

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2088

Date: December 16, 2004

Applicant: John Gallien

Address of Property: 3612 40th Avenue South

Date Application Deemed Complete: November 12, 2004

End of 60 Day Decision Period: January 11, 2005

End of 120 Day Decision Period: March 12, 2005

Appeal Period Expiration: December 27, 2004

Contact Person and Phone: John Gallien, 612-810-9868

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

Ward: 12 **Neighborhood Organization:** Howe, Longfellow Community Council

Existing Zoning: R1A District, Single-family District

Proposed Use: Construction of a new open porch

Proposed Variance: A variance to reduce the required front yard setback along 40th Avenue South from a 20 foot to 16 feet, 5 inches to allow for the construction of an open porch onto a single family dwelling.

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

Background: The subject site is 42 ft. x 129 ft. (5,418 sq. ft.). The applicant is proposing to construct a new open porch onto the front of the dwelling. The proposed porch is 12 ft. x 8 ft. deep and will be located in the “inset” of the dwelling which is along the northeastern portion of the existing dwelling not extending past the front most portion of the dwelling. The actual front yard setback of the dwelling is 16 ft. 5 in. along 40th Avenue South, which is less than the district setback of 20 ft. The proposed new porch will meet that setback of 16 ft 5 in. along 40th Avenue South. Porches can encroach into the front yard setback but are limited to 6 ft. in depth.

The porch will be approximately 2.5 ft. above grade. The roof pitch of the porch is 5/12 which is an extension of the primary roof of the dwelling.

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 (40th Avenue South.): The applicant is seeking a variance to reduce the front yard setback along 40th Avenue South from the district setback of 20 ft. to 16 ft. 5 in. to allow for the construction of a new front open porch that is 8 ft. deep. A six foot porch is allowed without a variance however the applicant states that a 6 foot deep porch would result in water runoff above the front door and a 8 foot deep porch would match the character of other homes in the surrounding area. Strict adherence to the regulations would not allow for the 8 ft. deep open 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.**

Front yard setback (10th Avenue South): The circumstances upon which the variance is requested are unique to the parcel of land. The R1A District has a 20 ft. front yard setback requirement. However, the dwelling encroaches on the front yard setback and is only setback only 16 ft. 5 in. from the property line. The ordinance allows for a 6 ft. deep open porch to encroach in the required front yard. With a depth of 8 ft. the new open porch would match the building wall of the existing enclosed porch. The building encroaching on the setback is not a circumstance created by the applicant.

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 (10th Avenue South): 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 match the building wall of the existing enclosed porch. Therefore, views across the property will probably not be blocked. The porch is proposed to be 8 ft. deep to provide adequate space for pedestrian use and will match the character of dwellings in the surrounding area. The new open porch’s roof is an extension of the primary roof. Open front porch use is encouraged by Crime Prevention Through Environmental Design.

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.**

CPED Planning Division Report
BZZ-2088

Front yard setback (10th Avenue South): 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 required front yard setback along 40th Avenue South from the district setback to 16 ft. 5 in. to allow for the construction of an open porch onto a single family dwelling subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.