

Community Planning and Economic Development Planning Division Report
Expansion of a Legal Nonconforming Use
BZZ-2563

Date: September 19, 2005

Applicant: Christopher Guertin

Address of Property: 3625 Dupont Avenue South

Contact Person and Phone: Christopher Guertin, (612) 822-1303

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

Date Application Deemed Complete: August 16, 2005

End of 60 Day Decision Period: October 15, 2005

Ward: 10 **Neighborhood Organization:** East Harriet Neighborhood Association

Existing Zoning: R1A, Single-Family Residential District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Existing Use: Two-family dwelling

Concurrent Review:

Expansion of a nonconforming use: to allow the conversion of unfinished basement space to habitable space for an existing dwelling in a duplex located at 3625 Dupont Avenue South.

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

Background: The owner and applicant, Christopher Guertin, is proposing to convert unfinished basement space to habitable space in an existing two-family dwelling at the property of 3625 Dupont Avenue South. The property is located in a large residential area East of the Lakewood Cemetery on Kings Highway. The current zoning is R1A, which does not allow two-family dwellings. A two-family dwelling has existed on the property since 1925 before the zoning did not allow it, therefore it is legally nonconforming. The residence is an up/down duplex. The lower unit is occupied by the applicant. To allow more room for his growing family, the applicant is proposing to expand his dwelling into the basement level by adding a staircase and bathroom. Converting unfinished space of a

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nonconforming use to finished, 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.

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

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 property is located in the R1A, Single-Family district facing Kings Highway (Kings Highway is a greenway that runs North and South along Dupont Avenue from 36th to 46th Streets West). The districts along Kings Highway are all R1 or R1A with the exception of a cluster of five parcels zoned R2B. The R1 and R1A districts do not allow two-family dwellings, and the uses along this greenway are predominantly single-family dwellings. The East half of the block is zoned R2B, Two-Family district and R5, Multifamily district. The R5 district is directly behind the subject property. An alley separates the multifamily districts from the single-family district. The applicant could propose to rezone to the R2B district, which is the first district that would allow a two-family dwelling. However, there is no R2B zoning or other two-family dwellings on the West side of the alley.

(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.

(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 will not result in significant increases of adverse off-site impacts. There will be no increase in residential units and there is currently adequate off-street parking provided for the property. No additional traffic, noise, dust, odors or parking congestion would be expected with the additional habitable space.

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- (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 changes to the use are only internal to the structure. The applicant has indicated that the expansion will accommodate the needs of his family without relocating out of the area. Allowing existing building bulk to be converted to 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 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 for an expansion of a legal nonconforming use to allow the conversion of unfinished basement space to habitable space for an existing dwelling in a duplex located at 3625 Dupont Avenue South.

Attachments:

- 1) Statement of use
- 2) Findings
- 3) Zoning map
- 4) Plans
- 5) Photos