

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-1926**

Date: September 15, 2004

Applicant: Larry Schoenecker

Address of Property: 2100 Irving Avenue South

Contact Person and Phone: David Schoenecker, (612) 827-6619

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

Date Application Deemed Complete: August 18, 2004

End of 60 Day Decision Period: October 17, 2004

End of 120 Day Decision Period: December 16, 2004

Ward: 7 Neighborhood Organization: Lowry Hill Residents, Inc.

Existing Zoning: R2, Two-family Residential District

Proposed Use: A front porch addition to a new single-family dwelling.

Proposed Variance: A variance to reduce the required front yard setback along Irving Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 35 ft. to allow for the construction of an 8 ft. deep open front porch to a new single-family dwelling.

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

Background: The subject property is approximately 50 ft. by 170 ft. (8,425 sq. ft.) and consists of an existing detached garage. The applicant proposes to demolish the existing garage and construct a new single-family dwelling with an 8 ft. porch and a detached garage. The new single-family dwelling is proposed to be located behind the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures. However, the applicant proposes to construct the 8 ft. deep open porch in front of the established setback.

The applicant is seeking variance to reduce the established front yard setback along Irving Avenue South to 35 ft. to allow for the construction of an 8 ft. deep open porch addition to a new single-family dwelling. The applicant states the 8 ft. deep porch will maintain a similar look from the street as the dwellings in the neighborhood and will allow for the placement of furniture on the porch. The open porch addition will maintain a greater setback than the minimum required district setback of 25 ft.

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 variance to reduce the established front yard setback along Irving Avenue South to 35 ft. to allow for the construction of an 8 ft. deep open porch addition to a new single-family dwelling. The applicant has indicated that they are attempting to meet the character of the neighborhood. Strict adherence to the regulations requires that the 8 ft. deep porch be constructed behind the established front yard setback. This would create an inconsistent line along Irving Avenue South. The applicant feels that an 8 ft. porch would allow greater usability of the site by allowing furniture on the open porch. Strict adherence to the regulations would not allow for the proposed front porch addition to the new 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 circumstances upon which the setback variance is requested are unique to the parcel of land due to the depth of the existing open porch to the north and terrace to the south of the proposed dwelling. The location and scale of the existing structures on the adjacent properties are not circumstances created by the applicant. This is an existing circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed open front 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.**

Front yard setback: Staff believes that the construction of the new single-family dwelling and the new 8 ft. open porch will not alter the essential character of the surrounding neighborhood. Staff believes that the 8 ft. deep open porch addition will not be injurious to the use or enjoyment of other property in the vicinity considering the property would still maintain a 35 ft. setback. The R2 District requires a minimum of a 20 ft. setback. Staff believes that the proposed open porch meets the intent of the ordinance by constructing an open porch that is consistent with other porches in the vicinity and by maintaining a greater setback than either of the adjacent properties does.

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The addition and the new house design complement the character and architecture of surrounding properties. Staff believes the proposed open front porch addition will fit the character of the locality better than the 6 ft. deep open porch that the Zoning Code allows. Other houses in the neighborhood similarly have large open front porches and terraces in front of their dwellings. The majority of the dwellings in the area are 2 ½ story structures and detached garages. The applicant is proposing to construct a similar style home. The new single-family dwelling is proposed to be constructed in line with the two adjacent dwellings, meeting the established setback. The proposed open front porch will extend 8 ft. in front of the proposed dwelling. The proposed front porch is in scale with the existing structure.

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 porch addition 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 Irving Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 35 ft. to allow for the construction of an 8 ft. deep open front porch to a new single-family dwelling on a reverse corner lot subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.