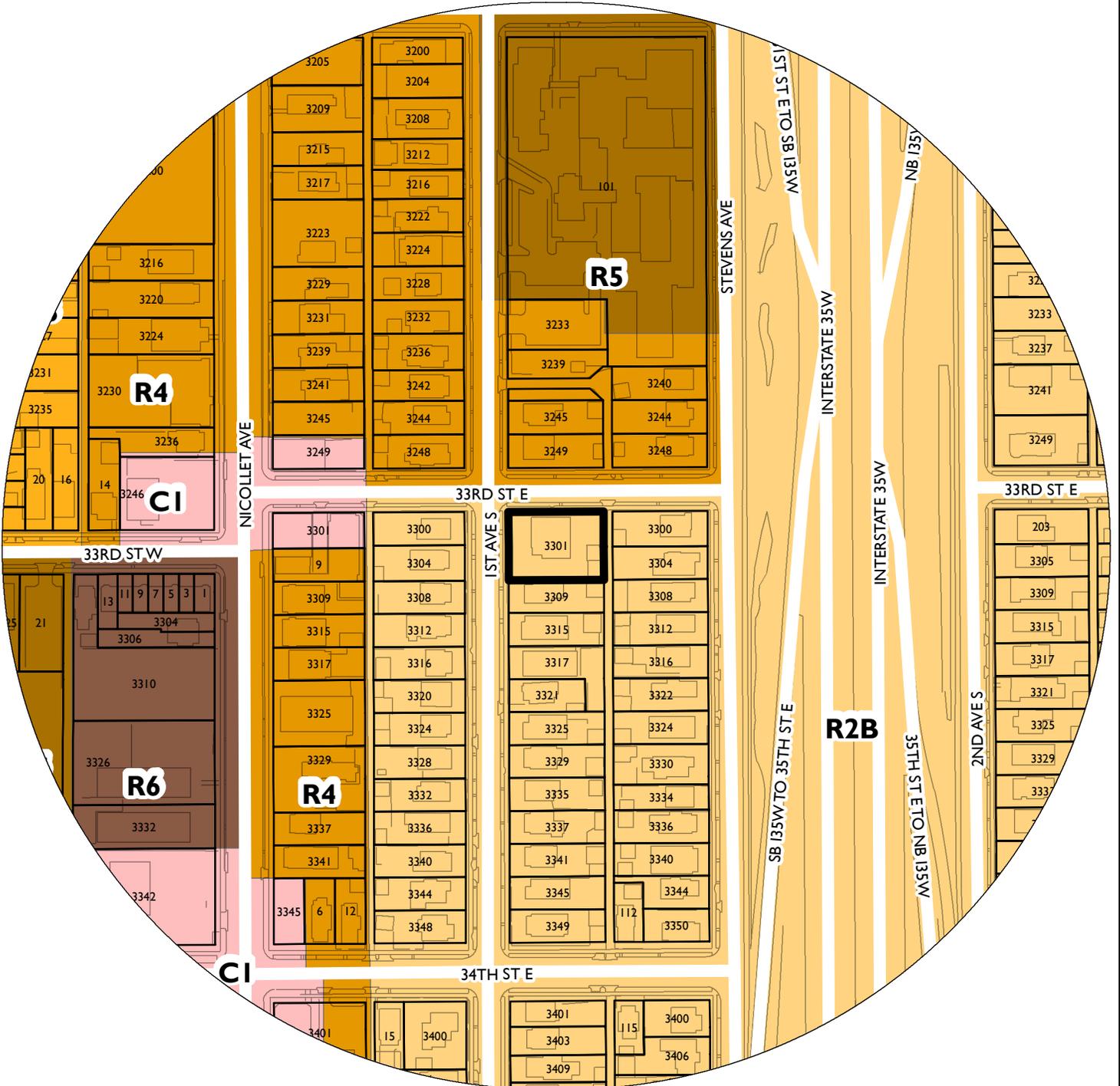
All the best,  
\*\*Joseph\*\*

Joseph Walz

8th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

**3301 1st Avenue South**

FILE NUMBER

**BZZ-7454**

**CODE ANALYSIS:**

2006 MINNESOTA STATE BUILDING CODE  
2015 MINNESOTA CONSERVATION CODE FOR EXISTING BUILDINGS

3301 1ST AVENUE S

LOT AREA = 12,098 S.F PER HENNEPIN COUNTY PROPERTY RECORDS  
ZONED R2B

BUILDING IS EXISTING R-2 USE CLASSIFICATION  
4 DWELLING UNITS PROPOSED  
CONSTRUCTION TYPE V-A, NON-SPRINKLERED: 3 STORIES ALLOWED (TABLE 503).  
6967 G.S.F. TOTAL - SPRINKLERS NOT REQUIRED

OCCUPANT LOAD - 200 SF. GROSS / OCC.  
SEE PLANS FOR INDIVIDUAL UNIT OCCUPANT LOAD AND EXITS  
2 EXITS REQUIRED AT R-2 USE (1019.2) - PROVIDED AT EACH UNIT  
MAX. EXIT ACCESS TRAVEL DISTANCE = 200' (1016.1) - LESS THAN 200' PROVIDED

FIRE SEPARATION DISTANCE IS > 10' AT ALL SIDES  
EXTERIOR WALLS NOT REQUIRED TO BE FIRE RESISTANT CONSTRUCTION (TABLE 602)  
1-HOUR SEPARATION REQUIRED BETWEEN :  
ALL DWELLING UNITS (708.1 WALLS, 711.3 FLOORS)  
SEPARATION IS PROVIDED BY EXISTING WALLS AND CEILINGS WHICH ARE PLASTER AND LATH IN  
GOOD CONDITION OR EXISTING GYPSUM WALLBOARD ON WOOD STUDS IN GOOD CONDITION.

ACCESSIBILITY:  
ACCESSIBLE MEANS OF EGRESS NOT REQUIRED IN EXISTING BUILDING (1007.1.1.)  
MAIN FLOOR UNIT IS ACCESSIBLE FOR ENTRY.

INTERIOR ENVIRONMENT:  
AIRBORNE SOUND: SEPARATION BETWEEN UNITS AND/OR COMMON AREAS MUST BE >STC 50 (OR  
>STC 45 IF FIELD TESTED (1207.2)  
STRUCTURALLY-BORNE SOUND: FLOOR STRUCTURE BETWEEN UNITS AND/OR COMMON AREAS  
MUST BE >IIC 50 (OR >STC 45 IF FIELD TESTED (1207.3)

# 3301 1st AVENUE SOUTH, MINNEAPOLIS

**code review and remodeling**

EXISTING STAIRS ARE ALLOWED PER MINNESOTA BUILDING CONSERVATION CODE [B] 403.1  
EXCEPTION 1, (RISE LESS THAN 8.25" AND RUN GREATER THAN 9", WITH 36" WIDTH.

NEW EGRESS STAIRS MUST FOLLOW NEW BUILDING CODE FOR RISE AND RUN

EXISTING WALLS AND CEILINGS ARE PLASTER AND LATH IN GOOD CONDITION OR EXISTING GYPSUM  
WALLBOARD ON WOOD STUDS IN GOOD CONDITION.

30-MINUTE FIRE-RATING REQUIREMENT AT VERTICAL SPACES NOT NECESSARY PER MINNESOTA  
BUILDING CONSERVATION CODE IF VERTICAL SPACE DOES NOT EXCEED 2 FLOORS AND HAS FEWER  
THAN 4 DWELLING UNITS PER FLOOR. (803.2.1.1.11.1 )

**MACKEY MALIN ARCHITECTS**  
5200 Washburn Ave. S  
Minneapolis MN 55410  
Tel. 612-220-6190

**3301 1ST AVENUE SOUTH**  
MINNEAPOLIS MN

PROJECT PHASE:  
CODE REVIEW

PROJECT NUMBER:  
\_\_\_\_\_

ISSUE DATE:  
\_\_\_\_\_  
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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Print Name: Sara G Malin  
Signature: *Sara G Malin*  
Date: 8/17/2015 License # 40063

