

Department of Community Planning and Economic Development – Planning Division
Variances and Minor Subdivision
BZZ-5621 & MS-223

Date: August 27, 2012

Applicant: Irving Twinhomes Condo Assoc

Address of Property: 3401 Irving Avenue South and 1523 34th Street West

Contact Person and Phone: Tony Kriha, (612) 986-2511

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

Date Application Deemed Complete: July 31, 2012

End of 60-Day Decision Period: September 29, 2012

Ward: 10 **Neighborhood Organization:** East Calhoun Community Organization

Existing Zoning: R2B Two-Family Residence District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: Not applicable for this application

Proposed Use: Convert a duplex to two single-family dwellings

Concurrent Review:

- Variance to reduce the minimum front yard requirement adjacent to 34th Street West from 20 feet to 15.8 feet for the west lot.
- Variance to reduce the minimum interior side yard requirement adjacent to the proposed shared lot line from 5 feet to 3 feet for the west lot.
- Variance to reduce the minimum front yard requirement adjacent to 34th Street West from 20 feet to 8 feet for the east lot.
- Variance to reduce the minimum interior side yard requirement adjacent to the proposed shared lot line from 5 feet to 0.29 feet for the east lot.
- Variance to reduce the minimum lot width requirement from 40 feet to 39.16 feet for the east lot.
- Variance to increase the maximum floor area ratio from 0.5 to 0.62 for the dwelling on the east lot.

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- Minor subdivision to create two lots with subdivision variances to allow a reverse frontage lot and lots with more than five sides.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” (2) “To vary the lot area or lot width requirements up to thirty (30) percent...” and (3) “To vary the gross floor area, floor area ratio and seating requirements of a structure or use.,” and Chapter 598 Land Subdivision.

Development plan: See attached survey.

Background: The applicant is proposing to separate the two existing dwellings in a duplex into two single-family dwellings on separate lots at the properties of 3401 Irving Avenue South and 1523 34th Street West. The existing duplex is currently a condominium association. One of the units is located in the structure originally established on this property. The other unit is located in a recently constructed addition.

In 2004, the City Council approved a rezoning of this site from the R1A Single-family District to the R2B Two-family District to allow a legally nonconforming duplex (the original structure) to be converted into a conforming single-family home that would have a new structure added on the east side (BZZ-2300). This new structure was to be an additional dwelling unit that would be attached to the existing structure in such a way that it would be considered a duplex. On July 21, 2006, the City Council vacated seven feet of the eight foot interior boulevard, or right-of-way between the sidewalk and the structures, along 34th Street West (Vac-1488).

In 2006, a building permit was issued to allow the construction of the new unit/structure attached to the existing house as a duplex. The two structures were attached by a two-story connection between the two buildings. The plans for the new structure that are attached to this report do not reflect a modification that was made during construction due to issues with building a new foundation next to the foundation of the original structure. To prevent damage to the original structure, a 3-foot wide non-habitable space exists in the connection between the two units. The applicants recorded a CIC condominium plat to create separate ownership of the structures. A CIC plat is not reviewed by the City for approval and creates ownership interests, but does not necessarily change the underlying platting or lots.

In 2007, the City Planning Commission denied a proposal to eliminate the connection between the structures, dissolve the CIC, and create two separate lots through a minor subdivision. The decision was appealed, but withdrawn before the appeal proceeded to the City Council. The applications that were requested at that time were front and interior side yard variances for both parcels, a minimum lot area variance for the east parcel, and a minor subdivision.

The current proposal is similar to the proposal from 2007, but has a few differences. Some of the differences affect the applications being requested. As with the previous proposal, the applicant will remove the 3 foot wide connection with no habitable space between the structures to create the two lots. The proposed interior lot line is proposed to be closer to the newer structure than previously proposed. The lot area variance has been eliminated; however, a lot width variance is now requested for the east parcel, Parcel B. The interior side yard changes have been made to address compliance issues with the

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Building Code requirements that will be created if the subdivision is approved, most of which will affect the older structure on proposed Parcel A. In lieu of applying for a lot area variance, an easement to allow a “right to use area” is proposed. The “right to use area” would be located on Parcel B, but would be separated from the rest of the parcel by an existing fence. According to the applicant’s representative, the purpose of the easement is to retain the current fence location and be conscious of the character of the neighborhood. A variance to reduce the maximum floor area ratio is now required as well due to ordinance changes that were adopted in June 2007.

