

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-1868**

**Date:** August 19, 2004

**Applicant:** Paul Austin

**Address of Property:** 5525 Dupont Avenue South

**Contact Person and Phone:** Paul Austin, (612) 822-0191

**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887

**Date Application Deemed Complete:** July 20, 2004

**End of 60 Day Decision Period:** September 18, 2004

**End of 120 Day Decision Period:** November 17, 2004

**Ward:** 13      **Neighborhood Organization:** Kenny Neighborhood Association

**Existing Zoning:** R1A, Single-family Residential District

**Proposed Use:** Second story, front porch, and rear addition to an existing single-family dwelling.

**Proposed Variance:** A variance to reduce the required front yard setback along Dupont Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 26 ft. to allow for the construction of a second story addition, a rear addition, and an open front porch addition to an existing single-family dwelling.

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

**Background:** The subject property is 40 ft. by 140 ft. (5,600 sq. ft.) and consists of an existing story and a half single-family dwelling with an enclosed front porch and detached garage. The applicant is seeking a variance to reduce the required front yard setback along Dupont Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 26 ft. to allow for the construction of a second story addition, a rear addition, and an open front porch addition to an existing single-family dwelling. The majority of the homes on the block are aligned approximately 30 ft. from the front property line. The current front yard setback of this property is approximately 31 ft. However, the two dwellings immediately to the south of the subject property are located toward the rear of their lots. The dwelling to the north is setback approximately the same distance as the subject property and the dwelling to the south is setback approximately 86 ft.

The porch addition will include a 5 ft. by 9 ft. open porch and stairs leading to the front walkway. The open front porch is located in front of the existing 8 ft. deep enclosed front porch on the dwelling. The proposed second story addition will include two bedrooms and a bathroom. The applicant has stated they are proposing to construct a roof with an 8/12 pitch to be more similar in height to the surrounding properties. The roof pitch on the existing dwelling is a 10/12. The second story addition is within the footprint of the existing dwelling. The rear 7 ft. by 7 ft. addition to the dwelling will serve as a mudroom to the property. The applicant is proposing to remove all of the vinyl siding and side the exterior of the dwelling in cement board. Due to the established setback on the property, all components of the project are located in the front yard.

The applicant has indicated the future construction of a new two-car detached garage on the property. Staff cannot speak to the height of the garage, as staff has not received elevation drawings that reflect the proposed garage. Therefore the garage must be constructed in compliance with all ordinance requirements

### **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:** The applicant is seeking a variance to reduce the established front yard setback to 26 ft. to allow for the construction of a second story addition, an open front porch, and a rear addition to an existing single-family dwelling. Strict adherence to the code requires that half of the subject property be retained as an established front yard setback. The established front-yard setback cuts through the rear of the existing home, allowing only a rear addition to the northeast corner of the dwelling. The proposed second story addition will be entirely within the footprint of the dwelling and will project no further into the required front yard than the existing home. The open front porch is 5 ft. deep and would typically be a permitted obstruction if the structure met the front yard setback. In addition, the rear addition to the home cannot be constructed due to the setback of the adjacent dwelling to the south. Strict adherence to the regulations would not allow for the proposed additions to the existing single-family dwelling.

- 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:** The circumstance upon which the setback variance is requested is unique to the parcel of land due to the location of the existing dwelling to the south and the location of the existing dwelling on the subject property. The R1A district allows single-family homes to maintain a 20ft. setback; however, the adjacent residential property to the south is setback approximately 86 ft. The existing dwelling currently maintains a 31 ft. setback from the front property line. The proposed open front porch addition will be located in front of the existing enclosed porch and requires a reduction of the setback down to 26 ft., which is still greater than the district requirement of 20 ft. The alternative to the variance would cause an undue hardship to

the property owner, by not allowing the additions. The location of the existing structures 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:** Staff believes that the second story addition, the rear addition, and the front porch addition will not be injurious to the use or enjoyment of other property in the vicinity. The existing home is located in line with the majority of the homes on the block. The open porch addition projects closer to the front property line, but open porches up to 6 ft. deep are typically permitted obstructions and encourage the use of front yards. The open front porch addition maintains a 26 ft. setback, which is greater than the minimum district requirement of 20 ft. All of the additions meet the intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The second story addition is within the footprint of the existing dwelling and the rear addition is in line with the existing structure, both having little impact on the neighboring property. The applicant plans to remove the vinyl siding and install cement board siding.

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:** Granting the front yard setback variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed additions to the existing dwelling be detrimental to the public welfare or endanger the 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 Dupont Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 26 ft. to allow for the construction of a second story addition, a rear addition, and an open front porch addition to an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the roof pitch of the new second story addition match the 10/12 roof pitch of the existing dwelling to maintain the character of the structure.