

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3515****Date:** May 3, 2007**Applicant:** Jim Moras**Address of Property:** 3908 Beard Avenue South**Contact Person and Phone:** Jim Moras, (952) 882-8904**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670**Date Application Deemed Complete:** April 12, 2007**Public Hearing:** May 3, 2007**Appeal Period Expiration:** May 13, 2007**End of 60 Day Decision Period:** June 11, 2007**Ward:** 13 **Neighborhood Organization:** Linden Hills Neighborhood Council**Existing Zoning:** R1A Single Family District

Appeal of the decision of the Zoning Administrator: Jim Moras is appealing the decision of the Zoning Administrator that a 6 foot deep, 20 foot 6 inch high addition to the front of a single family dwelling, located at 3908 Beard Avenue South, is not an open front porch and is not a permitted obstruction in the front yard.

525.170. Appeals of decisions of the zoning administrator. All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

Background and Analysis:

The applicant is proposing to construct a second story addition to a single family home located at 3908 Beard Avenue South. As a part of the addition, the applicant was proposing to construct a first story porch which projects 6 feet into the established front yard setback and is 34 feet wide. The roof has a pitch of 24/12. The height of the porch measured at the midpoint of the roof is 20 feet 6 inches. The interior of the porch is vaulted under the gable roof line.

An open front porch is defined in the Zoning Ordinance, but it is referenced in Table 535-1 Permitted Obstructions in Required Yards.

Open porches, projecting not more than six (6) feet into the required yard of a single or two-family dwelling provided that the total depth of the porch shall not exceed eight (8) feet. The porch may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line and no closer than six (6) feet from a dwelling on an adjacent property. Such porch shall be no closer than ten (10) feet from the front lot line and no closer than five (5) feet from the corner side lot line. The porch shall not be enclosed with windows, screens or walls, but may include handrails not more than three (3) feet in height and not more than fifty (50) percent opaque

The Zoning Administrator likened the proposed front porch to an addition due to the height and mass of the proposed design. While the first story of the proposed porch is open and meets the requirements of an open front porch; the second story, which measures 20 feet 6 inches at the midpoint, is closed. The applicant states that the portion above the first story is part of the gable roof line of the proposed porch and should be treated as a part of the roof for the open front porch not as an addition.

The intent of allowing an open front porch as a permitted obstruction in the required front yard is that an open front porch is open and does not increase bulk in the required yard as an addition or closed porch would. When viewed from the sides, the height of the gable roof line of the proposed front porch adds substantial bulk to the front of the dwelling and will have a greater and negative impact on character of the neighborhood and enjoyment of adjacent properties than a traditional open front porch. This impact is substantially similar to an addition to the dwelling.

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 **deny** the appeal of the decision of the Zoning Administrator that a 6 foot deep, 20 foot 6 inch high addition to the front of a single family dwelling, located at 3908 Beard Avenue South, is not an open front porch and is not a permitted obstruction in the front yard.