

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-2118

**Date:** January 6, 2005

**Applicant:** Frank Bowar

**Address of Property:** 4936 39<sup>th</sup> Avenue South

**Date Application Deemed Complete:** November 30, 2004

**End of 60 Day Decision Period:** January 29, 2005

**End of 120 Day Decision Period:** March 30, 2005

**Appeal Period Expiration:** January 18, 2005

**Contact Person and Phone:** Frank Bowar, 612-721-7436

**Planning Staff and Phone:** Carrie Flack, 612-673-3239

**Ward:** 12      **Neighborhood Organization:** Minnehaha - Nokomis

**Existing Zoning:** R1 District, Single-family District

**Proposed Use:** Construction of an open front porch

**Proposed Variance:** A variance to reduce the required front yard setback along 39<sup>th</sup> Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to allow for the construction of a new front open porch on an existing single family dwelling.

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

**Background:** The subject site is approximately 70 ft. x 137 ft. (9,590 sq. ft.) and consists of a 2.5-story single family dwelling constructed in 1888. The applicant is proposing to construct a new front open porch that will be approximately 37 ft. wide and vary from 7.5 ft. to 11 ft. in depth along the front of the dwelling. The porch will be accessed via the front walkway from 39<sup>th</sup> Avenue South. The sideyard setbacks allowed in the R1 District are 6 feet. The porch will be located 8 feet from the north property line and 37 feet from the south property line. The front yard setback in the R1 District is 25 ft. and the established setback for the property is 28 ft. The proposed new porch will maintain a front yard setback of 22 ft.

**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 a variance to reduce the front yard setback along 39th Avenue South from the setback established by connecting a line between the two adjacent residential structures to 22 feet to allow for the construction of an open front porch. The applicant has stated that the front porch will contain turned posts and handrails with turned balusters to match the architecture of the 1888 home and be finished in the spirit of the Victorian design of the home. Although the use of the home and porch does not constitute hardship, the established setback of the 2 adjacent dwellings presents a challenge for the applicants since they are designing a porch to compliment the character and scale of their home. The dwelling to the south is setback 30 feet and the north dwelling has a 28 foot setback. The proposed porch addition will have a 22 foot setback. The porch is proposed to be 11 feet in depth on the north and south ends and will be 7 feet in depth in the middle around the front entrance to the home. The porch will be 37 ft. wide which is almost the width of the dwelling. Strict adherence to the regulations would not allow for the proposed new open porch which seems to be a reasonable use of the property.

- 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 of property due to the setback of the 2 adjacent single family dwellings. The R1 zoning district allows a 25 foot setback. However, the adjacent residential structures are both located back further than the allowed 25 feet. As previously mentioned, the dwelling to the south is setback 30 feet and the north dwelling has a 28 foot setback. The proposed porch addition will have a 22foot setback. Reducing the depth of the porch design to comply with the established setback of 28 ft. would not allow for a usable porch floor area.

- 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 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 other property in the vicinity. The applicant has stated that there are several other dwellings on the block with open porches. In addition, the applicant has designed the porch to incorporate many Victorian elements to enhance the architecture of the dwelling. The porch will not be enclosed with screens or windows and staff does not believe that site lines along the block will be diminished significantly.

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 variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed porch addition 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 reduce the required front yard setback along 39<sup>th</sup> Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to allow for the construction of a new front open porch on an existing single family dwelling subject to the following conditions:

1. That the Planning Department review and approve the final site and elevation plans.
2. That the exterior building materials used for the addition shall be compatible to the exterior building materials of the house.
3. That the porch be maintained as an open porch and shall not be enclosed with screens, drywall and/or glass windows at any point in time in the future without obtaining a variance.