

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4215

Date: October 16, 2008

Applicant: Greg Schmidt, on behalf of Tom and Jill Rushin

Address of Property: 5021 Girard Avenue South

Contact Person and Phone: Greg Schmidt, 612-827-5767

Planning Staff and Phone: Molly McCartney, 612-672-5811

Date Application Deemed Complete: September 23, 2008

Publication Date: October 10, 2008

Hearing Date: October 16, 2008

Appeal Period Expiration: October 27, 2008

End of 60 Day Decision Period: November 24, 2008

Ward: 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association

Existing Zoning: R1 Single Family Residence District

Proposed Use: New 8 ft. deep open porch

Proposed Variance: A front yard setback variance from the setback established by the two adjacent residential structures to 11 ft. to allow for an 8 ft. deep front porch at 5021 Girard Avenue South

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

Background: The subject property is a single-family home with a enclosed vestibule on the front of the house. The applicant is proposing to remove the vestibule and construct an 8 ft. deep, open front porch to run the length of the home. The proposed porch extends into the front yard setback greater than what is allowed as a permitted obstruction.

The home is setback currently set back 14 ft. from the front property line, but also has a 17 ft. interior boulevard between the property line and street curb. The neighboring home to the north is set back 18 ft. and the home to the south is set back 18 ft. from the front property line. Girard Avenue curves to the

southeast on this block, so that the properties and homes to the south are set back further than the homes to the north.

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.**

Strict adherence to the code does allow for a porch in the required front yard, however, that porch size is limited to 6 ft. deep. In this situation, a variance would be required for even a 6 ft. deep porch because the home is currently in the required front yard. Because of the location of this home in the required yard and adjacent homes that create an even greater set back, the code is imposing a hardship on a reasonable use of the property, an open porch.

- 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.**

Strict adherence to the code does allow for a porch in the required front yard, however, that porch size is limited to 6 ft. deep. In this situation, a variance would be required for even a 6 ft. deep porch because the home is currently in the required front yard. Because of the location of this home in the required yard and adjacent homes that create an even greater set back, the code is imposing a hardship on a reasonable use of the property, an open porch. This is a unique circumstance 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.**

The granting of the variance would not alter the character of the neighborhood. Due to the curved nature of the block, most homes project into the required yards. The openness of the porch reducing the visual impact of adding bulk to the front yard. The materials and design are durable, the proposed porch is in keeping with the architectural character of the home, and front yard gathering spaces add additional visual surveillance and increase opportunities to connect with neighborhoods.

- 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.**

The proposed porch would not increase street congestion or be detrimental to public safety. The materials and design are durable, the proposed porch is in keeping with the architectural character of the home, and front yard gathering spaces do add additional visual surveillance and increase opportunities to connect with neighborhoods.

CPED Planning Division Report
BZZ-4142

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 front yard setback from the setback established by the two adjacent residential structures to 11 ft. to allow for an 8 ft. deep front porch at 5021 Girard Avenue South, subject to the following conditions:

1. The porch match materials and color of existing principal structure, and
2. Final site, elevation and floor plans shall be approved by CPED-Planning staff.