



**LAND USE APPLICATION SUMMARY**

*Property Location:* 3540 34<sup>th</sup> Avenue South  
*Project Name:* 3540 34<sup>th</sup> Avenue South Addition  
*Prepared By:* Shanna Sether, Senior City Planner, (612) 673-2307  
*Applicant:* Paul Herwig  
*Project Contact:* Paul Herwig  
*Request:* To allow for an addition to an existing, nonconforming duplex.  
*Required Applications:*

<b>Expansion of a Legal Nonconforming Use</b>	To allow for a second story addition above the existing first floor of a nonconforming duplex in the RIA Single-Family District.
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**SITE DATA**

<b>Existing Zoning</b>	RIA Single-Family District
<b>Lot Area</b>	5,600 square feet / .13 acres
<b>Ward(s)</b>	12
<b>Neighborhood(s)</b>	Longfellow Community Council
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable
<b>Small Area Plan(s)</b>	<u>38th Street Station Area Plan</u>

<b>Date Application Deemed Complete</b>	September 9, 2015	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	November 8, 2015	<b>End of 120-Day Decision Period</b>	Not applicable

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject property has an existing two-family dwelling that was permitted for construction in 1906. The structure is two and a half stories with a one-story addition, which appears to have been constructed in 1954.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding neighborhood has low-density structure with single- and two-family dwellings. The subject property is three blocks east of Minnehaha Avenue, a community corridor.

**PROJECT DESCRIPTION.** The two-family dwelling has one unit on the first floor and the other on the second floor. The first floor dwelling unit has a one-story addition at the rear, which appears to have been constructed in 1954. There is an exterior stairway that was constructed in 1944. The applicant is proposing to construct a second-story addition over the first floor at the rear of the structure to allow for a new dining room and entry. The new entry will be accessed from the exterior stairway. The existing two-family dwelling is a nonconforming use in the RIA Single-Family District.

**PUBLIC COMMENTS.** At the time of writing the staff report, staff has not received any public comments regarding the requested 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 an addition to an existing two-family dwelling in the RIA District based on the following findings:

1. *A rezoning of the property would be inappropriate.*

The property is located in the RIA Single-Family District and it is located on an interior lot. The subject property is within a large area zoned RIA. The subject lot is approximately 5,600 square feet in area. In order to legalize the second dwelling units the property would need to be rezoned to R3 Multiple-Family District. The nearest property that would allow for multiple-family dwellings are at Minnehaha Avenue, a community corridor. The future land use map in The Minneapolis Plan for Sustainable Growth identifies the site as Urban Neighborhood, which would not generally support this higher density zoning without the presence of other land use features. There are no such features in close proximity to the site and therefore rezoning would be inappropriate.

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

The surrounding area includes a mix of 1.5-2.5 story single- and two-family dwellings. The proposed 116 square foot addition is compatible with the adjacent properties and the neighborhood. The addition to the structure was permitted for construction in 1906 and the structure will appear as it has for the last 109 years.

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 expansion of the second floor of the duplex will not result in any of the adverse impacts including noise, dust or odor. The purpose of the addition is to create a new dining room and entry for the existing dwelling. There will be no changes to the permitted occupancy of one-family plus up to two unrelated individuals; therefore traffic and parking congestion will not be affected.

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 applicant is proposing to construct a second-story addition over an existing one-story portion at the rear of the structure. The proposed addition meets the minimum 5% window requirement facing the side and rear property lines. According to the applicant, the existing siding is a concrete composite shingle with a wavy edge at the bottom. The applicant is proposing to add a cement-based lap siding. Staff has concerns that the proposed addition will not be visually compatible with the existing structure. Therefore, staff is recommending that the applicant either clad the proposed addition with a concrete-based shingle siding, mimicking the wavy pattern or re-side the existing dwelling to match the proposed cement-based lap siding.

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 subject property 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 Paul Herwig for the property located at 3540 34<sup>th</sup> Avenue South:

### **A. Expansion of a Nonconforming Use.**

Recommended motion: **Approve** the application for a second story addition to an existing two-family dwelling , subject to the following conditions:

1. The 5% of the proposed addition walls facing the sides and rear shall be windows, as required by section 535.80 of the zoning code.
2. The applicant shall clad the proposed addition with a cement-based, shingle siding, consistent with the existing reveal and color as the existing siding or shall replace the siding of the entire dwelling to match the proposed addition.
3. Site improvements shall be made by October 5, 2017, unless extended by the Zoning Administrator.

## ATTACHMENTS

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

**Statement to Request a VARIANCE**

As owners and occupiers of the property in question, duplex located at 3540 34th Avenue South, Minneapolis, MN, Longfellow Neighborhood, we hereby state that:

*Practical difficulties exist in complying with the ordinance because of circumstances unique to the property, which is that we have come to find that in general the apartment too small to live in comfortably, and that specifically the kitchen area is too small for day-to-day use of cooking and preparing meals. The unique circumstance is that we first lived in this duplex as renters from the landlord/owner who lived in the ground floor apartment. We purchased the property from this landlord, and continued to occupy the top apartment. Subsequently we remolded both apartments and greatly improved the appearance and quality of the property. Now that we have grown older, we wish to expand our apartment to render the dwelling more livable. However, the neighborhood was rezoned Single Family Residential prior to our purchasing the home, and we must apply for a variance in order to make this addition/expansion. While making this addition/expansion will likely improve the value of the property, the major reason is the increase the livability of the unit so we may continue to occupy it.*

