

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3793

Date: October 11, 2007

Applicant: Jeffrey Roy and Tobay and Janelle Hatlevig

Address of Property: 3602 Bloomington Avenue

Contact Person and Phone: Jeffrey Roy, 651-401-0533

Planning Staff and Phone: Molly McCartney, 612-673-5811

Date Application Deemed Complete: September 19, 2007

Appeal Period Expiration: October 22, 2007

End of 60 Day Decision Period: November 18, 2007

Ward: 9 **Neighborhood Organization:** Powderhorn Park Neighborhood Association

Existing Zoning: R2B Two-family District

Proposed Use: Enclose a second story porch

Proposed Variance: A variance to reduce the front yard setback from 20 ft. to 12 ft. to allow for a second story open porch to be converted to living space at 3602 Bloomington Ave in the R2B Two-family District.

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

Background: The subject property is an existing two family dwelling on an interior lot along Bloomington Avenue, built in 1890 (*B-22816*). The applicant is proposing to enclose a second story open porch and convert it to living space. The subject home has had considerable damage due to an accident involving an automobile crashing into the first floor. The applicants have received building permits to repair the damaged first floor. They are now seeking a variance to enclose the second story porch.

The existing home is currently in the required front yard setback of 20 ft. and is setback 12 ft. from the front property line. The home to the south has a similar setback and the home to the north is setback approximately 15 ft. from the front property line. The existing porch is within the footprint of the building and is recessed within an enclosed portion of the home. The proposed work does not project past any enclosed portion of the home.

Findings Required by the Minneapolis Zoning Code:

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- 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 zoning code prevents the proposed addition which includes converting an open porch to living space. This addition is not possible under the zoning code due to the house being built in the front yard setback. A enclosing the small second story addition over an existing structure to a single family house is a reasonable use for residential districts.

- 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 are unique to parcel of land due to the location of the home on the lot. The building was built prior the zoning front yard requirements and a portion of the existing building is already located in the required front yard setback. The home, built in 1890, prior to ownership by the current property owners. The above circumstances have not been created by the applicants.

- 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 the variance will be in keeping with the spirit and intent of the ordinance. The increased setback for front yards prevents buildings from encroaching into the front yard setback and potential view sheds. In this case, the proposed work will not expand the footprint of the structure, but enclose an open porch on the second story. The existing porch is within the footprint of the building and is recessed within an enclosed portion of the home. The addition will not expand the footprint closer to the front property and will not adversely impact the surrounding area.

- 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.**

The proposed variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

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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 from 20 ft. to 12 ft. to allow for a second story open porch to be converted to living space at 3602 Bloomington Ave in the R2B Two-family District, subject to the following conditions:

1. CPED–Planning Division review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer’s scale.