

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-3132**

Date: August 3, 2006

Applicant: Barry Lazarus

Address of Property: 1716 Colfax Avenue South

Contact Person and Phone: Barry Lazarus, (612) 377-2232

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: July 12, 2006

Public Hearing: August 3, 2006

Appeal Period Expiration: August, 14 2006

End of 60 Day Decision Period: September 10, 2006

Ward: 7 Neighborhood Organization: Lowry Hill Residents, Inc.

Existing Zoning: R2, Two-family Residential District

Proposed Use: Front porch and deck on an existing dwelling.

Proposed Variance: A variance to reduce the front yard setback from 20 feet to 16.5 feet to allow for a 10.17 foot deep front porch in the R2 District at 1716 Colfax Avenue South.

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

Background: The subject property is located on an interior lot that is approximately 75 ft. by 135 ft. (10,125 sq. ft.). The applicant is currently renovating the subject dwelling. Included in these renovations are the relocation of the garage and driveway and the construction of a front porch. The existing dwelling has an existing raised concrete patio located in the front of the dwelling. This existing patio spans the width of the structure, approximately 34 feet, and is 10.17 feet in depth.

The applicant proposes to build an open porch on the existing foundation of the patio. The proposed porch will have a rooftop deck that spans the length of the porch. The proposed porch and deck will measure 10 feet in depth. The Zoning Ordinance allows a front porch to project six feet into the required front yard, but the porch shall not have a depth greater than eight feet. A deck is only allowed to project into the front yard four feet and shall not be greater than fifty square feet in size. The

proposed porch and deck will both project 3.37 feet into the required front yard and will have an area of roughly 340 square feet.

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 required front yard setback along Colfax Avenue South from 20 feet to 16.5 feet to allow for the construction of a front porch and deck above the porch. The adjacent single-family dwelling to the north of the subject property is setback approximately 17 feet from the front property line and the dwelling to the south is located 30.9 feet from the front property line with a porch that is 14 feet from the property line. Staff believes that constructing the porch at a distance of 16.5 feet to the front property line is a reasonable 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 circumstance upon which the setback variance is requested is unique to the parcel of land due to the existing location of the concrete patio that is 16.5 feet from the front property line. This is a circumstance that is unique to this parcel and not 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.**

Staff believes the proposed porch and deck will not alter the essential character of the surrounding neighborhood. The surrounding properties have substantial front porches with the dwelling at 1706 Colfax Avenue South having a deck above the porch.

- 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 the setback variance would likely have no impact on the congestion of area streets or fire safety, nor would it 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 required

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front yard setback along Colfax Avenue South from 20 feet to 16.5 feet to allow for the construction of a front porch and deck at 1716 Colfax Avenue South in the R2, Two Family District.