DRAWN BY:  
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**8/20/15**

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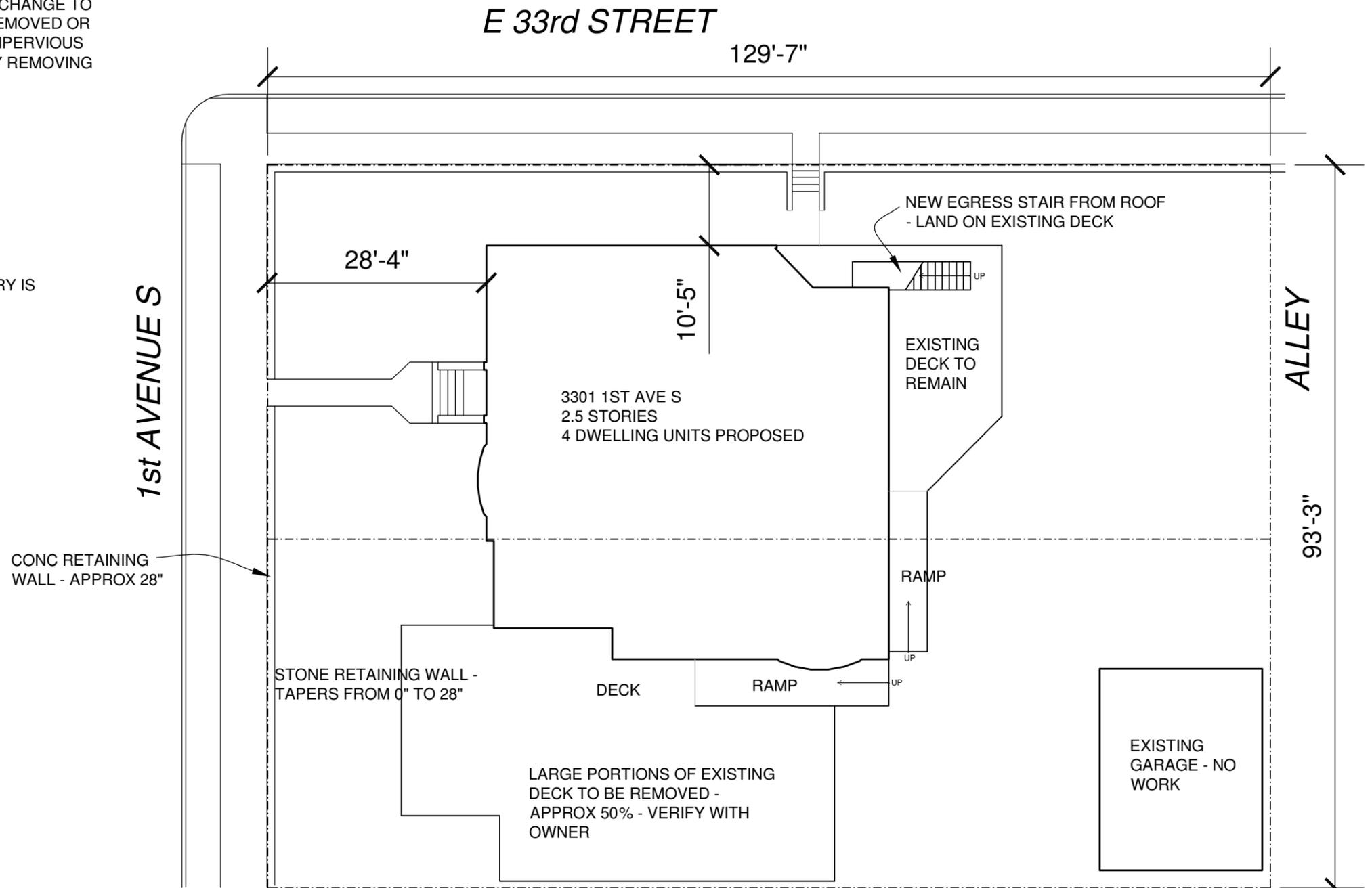
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**SCOPE OF WORK:**

LEVEL 2 ALTERATION PER MN CONSERVATION CODE FOR BUILDINGS (SECTION 504).  
 CONVERSION OF EXISTING 5-UNIT STRUCTURE INTO 4-UNIT STRUCTURE, NEW INTERIOR UNIT ENTRY DOORS, ADDITION OF SMALL DORMER FOR EGRESS AT THIRD FLOOR AND METAL EGRESS STAIRS AT EXTERIOR AT REAR OF HOUSE. NO NEW FOOTPRINT IS PROPOSED, NOR ANY SIGNIFICANT CHANGE TO EXTERIOR OF BUILDING. NO WINDOWS WILL BE REMOVED OR ALTERED OTHER THAN REPAIR/REPLACEMENT. IMPERVIOUS SURFACE AREA AT THE SITE WILL BE REDUCED BY REMOVING CURRENT WOOD DECKS IN POOR CONDITION.

3301 1ST AVE S MINNEAPOLIS  
 LOT IS 129.57' X 93.28'  
 LOT AREA = 12098 S.F. (PER HENNEPIN COUNTY)  
 ZONED R-2B  
 5 FOOT SIDE YARD SETBACK  
 8 FOOT CORNER SIDE YARD SETBACK  
 20 FOOT FRONT YARD SETBACK  
 5 FOOT REAR SETBACK  
 MAX. F.A.R. - 0.5 (6049 S.F.)  
 3631 S.F. PROPOSED (4546 IF GAMBREL HALF-STORY IS COUNTED)

4 DWELLING UNIT PROPOSED  
 2.5 STORIES EXISTING, HEIGHT 28.5 FEET  
 EXISTING FOOTPRINT - 2518 S.F.  
 PROPOSED FOOTPRINT = 2518 S.F.



