

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4506

**Date:** August 27, 2009

**Applicant:** Martha Ballard and Paul Chernka

**Address of Property:** 527 7<sup>th</sup> Street SE

**Project Name:** 527 7<sup>th</sup> Street SE

**Contact Person and Phone:** Martha Ballard and Paul Chernka, (612) 623-1925

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** July 27, 2009

**End of 60-Day Decision Period:** September 29, 2009

**Ward: 3      Neighborhood Organization: Marcy Holmes Neighborhood Association**

**Existing Zoning:** R2B Two-Family District

**Zoning Plate Number:** 15

**Legal Description:** Not applicable for this application

**Proposed Use:** One-story addition, wrap-around open porch and ground-level patio to an existing single-family dwelling

**Variance:** to reduce the front yard setback along 6<sup>th</sup> Avenue SE to allow for an addition to an existing single family dwelling on a reverse corner lot.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Specifically Section 525.520(1) "to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations."

**Background:** The subject property is a substandard, reverse corner lot, located at the north corner of 7<sup>th</sup> Street SE and 6<sup>th</sup> Avenue SE. The lot is approximately 65 ft. by 70.8 ft. long (4,602 sq. ft.). The property consists of an existing two and a half story dwelling, constructed in 1904. The garage required variances to be constructed in 1991. The adjacent property to the north has frontage along 6<sup>th</sup> Avenue SE and is located approximately 24 feet to the front property line. Due to the platting of the land and the location of the adjacent structure, the subject parcel is required to adhere to the minimum front yard setback established by the property to the north of 24 ft. along 6<sup>th</sup> Avenue SE. The applicant is proposing to add a

one-story addition for a bath and 3-season porch, a wrap-around porch and a 169 sq. ft. patio to the existing single-family dwelling. The proposed addition is located approximately 4 ft. to the property line, the wrap-around porch is located approximately 12 ft. 6 in. and the patio is proposed 0 ft. to the front property line along 6<sup>th</sup> Avenue SE. The interior boulevard from the property line to sidewalk is approximately 6 ft. 6 in.

As of writing this staff report, staff has not received any correspondence from the Marcy-Holmes Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

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

**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 is seeking a variance to reduce the front yard setback along 6<sup>th</sup> Avenue SE to allow for a one-story addition, wrap-around open porch and patio to an existing single-family dwelling. The property is approximately 4600 sq. ft. and due to the existing bulk of the structure, any addition would have to be added at the ground floor and based on the platting would require a variance. The applicant is proposing to add 308 sq. ft. of gross floor area, increasing the lot coverage by 554 sq. ft. and the total impervious surface by 723 sq. ft. The proposed project will result in a total gross floor area of .39, lot coverage of 48.8% and a total impervious surface of 60%; all of which are less than the maximums allowed by the zoning ordinance. The applicant also provided a copy of the Sanborn Map from 1910 showing that the home originally had a wrap-around porch. The platting of the land has created a required front yard along both 7<sup>th</sup> Street SE and 6<sup>th</sup> Avenue SE. Strict adherence to the regulations would not allow for an expansion of the existing single family dwelling without the need for variance. Staff believes that the proposed addition, open porch and patio are a reasonable uses of the property.

**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 upon which the variance is sought are unique to the parcel of land and have not been created by the applicant. The platting of the land has created a required front yard along both 7<sup>th</sup> Street SE and 6<sup>th</sup> Avenue SE. The property is approximately 4600 sq. ft., which is substandard from the required 5,000 sq. ft. of lot area required in the R2B Two-Family District. The applicant is seeking a variance to reduce the front yard setback along 6<sup>th</sup> Avenue SE to allow for a one-story addition, wrap-around open porch and ground-level patio to an existing single-family dwelling. Due to the existing bulk of the structure, any addition would have to be added at the ground floor and based on the platting would require a variance. The platting of the land, the existing lot size and existing structure have created the circumstances for which the variance is sought.

**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.**

Staff believes the one-story addition, wrap-around porch and patio to the existing dwelling will not alter the essential character of the surrounding neighborhood and it will be visually and architecturally consistent with the other single-family dwellings. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The subject property is on a reverse corner lot, with frontage on both 7<sup>th</sup> Street SE and 6<sup>th</sup> Avenue SE. In addition, the property is adjacent to a significantly larger than average interior boulevard of 6 feet 6 inches. Staff believes that the proposed addition, porch and patio meet the intent of the ordinance. The materials and design are durable, the proposed addition and porch is in keeping with the architectural character of the home.

**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 addition, porch and patio to the existing single-family dwelling will not increase street congestion or be detrimental to public safety. The materials and design are durable, the proposed addition and porch are in keeping with the architectural character of the home, and front yard gathering spaces do add additional visual surveillance and increase opportunities to connect with neighborhoods.

**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 front yard setback along 6<sup>th</sup> Avenue SE to allow for a one-story addition, wrap-around porch and patio to an existing single family dwelling on a reverse corner lot for the property located at 527 7<sup>th</sup> Street SE in the R2B Two-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site, elevation and floor plans.
2. The exterior materials of the addition shall complement the existing dwelling.
3. The finish of the porch shall match the finish or the trim of the existing dwelling.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Marcy-Holmes Neighborhood Association and CM Hofstede
- 3) Zoning map
- 4) Site plan
- 5) Building elevations
- 6) Floor plans
- 7) Photographs