

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-2084****Date:** December 16, 2004**Applicant:** Jesus Panora**Address of Property:** 2545-2547 Harriet Avenue South**Contact Person and Phone:** Jesus Panora, (612) 870-9958**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** November 9, 2004**End of 60 Day Decision Period:** January 8, 2005**End of 120 Day Decision Period:** March 9, 2005**Ward:** 6 **Neighborhood Organization:** Whittier Alliance**Existing Zoning:** R2B, Two-family District**Proposed Use:** A conversion of an open front porch to an enclosed porch on an existing duplex.**Proposed Variance:** A variance to reduce the required front yard setback along Harriet Avenue South from 20 ft. to 6 ft. to allow an existing open porch to be enclosed.**Zoning code section authorizing the requested variance:** 525.520 (1)

Background: The subject property is approximately 45 ft. by 90 ft. (4,050 sq. ft.). The property consists of an existing three-story duplex dwelling with an existing two-story 7 ft. deep open front porch addition that runs the width of the dwelling. The existing dwelling is located approximately 14 ft. from the west front property line, the existing open front porch is located approximately 6 ft. from the front property line, which is located about 14 ft. in front of the district setback and approximately 6 ft. in front of the established front yard setback along Harriet Avenue South. The R2B district requires a 20 ft. minimum front yard setback. Therefore, the applicant is applying for a variance to reduce the required front yard setback along Harriet Avenue South from 20 ft. to 6 ft. to allow an existing open porch to be enclosed.

The applicant has enclosed the existing open porch with vinyl siding and without a permit. As a result of enclosing the porch without a permit, the newly constructed façade does not meet the required 15 percent windows along a public street. There is no variance to this requirement, so the structure would have to be altered to meet the window requirement.

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.**

Front yard setback: The applicant is seeking a variance to reduce the required front yard setback along Harriet Avenue South from 20 ft. to 6 ft. The existing open porch projects 7 ft. from the front façade of the dwelling. Strict adherence to the regulations would not allow for the proposed enclosed porch. Staff believes that an open porch in front of the dwelling allows reasonable use of the property in compliance with the regulations. Staff does recognize the existing open porch does exceed the front setback, however it is an existing circumstance and if the porch remained unaltered, would not require a variance. It is the fact the applicant enclosed the porch that has caused the need for the variance. Additionally, the current porch enclosure does not meet the code requiring 15 percent of the front façade of a two-family dwelling to be constructed of windows.

- 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.**

Front yard setback: The conditions upon which the setback variance is requested are not unique to the parcel of land and were created by the applicant. The applicant has enclosed a porch on the front of an existing single-family dwelling that is 6 ft. from the front property line. Staff does recognize the existing dwelling exceeds the front setback, however the location of the dwelling is an existing circumstance and if the porch remained unaltered, would not require a variance. It is the fact the applicant has enclosed the porch that has caused the need for the variance. Staff believes this is a circumstance created by the applicant. Crime prevention through environmental design promotes front porches to encourage pedestrian activity and provide ‘eyes on the street’ as a neighborhood safety strategy. Therefore, staff would support an open porch to provide room for pedestrian use.

- 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.**

Front yard setback: Staff believes that granting the setback variance will alter the essential character of the surrounding neighborhood and could be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned, the existing dwelling is already encroaching in the established setback. The applicant has enclosed an existing open porch on the front of a two-family dwelling. The newly enclosed porch was enclosed with vinyl siding, and an almost solid metal door. The existing open porch was almost entirely open on the first level with few posts. The existing porch is already dissimilar to the homes in the area and to their

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setbacks, but due to the open nature of the existing porch it was less intrusive on neighboring properties. Staff believes that maintaining the two-story open porch is compatible with the design of the dwelling and will provide for pedestrian activity contributing to the vitality and safety of the neighborhood than a vinyl enclosed porch on the first story and an open wood porch on the second story attached to a wood-sided dwelling. Staff is concerned that enclosing the front porch will increase the dwellings disconnect with the area. Additionally, the current porch enclosure does not meet the code requiring 15 percent of the front façade of a two-family dwelling to be constructed of windows. No variance exists for this code requirement. The intent of the open porches allowed in the front yard and the window requirement is to The enclosed porch does not meet the intent of the ordinance. Staff believes the existing open porch is consistent with the area and meets the intent of the ordinance.

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.**

Front yard setback: Granting the setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety, but it would be inconsistent with other properties in the vicinity.

Recommendation of the Department of Community Planning and Economic Development:

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 required front yard setback along Harriet Avenue South from 20 ft. to 6 ft. to allow an existing open porch to be enclosed.