**1 SITE PLAN**  
 1/8" = 1'-0"



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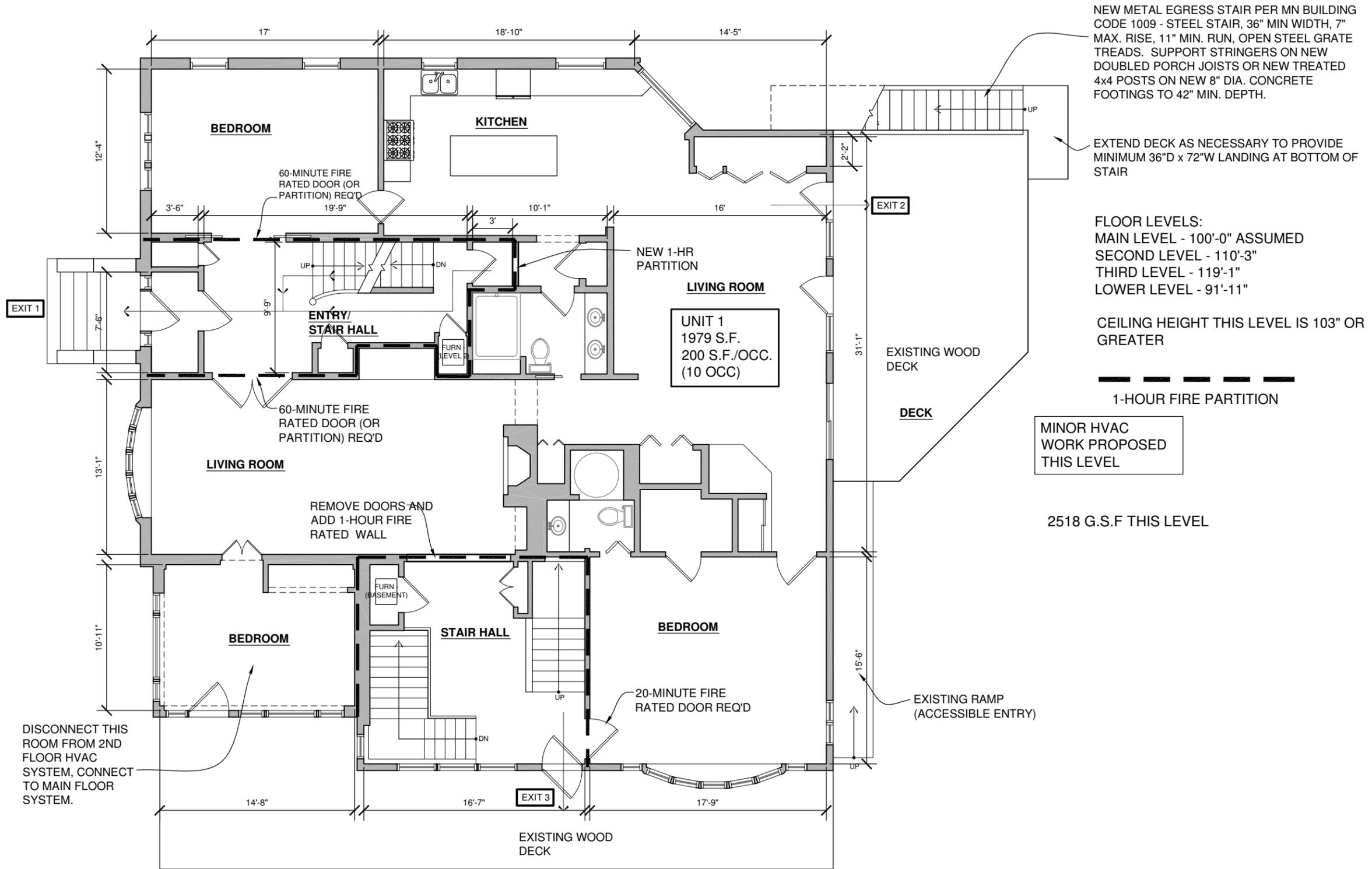
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**SITE**  
 SITE PLAN





NEW METAL EGRESS STAIR PER MN BUILDING CODE 1009 - STEEL STAIR, 36" MIN WIDTH, 7" MAX. RISE, 11" MIN. RUN, OPEN STEEL GRATE TREADS. SUPPORT STRINGERS ON NEW DOUBLED PORCH JOISTS OR NEW TREATED 4x4 POSTS ON NEW 8" DIA. CONCRETE FOOTINGS TO 42" MIN. DEPTH.

