

Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-1834

Date: August 5, 2004

Applicant: Brad Ehalt

Address of Property: 3226 Fremont Avenue South

Date Application Deemed Complete: June 28, 2004

End of 60 Day Decision Period: August 27, 2004

Contact Person and Phone: Brad Ehalt, (612) 824-1884

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Ward: 10 **Neighborhood Organization:** CARAG

Existing Zoning: R4, Multiple-family District

Proposed Use: Addition to the rear of an existing single-family dwelling

Proposed Variance: A variance to reduce the north interior side yard setback from 5 ft. to 3 ft. to allow for the construction of a new screened porch and deck addition to the rear of an existing single-family dwelling.

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

Background: The subject property is 42 ft. by 128 ft. (5,376 sq. ft.) and consists of an existing single-family dwelling and an alley accessed detached garage. The existing house is located 20 in. from the north interior side property line. The existing home has a rear deck addition that runs the entire width of the dwelling. For single-family homes in the R4 District a 5 ft. setback from the interior side property line is required, the applicant is proposing a 3 ft. setback. The proposed variance would allow for the construction of a 10 ft. 3 in. by 13 ft. 8 in. screened porch and 9 ft. 4 in. deck addition. The deck portion of the addition is compliant with the zoning code and does not require a variance. The applicant has proposed the screened porch portion of the addition adjacent to an existing door on the house to allow the house to function most appropriately.

The building code does not allow for structures with openings to be located less than 3 ft. from the property line. The remodel of the existing addition will adhere to this requirement and will meet the 3 ft. setback from the north property line. This is why the addition is 3 ft. from the north property line and not the full width of the dwelling.

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.**

North interior side yard setback: The applicant is seeking a variance to reduce the north interior side yard setback from the required 5 ft. to 3 ft. to allow for the construction of a new screened porch and deck addition to the rear of an existing single-family dwelling. The entire single-family dwelling is located 20 in. from the north interior side property line. If the home was constructed 3 ft. from the north property line the applicant would not require a variance. Strict adherence to the regulations would cause the existing addition to be moved to 5ft. from the north property line or the deck and the screened porch portions of the addition would have to be reversed. The applicant feels that both of these options would be less aesthetically pleasing and less functional than the proposed addition. Based on the submitted information, staff believes the request is 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.**

North interior side yard setback: The condition upon which the setback variance is requested is unique to the parcel and has not been created by the applicant. The existing dwelling is located approximately 20 in. from the north interior side property line. Additionally, an existing door leading onto the existing deck is located on the north half of the dwelling. The existing home was not constructed by the current owner. The applicant is proposing to locate the porch addition 3 ft. from the property line to allow for openings. The original placement of the dwelling and the interior layout of the structure are existing circumstances that are unique to this parcel and were 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.**

North interior side yard setback: The proposed addition will be compatible with the layout of the existing dwelling and will allow the most use of the addition. Staff believes that the addition meets the intent of the ordinance, will not alter the essential character of the surrounding neighborhood, and will not be injurious to the use or enjoyment of other property in the vicinity since the addition will be to the rear of the home and in a similar location as an existing deck currently on the 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.**

North interior side yard setback: Granting the setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition be detrimental to the public welfare or endanger the public safety since the addition will be located further from the north interior property line than the existing dwelling.

Recommendation of the CPED Department Planning Division:

The CPED Department Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the north interior side yard setback from 5 ft. to 3 ft. to allow for the construction of a new screened porch and deck addition to the rear of an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Division.