*We as property owners will use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

*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.*

Signed:



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Jennifer Ilse, co home owner and occupant

Date 9-8-2015



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Paul Herwig, co home owner and occupant

Date 9-8-2015

**EXPANSION OR ALTERATION OF NONCONFORMING USE**

As owners and occupiers of the property in question, duplex located at 3540 34th Avenue South, Minneapolis, MN, Longfellow Neighborhood, we hereby state that:

*A rezoning of the property would be inappropriate.*

*The expansion, structural alteration will be compatible with adjacent property and the neighborhood.*

*The expansion and structural alteration will not result in significant increases of adverse off-site impacts such as traffic, noise, dust, odors, and parking congestion.*

*The expansion and structural alteration, because of improvements to the property, will improve the appearance and stability of the neighborhood.*

*The expansion and structural alteration will not result in the creation or presence of more dwelling units or rooming units on the property than is allowed by the regulations of the district in which the property is located.*

*The expansion and structural alteration will not be located in the Floodway district.*

Signed:   
\_\_\_\_\_

Date 9-8-2015

Jennifer Ilse, co home owner and occupant

  
\_\_\_\_\_

Date 9-8-2015

Paul Herwig, co home owner and occupant

**STATEMENT OF PROPOSED USE AND DESCRIPTION OF THE PROJECT**

We are planning to build an addition/expansion to our existing small galley-style kitchen in our home duplex at 3540 34th Ave S, Minneapolis, MN.

The addition will consist of a single room, extending out of our current galley-style kitchen over and onto the roof of the existing structure of the downstairs apartment, which presently extends from the main house into the backyard.

The addition/expansion will not expand the ground-level footprint of the existing house.

The addition/expansion will not exceed the height of the existing house.

The addition/expansion design will be consistent with the style of the house (painted gray, clapboard siding, gabled and shingled roof), and with the neighborhood as a whole.

*We are owners of this duplex and wish to remain living in the top apartment. It is important for us to live in the duplex in order to have maximum control over how the house is kept and maintained, and moreover we are committed to the health and well being of the neighborhood. However, this apartment, at 6XX sq ft, is too small for us to continue living in comfortably. Rather than move to another property and become off-site landlords, we wish to make this small addition/expansion and remain in the house.*

*If we are unable to create additional space to make the apartment more comfortable by creating this addition/expansion, we will no longer occupy the duplex, and move to another larger property.*

Signed:



\_\_\_\_\_

Jennifer Ilse, co home owner and occupant

Date 9-8-2015



\_\_\_\_\_

Paul Herwig, co home owner and occupant

Date 9-8-2015

**LETTER SENT TO APPLICABLE NEIGHBORHOOD GROUPS AND CITY COUNCIL OFFICE**

September 7, 2015

Dear XXX:

We are the owners of a duplex located at 3540 34th Ave S in Longfellow neighborhood of South Minneapolis: Jennifer Ilse and Paul Herwig. We are required to contact you to bring to your attention an addition/expansion project we wish to undertake, and for which are required to apply for a variance.

This is a Description of the Project:

*We are planning to build an addition/expansion to the existing small galley-style kitchen in our apartment, the top floor of this duplex.*

*The addition will consist of a single room, extending out of our current galley-style kitchen over and onto the roof of the existing structure of the downstairs apartment, which presently extends from the main house into the backyard.*

*The addition/expansion will not expand the ground-level footprint of the existing house.*

*The addition/expansion will not exceed the height of the existing house.*

*The addition/expansion design will be consistent with the style of the house (painted gray, clapboard siding, gabled and shingled roof), and with the neighborhood as a whole.*

*We wish to remain living this house and neighborhood. It is important for us to occupy the duplex we own in order to have maximum control over how the house is kept and maintained, and we are committed to the health and well being of the neighborhood. However, this apartment, at 6XX sq ft, is too small for us to continue living in comfortably. Rather than move to another property and become off-site landlords, we wish to make this small addition/expansion and remain in the house.*

*If we are unable to create additional space to make the apartment more comfortable by creating this addition/expansion, we will no longer occupy the duplex, and move to another larger property.*

The Land Use Applications That Are Needed for the Project Are:

*Expansion of Non Conforming Use*

Our Names, Address, Telephone Number, and Email Address are:

*Jennifer Ilse, Paul Herwig  
3540 34th Avenue South, Minneapolis, MN  
612-724-7372  
[offleash@offleasharea.org](mailto:offleash@offleasharea.org)*

We hope you will support us in perusing this project, and enable us to remain living in our home, and continuing our support of Longfellow neighborhood.

