

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-2392****Date:** July 7, 2005**Applicant:** Michael West**Address of Property:** 5350 26th Avenue South**Contact Person and Phone:** Michael West 612-721-6159**Planning Staff and Phone:** Jim Voll 612-673-3887**Date Application Deemed Complete:** May 31, 2005**End of 60 Day Decision Period:** July 30, 2005**Appeal Period Expiration:** July 18, 2005**Ward:** 12 **Neighborhood Organization:** Nokomis East**Existing Zoning:** R1 Single-family District**Proposed Use:** Front addition to an existing single-family house.**Proposed Variance:** A variance to reduce the required front yard setback established by the two adjacent residential structures along 26th Avenue South from 31 feet to 25 feet to allow an enclosed porch.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property consists of an existing single-family dwelling. The applicant has constructed a six foot by 24 foot enclosed porch on the front of the house. This addition was done without obtaining building permits or zoning approval. The applicant has received notice from the City of the requirement to obtain a building permit. The property is zoned R1 Single-family Residential, which has a required front yard setback of 25 feet. However, the established front yard of the two adjacent residential structures is 31 feet and by ordinance the front yard setback is the greater of the district setback or the established setback. The applicant's house is setback 31 feet and the addition extends six feet into the established setback. Therefore, the applicant is applying for a variance to reduce the required front yard setback along 26th Avenue South from 31 feet to 25 feet to allow the addition.

CPED Planning Division Report

BZZ-2392

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 is seeking a variance to reduce the required front yard setback along 26th Avenue South from 31 feet to 25 feet. The enclosed porch addition projects six feet from the front façade of the dwelling. The subject property is flat and rectangular and the lot is 6,601 square feet, which is larger than the typical lot size throughout much of the City. The majority of the houses on this side of the street are ramblers without porches setback approximately 31 feet. Staff can find no hardship that would prevent the applicant from reasonably using his property in a manner similar to properties in the area.

- 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 is flat and rectangular and the lot is 6,601 square feet, which is larger than the typical lot size throughout much of the City. The majority of the houses on this side of the street are ramblers without porches setback approximately 31 feet. There is not a unique circumstance relating to this parcel of land. The need for the variance has been created by the applicant rather than the zoning ordinance.

- 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.**

The intent of setbacks is to provide a uniform building line down a block face, to preserve views up and down the street, and to ensure access to light and air. The majority of the homes on the same side of the block as the subject property are ramblers without porches that are setback approximately 31 feet. The variance would add an addition on the front of the house that would be out of character with the surrounding homes and that would encroach into the setback six feet more than the majority of the other homes on the block and therefore, the proposed variance circumvents the intent of the ordinance.

CPED Planning Division Report
BZZ-2392

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 setback variance 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, but it would be inconsistent with other properties in the vicinity.

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 required front yard setback along 26th Avenue South from 31 feet to 25 feet to allow an enclosed porch addition to the front of the house for property located at 5350 26th Avenue South