The primary reason for pursuing the creation of two single-family homes again is to address the difficulty of potential buyers obtaining financing for either unit configured as a 2-unit condominium with one unit needing a significant amount of work to become a marketable property. Since 2007, the unit in the older part of the structure went into foreclosure, is vacant and is in need of repair. It is under the ownership of the Federal National Mortgage Association (aka Fannie Mae).

The following paragraphs describe the applications that are requested:

- Both parcels will meet the requirements of the zoning code with the exception of the minimum lot width for the east parcel. The R2B District requires 5,000 square feet of lot area and 40 feet of lot width¹ for single-family homes. This is increased to 50 feet for Parcel A because there is no alley access. Parcel A will have 6,957 square feet of lot area and 92.8 feet of lot width. Parcel B will have 5,000 square feet of lot area and 39.16 feet of lot width. Parcel B will need a variance to reduce the required lot width by 2.1 percent.
- Both of the structures will need to meet the yard requirements of the R2B District. When the new lot line is drawn between the structures, a five-foot interior side yard requirement is created on both sides of the lot line. The east building wall on Parcel A would be up to 3 feet from the side lot line, while the west building wall on Parcel B would be up to 0.29 feet from the side lot line. Currently the required setback along 34th Street West is an eight-foot corner yard setback; however, by splitting the lot in the manner proposed the east parcel becomes a reverse frontage lot (a lot platted in reverse orientation to the rest of the block) and the west parcel becomes a reverse corner lot (a lot that includes a side lot line adjacent to the street that is substantially a continuation of the front lot line of the adjacent property to the rear) and the corner side yard is changed to a front yard with a minimum required 20-foot setback. The structures currently comply with the required eight-foot corner side yard requirement, but do not meet the newly created 20-foot front yard setback. Variances are required to reduce the setback down to eight feet for Parcel B and 15.8 feet for Parcel A.
- Both of the structures will need to comply with the building bulk requirements for gross floor area of the R2B District. The maximum floor area ratio (FAR) is 0.5. With a lot area of 6,957 square feet, the resulting FAR for Parcel A is 0.49. With a lot area of 5,000 square feet, the resulting FAR for Parcel B is 0.62. A variance is needed to allow the structure on Parcel B to exceed the maximum FAR of 0.5.
- A minor subdivision is required for the proposed lot split. Both of the parcels will meet the requirements of the subdivision ordinance with the exception of the above noted zoning code

¹ Section 520.160 of the zoning code defines lot width as “The distance between the side lot lines of a lot measured along a straight line parallel to the front lot line immediately in back of the required front yard.”

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requirements and the subdivision ordinance prohibition against creating reverse frontage lots and creating a residential lot with more than five sides.

As indicated above, the proposal will result in some noncompliance issues for both zoning code and building code requirements. These issues that will have to be addressed are not authorized to be varied or waived administratively. To date, the following issues have been identified as a result of approving the subdivision:

- The east side of the structure on Parcel A will have a deficient amount of windows (section 535.90(c) of the zoning code). Windows will need to be added.
- The eave overhang for the structure on Parcel A will be located closer to the side lot line than allowed by the building code. The eave extension will need to be reduced.
- No access to off-street parking is currently available for Parcel A. The zoning code requires one parking space for a single-family dwelling. A tuck-under garage facing 34th Street exists in the basement level; however, there isn't a curb cut to allow access to it and the driveway is not paved in accordance with the requirements of sections 541.300 or 541.305 of the zoning code. The survey indicates that a curb cut and paved driveway is proposed.

The applicant's representative for these applications has provided a copy of a letter addressed to a representative for Fannie Mae that outlines the known compliance issues, which will need to be addressed if these applications are approved. It is ultimately the responsibility of the applicant to not create nonconformities on the subject site.

Correspondence from the neighborhood group, ECCO, was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting.

VARIANCES: **1.** to reduce the minimum front yard requirement adjacent to 34th Street West from 20 feet to 15.8 feet for the west lot (Parcel A); and **2.** to reduce the minimum front yard requirement adjacent to 34th Street West from 20 feet to 8 feet for the east lot (Parcel B).

