

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3443

Date: April 5, 2007

Applicant: Teresa A. Magner (property owner)

Address of Property: 2637 Garfield Street N.E.

Contact Person and Phone: Teresa A. Magner, (612) 788-2851

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

Date Application Deemed Complete: March 1, 2007

Public Hearing: April 5, 2007

Appeal Period Expiration: April 16, 2007

End of 60 Day Decision Period: April 30, 2007

Ward: 1 **Neighborhood Organization:** Audubon Park

Existing Zoning: R1A, Single-Family District

Proposed Use: Construction of an enclosed front porch.

Proposed Variances: Variance to reduce the established front yard setback to 29 feet.

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

Background: The subject property, 2637 Garfield Street Northeast, is an interior lot, zoned R1A and measures 40 feet x 128 feet (5,120 square feet). The lot contains a 1½ story, single-family dwelling constructed in 1940. The principal structure's exterior material is stucco. The applicant is proposing to construct, within the front yard setback, a 108 square foot, enclosed front porch, with stucco material to match the principal structure.

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 has requested a variance to reduce the established front yard setback to 29 feet to allow for the enclosed front porch. The applicant provides two reasons why this is a reasonable use of the property. First, properties in the locality have enclosed, front porches, original and additions (see applicant images). Second, the front porch would extend only 1 foot 8 inches beyond the existing front entrance. Staff recognizes the proposed front porch as a reasonable use of the property. In addition, staff recognizes the original, uneven front yard setbacks of the subject and neighboring properties as a hardship, which causes the need for this variance. These three homes were built in 1940. The subject property was originally set slightly ahead of 2633 Garfield (4 feet 3 inches) and 2641 Garfield (2 feet 3 inches).

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 circumstance upon which the variance is requested that is unique to this property of land and was not created by the applicant is the original, uneven front yard setbacks of the subject and neighboring properties. These three homes were built in 1940. The subject property was originally set slightly ahead of 2633 Garfield (4 feet 3 inches) and 2641 Garfield (2 feet 3 inches).

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 of this variance will not alter the essential character of the locality. Even though this side of the Garfield Street does not have front porches and the house fronts appear original from their 1940 design, homes on the other side of Garfield Street and those in the locality have added front porches. Staff also believes that granting of the variance will not be injurious to the use and enjoyment of the adjacent property owners for three reasons. First, this addition will extend only 1 foot 8 inches beyond its existing front yard setback. Second, the proposed addition's placement will have minimal impact on the neighboring properties. Third, the home will still be setback 29 feet from the front property line.

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.**

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Front yard setback: Granting of the variance would have no impact on the congestion of area streets or fire safety, nor would the variances 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 (CPED)–Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the established front yard setback to 29 feet to allow for the construction of an enclosed front porch at 2637 Garfield Street Northeast in the R1A, Single-Family District subject to the following conditions:

1. The front stairs shall not exceed six feet in width.
2. CPED–Planning Division review and approve the final site plan, floor plans, and elevation.
All drawings will be measured to an architect or engineer’s scale

Attachments:

- Zoning map (1 page)
- Statement of proposed use and statement addressing findings (1 page)
- Before and after images with addition (3 pages)
- Existing and proposed site plan (2 pages)
- Elevations and floor plans (4 pages)
- Applicant photos (3 pages)
- Aerials of subject property and block (1 page)