Thank you,

Signed:



\_\_\_\_\_

Date 9-8-2015

Jennifer Ilse, co home owner and occupant



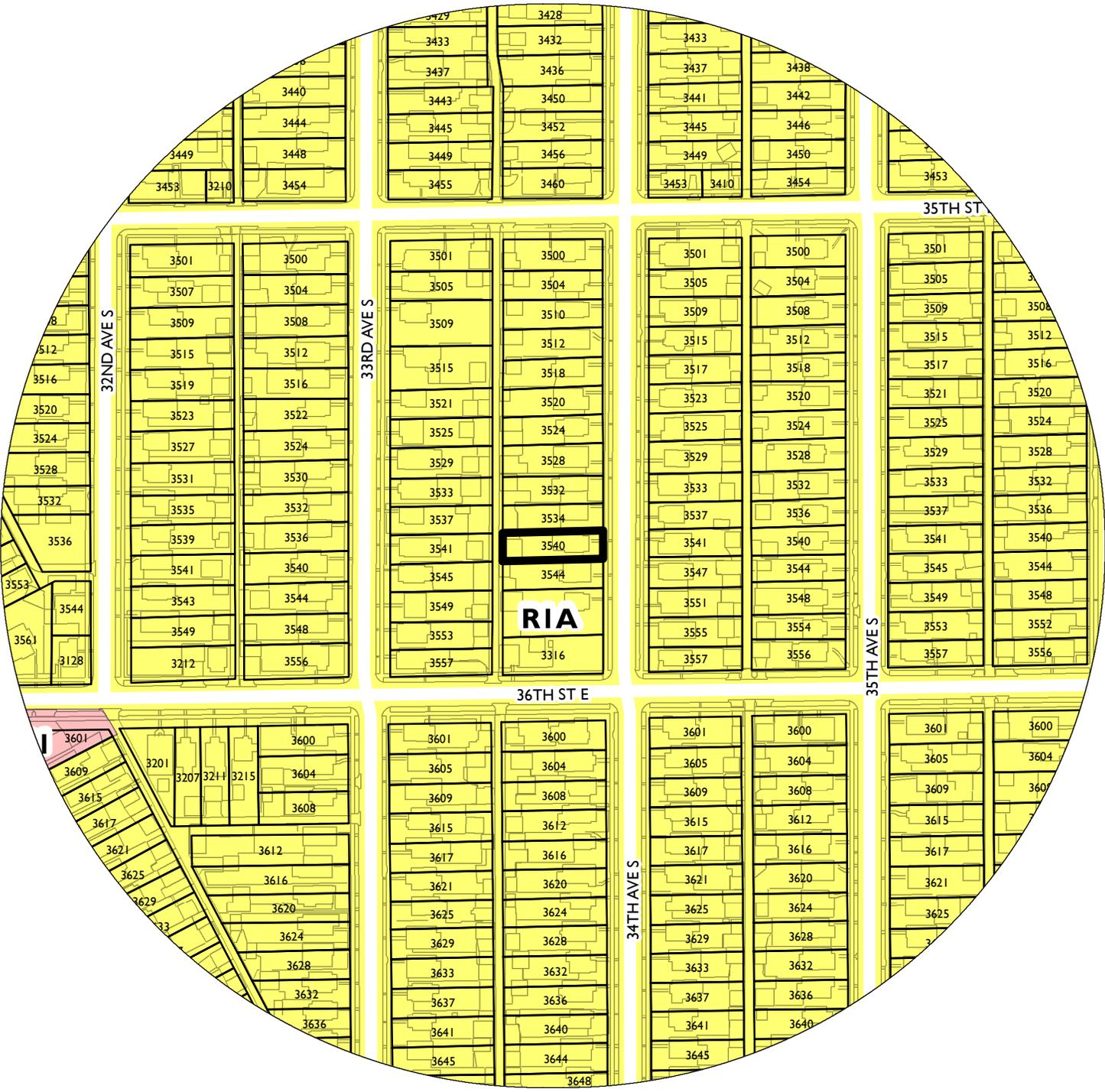
\_\_\_\_\_

Date 9-8-2015

Paul Herwig, co home owner and occupant

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

3540 34th Avenue South

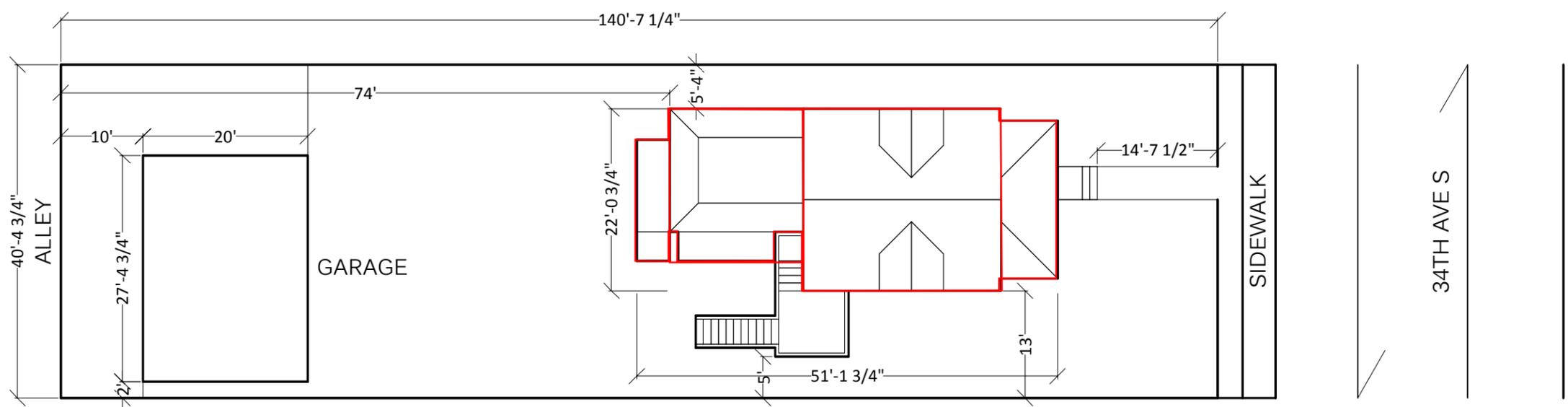
FILE NUMBER

BZZ-7395



886 138TH AVE NW  
ANDOVER MN 55304  
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Lot area - 5,680 sqft  
Building footprint - 1,002 sqft  
Existing GFA - .27  
Proposed GFA - .32