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Front yard requirements: According to the applicant, a potential buyer of the dwelling unit in the older part of the structure would have difficulty obtaining financing to purchase it because it is part of a two-unit condominium association and in need of repair. The structure exists and complies with the existing corner side yard requirement of 8 feet. Approving the subdivision to create two lots, each with a single-family dwelling, will result in no change to the existing setbacks.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Front yard requirements: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. The structure exists and complies with the existing corner side yard requirement of 8 feet. Approving the subdivision to create two lots, each with a single-family dwelling, will result in no change to the existing setbacks. Therefore the granting of the variances will have no effect on open space, separation of uses or access to light and air.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Front yard requirements: Granting the variances would not likely affect the character of the area and should have little effect on adjacent properties. They would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCES: **1.** to reduce the minimum interior side yard requirement adjacent to the proposed shared lot line from 5 feet to 3 feet for the west lot (Parcel A); and **2.** to reduce the minimum interior side yard requirement adjacent to the proposed shared lot line from 5 feet to 0.29 feet for the east lot (Parcel B).

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Interior side yard requirements: According to the applicant, a potential buyer of the dwelling unit in the older part of the structure would have difficulty obtaining financing to purchase it because it is part of a two-unit condominium association and in need of repair. The existing duplex was constructed as two side-by-side units. Approving the interior side yard variances will allow the duplex to be separated into two single-family dwellings and allow the structure on Parcel A to retain most of its eave overhang.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Interior side yard requirements: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension

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and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. With the two structures in such close proximity to each other, separating them creates building code compliance issues for the eave overhang that extends from the east side of the older structure. Although some of the eave will need to be removed, locating the lot line 3 feet from the wall of the older structure will allow almost all of it to be retained. There is a flat roof on the newer structure, so this should not be an issue for Parcel B. Also, most of the structure on Parcel B would be set back more than 5 feet from the interior side lot line. Because reductions to the interior side yard requirements apply mainly to the area where a small connection exists, the granting of the variances should have no effect on open space, separation of uses or access to light and air.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Interior side yard requirements: To create the two single-family dwellings, a small connection will be removed between the two structures. Granting the variances would not likely affect the character of the area and should have little effect on adjacent properties. As long as the applicable building code requirements are addressed to prevent the creation of nonconformities as a result of the subdivision, the proposed variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As a condition of approval of the subdivision, staff is recommending that the planning commission require the applicant to address all building code compliance issues created by the approval of this subdivision before the subdivision is recorded with Hennepin County.

VARIANCE: to reduce the minimum lot width requirement from 40 feet to 39.16 feet for the east lot (Parcel B).

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Lot width: In order to allow any of the eave overhang on the west side of the older structure to remain, the east interior side yard for Parcel A cannot be less than 3 feet in width. To accommodate this side yard, the width of Parcel B must be reduced to less than 40 feet.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Lot width: In general, lot controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the use of lots and lot area in order to provide adequate light, air, open space and separation of uses. Reducing the lot width by 0.84 feet

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should not have any effect on surrounding properties and will allow for the retention of most of the eave overhang for the adjacent older structure.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Lot width: Granting the variance would not likely affect the character of the area and should have little effect on adjacent properties. The proposed variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: to increase the maximum floor area ratio from 0.5 to 0.62 for the dwelling on the east lot (Parcel B).

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

FAR: In the R2B district, the maximum FAR is 0.5 for a single-family dwelling. The floor area is counted twice for each story with a ceiling height greater than 14 feet. The gross floor area (GFA) does not include the following:

- (1) Detached accessory structures.
- (2) Up to 250 square feet of any attached accessory use designed or intended to be used for the parking of vehicles.
- (3) Open porches.
- (4) The basement floor area if the finished floor of the first story is 4 feet or less from natural grade for more than 50 percent of the total perimeter.
- (5) Half story floor area.

The height of the cathedral ceiling in the main living/dining area exceeds 14 feet in height; therefore that space (510 square feet of floor area) is counted twice. With the inclusion of part of the attached garage and counting the floor area of the living/dining area twice, the resulting gross floor area is 3,097 square feet. With a lot area of 5,000 square feet, the proposed FAR is 0.62. The design of the living/dining area of the dwelling is like a one-and-a-half story structure. The intent of the ordinance was to capture larger two-story open spaces in the bulk regulations. The ordinance does not allow discretion to exclude areas that appear to be one-and-a-half stories from the exterior. If the floor area of the living/dining area were not counted twice, the gross floor area would exceed the maximum FAR by only 87 square feet. If the proposed lot area for Parcel B was to be increased to make the FAR for the structure conforming, a variance would be needed to increase the maximum FAR for the structure on Parcel A. Also, both structures were established or under construction before the maximum FAR requirements for single and two-family dwellings took effect.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

