

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-3447

Date: April 5, 2007

Applicant: Paul and Cynthia Satre

Address of Property: 2210 Sheridan Avenue South

Contact Person and Phone: Paul Satre, (612) 374-4070

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

Date Application Deemed Complete: March 14, 2007

Public Hearing: April 5, 2007

Appeal Period Expiration: April 16, 2007

End of 60 Day Decision Period: May 14, 2007

Ward: 7 **Neighborhood Organization:** Kenwood Isles Area Association

Existing Zoning: R1 Single Family District and SH Shoreland Overlay District

Proposed Use: A screened-in-porch and a two story addition to the front of an existing single family dwelling.

Proposed Variance:

- A variance to reduce the established front yard setback to 19 feet.
- A variance to reduce the north interior side yard setback from 6 feet to 4 feet.

To allow for a screened-in-porch and a two story addition to the front of an existing single family dwelling located at 2210 Sheridan Avenue South in the R1 Single Family District and the SH Shoreland Overlay District.

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

Background: The size of the subject site is 48 ft. by 173 ft. (8,500 square feet). The subject site meets the minimum lot area of 6,000 square feet for the district. The subject site consists of an interior through lot that addresses off of Sheridan Avenue South, but also fronts Thomas Avenue. The site contains an approximately 37 by 42 foot single family dwelling.

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The subject site has a significant grade change from the rear of the house back, to the rear of the property, towards Thomas Avenue South. This grade change is approximately 20 percent and is considered a steep slope by Zoning Ordinance. In the Shoreland Overlay District development within 40 feet of the top of the steep slope would require a conditional use permit. The front addition to the subject dwelling is located approximately 42 feet from the top of the steep slope and does not require a conditional use permit. However, any addition to the rear of the dwelling would require a conditional use permit.

The subject dwelling is slightly skewed on the lot. The rear of the dwelling is located 5.4 feet from the north interior property line and the front of the dwelling is located 4.3 feet from the north interior property line.

The applicant is proposing to construct an approximately 10 foot deep by 16 foot long screened-in-porch adjacent to a 10 foot deep by 19 foot 8 inch long first story addition with a 10 by 15 foot 6 inch second story addition. The proposed addition will contain an entry and mudroom on the first floor and new bedroom on the second floor. The subject dwelling is located 29.8 feet from the front property line.

The required front yard setback is 25 feet in the R1 District. The Zoning Ordinance has a provision that increases the front yard setback where the established front yard created by the front corners of the two adjacent residential structures exceeds the front yard required by the zoning district. Nothing in this provision shall authorize a front yard less than that required by the zoning district.

The property to the south is located 29.8 feet from the property line and the dwelling to the north is located 21 feet from the front property line. The adjacent neighbor to the north, 2208 Sheridan, has a 5 foot deep vestibule which is 16 feet from the front property line. This vestibule is considered a permitted obstruction in the front yard and is not included in the calculation of the established front yard setback.

The established front yard setback would allow for an addition to the subject dwelling to be located 27 feet from the property line along the south building wall and 25 feet from the north building wall of the subject dwelling. The proposed screened-in front porch and addition will be located 19 feet from the front property line and requires a variance to reduce the established front yard setback.

The north edge of the proposed addition is stepped in 6 inches from the existing north building wall of the dwelling. The addition will be 4 feet from the north interior property line. The required interior side yard is 6 feet in the R1 District and a variance is required for the proposed addition to be located 4 feet from the north property line.

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 requesting a variance to reduce the front yard setback to 19.8 feet for a screened-in-porch and a two story addition. Strict interpretation of the Zoning Ordinance would allow an enclosed addition to be located 27 feet from the front property line along at the south building wall of the subject dwelling and 25 feet from the front property line along the north building wall.

The applicant is proposing a screened-in porch, which is considered an enclosed porch and is not permitted in any required yard. If the applicant chose to build an open front porch the applicant is permitted to construct a porch that extends 6 feet into the required yard and be located 21 feet from the front property line.

The applicant is proposing to build the two-story addition to 19.8 feet from the front property line. The Zoning Ordinance will allow the proposed addition to be located 25 feet from the front property line and would allow a 4.8 foot addition to the front of the subject dwelling. Staff believes the applicant has alternative designs that will not require a variance. Staff believes that there is not undue hardship caused by strict adherence to the Zoning Ordinance.

Side Yard Setback: The applicant is requesting a variance to reduce the north interior side yard setback from 6 feet to 4 feet to allow for the proposed addition. The subject dwelling is skewed on the lot and continuing the addition along the existing building wall would result in the addition being located approximately 3.7 feet from the property line. The applicant is proposing to step in the addition 6 inches which will result in the addition being located 4 feet from the property line. Staff believes the location of the proposed addition along the north side of dwelling is reasonable and strict adherence to the zoning ordinance would cause undue hardship due to the skewed angle of the house.

- 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 conditions upon which the setback variance is requested are unique to the parcel. The proposed property is located in the Shoreland Overlay District and has a steep slope located to the rear of the existing dwelling. Any addition to the rear of the subject dwelling requires a conditional use permit and creates structural and environmental issues. Construction of an addition to the front of the dwelling would not be within 40 feet of the steep slope and would have less environmental impacts. The steep slope and the location of the subject dwelling in respect to the slope is unique to this parcel of land is not created by the applicant.

Side Yard Setback: The conditions upon which the setback variance is requested are unique to the parcel. As mentioned before, the subject dwelling is skewed on the lot. The location of the existing dwelling is a circumstance that is unique to this parcel and was 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.**

Front Yard Setback: Granting the setback variance will likely alter the essential character of the neighborhood. The majority of the front yard setbacks along the 2200 block of Sheridan Avenue South range from approximately 25 feet to 30 feet. The property immediately north of the subject site has a front yard setback of 16 feet for a front facing garage with an open deck. The proposed front yard setback of the subject site is 19.8 feet for a two story addition which is closer to the street than any other two-story portion of a home along the block.

The impact the reduced setback will likely be most experienced by the immediate property to the south, 2212 Sheridan Avenue. This dwelling is setback the same distance as the subject dwelling, 29.8 feet. The proposed enclosed front porch will extend 10 feet in front of their dwelling. This neighbor to the south has provided a letter of support for the proposed project. Staff believes the variance will be injurious to the use or enjoyment of the surrounding property.

Side Yard Setback: Granting the side yard setback variance will not alter the essential character of the neighborhood. Many of the adjacent properties have a reduced north side yard setback and the proposed addition does not decrease the subject site's north side yard setback. Staff believes the variance will not be injurious to the use or enjoyment of the surrounding property.

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 variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed deck 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:

- **Deny** a variance to reduce the established front yard setback to 19 feet.
- **Approve** a variance to reduce the north interior side yard setback from 6 feet to 4 feet.

To allow for a screened-in-porch and a two story addition to the front of an existing single family dwelling located at 2210 Sheridan Avenue South in the R1 Single Family District and the SH Shoreland Overlay District with the following conditions:

1. CPED-Planning review and approve final site plan, floor plans, and elevations.