

**Department of Community Planning and Economic Development - Planning Division**

Expansion of a Legal Nonconforming Use

BZZ - 2881

**Date:** April 10, 2006

**Applicant:** Mark McClellan

**Address of Property:** 2029 Sheridan Avenue South

**Contact Person and Phone:** 952-237-7332

**Planning Staff and Phone:** Michael Wee, 612-673-5468

**Date Application Deemed Complete:** March 8, 2006

**End of 60 Day Decision Period:** May 7, 2006

**End of 120 Day Decision Period:** N/A

**Ward: 7**      **Neighborhood Organization:** Kenwood

**Existing Zoning:** R1 Single Family Residential

**Proposed Use:** Expand an existing non-conforming two-family dwelling in the R1 District by adding a one-story addition to the rear of the house.

**Appropriate Section(s) of the Zoning Code:** Section 531.50 Expansion or Alteration of Non-conforming uses.

**Background:**

Mark McClellan bought the subject property with the intention of renovating the lower unit for his own use while keeping the second unit on the second floor as rental unit, which is currently occupied. The property is a legal non-conforming duplex in an R1 Single Family District. An addition or an expansion of a non-conforming use requires approval from the City Planning Commission. This proposed work will remove the two-story enclosed rear porch (total of 270 square feet, see photo), then building an addition that will enlarge the kitchen area, adding an open deck, and relocating the bedroom to the basement (see floor plan). Total habitable area of the addition is 207 square feet, and 140 square feet for the open deck. The new livable space added will result in a reduction of 63 square feet from its current non-conforming use. Applicant also intends to utilize the top of the new addition as an open deck for the second floor dwelling unit. Further, the space below the new addition will be utilized as a storage as shown in the plan.

**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 duplex property is located in a predominantly R1 Single Family District. Rezoning it to R2 Two-Family District is not appropriate when the surrounding areas are all zoned Single Family.

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

The proposed addition would extend farther toward the east – toward the rear of the property – than the current structure. The total area added is 207 square feet of livable space, a reduction of 63 square feet from its current two-story enclosed porch to be removed. The new addition will be finished with stucco to match existing structure's exterior wall finish. The one-story addition will appear more proportioned and in keeping of the neighborhood character. All new decks of the addition will stay open without enclosures. The basement area below the new addition will be used as storage and not for rooming purposes, to comply with Section 531.50 (b)(5) of the code.

**(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 the number of residential units. Off-street parking is deemed adequate for its current use. No additional traffic, noise, dust, odors, and parking congestion will result of this 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.**

Staff feels that after the modification, the value of the property will increase. The overall appearance of the structure will be more in keeping with its proportion and scale.

**(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.**

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No additional units are proposed. Per Section 531.50(b)(5) of the code, provided that the enlargement does not result in the creation of rooming unit, the proposed open decks and use of basement strictly for storage can be supported.

- (6) The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The property is not in a floodplain. The front half of the property is within the Shoreland Overlay District, but the expansion is to the rear half of the property.

- (7) The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

Policy 4.14 of *The Minneapolis Plan* states that, “Minneapolis will maintain the quality and unique character of the City’s housing stock, thus maintaining the character of the majority of residential blocks in the City.” The improvements to this property are in conformance with this policy of the comprehensive plan.

**Recommendation of the Community Planning and Economic Development Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to expand a legal non-conforming two-unit dwelling unit to allow a one-story rear addition at 2029 Sheridan Avenue South.

**Attachments:**

1. Statement of use
2. Findings
3. Zoning Map
4. Plans and Elevations
5. Photos