PROJECT  
**ILSE-HERWIG**  
3540 34TH AVE S  
MPLS MN 55406

VERSION  
PRELIMINARY PLANS

DRAWING  
LOT PLAN

SCALE	DATE
1/16" = 1'0"	06/29/2015

DRAWN BY	SHEET
PETER HAACK	A0



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PROJECT

ILSE-HERWIG  
3540 34TH AVE S  
MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

LOT PLAN

SCALE

1/16" = 1'0"

DATE

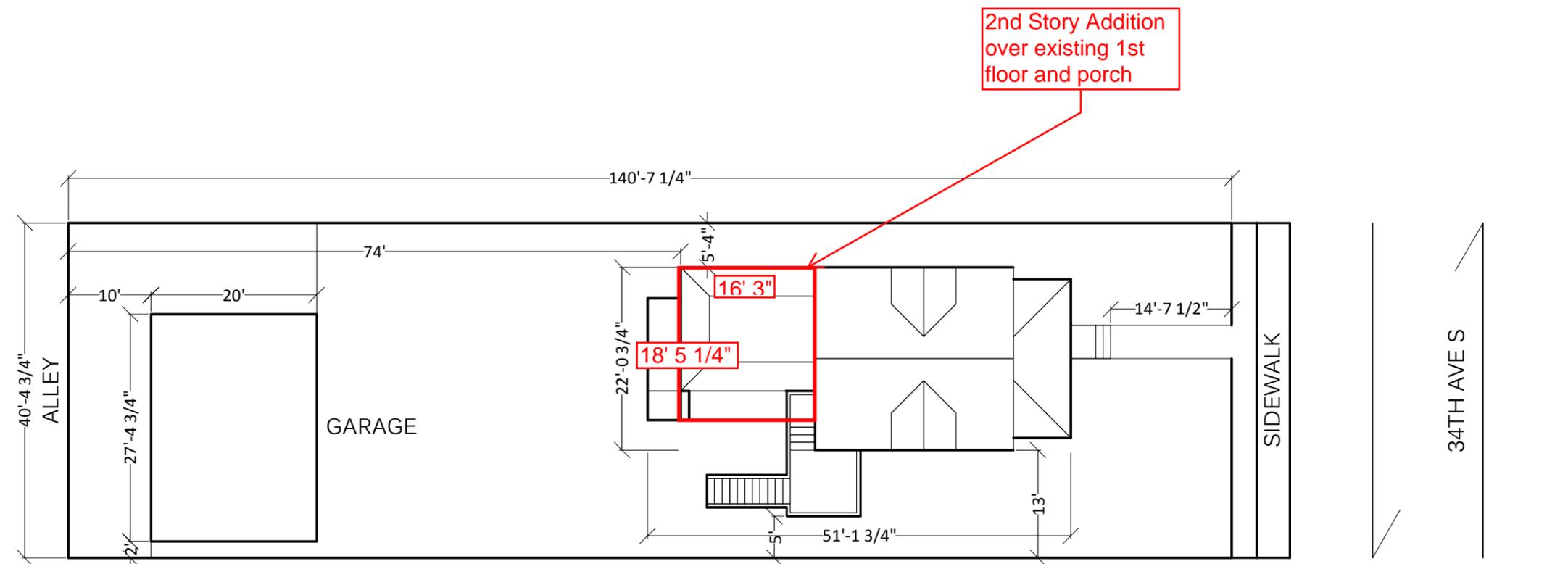
06/29/2015

DRAWN BY

PETER HAACK

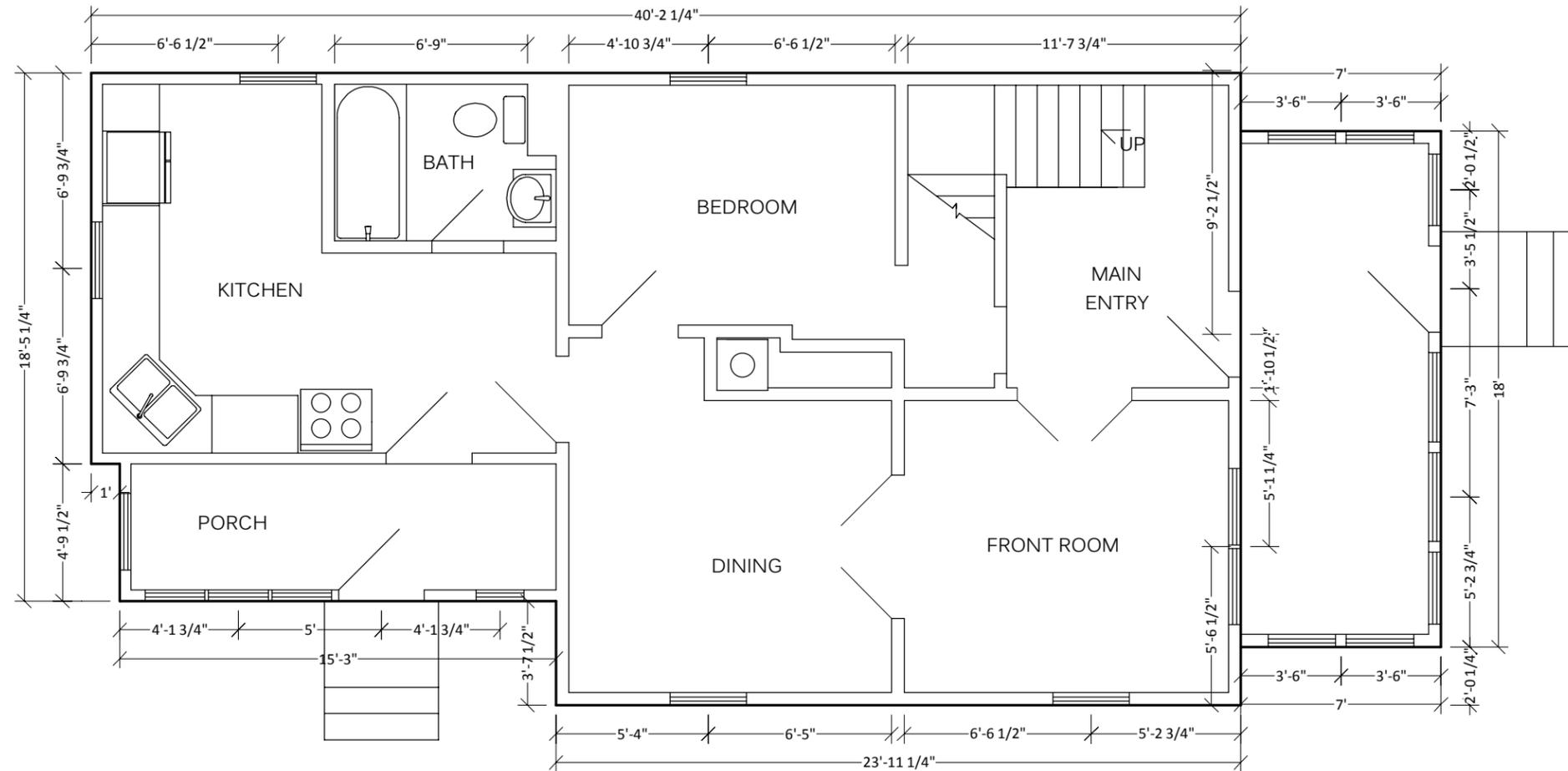
SHEET

A0





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PROJECT  
**ILSE-HERWIG**  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION  
**PRELIMINARY PLANS**

DRAWING  
**1ST FLOOR PLAN  
 NO NEW CONST.**

EXCEPTION:  
 FIRE RATED  
 CEILING IN  
 KITCHEN  
 AND BATHROOM

SCALE 3/16" = 1'0"	DATE 09/09/2015
DRAWN BY PETER HAACK	SHEET A00



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PROJECT

ILSE-HERWIG  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

2ND FLOOR PLAN

SCALE

1/4" = 1'0"

