

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3863

Date: November 29, 2007

Applicant: Thomas and Sandi Casey (property owners)

Address of Property: 4745 13th Avenue South

Contact Person and Phone: Thomas Casey, (612) 824-7137

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: October 29, 2007

Public Hearing: November 29, 2007

Appeal Period Expiration: December 10, 2007

End of 60 Day Decision Period: December 28, 2007

Ward: 9 **Neighborhood Organization:** Northrop

Existing Zoning: R1, Single-Family District

Proposed Use: Construct a three-season porch

Proposed Variance: To reduce the corner side yard setback variance from 10 feet to 9 feet

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

Background: The subject property is a corner lot and measures 48 feet wide x 128 feet deep (6,255 square feet). The width of this lot is 2 feet narrower than a standard R1 Zoning District lot. The property's single-family dwelling and attached garage were built in 1928. An open deck is attached to the principal structure on the south side of the house. The deck, which measures 12.3 feet x 19.8 feet, was built in 1983, at which time, the owners received a corner side yard setback variance reducing the setback from 10 feet to 6.8 feet. The applicant is now proposing to build a three-season porch on the deck. The proposed 10 foot x 14 foot porch would be 9 feet from the property line.

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 has requested a variance to reduce the corner side yard setback from 10 feet to 9 feet to allow for a three season porch. Staff recognizes that the lot's substandard width combined with the original placement of the house as a hardship. A standard R1 Zoning District lot is 50 feet, and the subject property is only 48 feet wide. If the subject property had the standard R1 Zoning District lot width this variance would likely not be required.

- 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 substandard R1 Zoning District lot width, 48 feet, is a unique circumstance to this lot for which the variance is sought.

- 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.**

Staff believes that granting of the variance will be in keeping with the spirit and intent of the ordinance. Staff also believes that granting of the variance will not alter the essential character of the locality, nor be injurious to the use and enjoyment of other property in the vicinity.

- 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 of the variances 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.

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 **approve** the variance to reduce the corner side yard setback variance from 10 feet to 9 feet to allow for the construction of a three-season porch with the following conditions

1. CPED-Planning review and approve final site plan, floor plans, and elevations.
2. Material treatment for the three-season porch exterior shall be consistent with exterior of house.

Appendices

Appendix A. Zoning Map

Appendix A. Statement of Proposed Use and Variance Statement

Appendix C. Site Plan and Three-Season Porch Information

Appendix D. Applicant Photos

Appendix E. Neighbor Communication