

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-3301**

Date: November 16, 2006

Applicant: Mike Campos

Address of Property: 3645 Dupont Avenue South

Contact Person and Phone: Mike Campos, 612-824-2966

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: October 17, 2006

End of 60 Day Decision Period: December 26, 2006

Appeal Period Expiration: November 27, 2006

Ward: 10 **Neighborhood Organization:** East Harriet

Existing Zoning: R1A Single-family District

Proposed Use: Construction of a new enclosed front porch

Proposed Variance: A variance to reduce the front yard setback to convert an open porch to an enclosed porch

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

Background: The applicant is proposing to convert an open front porch to an enclosed porch. The front of the subject dwelling is in the established front yard created by the adjacent residential uses. The property to the south is setback 8 ft. more than the subject house and the neighboring house to the north. The enclosed porch would be setback 18 in. from the façade of the subject dwelling. The proposed porch is 8 ft. by 6 ft. and will be located in the “inset” of the dwelling. The addition will enclose an existing window and the addition includes a window. The minimum required window for the façade of the building is 29 sq. ft.

The applicant was issued an inspections violation for unpermitted work for this addition. Building permits fees will be doubled for unpermitted construction work.

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 seeking a variance to reduce the front yard to allow for the construction of an enclosed front porch, which is setback from the façade of the building by 18 in. Strict adherence to the regulations would not allow for the enclosed porch to be constructed on the property. Based on the submitted information regarding the configuration of the dwelling and the adjacent structures, this request seems reasonable.

- 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 requested are unique to the parcel of land. The property to the south is setback much further than the subject site or adjacent property to north. Most of the dwellings on Dupont Avenue South have a similar setback to the subject property. The enclosed porch will also be setback from the façade of the building, which already projects into the established front yard setback.

- 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 variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. The porch, located in the “inset” of the dwelling, will be located approximately 18 in. behind the façade of the dwelling. The porch will include windows which will be similar to the size of the window behind the enclosed front porch. In order to be compatible with the subject dwelling and surrounding area, staff recommends that sash windows be installed, as opposed to casement windows.

- 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 congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

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 to convert an open porch to an enclosed porch, subject to the following conditions:

1. That the windows on the enclosed porch be sash windows, as opposed to casement windows,
2. That the Planning Division-CPED review and approve the final site and elevation plans that measure to an architect or engineering scale.