

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4126

Date: July 31, 2008

Applicant: Ron Rapacz

Address of Property: 5505 Thomas Avenue South

Contact Person and Phone: Ron Rapacz, 763-370-8474

Planning Staff and Phone: Molly McCartney, 612-672-5811

Date Application Deemed Complete: July 7, 2008

Publication Date: July 24, 2008

Hearing Date: July 31, 2008

Appeal Period Expiration: August 11, 2008

End of 60 Day Decision Period: September 8, 2008

Ward: 13 **Neighborhood Organization:** Armatage Neighborhood Association

Existing Zoning: R1 Single Family Residence District

Proposed Use: A front deck addition to an existing single-family dwelling.

Proposed Variance: A variance to reduce the front yard setback established by the front corner of the adjacent residential structures from 38 ft. to 31 ft. to construct a 7 ft. by 18 ft. front deck to an existing single family dwelling located at 5505 Thomas Avenue South in the R1 Single-family District.

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

Background: The subject property is approximately 50 ft. by 128 ft. (6,400 sq. ft.) and consists of an existing single-family dwelling and a detached garage. The existing ranch-style, single-family dwelling maintains the established front yard setback of the house to the north and south. The home to the north, 5501 Thomas Avenue South, received a variance in 2005 for a deck in the front yard setback.

The applicant is proposing to construction a 7 ft. by 18 ft. deck to the front of the house. This deck projects into the front yard 7 ft. Typically front porches are allow obstructions in the required front yard setback, however, patios, deck, and terraces of this size are not permitted obstructions. The proposed

deck would be located in front of the entrance and there will be stairs required for access to the front door. The proposed deck does not have railings, but is just the decking materials comprises of cedar decking and treated posts.

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.**

Strict adherence to the code requires that the subject property construct a deck behind the established front yard setback or an open front porch that is 6 ft. in depth. The subject house is in line with the adjacent homes; however the home to the north has a 6 ft. deep deck. Some sort of raised entrance, such as a porch, vestibule, or deck is a reasonable use of a residential 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 setback variances are requested are unique to the parcel of land due to the location of the existing dwellings. The applicant has stated that he intends on using the deck in the same function of that of a front porch, which would be a permitted obstruction in the required front yard at 7 ft. in depth. The single-family dwelling on the subject property meets the established front yard setbacks; it is the size and the lack of a permanent roof structure over the decking that require the variance.

- 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.**

The proposed deck will not substantially alter the essential character of the surrounding neighborhood, provided that the deck has similar dimension to the deck to the north and that deck has railings as well as landscaping incorporated around the deck. The applicant has submitted photos of three other front yard decks within one-half block of the subject property. The proposed deck will maintain almost the same setback as the home to the north; however, the subject deck is 1 ft. greater in depth that the neighboring deck. The visual impact of the proposed deck would be reduced substantially if landscaping is incorporated around the deck.

- 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.**

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Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed deck be detrimental to the public welfare or endanger the 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 established by the front corner of the adjacent residential structures from 38 ft. to **32 ft.** to construct a **6 ft.** by 18 ft. front deck to an existing single family dwelling located at 5505 Thomas Avenue South in the R1 Single-family District, subject to the following condition:

1. Painted railings around the perimeter of the deck are incorporated into the design of the deck,
2. CPED–Planning Division review and approve the final site plan, elevation plans, and landscaping plan. All drawings will be measured to an architect or engineer’s scale.