FAR: In general, building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Comprehensive plan policies call for single-family infill development to reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings. Granting the proposed variance will not change the existing building bulk on either proposed parcel.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

FAR: The granting of the variance should have little effect on surrounding properties because it will not change the existing building bulk on either proposed parcel. It will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

MINOR SUBDIVISION

Findings Required by the Minneapolis Zoning Code for the Proposed Minor Subdivision:

- 1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

Subdivision ordinance: The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.240(2)[a], which requires that no lot shall be created that has more than five (5) sides (both parcels will have six sides) and Section 598.240(4) which prohibits the creation of reverse frontage lots (those platted in reverse orientation to the rest of the block). In order to be in conformance with the land subdivision regulations, a variance of Section 598.240(2)[a], the prohibition on lots with more than five sides, and Section 598.240(4), the prohibition on reverse frontage lots, are required.

While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

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- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The intent of the prohibition on creating residential lots with more than five sides is to prevent odd-shaped lots and lots with unusable space. According to the applicant, a potential buyer of the dwelling unit in the older part of the structure would have difficulty obtaining financing to purchase it because it is part of a two-unit condominium association and in need of repair. Because the newer structure was built to the rear of the original structure, there are limited options for subdividing the property and meeting the minimum lot size requirements. It does not appear that creating two lots with more than 5 sides will be detrimental or injurious to neighboring properties.

The lots would be platted east-west. Because the newer structure was built to the rear of the original structure, there are limited options for subdividing the property to create two lots. The subdivision would create a reverse frontage and reverse corner lot. Parcel B will impose a front yard setback on the neighboring property to the east of the adjacent alley at 3400 Humboldt Avenue South (1503 34th Street West) and on the proposed Parcel A to the west. If the front yard setback variance is approved for Parcel A, then it will be conforming. The dwelling to the east of the site and alley at 3400 Humboldt (aka 1503 34th Street West) will be made nonconforming for the front yard setback; however, the dwelling appears to be set back the same distance from 34th Street East as the structure on Parcel B.

Zoning code: Both parcels will meet the requirements of the zoning code with the exception of the minimum lot width for the east parcel. The R2B District requires 5,000 square feet of lot area and 40 feet of lot width² for single-family homes. This is increased to 50 feet for Parcel A because there is no alley access. Parcel A will have 6,957 square feet of lot area and 92.8 feet of lot width. Parcel B will have 5,000 square feet of lot area and 39.16 feet of lot width. Parcel B will need a variance to reduce the required lot width by 2.1 percent. The applicant has requested a variance. Planning staff is recommending approval of the variance (please see the variance sections of this staff report).

Both of the structures will need to meet the yard requirements of the R2B District. When the new lot line is drawn between the structures, a five-foot interior side yard requirement is created on both sides of the lot line. The east building wall on Parcel A would be up to 3 feet from the side lot line, while the west building wall on Parcel B would be up to 0.29 feet from the side lot line. Currently the required setback along 34th Street West is an eight-foot corner yard setback; however, by splitting the lot in the manner proposed the east parcel becomes a reverse frontage lot (a lot platted in reverse orientation to the rest of the block) and the west parcel becomes a reverse corner lot (a lot that includes a side lot line adjacent to the street that is substantially a continuation of the front lot line of the adjacent property to the rear) and the corner side yard is changed to a front yard with a minimum required 20-foot setback. The structures currently comply with the required eight-foot corner side yard requirement, but do not meet the newly created 20-foot front yard setback. Variances are

² Section 520.160 of the zoning code defines lot width as “The distance between the side lot lines of a lot measured along a straight line parallel to the front lot line immediately in back of the required front yard.”

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required to reduce the setback down to eight feet for Parcel B and 15.8 feet for Parcel A. The applicant has requested variances for these items. Planning staff is recommending approval of the variances (please see the variance sections of this report).

