

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-5000

Date: November 18, 2010

Applicant: Paul and Cynthia Satre

Address of Property: 2210 Sheridan Avenue South

Project Name: Satre Addition

Contact Person: Paul Satre, (612) 374-4070

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

Date Application Deemed Complete: October 19, 2010

End of 60-Day Decision Period: December 18, 2010

Ward: 7 **Neighborhood Organization:** Kenwood Isles Area Association

Existing Zoning: R1 Single Family District and SH Shoreland Overlay District

Zoning Plate Number: 17

Legal Description: Not applicable

Proposed Use: An addition to an existing single-family dwelling.

Variance: to reduce the established front yard setback from 28 feet to approximately 20 feet to allow for a screened-in porch and a two story addition to the front of an existing single family dwelling.

Zoning code section authorizing the requested variance: 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 size of the subject site is approximately 48 ft. by 173 ft. (8,500 sq. ft.) and is a through lot with frontage along both Sheridan Avenue South and Thomas Avenue South.

The subject site has a significant grade change from the rear of the house westward towards Thomas Avenue South. This grade change is approximately 20 percent and is considered a steep slope by Zoning Ordinance. In the Shoreland Overlay District development within 40 feet of the top of the steep slope would require a variance. The front addition to the subject dwelling is located approximately 42 feet from the top of the steep slope and does not require an additional variance.

The applicant is proposing to construct a 9 ft. 8 in. by 14 foot long screened-in porch, 9 ft. by 6 ft. one-story foyer and a 9 ft. 4 in. by 11 ft. 4 in. two-story addition to the front of the existing dwelling. The proposed addition will contain mudroom on the first floor and new bedroom on the second floor. The subject dwelling is located approximately 30 feet from the front property line.

The required front yard setback is 25 feet in the R1 District. The Zoning Ordinance has a provision that increases the front yard setback where the established front yard created by the front corners of the two adjacent residential structures exceeds the front yard required by the zoning district. Nothing in this provision shall authorize a front yard less than that required by the zoning district.

The property to the south is located approximately 30 feet from the front property line and the dwelling to the north is located 16 feet from the front property line. The established front yard setback would allow for an addition to the subject dwelling being located 29 feet from the property line along the south building wall and 22 feet from the north building wall of the subject dwelling. The proposed screened-in front porch and addition will be located approximately 20 feet from the front property line and requires a variance to reduce the established front yard setback.

Notwithstanding the staff recommendation, Zoning Board of Adjustment granted variances to allow for the screened-in-porch and a two story addition to the front of an existing single family dwelling located at 2210 Sheridan Avenue South on April 5, 2007. Building permits were not issued for the project within one year of the approval or the additional year granted by the Zoning Administrator, per 525.40 of the zoning code. The applicant has modified the design and eliminated the variance to reduce the required interior side yard to allow for the addition.

Staff has identified discrepancies in the proposed plans. The proposed dormer on the structure will be required to be a shed dormer and not a gable dormer. A dormer cannot extend above the primary roof line per 520.160 of the zoning code. Also, the site plan has been drawn showing an 8 foot wide walkway in the required front yard. The maximum width of a walkway in the required front yard is 4 feet. The applicant has indicated that it was an oversight on the plans and therefore they are not requesting a variance to allow for the 8 foot wide walkway.

Staff had received a letter regarding the previous application from the Kenwood Isles Area Association stating that they did not object to the request. A copy of the letter dated March 13, 2007, is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

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 is requesting a variance to reduce the front yard setback to approximately 20 feet for a screened-in porch and a two story addition. The existing dwelling is setback approximately 30 ft. from Sheridan Avenue South. The zoning code allows for permitted obstructions in the required yard without variance, including an open front porch, not exceeding 8 feet in depth and a vestibule not exceeding 50 square feet in area. In addition, there is between 5 and 7 feet of additional area in

the front yard that would allow for an addition, outside of the required yard. Strict adherence to the zoning code would not allow the proposed enclosed additions in the required front yard. Staff believes the applicant has reasonable alternatives that will not require a variance. Staff believes that there is not undue hardship caused by strict adherence to the zoning code.

- 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.**

While there are unique characteristics of the parcel, the circumstances for which the variance has been sought are not and have been created by the applicant. The subject property is located on a through lot in the Shoreland Overlay District and has a steep slope located to the rear of the existing dwelling. Any addition to the rear of the existing dwelling requires a variance to allow for development within the SH District and according to the applicant, creates structural and environmental issues. Construction of an addition to the front of the dwelling would not be within 40 feet of the steep slope and would have less environmental impacts. The steep slope and the location of the subject dwelling in respect to the slope is unique to this parcel of land is not created by the applicant. However, the zoning code allows for permitted obstructions in the required yard without variance, including an open front porch, not exceeding 8 feet in depth and a vestibule not exceeding 50 square feet in area. In addition, there is between 5 and 7 feet of additional area in the front yard that would allow for an addition, outside of the required yard. Staff believes the applicant has reasonable alternatives that will not require 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 the setback variance will likely alter the essential character of the neighborhood. The majority of the front yard setbacks along the block face along Sheridan Avenue South range from approximately 25 feet to 30 feet. The property immediately north of the subject site has a front yard setback of 16 feet for a front facing garage with an open deck. The proposed front yard setback of the subject site is approximately 19 feet for a two story addition which is closer to the street than any other two-story portion of a home along the block. Further, staff believes the variance will be injurious to the use or enjoyment of the surrounding property. The impact the reduced setback will likely be most experienced by the immediate property to the south, 2212 Sheridan Avenue. This dwelling is setback the same distance as the subject dwelling, 29.8 feet. The proposed enclosed porch will extend approximately 10 feet in front of their dwelling. This neighbor to the south has provided a letter of support for the proposed project.

- 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 likely have no impact on the congestion of area streets or fire safety, nor would the proposed deck be detrimental to the public welfare or endanger the public safety.

ADDITIONAL FINDINGS FOR THE VARIANCE PER THE SHORELAND OVERLAY DISTRICT:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
The applicants will be required to prevent soil erosion and possible pollution of public waters, both during and after construction of the proposed addition. The applicants will be required to install a silt fence during construction and will be required to follow all applicable City requirements to prevent any type of water pollution.
- 2. Limiting the visibility of structures and other development from the protected waters.**
The surrounding properties consist of single-family dwellings with similar height and detached garages in the rear of the property. Staff believes the proposed project will be no more visible than the adjacent dwellings. The view of the Cedar Lake or Lake of the Isles will not be further limited with the proposed addition.
- 3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**
The proposed variance should have no impact on the types, uses, and numbers of watercraft that occupy the Cedar Lake or Lake of the Isles.

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 **deny** the variance to reduce the established front yard setback from approximately 28 feet to 20 feet to allow for a screened-in porch and a two story addition to the front of an existing single family dwelling located at 2210 Sheridan Avenue South in the R1 Single Family District and the SH Shoreland Overlay District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Kenwood Isles Area Association and CM Goodman
- 3) Correspondence from Kenwood Isles Area Association
- 4) Correspondence from the neighbors
- 5) Zoning map
- 6) Survey
- 7) Site plan
- 8) Building elevations
- 9) Floor plans
- 10) Photographs of site and surrounding properties