

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3922****Date:** February 21, 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:** January 14, 2008**Publication Date:** February 15, 2008**Public Hearing:** February 21, 2008**Appeal Period Expiration:** March 3, 2008**End of 60 Day Decision Period:** March 14, 2008**Ward:** 13 **Neighborhood Organization:** Lynnhurst**Existing Zoning:** R1/Single Family District and SH/Shoreland Overlay District(^99)**Proposed Use:** Conversion of a patio into an open front porch, new front porch addition, and the construction of an enclosed front porch addition.**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 is angled in 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 house is located within the front yard setback because 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 B: site plan).

Proposal: The applicant is proposing a remodeling project that consists of adding front, rear, and side additions, a new garage, and an open front porch. The rear and side additions do not require a variance, and the garage will be reviewed through a separate land use application. The portion of the remodel that requires the variance is the remodeling to the front of the house. There are three parts to the front elevation remodeling project.

1. Convert the existing patio into an open front porch. (13 ft. x 9 ft.). This will extend from the north side of the house to the primary door.
2. Extend the open front porch on the south side of the main entrance by building a 13 ft. x 4.25 ft addition.
3. Construct a 9 ft. x 12 ft. enclosed front porch on the southern portion of the front elevation.

In addition, a new, first-story roof would be constructed that would span the front elevation.

Note about the existing patio: CPED believes that the existing patio is not original to the structure since it is not shown on the 1912 and 1949 Sanborn maps (see Appendix D: Sanborn maps). However, no building permit that shows the construction date of the patio was found.

Public Comment: CPED notified property owners within 350 ft. of the variance request. No comments were received from property owners as of February 10, 2008. The Lynnhurst Neighborhood Association Variance Chairperson, Michael O'Brien provided a letter in support of the variance request (see Appendix G).

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 a remodeling project to the front façade. CPED does not recognize a hardship on this lot. The subject property exceeds the R1 Zoning District lot size and lot width requirements. Even though this property has an angled front property line and was built prior to the first Minneapolis zoning code that established front yard setbacks, the properties located between 4601 and 4623 Humboldt Avenue South were built with respect to the location of one another and create a uniform front yard setback (See Appendix F: Building Location Map).

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 does not contain unique circumstances for which the variance is sought. This lot exceeds the Zoning District lot area and lot width requirements. Even though the subject property has an angled front property line and was built prior to the first Minneapolis Zoning Code that established front yard setbacks, the houses between 4601 and 4623 Humboldt Avenue were built with respect to the location of one another and create a uniform front yard setback (See Appendix F: Building Location Map). This sort of staggered development was common in neighborhoods of Minneapolis that are close to lakes and/or the river.

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 negatively alter the essential character of the neighborhood. 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 (see Appendix C). A potential historic district is all the properties that are within a defined area that have the potential for being designated as an historic district by the city council because of the historical, cultural, architectural, archaeological, or engineering significance of the district.

The potential Lynnhurst historic district, the Lynnhurst Addition, 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 integrity. If the variance is approved and the proposed alterations are made, the front façade of the subject property would be substantially altered to a point of likely making this house a noncontributing structure to the proposed district. In addition, the changes would also take away from the staggered front facades that respect the adjacent front properties, which is a characteristic of the Lynnhurst Addition. These alterations can bring down the district as a whole.

The purpose of the front yard setback provision is twofold. First, to protect neighboring properties' front yards from being obstructed by a structure that extends beyond their own. Second, to maintain a consistent front along the street. Granting of the variance may disrupt the views of the neighboring properties. In addition, granting of the variance would likely disrupt the front yard setbacks of 4601-4623 Humboldt Avenue by adding greater bulk to the front façade.

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

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Lynnhurst Potential Residential Historic District information

Appendix D: Sanborn Map

Appendix E: Aerial

Appendix F: Building Location Map

Appendix G: Public Comments