DATE

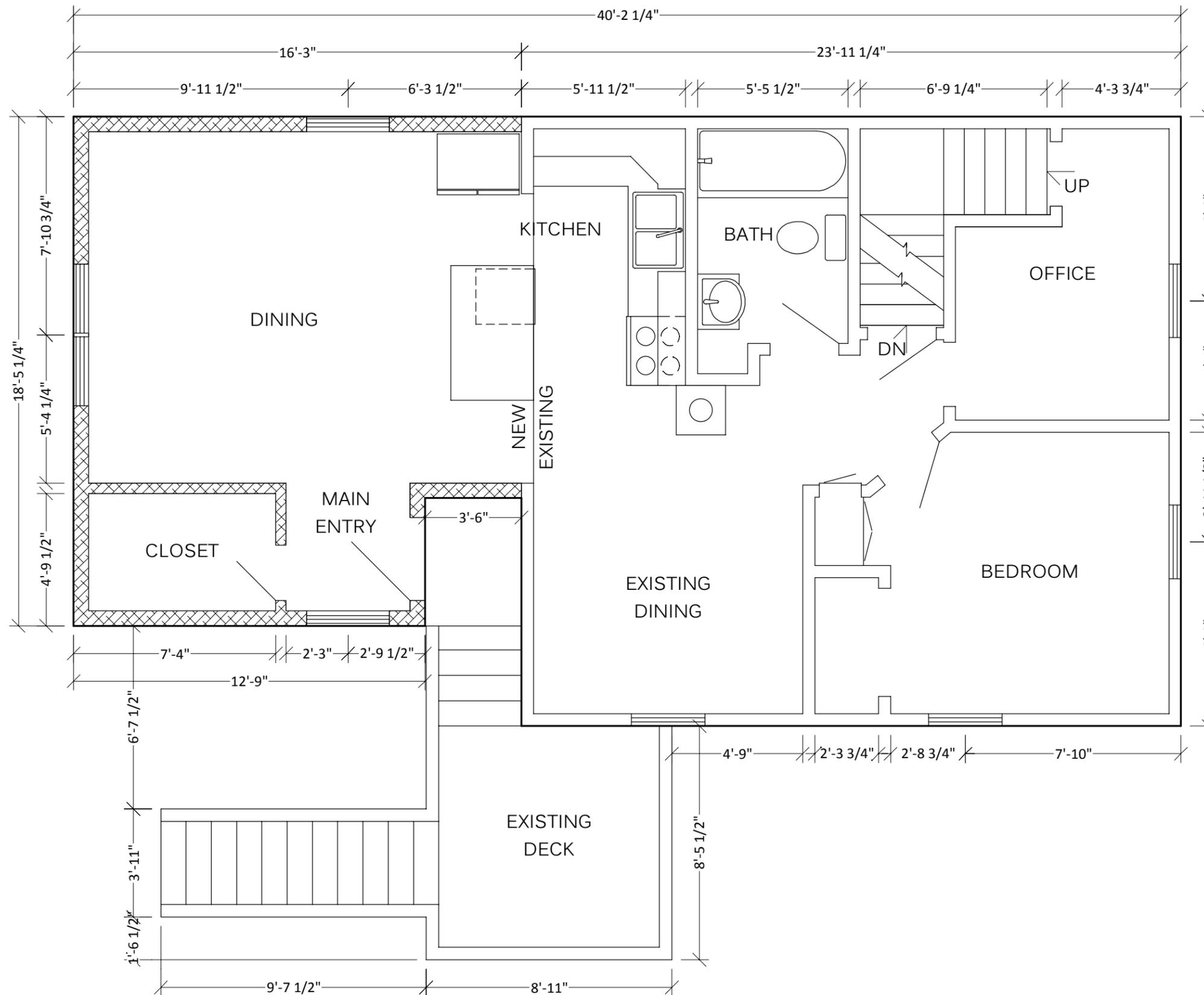
09/08/2015

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A1





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PROJECT

ILSE-HERWIG  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

ATTIC FLOOR PLAN  
 NO NEW CONST.

SCALE

1/4" = 1'0"

