

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-3832

**Date:** November 8, 2007

**Applicant:** R. Donald and Joan Hawkinson

**Address of Property:** 4300 Linden Hills Boulevard

**Contact Person and Phone:** R. Donald Hawkinson, 612-288-0995

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Date Application Deemed Complete:** October 17, 2007

**Publication Date:** November 1, 2007

**Hearing Date:** November 8, 2007

**Appeal Period Expiration:** November 19, 2007

**End of 60 Day Decision Period:** December 16, 2007

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R4 Multiple-family District and SH Shoreland Overlay District

**Proposed Use:** Improvements to a front porch including replacing screen with glass.

**Proposed Variance:** A variance to reduce the front yard setback along West 43<sup>rd</sup> Street from 15 ft. to 5 ft. and a variance to reduce the east sideyard setback from 7 ft. to 3 ft. 9 in. to allow for window enclosure of a first story screen porch at 4300 Linden Hills Boulevard in the R4 Multiple-family District and SH Shoreland Overlay District.

**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The subject property is a two dwelling unit building at the corner of Linden Hills Boulevard and West 43<sup>rd</sup> Street. The applicants are proposing to enclose the first story porch with glass windows. Currently, the first floor has screen windows, and typically, changing from screen to glass is permitted because both materials are considered to be an enclosure. In this case, the property was granted variances (V-4560) for an expansion of the first porch in 1999, with the condition that only screening would be permitted and that a new variance would be needed for glass windows. At this time, the applicants are returning for that variance.

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The property is a reverser corner lot with front yard setbacks along both Linden Hills Boulevard and West 43<sup>rd</sup> Street. These setbacks are 15 ft. because of the R4 zoning classification. The property dimensions are 58 ft. by 130 ft. (7,540 sq. ft.) and the existing building is not both of the front yard setbacks. The proposed work would not expand the footprint, but merely change the enclosed screen porch with windows. The proposed windows would have six, double hung windows on both sides of the entrance with six small transom windows running under the sash windows. The sides of the enclosed porch would have two double hung windows and transoms, much like the front. Currently, the porch has the screen materials between the posts of the porch and an open, spindle railing. The posts on the porch terminate in concrete block piers which are incorporated into proposed glass enclosure design. The existing spindle railing does not appear to be included in the new design.

The adjacent uses are multi-family dwellings with setback similar to the setbacks of the subject property. The property to the east on Linden Hills Boulevard is a three-story, 14-unit apartment building and the property to the south on West 43<sup>rd</sup> Street is a four-story, 32-unit apartment building.

This application will not affect the second story screen porch.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Strict adherence to the zoning code prevents enclosed buildings in the required front yard setback. In this case, the property has had approvals that condition said approvals on a screen porch. The location of the building in the required setback along both the front and west side of the building prevents building expansion.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The circumstances are unique to parcel of land due to the location of the house on the property, the setbacks of the adjacent structures, and the existing screen porch. The house is located in the required setback, however, both of the adjacent structure also project into the required setback. The apartment building to the south does have a greater front yard setback, however the distance between the front porch and the apartment is over 130 ft. The apartment building to the east is in line with the existing porch.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

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Granting the variance will be in keeping with the spirit and intent of the ordinance, due to the proposed materials and the surrounding properties will not be adversely affected by the change. The proposed design has a window pattern that fits in the existing posts and piers and the double hung windows are similar to other double hung windows on the building. While the porch has historically been an open porch, enclosing the porch with glass will not affect the structure and could be possibly removed in the future. While the window enclosures may reduce views in and out of the structure, the windows should not obstruct public views of Lake Harriet or other views in the area.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed variance would likely have no impact on congestion of area streets or fire safety nor would it be detrimental to the public welfare or public safety.

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

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the front yard setback along West 43<sup>rd</sup> Street from 15 ft. to 5 ft. and a variance to reduce the east sideyard setback from 7 ft. to 3 ft. 9 in. to allow for window enclosure of a first story screen porch at 4300 Linden Hills Boulevard in the R4 Multiple-family District and SH Shoreland Overlay District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.