

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4142

Date: September 18, 2008

Applicant: Colleen Bertino

Address of Property: 4729 Drew Avenue South

Contact Person and Phone: Colleen Bertino, 912-929-2374

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

Date Application Deemed Complete: August 11, 2008

Publication Date: September 12, 2008

Hearing Date: September 18, 2008

Appeal Period Expiration: September 29, 2008

End of 60 Day Decision Period: October 10, 2008

Ward: 13 **Neighborhood Organization:** Fulton Neighborhood Association

Existing Zoning: R1 Single Family Residence District and SH Shoreland Overlay District

Proposed Use: New 10 ft deep open porch

Proposed Variance: A variance to reduce the required front yard setback from 30 ft. to 20 ft. to allow for a 10 ft. deep front porch at 4729 Drew Avenue South in the R1A Single-family Residential District and SH Shoreland Overlay District

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

Background: The subject property is a single-family home with a small open vestibule on the front of the house. The applicant is proposing to remove the vestibule and construct a 10 ft. deep, open front porch to run the length of the home. The home is setback 30 ft. from the front property line, and the proposed porch would be located in the required front yard setback of 25 ft. In addition, the two adjacent homes are also setback 30 ft., so their location also establishes a greater setback than the zoning district. The entire porch projects into the required yard because of the greater setback. A 6 ft. deep porch would be a permitted obstruction. Many of the homes on this side of the block have more or less consistent setback of 30 ft.

The proposed porch is open, with open railings around its perimeter. The roof of the porch is proposed to be a metal roof, which would match other detailing on the dormers shown on the plans. The applicant's plans also show that new siding and shingles are part of the project as well.

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 front yard, however, that porch size is limited to 6 ft. deep. While the size may not be what is requested by the applicant, the code does not prevent reasonable use of the property, a covered, 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.**

The home is setback further than the zoning district requires, and the adjacent homes have fairly consistent setbacks. While the homes are setback more than the zoning code requires, these circumstances are not unique.

- 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 alter the character of the neighborhood by introducing increased building mass in the front yard setback. Given the consistent setback of the other buildings along this block, the proposed 10 ft. porch would disrupt the consistent building face along Drew Avenue. 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. However, the depth of the porch is not found in other surrounding homes. A shallower porch, one that is closer to the permitted obstruction of 6 ft. deep, would reduce the visual impact that would occur from building in the setback.

- 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
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**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 **deny** the variance to reduce the required front yard setback from 30 ft. to 20 ft. to allow for a 10 ft. deep front porch at 4729 Drew Avenue South in the R1A Single-family Residential District and SH Shoreland Overlay District