

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2359****Date:** June 16, 2005**Applicant:** Daniel Dowidat**Address of Property:** 3444 McKinley Street Northeast**Contact Person and Phone:** Daniel Dowidat, (612) 781-3882**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** May 10, 2005**End of 60 Day Decision Period:** July 9, 2005**Appeal Period Expiration:** June 27, 2005**Ward: 1 Neighborhood Organization:** Waite Park Community Council**Existing Zoning:** R1, Single-family Residential District**Proposed Use:** A front patio addition to an existing single-family dwelling.**Proposed Variance:** A variance reduce the required front yard setback along McKinley Street Northeast from the setback established by the adjacent residential structure from 40 ft. 7 in. to 28.5 ft. to allow a ground level patio in required front yard of a single-family dwelling.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 66 ft. by 132.3 ft. (8,732 sq. ft.) and consists of an existing single-family dwelling and attached garage. The property has no alley access. The existing single-family dwelling maintains the established front yard setback and has an interior boulevard of 3.5 ft. along McKinley Street Northeast.

The applicant is proposing to construct a concrete wheelchair ramp that is 4 ft. wide that connects the driveway to the dwelling by ending at a patio landing. The applicant is also proposing to remove the existing sidewalk that connects the front entrance of the dwelling with the public sidewalk. The proposed wheelchair ramp meets the code requirements, the patio requires a variance in order to allow construction. According to the applicant, the 268 sq. ft. patio would be constructed in front of the dwelling in order to enjoy the property, because he requires wheelchair access. The applicant states that the backyard is not accessible for him and that the front is the only option for the new patio.

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.**

Front yard setback: The applicant is seeking variance reduce the required front yard setback along McKinley Street Northeast from the setback established by the adjacent residential structure from 40 ft. 7 in. to 28.5 ft. to allow a ground level patio in required front yard of a single-family dwelling. Strict adherence to the code requires that the subject property construct a patio behind the established front yard setback. Constructing a patio within the regulations would require a patio that is less than half the size requested, which includes a front entrance into the dwelling. A patio is a reasonable use of a residential property. The proposed patio allows the applicant the ability to utilize his property, which is a reasonable accommodation for a resident in a wheelchair. Strict adherence to the regulations would not allow for the proposed patio in the front of the existing single-family dwelling.

- 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.**

Front yard setback: The circumstances upon which the setback variance are requested are unique to the parcel of land due to the location of the existing dwellings and the ability of the applicant to utilize either the front or the rear of the property. The applicant is choosing to modify the front yard of the property in order to allow for accessibility. Although the parcel itself is not unique the applicant does have a unique circumstance that limits his ability to utilize his property. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the patio addition. The single-family dwelling on the subject property meets the established front yard setbacks, it is the size and the location of the patio that requires the variance. The location of the existing structures and the configuration of the lots are not circumstances 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.**

Front yard setback: Staff believes the patio will not substantially alter the essential character of the surrounding neighborhood. The proposed patio meets the intent of the ordinance by allowing a resident in a wheelchair the ability to utilize and enjoy their property, as described in section 520.80 of the zoning ordinance. The proposed patio will maintain the required side yard setback from the adjacent property to the north. The variance request is required in order to construct a patio that is located in the required front yard. Staff believes that the proposed patio will not be

CPED Planning Division Report
BZZ-2359

injurious to the use or enjoyment of other property in the vicinity, but that the perimeter of the patio could be landscaped to make it less visually intrusive.

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.**

Front yard setback: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed patio 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 allow a ground level patio in required front yard of a single-family dwelling.

1. That Planning staff receive approval of a final landscaping plan for the perimeter of the patio area.