

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4315

Applicant: Matt Mayotte

Address of Property: 527 19th Avenue NE

Contact Person and Phone: Matt Mayotte, 612-481-2738

Planning Staff and Phone: Chris Vrchota, (612) 673-25467

Date Application Deemed Complete: March 2, 2009

Publication Date: March 20, 2009

Public Hearing: March 26, 2009

Appeal Period Expiration: April 6, 2009

End of 60 Day Decision Period: April 21, 2009

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: R2B Two Family District

Proposed Use: Enclosure of a front porch, a portion of which was previously enclosed and a 60-foot addition to the east side of the house up to an existing building line.

Proposed Variance: The proposed project would require three variances:

- A variance to reduce the east reverse side yard setback from 20 feet to 15.7 feet for the building addition
- A variance to reduce the east reverse side yard setback along 6th Street NE from 20 feet to 11.3 feet for the front porch enclosure.
- A variance to reduce the front yard setback from 20 feet to 10.1 feet for the front porch enclosure.

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

Background: The subject site is a reverse corner lot that is 41.29 feet wide and 109.75 feet deep (5,427 square feet). The property consists of a two-story single-family dwelling built in 1889. The original structure has been modified substantially since it was first built. The 2nd story is an addition (1994), as is the portion on the north end (unknown date) onto which the applicant is proposing another addition.

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The property does not meet the interior side, front, or reverse corner setbacks, having been built before these requirements were in place.

Proposal: The applicant is proposing two additions to the property. The first is to enclose a small front porch, a portion of which was formerly enclosed. The applicant has removed the enclosing materials due to deterioration, and plans on enclosing the entire area, up to the existing front wall of the house. (See site plan- Appendix C and photos, Appendix D.)

The second addition would be on the north side of the property. The applicant wishes to remove an existing porch and replace it with a building addition, matching an existing building wall. The addition would provide space for a laundry room on the main level of the house.

Requested Variance Explanation: The enclosure of the front porch would trigger a variance from 20 feet to 10.1 feet for the front yard setback and a variance from 20 feet to 11.3 for the reverse corner yard setback. Because the house already encroaches into the front and reverse corner yard setbacks, any work in the front of the house would require a variance.

The addition on the north side of the property would require a variance from 20 feet to 15.7 feet for the reverse corner yard setback

Public Comment: No public comment received to date.

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.**

The applicant has requested variances to reduce the front and side yard setbacks to allow for the enclosure of a small front porch and an addition to the rear of the house. After factoring out the reverse corner yard setback and the interior side yard setback, there is approximately 16 feet of lot width that is able to be built on without requiring a variance. This severely limits the options for expansion of the house. This constitutes a hardship. The proposed additions would be built to match existing building walls, meaning the structure won't encroach any further into the setbacks than the existing structure already does.

- 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 conditions upon which the variance is requested are unique to the parcel. The subject lot is a reverse corner lot and is subject to two front yard setbacks. The lot was platted prior to the establishment of these setbacks. The setback requirements combined with the narrowness of the lot would prohibit a new house from being built on the lot without a variance.

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.**

Granting of the variance will be keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the locality. The proposed additions would not extend the structure any closer to the street than it already does, and the structure would still be set back further from the street than the structures on the neighboring properties to the north and west. The general pattern of development in the neighborhood has houses placed closer to the lot lines than the current setback requirement. The applicant is planning on residing the entire house and garage, so all exterior materials would match. Ultimately, this project should have a positive impact on the neighborhood, as it would aid the rehabilitation of a problem property.

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.**

Granting the variance would not likely increase congestion in the area or increase the danger of fire safety, nor would the variance be detrimental to welfare or public safety. The existing west wall of the structure sits only 1.35 feet from the property line. Under current zoning and fire code requirements, this wall could not be any closer than three feet to the property line- the zoning code requires it to have windows, and fire code requires windows to be at least three feet from the property line. No changes to this wall are being permitted as part of this project.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and **approve** the variances to reduce the east reverse side yard setback from 20 feet to 15.7 feet for the building addition, reduce the east reverse side yard setback along 6th Street NE from 20 feet to 11.3 feet for the front porch enclosure, and reduce the front yard setback from 20 feet to 10.1 feet for the front porch enclosure in the R1, Single-Family District with the condition that CPED-Planning review and approve final site plan, floor plans, and elevations.

Attachments:

- Appendix A: Zoning Map
- Appendix B: Applicant's Statement and Project Description
- Appendix C: Site Plan and Plans for the Proposed Addition and
- Appendix D: Photographs