EXTEND DECK AS NECESSARY TO PROVIDE MINIMUM 36" D x 72" W LANDING AT BOTTOM OF STAIR

FLOOR LEVELS:  
 MAIN LEVEL - 100'-0" ASSUMED  
 SECOND LEVEL - 110'-3"  
 THIRD LEVEL - 119'-1"  
 LOWER LEVEL - 91'-11"

CEILING HEIGHT THIS LEVEL IS 103" OR GREATER

1-HOUR FIRE PARTITION

MINOR HVAC WORK PROPOSED THIS LEVEL

2518 G.S.F THIS LEVEL

**1 FIRST FLOOR PLAN**  
 1/8" = 1'-0"



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 Tel. 612-220-6190

**3301 1ST AVENUE SOUTH**  
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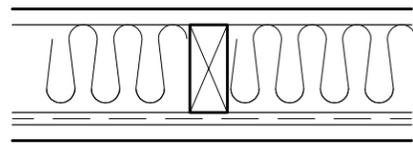
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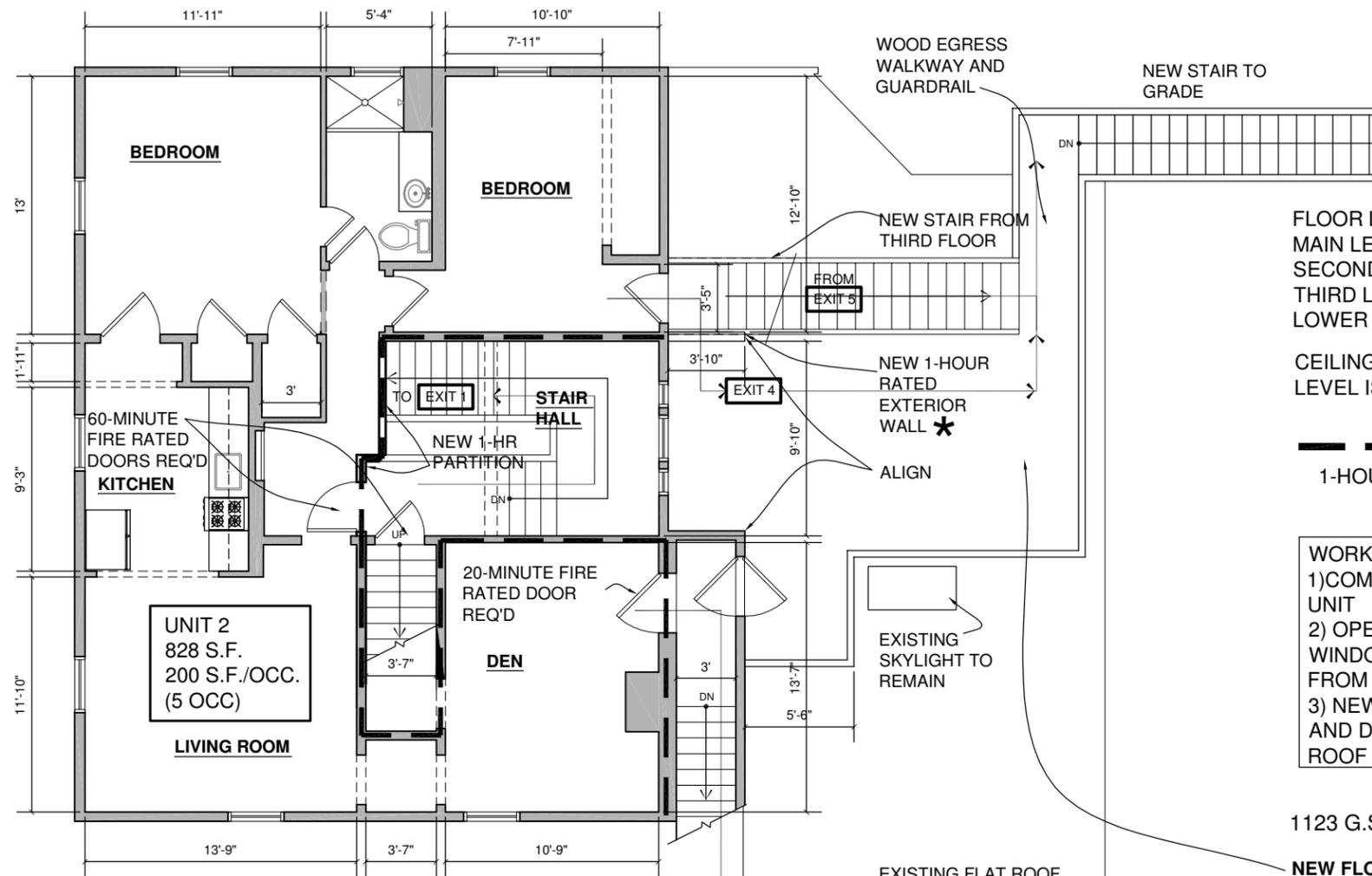
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**A10**  
 MAIN LEVEL PLAN



