

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4341

Date: April 9, 2009

Applicant: Chris and Jessica Haupt

Address of Property: 4720 45th Street E

Contact Person and Phone: Chris and Jessica Haupt: 612-721-3561

Planning Staff and Phone: Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: March 5, 2009

Publication Date: April 3, 2009

Public Hearing: April 9, 2009

Appeal Period Expiration: April 20, 2009

End of 60 Day Decision Period: May 4, 2009

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

Existing Zoning: R1A/Single-Family Residential

Proposed Use: Addition of a screened porch with a rooftop deck.

Proposed Variances: A variance to reduce the east side yard setback from 5 feet to 3 feet.

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

Background: The subject property, 4701 12th Avenue South, is zoned R1A. It measures 40 ft. x 126 ft. (5,040 square feet). The lot contains a 1.2 story single-family dwelling constructed in 1951. (See Appendix D-2) An alley runs along the east side of the property. The house is setback 7 feet from the east line.

Proposal: The applicants are proposing to add a 9'x18' screen porch to the east side of the house. The proposed addition would also feature a deck on a portion of the second floor. The applicants are also planning on adding a fully second story to the house, though that portion does not require a variance.

Public Comment: Staff has received one comment letter from the owners of 4454 Edmund Boulevard (property immediately to the east) in support of the proposed variance.

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 has requested a variance to reduce the east side yard setback from 5 feet to 3 feet to allow for the construction of a 9'x18' screened porch addition. There is sufficient room in the rear yard to build an addition. Alternatively, it would be possible to build a 7'x18' addition in the proposed location without requiring a variance. Because there are reasonable alternatives for constructing for a building addition on the property, CPED does not recognize a hardship on the lot for the variance request.

- 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 subject property was constructed in its current location in 1951. The existing structure complies with all applicable setbacks. CPED does not find any of these circumstances to create a unique situation on this lot.

- 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.**

Granting of the variance would be keeping with the spirit and intent of interior side yard provision and will not be injurious to the enjoyment of the neighboring properties. The spirit and intent of the interior side yard setbacks includes trying to provide adequate privacy desirable and safe visibility, and buffering between buildings. Because the side yard is adjacent to an alley and the closest residential structure is over 100 feet away, a variance would likely have little or no impact on the use or enjoyment of other property in the vicinity. Granting the variance would not have an impact on the essential character of the locality, as there are no structures in close proximity to the proposed site, and the proposed addition would fit in with the architectural style of the existing house.

- 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 variance 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. The addition would be set back far enough from the intersection of the alley and 45th Street E that visibility would not be impacted. The applicant has suggested that the granting of the variance will in fact increase public safety in the area by providing a greater presence on the alley to act as a crime deterrent.

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 east interior side yard setback from 5 feet to 3 feet in the R1A, Single-Family District.

Attachments:

Appendix A: Zoning map

Appendix B: Statement of proposed use and request of variance statements- Submitted by Applicant

Appendix C: Site Plan, Building Plans and Elevations

Appendix D: Photographs Submitted by Applicant

Appendix E: Public Comments