

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-1998****Date:** November 4, 2004**Applicant:** Broadus Miller**Address of Property:** 4126 Linden Hills Blvd.**Date Application Deemed Complete:** September 28, 2004**End of 60 Day Decision Period:** November 27, 2004**End of 120 Day Decision Period:** January 26, 2005**Appeal Period Expiration:** November 15, 2004**Contact Person and Phone:** Broadus Miller, 612-925-9630**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 13 **Neighborhood Organization:** Linden Hills**Existing Zoning:** R1 District, Single-family District**Proposed Use:** Construction of a new open porch

Proposed Variance: A variance to reduce the required front yard setback along 42nd Street West from 25 ft. to 11 ft.; a variance to reduce the required front yard setback along Linden Hills Boulevard from the setback established by the adjacent residential structure to 39 ft.; and a variance to increase the maximum permitted width of a stair in the front yard from 6 ft. to 7 ft. all to allow for the construction of an open porch onto a single family dwelling.

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

Background: The subject site is 50 ft. x 170 ft. (8,500 sq. ft.). The applicant is proposing to construct a new open porch onto the front of the dwelling. The porch is proposed to be 9 ft. deep and will run the full width of the dwelling and also extend 5 ft. past the south edge of the dwelling. Porches are allowed to encroach in the front yard setback but are limited to 6 ft. in depth. The established front yard setback along Linden Hills Blvd. runs diagonally across the property and does not permit the northeast corner of the proposed porch. The remaining portions of the porch are located behind this established front yard setback. In addition, because the property is a reverse corner lot, a front yard setback applies to the portion of property facing 42nd Street West as well. This front yard setback requirement is 25 ft. The

dwelling is currently setback 16 ft. and the new porch will be setback 11 ft. Thus, front yard setback variances are necessary along both sides.

The porch will be approximately 2 ft. above grade which does not require any railing to be installed. Therefore, the porch will be completely open. The roof of the porch will match the roof of the dwelling. In addition, the stair proposed to access the porch is 7 ft. wide. This is to allow 2 columns to be located on either side of the existing front door without blocking the door. Stairs are allowed to be a maximum width of 6 ft. thus, the variance is necessary for the 7 ft. stair.

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 (Linden Hills Blvd.): The applicant is seeking a variance to reduce the front yard setback along Linden Hills Boulevard from the setback established by the adjacent residential structure to 39 ft. to allow for the construction of a new front open porch that is 9 ft. deep. The applicant states that without the variance the porch would be small and would limit use. Strict adherence to the regulations would not allow for the 9 ft. deep open porch to be constructed on the property. Based on the submitted information regarding the location of the established setback and the size of the home, this request seems reasonable.

Front yard setback (42nd Street West): The applicant is seeking a variance to reduce the front yard setback along 42nd Street West from 25 ft. to 11 ft. to allow for the construction of a new front open porch that is 9 ft. deep. The applicant states that without the variance the porch would be small and would limit use. Strict adherence to the regulations would not allow for the 9 ft. deep open porch to be constructed on the property. Based on the submitted information regarding the location of the existing dwelling on the reverse corner lot, this request seems reasonable.

Stair width in front yard: The applicant is seeking a variance to increase the maximum permitted width of a stair in the front yard from 6 ft. to 7 ft. to allow for a stair to access the new front open porch. The stair is proposed to be 7 ft. wide in alignment with 2 columns on the front of the open porch. The applicant states that the stair is sized to be in scale with the proposed front open porch and existing front entry of the dwelling. Strict adherence to the regulations would not allow for the 7 ft. wide stair to be constructed on the property. Based on the submitted information regarding the design of the porch and the location of the existing front entry, this request seems reasonable.

- 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 (Linden Hills Blvd.): The circumstances upon which the variance is requested are unique to the parcel of land. The R1 District has a 25 ft. front yard setback requirement. However, the adjacent dwelling to the north is setback 43 ft. The ordinance allows for a 6 ft. deep open porch to encroach in the required front yard. The established setback runs diagonally across the property affecting only the northeast corner of the proposed new porch. The remaining portions of the porch are located behind the setback. The established setback is not a circumstance created by the applicant.

Front yard setback (42nd Street West): The circumstances upon which the variance is requested are unique to the parcel of land. The property is a reverse corner lot and thus is subject to two front yard setback requirements. Typically, the portion of property along 42nd Street West would be considered a corner side yard and would be subject to an 8 ft. side yard setback. However, the property is subject to the required 25 ft. front yard setback. The existing dwelling is setback 16 ft. along 42nd Street West and the existing garage at the rear of the property is setback 13 ft. along 42nd Street West. The proposed new porch will be setback 11 ft. and will be completely open with no railing. The fact that the property is a reverse corner lot subject to two front yard setback requirements is not a circumstance created by the applicant.

Stair width in front yard: The circumstances upon which the variance is requested are unique to the parcel of land. The stair is proposed to be 7 ft. wide in alignment with 2 columns on the front of the open porch which is designed to maintain views the front entry of the dwelling. The ordinance allows for front stairs to be 6 ft. wide. The existing design of the dwelling is not a circumstance 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 (Linden Hills Blvd.): Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. As previously mentioned the established setback is located diagonally across the property affecting only the northeast corner of the proposed new porch. The remaining portions of the porch are located behind the setback. The porch will be completely open and views across the property will not be blocked. The porch is proposed to be 9 ft. deep to provide adequate space for pedestrian use. Based on the location of the front entry and a bay window, the porch depth of 9 ft. provides space at the north and south ends of the porch for furniture. The porch roof will match that of the dwelling as well as the materials. Open front porch use is encouraged by Crime Prevention Through Environmental Design.

Front yard setback (42nd Street West.): Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. As previously mentioned the

required front yard setback is 25 ft. The existing dwelling has a setback of 16 ft. and the new porch will have a setback of 11 ft. The porch will be completely open and views across the property will not be blocked. The porch is proposed to be 9 ft. deep to provide adequate space for pedestrian use. Based on the location of the front entry and a bay window, the porch depth and extension south of the dwelling provide space at the north and south ends of the porch for furniture. The porch roof will match that of the dwelling as well as the materials. Open front porch use is encouraged by Crime Prevention Through Environmental Design.

Stair width in front yard: Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. As previously mentioned, the stair is proposed to be 7 ft. wide in alignment with 2 columns on the front of the open porch which is designed to maintain views the front entry of the dwelling. The ordinance allows for front stairs to be 6 ft. wide. Staff believes that the proposed design of the porch is enhanced by a stair width that matches the column width of 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.**

Front yard setback (Linden Hills Blvd.): Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

Front yard setback (42nd Street West.): Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

Stair width in front yard: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed stair width be detrimental to welfare or 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 front yard setback along 42nd Street West from 25 ft. to 11 ft.; **approve** the variance to reduce the required front yard setback along Linden Hills Boulevard from the setback established by the adjacent residential structure to 39 ft.; and **approve** the variance to increase the maximum permitted width of a stair in the front yard from 6 ft. to 7 ft. all to allow for the construction of an open porch onto a single family dwelling subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans.