

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-2124

Date: January 6, 2005

Applicant: Krista Lang-Shasky

Address of Property: 4233 Sheridan Avenue South

Contact Person and Phone: David Hamer, (612) 298-3462

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Date Application Deemed Complete: December 2, 2004

End of 60 Day Decision Period: January 31, 2005

End of 120 Day Decision Period: April 1, 2005

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1, Single-family District

Proposed Use: A conversion of an open front porch to an enclosed porch on an existing single-family dwelling.

Proposed Request: A variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Sheridan Avenue South to 48 ft. to allow for an existing open porch to be enclosed.

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

Background: The subject property is approximately 50 ft. by 170 ft. (8,500 sq. ft.). The property consists of an existing single-family dwelling with an existing 10.5 ft. deep open front porch addition that runs the width of the dwelling. The existing open front porch is located approximately 48 ft. from the front property line along Sheridan Avenue South. The applicant is applying for a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Sheridan Avenue South to 48 ft. to allow for an existing open porch to be enclosed. The applicant has proposed to enclose the existing 10.5 ft. open porch with screens and knee walls. The applicant states the space is to be screened to restore and enhance the existing structure. The applicant also states the structure is not be altered.

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 front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Sheridan Avenue South to 48 ft. to allow for an existing open porch to be enclosed. The existing open porch projects 10.5 ft. from the front façade of the dwelling. The applicant has proposed to enclose the existing open porch with screens and knee walls. 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. Strict adherence to the regulations would not allow for the proposed enclosed porch. The applicant also states the property cannot be put to reasonable use due to the congested street the property is on and the exposure to environmental elements. Staff believes that an open porch in front of the dwelling allows reasonable use of the property in compliance with the regulations.

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 proposed to enclose a porch on the front of an existing single-family dwelling that is located in front of the established front yard setback. Staff does recognize the existing open front porch exceeds the front setback. It is the fact the applicant has proposed to enclose 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. Staff believes that maintaining the 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. The applicant states the screened porch is intended to enhance the existing structure and the plans do not include any alteration to the dwelling. Staff believes the existing open porch is consistent with the existing dwelling and the area. Staff believes porches original to dwellings are constructed in character with the structure. Open porches, such as the

adjacent property to the south, that are modified alter the original character of the dwelling. Staff believes the adjacent dwelling is an example of what the code was designed to prevent and that the existing open porch 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.