

Department of Community Planning and Economic Development – Planning Division

Variance Request

BZZ-4365

Date: May 15, 2009

Applicant: Jeffrey and Amy Roe

Address of Property: 5101 Dupont Avenue South

Contact Person and Phone: Jeffrey and Amy Roe, 612-824-7041

Planning Staff and Phone: John Smoley, Ph.D., 612-673-2830

Date Complete Application Received: April 2, 2009

Publication Date: May 15, 2009

Hearing Date: May 21, 2009

Appeal Period Expiration: June 1, 2009

End of 60 Day Decision Period: June 1, 2009

Ward: 13 **Neighborhood Organization:** Lynnhurst

Existing Zoning: R1/Single Family District

Proposed Variance: Variance to reduce the required front yard to 20 feet, 10.5 inches to construct a terrace, sunroom, and stairway at 5101 Dupont Avenue South in the R1/single family district.

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

Background: The subject property is a single-family home located on a corner lot. The Applicant is proposing to construct a terrace, sunroom, and stairway. A sunroom already exists on the front of the building, though it does not conform to the front yard requirements of the Zoning Code. The Applicant wishes to demolish this sunroom and construct a new sunroom with a slightly smaller footprint than the existing sunroom. Stairs already exist as well, but the Applicant wishes to replace the existing 5 foot wide stairway with a wider, longer stairway.

The required front yard in the R1 district is 25 feet. On this lot, the established front yard is 36 feet due to the positioning of the residence to the south of the subject parcel. This established setback thus increases the required setback on the subject property, creating a 36 foot deep required front yard.

On April 6, 2006 the Board of Adjustment approved a variance (BZZ # 2859) to reduce the south interior side yard from 6 feet to 4 feet, 10-1/8 inches to allow for the construction of a 2 foot cantilevered addition on the first floor of the subject property.

Analysis: The proposed work complies with the City of Minneapolis' Zoning Code in all areas but the required front yard.

Public Comment: Staff received two letters in support of the project from neighbors of the Applicants.

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 subject property can be put to a reasonable use under the conditions allowed by the official code without causing undue hardship. Although the residence already extends into the required front yard, the Zoning Code permits the continued use of nonconforming structures provided they are not enlarged, altered, or relocated. Staff sees no reason to expand this encroachment into the required front yard. The lot survey for this property indicates that the original home has already been expanded into the required front yard considerably.

- 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 requiring the variance have been created by the Applicant. The Applicant can choose to maintain the residence on the lot and still abide by the Zoning Code's standards. The Applicant could also construct the proposed additions within the buildable portion of this 6,400 square foot lot.

The subject parcel is not unique. Numerous other residences within the City of Minneapolis are adjacent to other residences that are set far back on their lot, thus creating a yard larger than that required by the zoning district. The lot survey for this property indicates that the home was originally set further back on the lot roughly in line with the residence to its south, and that it has already been expanded into the required front yard considerably.

- 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.**

The granting of the variance will not be in keeping with the spirit and intent of the ordinance. The established front yard setback provision in the Zoning Code helps ensure that pedestrians have a predictable, aesthetically pleasing experience along Minneapolis' residential streets. This provision of the code seeks to prevent urban canyons created by construction that extends up to

the zoning district setback on blocks where this is less deep than the established setback. The granting of the variance will alter the essential character of the locality by expanding the forward profile of a residence already set in front of its neighbors. Such a projection would further block neighboring residence's access to sunlight and views up and down the street.

The granting of the variance will not be injurious to the use or enjoyment of other property in the vicinity. The established front yard setback provision of the Zoning Code helps ensure that property owners do not construct additions on their homes that are not in keeping with the style of the existing residence and out of character with the neighborhood. The modern addition on the front of this Prairie style residence is an example of such an out of character addition. The proposed addition would be more in keeping with the architectural style of the residence.

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 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 building will not result in the creation of increased parking, second dwelling units or new construction exempt from safety provisions in adopted Building and Fire codes.

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** a variance to reduce the required front yard to 20 feet, 10.5 inches to construct a terrace, sunroom, and stairway at 5101 Dupont Avenue South in the R1/single family district.

Attachment A: Vicinity Map (provided by staff)

Attachment B: Plans (submitted by Applicant)

Attachment C: Photographs (submitted by Applicant)

Attachment D: Application (submitted by Applicant)

Attachment E: Letter to Councilmember and Neighborhood Group (submitted by Applicant)

Attachment F: Lot Survey (provided by staff)

Attachment G: Public Comment