

**Department of Community Planning and Economic Development - Planning Division Report****Variance Request  
BZZ-3922**

**Date:** March 27, 2008

**Applicants:** The architects, Mark Larson and Ryan Bicek, on behalf of the property owners Nick and Wendy Brown

**Address of Property:** 4623 Humboldt Avenue South

**Contact Person and Phone:** Mark Larson and Ryan Bicek, (612) 285-7275

**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494

**Date Application Deemed Complete:** February 29, 2008

**Publication Date:** March 21, 2008

**Public Hearing:** March 27, 2008

**Appeal Period Expiration:** April 7, 2008

**End of 60 Day Decision Period:** April 29, 2008

**Ward:** 13      **Neighborhood Organization:** Lynnhurst

**Existing Zoning:** R1/Single Family District and SH/Shoreland Overlay District(^99)

**Proposed Use:** Conversion of a front deck into an open front porch

**Proposed Variance:** A variance to reduce the established front yard setback to 34.5 ft.

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

**Background:** The subject property, 4623 Humboldt Avenue South, is located east of Lake Harriet. This property, and the properties within a 350 foot radius, are zoned R1, Single-Family Residential. Humboldt Avenue runs southwest to northeast on this block, which creates angled front property lines for the properties between 4601-4639 Humboldt Avenue South.

The subject property is an interior double lot. It measures 17,200 sq. ft. and is 86 ft. wide. These measurements exceed the R1 Zoning District lot area and width requirements; 6,000 sq. ft. and 50 ft.

The property contains a 2.5 story single-family dwelling that was built in 1912, and designed in a Tudor architectural style. The principal structure is located 34.5 ft. at its closest point from the front property

line. Even though the front yard setback for the R1 Zoning District is 25 ft., the existing deck and a small portion of the house are located within the established front yard setback.

The Minneapolis zoning code provision 546.160 (b) requires properties that have neighboring properties setback further than the zoning district setback to be at or behind an imaginary line that connects the corners of the adjacent properties nearest the street (see Appendix B12: site plan).

**Proposal:** The applicant is proposing a remodel and expansion project that consists of adding front, rear, and side additions; these additions do not require a variance. The portion of the project that requires the variance is the conversion of a 13 ft x 10 ft. front deck into an open front porch.

**Public Comment:** CPED notified property owners within 350 ft. of the variance request. The property owners to the south of the subject property, 4631 Humboldt Avenue South, submitted a letter in support of the variance request (see Appendix E2). In addition, the Lynnhurst Neighborhood Association Variance Chairperson, Michael O'Brien provided a letter in support of the variance request on February 13, 2008 (see Appendix E1).

**Notes:** This item was continued from the February 21, 2008 Board of Adjustment meeting at the request of the applicant to allow them to submit a site plan that correctly shows their established front yard setback.

**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 requests a variance to reduce the established front yard setback to 34.5 ft. to allow for the conversion of the existing deck into an open front porch. CPED does not recognize a hardship on this lot; however, it recognizes the proposed conversion of a front deck into an open front porch as a reasonable request for ongoing use of the 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 unique circumstance for which this variance is sought is the location of the existing front deck which is within the established front yard setback. The building date of the front deck is unknown; however, it was built prior to the date the existing owners purchased the property.

- 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.**

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The subject property was identified in a 2005 reconnaissance historic survey of southwest Minneapolis as being a part of the Lynnhurst Potential Residential Historic District. The potential Lynnhurst Historic District is significant for its architecture and for the pattern of development (see Appendix C1). The subject property, designed in a Tudor architectural style, has had few exterior alterations and, therefore, contains a high degree of historic integrity. Even though the proposed remodel and expansion would substantially alter the front elevation to a point of likely making this house a noncontributing structure to the potential historic district, granting of the variance to allow for converting the deck into an open front porch will not negatively impact the essential character of the area in a way that is irreparable.

The conversion of the deck into an open front porch will also not be injurious to the use and enjoyment of other property in the vicinity, in particular the property to the north, 4615 Humboldt Avenue South. The proposed open front porch will be located 9.3 feet from the shared side yard property line at its closest point, and 19.2 feet from the neighboring property to the north.

- 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 of the variances would 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.

**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 **approve** the variance to reduce the established front yard setback to 34.5 ft.

1. CPED-Planning review and approve final site plan, floor plans, and elevations.

**Attachments:**

Appendix A: Zoning map

Appendix B: Application

Appendix C: Lynnhurst Potential Residential Historic District information

Appendix D: Aerial

Appendix E: Public Comments