DATE

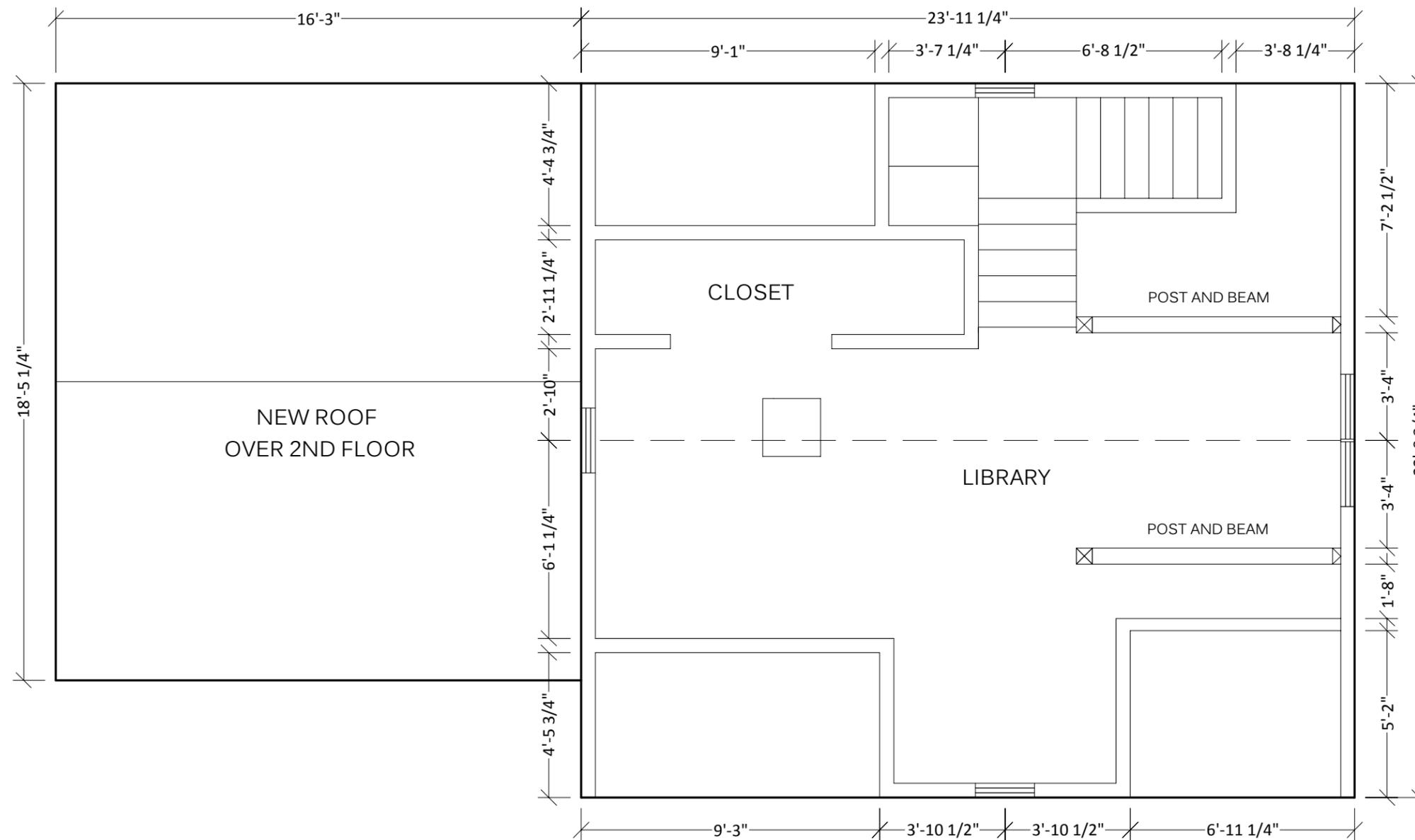
09/08/2015

DRAWN BY

PETER HAACK

SHEET

A2





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PROJECT

ILSE-HERWIG  
3540 34TH AVE S  
MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

EXISTING NORTH  
ELEVATION

SCALE

3/16" = 1'0"

DATE

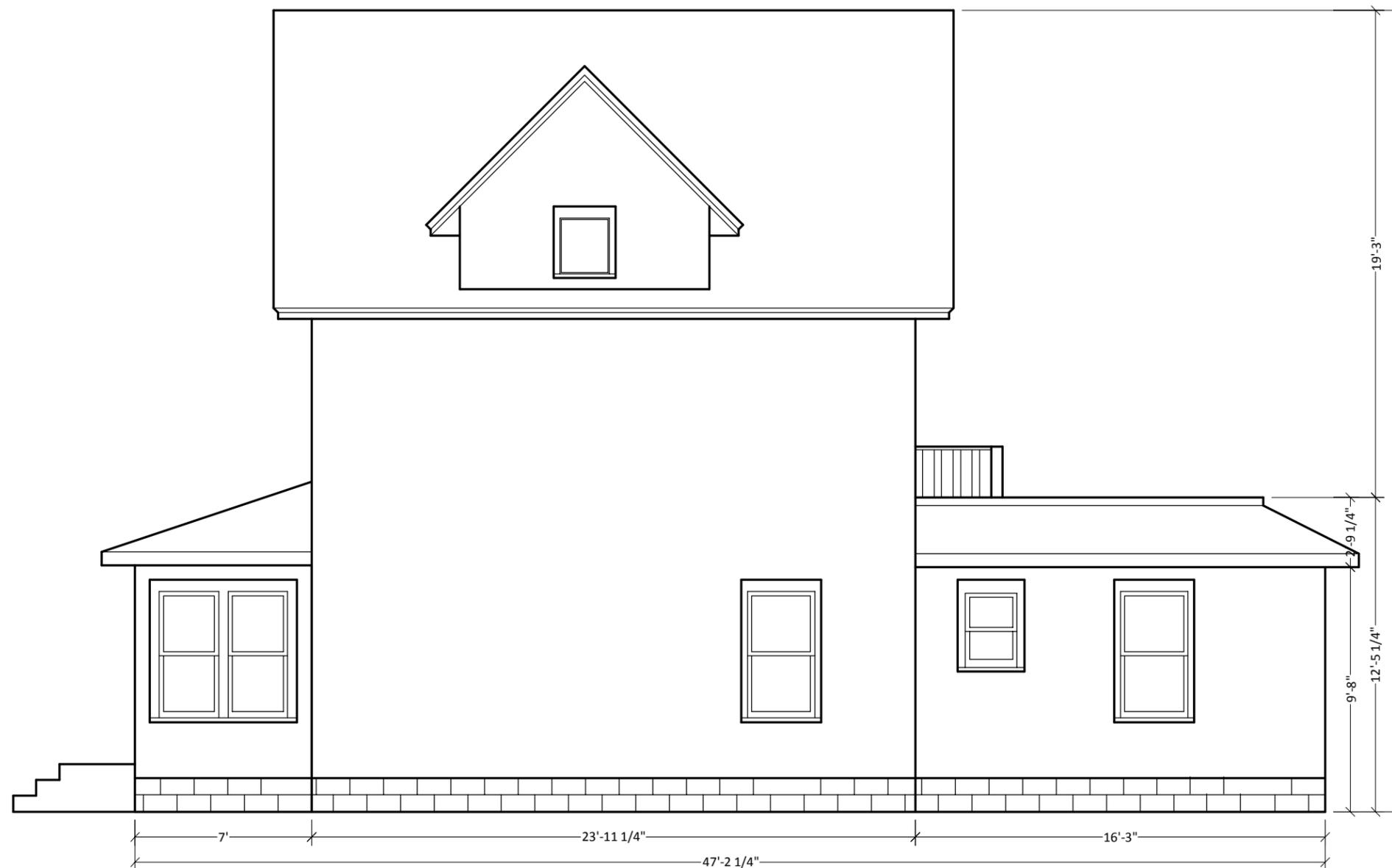
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PETER HAACK

SHEET

A4





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PROJECT

ILSE-HERWIG  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

EXISTING SOUTH  
 ELEVATION

SCALE

3/16" = 1'0"

DATE

09/09/2015

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PETER HAACK

SHEET

A6





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PROJECT

ILSE-HERWIG  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

FRONT ELEVATION  
 NO NEW CONST.



