

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2022**

Date: November 4, 2004

Applicant: Todd and Rebecca Syring

Address of Property: 5400 10th Avenue South

Date Application Deemed Complete: October 6, 2004

End of 60 Day Decision Period: December 5, 2004

End of 120 Day Decision Period: February 3, 2005

Appeal Period Expiration: November 15, 2004

Contact Person and Phone: Todd or Rebecca Syring, 612-823-3904

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 11 **Neighborhood Organization:** Hale, Page, Diamond Lake Neighborhood Group

Existing Zoning: R1A District, Single-family District

Proposed Use: Construction of a new open porch

Proposed Variance: A variance to reduce the required front yard setback along 10th Avenue South from the setback established by the adjacent residential structure to 38 ft. to allow for the construction of an open porch onto a single family dwelling.

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

Background: The subject site is 49.5 ft. x 126 ft. (6,237 sq. ft.). The applicant is proposing to construct a new open porch onto the front of the dwelling. The porch is proposed to be 24.5 ft. x 8 ft. deep and will be located in the “inset” of the dwelling which is along the front northerly portion of the existing dwelling extending only 4 ft. past the front most portion of the dwelling. Porches are allowed to encroach in the front yard setback but are limited to 6 ft. in depth. The established front yard setback along 10th Avenue South is 42 ft. The proposed new porch will be setback 38 ft. along 10th Avenue South.

The porch will be approximately 1.5 ft. above grade. The roof pitch of the porch is 4/12 which does not match the roof pitch of the dwelling.

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.**

Front yard setback (10th Avenue South.): The applicant is seeking a variance to reduce the front yard setback along 10th Avenue South from the setback established by the adjacent residential structure to 38 ft. to allow for the construction of a new front open porch that is 8 ft. deep. The applicant states that for the porch to be historically and architecturally appropriate, the porch should be 8 ft. deep. Strict adherence to the regulations would not allow for the 8 ft. deep open porch to be constructed on the property. Based on the submitted information regarding the configuration of the dwelling and the increased established setback, this request seems reasonable.

- 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.**

Front yard setback (10th Avenue South): The circumstances upon which the variance is requested are unique to the parcel of land. The R1A District has a 20 ft. front yard setback requirement. However, the adjacent dwelling to the north is setback 42 ft. The ordinance allows for a 6 ft. deep open porch to encroach in the required front yard. The established setback is 42 ft., 22 ft. greater than the required 20 ft. setback. The established setback is not a circumstance created by the applicant.

- 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.**

Front yard setback (10th Avenue South): Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. The porch will project only 4 ft. past the front most portion of the dwelling due to it being located in the “inset” of the dwelling. Therefore, views across the property will probably not be blocked. The porch is proposed to be 8 ft. deep to provide adequate space for pedestrian use. Although, the porch roof will not match that of the dwelling, staff believes that providing a roof as steep as the dwelling on the porch will negatively impact the front of the dwelling. Staff believes the proposed 4/12 pitch will tie into the existing roof pitch less conspicuously. Open front porch use is encouraged by Crime Prevention Through Environmental Design.

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.**

Front yard setback (10th Avenue South): Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to 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 required front yard setback along 10th Avenue South from the setback established by the adjacent residential structure to 38 ft. to allow for the construction of an open porch onto a single family dwelling subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.