NEW INTERIOR PARTITIONS:  
 1-HOUR FIRE RATING  
 50-54 STC  
 GA FILE NO. WP3240

2x4 WOOD STUDS WITH 5/8" GYP.  
 WALLBOARD ONE SIDE, RESILIENT  
 CHANNEL WITH 5/8" GYP. WALLBOARD  
 OTHER SIDE WITH 3" BATT INSULATION.



\* NEW 1-HOUR RATED EXTERIOR WALL  
 CONSTRUCTION:  
 (GA FILE NO. WP 3510, 1-HOUR.)  
 5/8" EXTERIOR GYP SHEATHING  
 (DENS-GLAS-GOLD) ON BOTH SIDES OF 2x4  
 WOOD STUD, WITH CEMENTITIOUS BOARD  
 LAP SIDING

FLOOR LEVELS:  
 MAIN LEVEL - 100'-0" ASSUMED  
 SECOND LEVEL - 110'-3"  
 THIRD LEVEL - 119'-1"  
 LOWER LEVEL - 91'-11"

CEILING HEIGHT THIS  
 LEVEL IS 97.5" U.N.O.



WORK PROPOSED THIS LEVEL:  
 1) COMBINE 2 UNITS TO ONE  
 UNIT  
 2) OPENING PROTECTIVE FOR  
 WINDOW NEAR EXIT STAIR  
 FROM ABOVE  
 3) NEW EXTERIOR EXIT STAIRS  
 AND DECKING ON EXISTING  
 ROOF

1123 G.S.F THIS LEVEL

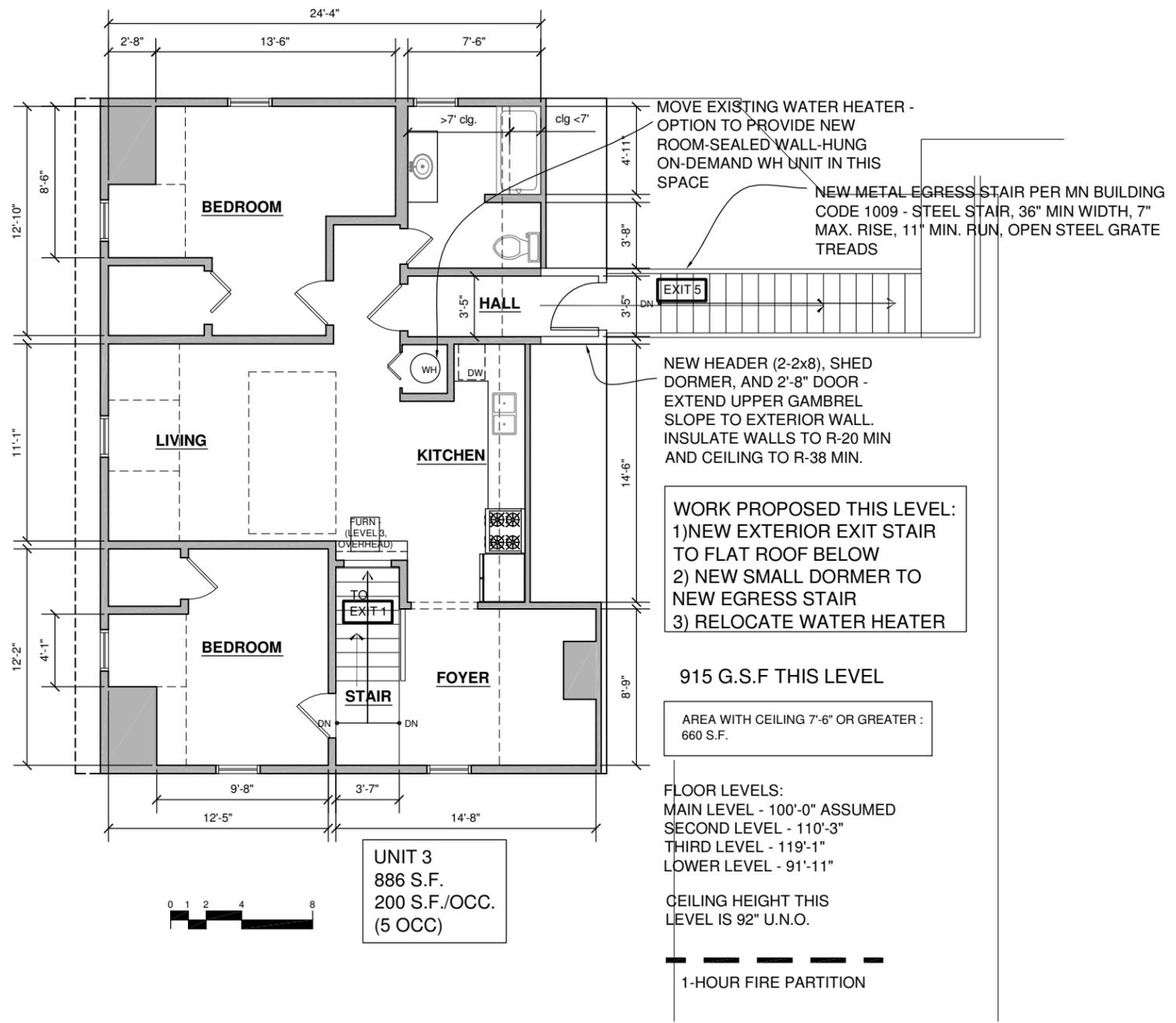
**NEW FLOATING DECK AND WALKWAY:**  
 MIN 36" WALKING SURFACE  
 TREATED 2x4 SLEEPERS @ 16" O.C.  
 TREATED 1" NOM. DECK BOARDS,  
 SCREWED TO SLEEPERS  
 2- LAYERS EPDM STRIP LOOSE-LAID  
 UNDER SLEEPERS ON EXISTING ROOF  
 PROVIDE DRAINAGE NOTCHES AT BOTTOM  
 OF SLEEPERS EVERY 4'  
 PROVIDE 36" WOOD GUARDRAIL ON SIDE  
 TOWARD ROOF EDGE ( PER MN BUILDING  
 CODE 1013)