SCALE

1/4" = 1'0"

DATE

09/08/2015

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PETER HAACK

SHEET

A3



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PROJECT

ILSE-HERWIG  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

EXISTING WEST  
 ELEVATION

SCALE

1/4" = 1'0"

DATE

09/08/2015

DRAWN BY

PETER HAACK

SHEET

A5





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PROJECT

ILSE-HERWIG  
3540 34TH AVE S  
MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

WEST ELEVATION



SCALE

1/4" = 1'0"

DATE

09/08/2015

DRAWN BY

PETER HAACK

SHEET

A5.1



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PROJECT

ILSE-HERWIG  
 3540 34TH AVE S  
 MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

SOUTH ELEVATION



SCALE

3/16" = 1'0"

DATE

09/09/2015

DRAWN BY

PETER HAACK

SHEET

A6.1



886 138TH AVE NW  
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PROJECT

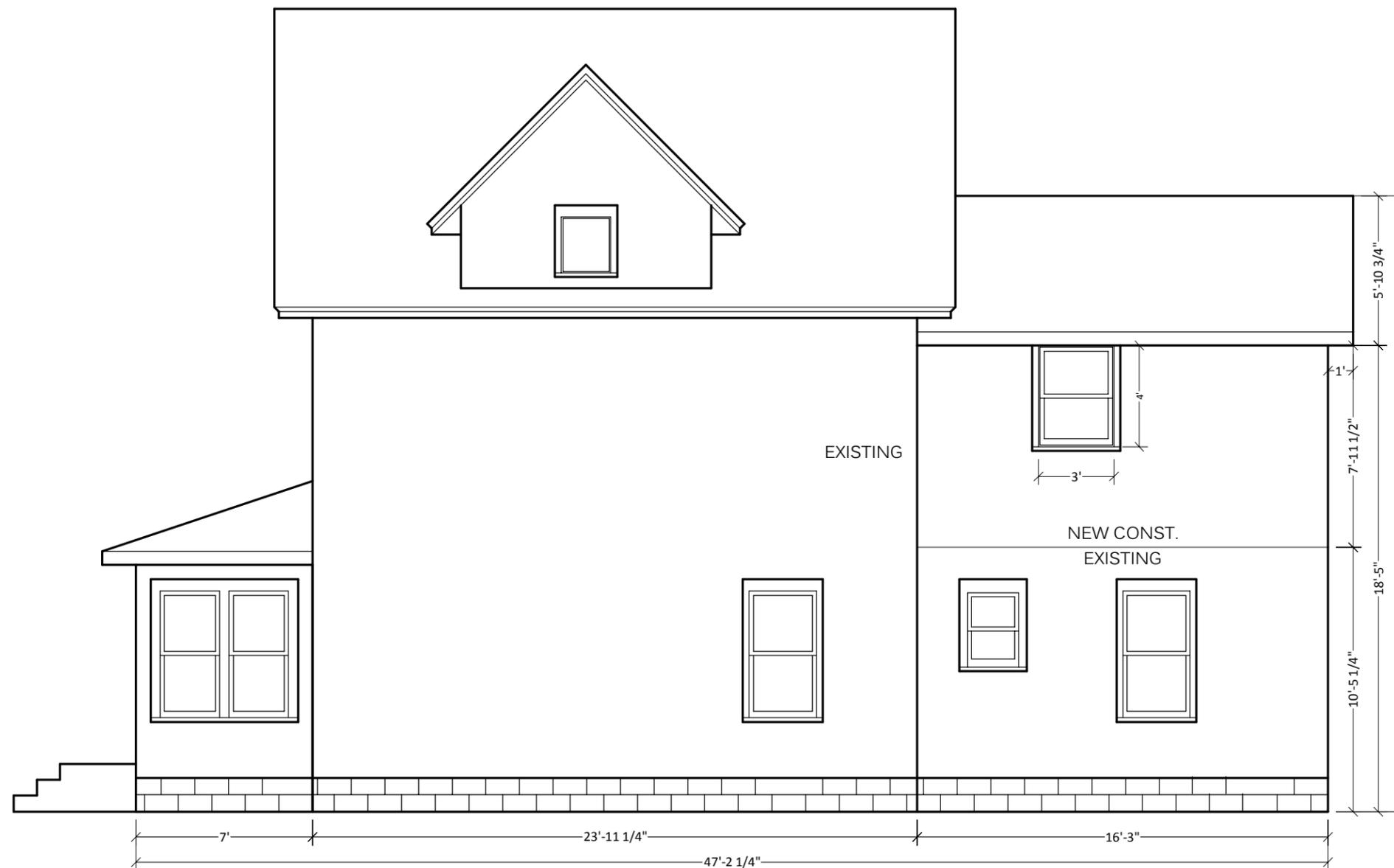
ILSE-HERWIG  
3540 34TH AVE S  
MPLS MN 55406

VERSION

PRELIMINARY PLANS

DRAWING

NORTH ELEVATION



SCALE

3/16" = 1'0"

DATE

09/09/2015

DRAWN BY

PETER HAACK

SHEET

A4.1