Both of the structures will need to comply with the building bulk requirements for gross floor area of the R2B District. The maximum floor area ratio (FAR) is 0.5. With a lot area of 6,957 square feet, the resulting FAR for Parcel A is 0.49. With a lot area of 5,000 square feet, the resulting FAR for Parcel B is 0.62. A variance is needed to allow the structure on Parcel B to exceed the maximum FAR of 0.5. The applicant has requested a variance. Planning staff is recommending approval of the variance (please see the variance sections of this staff report).

One off-street parking space is required for a single-family dwelling. Parcel B will have an enclosed garage with alley access. No access to off-street parking is currently available for Parcel A. A tuck-under garage facing 34th Street exists in the basement level; however, there isn't a curb cut to allow access to it and the driveway is not paved in accordance with the requirements of sections 541.300 or 541.305 of the zoning code. The survey indicates that a curb cut and paved driveway is proposed. The curb cut and driveway will need to be constructed before the subdivision is recorded with Hennepin County.

The east side of the structure on Parcel A will have a deficient amount of windows, as required by section 535.90(c), on a side wall that will be created as a result of removing the connection and drawing a lot line between the two structures. A sufficient amount of windows will need to be added to comply with this requirement before the subdivision is recorded with Hennepin County.

Comprehensive plan: In the *Minneapolis Plan for Sustainable Growth*, the future land use for this site is designated as urban neighborhood. Allowing the subdivision will not change the low density in the neighborhood.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will create two parcels, each with a single-family dwelling, out of one parcel made up of two platted lots with an existing duplex. Provided all zoning code and building code compliance issues created by the approval of this subdivision are addressed before the subdivision is recorded with Hennepin County, the subdivision should not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The subject properties do not present the above noted hazards. The site is in the SH Shoreland Overlay District.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

No significant change to the grading should be necessary. The structures exist. Access for the west parcel will be from 34th Street West and from the alley for the east parcel.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

The amount of stormwater runoff from the site is not expected to change. Some modifications to the existing gutter/downspout systems may have to be made to comply with the building code requirements, such as where the eave overhang on the Parcel A structure will need to be reduced.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:

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 a variance to reduce the minimum front yard requirement adjacent to 34th Street West from 20 feet to 15.8 feet for the west lot (Parcel A) for the property located at 3401 Irving Avenue South and 1523 34th Street West.

Recommendation of the Department of Community Planning and Economic Development – Division for the Variance:

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 a variance to reduce the minimum interior side yard requirement adjacent to the proposed shared lot line from 5 feet to 3 feet for the west lot (Parcel A) for the property located at 3401 Irving Avenue South and 1523 34th Street West.

Recommendation of the Department of Community Planning and Economic Development – Division for the Variance:

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 a variance to reduce the minimum front yard requirement adjacent to 34th Street West from 20 feet to 8 feet for the east lot (Parcel B) for the property located at 3401 Irving Avenue South and 1523 34th Street West.

Recommendation of the Department of Community Planning and Economic Development – Division for the Variance:

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 a variance to reduce the minimum interior side yard requirement adjacent to the proposed shared lot line from 5 feet to 0.29 feet for the east lot (Parcel B) for the property located at 3401 Irving Avenue South and 1523 34th Street West.

Recommendation of the Department of Community Planning and Economic Development – Division for the Variance:

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 a variance to reduce the minimum lot width requirement from 40 feet to 39.16 feet for the east lot (Parcel B) for the property located at 3401 Irving Avenue South and 1523 34th Street West.

Recommendation of the Department of Community Planning and Economic Development – Division for the Variance:

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 a variance to increase the maximum floor area ratio from 0.5 to 0.62 for the dwelling on the east lot (Parcel B) for the property located at 3401 Irving Avenue South and 1523 34th Street West.

Recommendation of the Department of Community Planning and Economic Development – Division for the Subdivision:

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 a minor subdivision to create two lots with subdivision variances to allow a reverse frontage lot (Parcel A) and lots with more than five sides (Parcels A and B) for the property located at 3401 Irving Avenue South and 1523 34th Street West, subject to the following conditions:

1. All zoning code and building code compliance issues created by the approval of this subdivision shall be addressed before the subdivision is recorded with Hennepin County. The subdivision resolution of the planning commission action shall not be released until Planning staff has verified with the applicable City authorities that all known compliance issues have been resolved.

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Attachments:

- 1) Applicant's statement of proposed use and responses to findings
- 2) Correspondence
- 3) Zoning map
- 4) Hennepin County map
- 5) Survey
- 6) Plans for the newer structure
- 7) Photos