**1 SECOND FLOOR PLAN**  
 1/8" = 1'-0"



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Signature:	<i>Sara G Malin</i>
Date:	8/17/2015 License # 40063
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**1 THIRD FLOOR PLAN**  
 1/8" = 1'-0"



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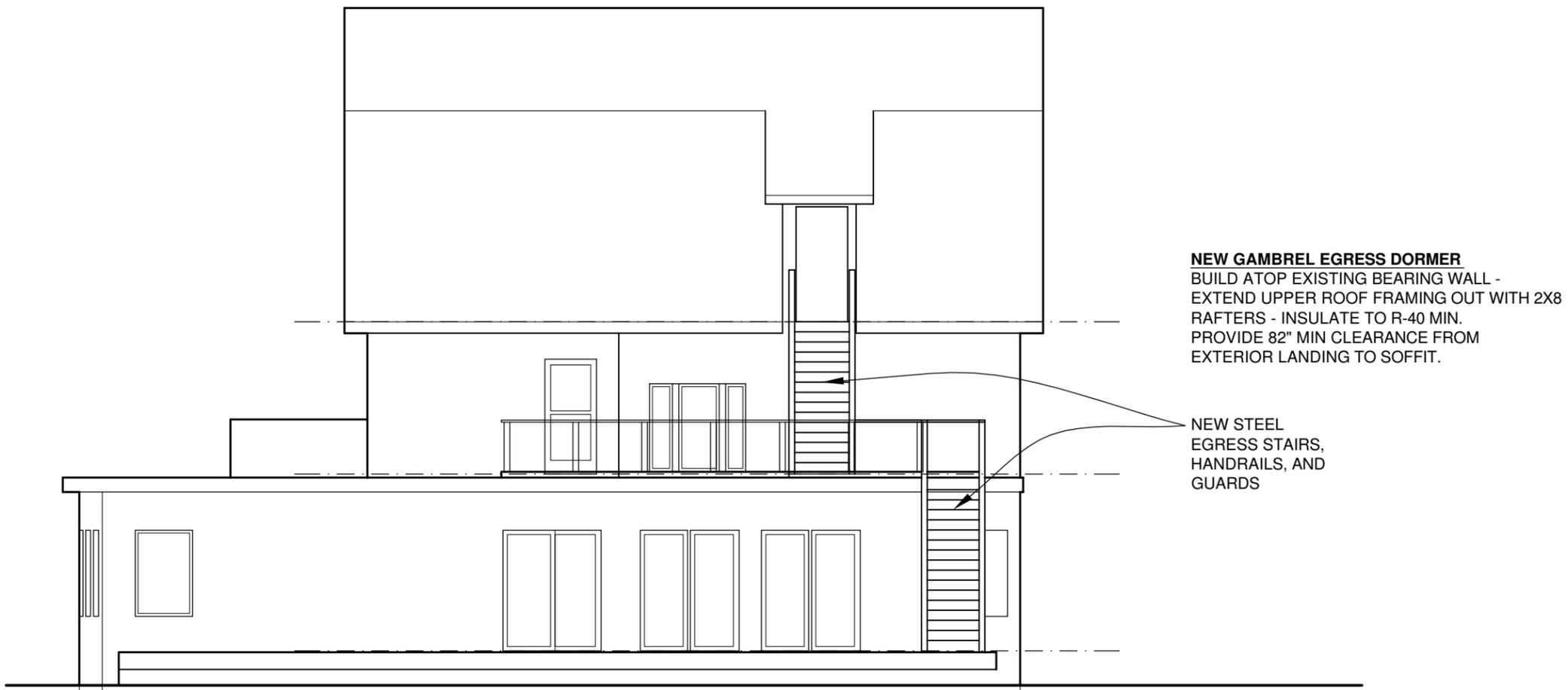
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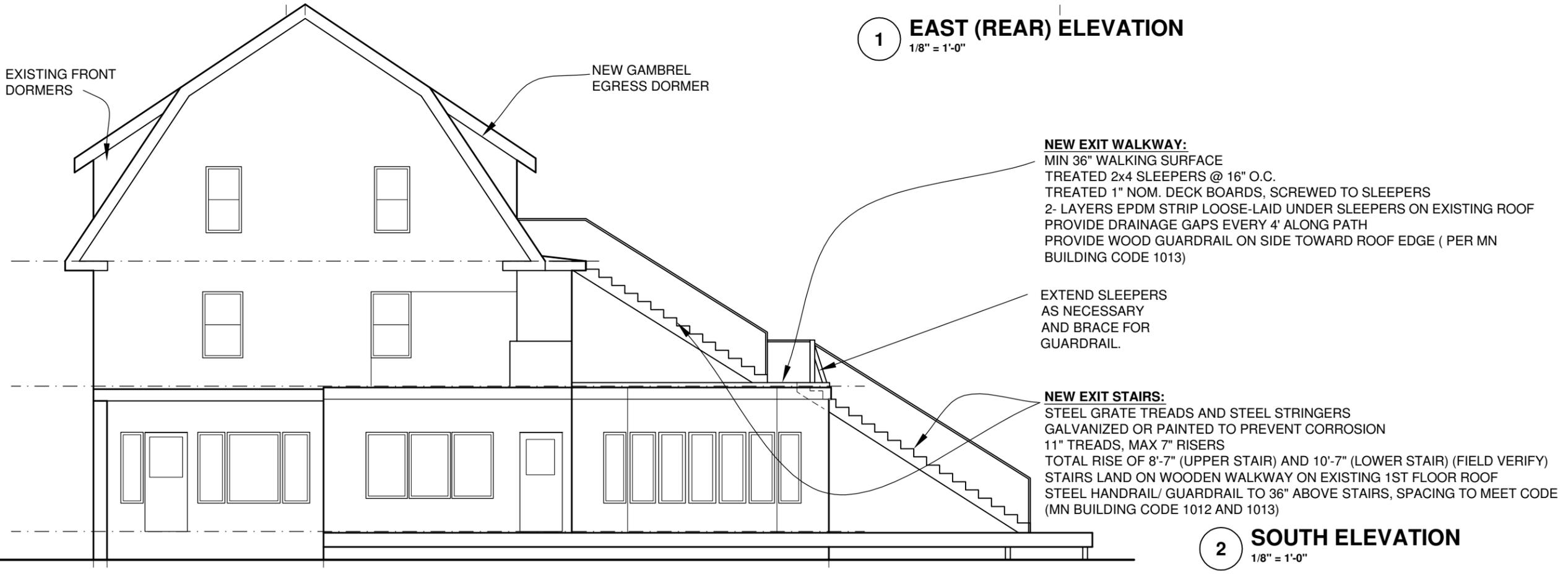
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**A12**  
 THIRD LEVEL PLAN



**1 EAST (REAR) ELEVATION**  
 1/8" = 1'-0"



**2 SOUTH ELEVATION**  
 1/8" = 1'-0"

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8/20/15

**A20**  
 EXTERIOR ELEVATIONS





**Picture 1- West and North**

**Picture 2- South and East**

**Picture 3- Garage**

**Picture 4- Above ground Swimming Pool**

**Picture 5- Gazebo**