

**Department of Community Planning and Economic Development - Planning Division Report**  
Variance  
BZZ-4512

**Date:** August 27, 2009

**Applicant:** Dominic Rigert

**Address of Property:** 5800 Harriet Avenue

**Project Name:** 5800 Harriet Avenue

**Contact Person:** Dominic Rigert, (612) 869-8465

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

**Date Application Deemed Complete:** August 3, 2009

**End of 60-Day Decision Period:** October 2, 2009

**Ward:** 11      **Neighborhood Organization:** Windom Community Council

**Existing Zoning:** R1A Single Family District

**Zoning Plate Number:** 36

**Legal Description:** Not applicable

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

**Variance:** variance to reduce the front yard setback from 34 feet 10 inches to approximately 26 feet along Harriet Avenue South to allow for an open front porch to 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 subject property is on a corner lot, approximately 64.5 ft. by 135.5 ft., on average, (8,740 sq. ft.). The property consists of an existing two-story dwelling with a detached garage. The applicant is proposing to retain the existing 3ft. deep vestibule on the front of the structure, construct a 7 ft. by 28 ft. open front porch on the structure.

The structure immediately adjacent to the south is setback approximately 34 feet 10 inches to the front property line. The applicant is proposing to locate the open front porch approximately 25 feet 8 inches to the property line. Open front porches are permitted obstructions in the required front yard, as long as they

do not extend further than 6 feet into the required yard and are no greater than 8 feet in depth. Because part of the existing home is located in the required yard, the proposed porch will extend approximately 9 feet 2 inches into the required yard. The proposed porch extends into the front yard setback greater than what is allowed as a permitted obstruction, therefore, the applicant is requesting a variance.

The Windom Community Council has provided a letter of support for the proposed variance; a copy is attached to the staff report. 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 Harriet Avenue to allow for a 7 ft. deep open front porch addition to an existing single-family dwelling. The adjacent structure is setback 34 ft. 10 in., almost 15 ft. beyond what is required by the R1A District. Strict adherence to the regulations requires would only allow for a 4 ft. deep porch, which would not be feasible given the location of the existing vestibule. The adjacent structure is located approximately 28 ft. away and is approximately 5 ft. lower. In addition, there is existing landscaping, serving as a buffer between the two properties. Staff believes that the proposed location for the front porch would allow for reasonable use 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 adjacent structure is setback 34 ft. 8 in., almost 15 feet beyond the District requirement of 20 ft. Front porches are permitted obstructions in the required front yard, as long as they do not exceed 8 ft. in depth and do not encroach more than 6 ft. into the required yard. Strict adherence to the regulations requires would only allow for a 4 ft. deep porch, which would not be feasible given the location of the existing vestibule. The adjacent structure is located approximately 28 ft. away and is approximately 5 ft. lower.

- 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 proposed variance will not be injurious to the use of the adjacent property, because the adjacent structure is located approximately 28 feet away from the proposed addition and there is an existing landscaping between the two properties. The openness of the porch reduces the visual impact of adding bulk to the front yard. The materials and design are durable, the proposed porch is in keeping with the architectural character of the home, and front yard gathering spaces add additional visual surveillance and increase opportunities to connect with neighborhoods.

**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 porch would not increase street congestion or be detrimental to public safety. The materials and design are durable, the proposed porch is 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 to reduce the front yard setback from 34 feet 10 inches to approximately 26 feet along Harriet Avenue South to allow for an open front porch to an existing single family dwelling for the property located at 5800 Harriet Avenue South in the R1A Single Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. 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 Windom Community Council and CM Benson
- 3) Correspondence from neighbors and Windom Community Council
- 4) Zoning map
- 5) Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs