

Department of Community Planning and Economic Development - Planning Division Report
Variance
BZZ-4644

Date: January 14, 2010

Applicant: Ron Sonnek

Address of Property: 5430 Cumberland Road

Project Name: 5430 Cumberland Road

Contact Person: Ron Sonnek, (952) 929-0098

Planning Staff: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: December 10, 2009

End of 60-Day Decision Period: February 8, 2010

Ward: 13 **Neighborhood Organization:** Armatage Neighborhood Association

Existing Zoning: R1A Single Family District

Zoning Plate Number: 35

Legal Description: Not applicable

Proposed Use: A second-story addition, front porch and deck to an existing single-family dwelling.

Concurrent Review:

- Variance to reduce the front yard setback along Robbins Street from approximately 27 feet to 25 feet to allow for a second story addition to the existing structure
- Variance to reduce the front yard setback along Robbins Street from approximately 27 feet to 16 feet to allow for an open front porch to the existing structure
- Variance to reduce the front yard setback along Cumberland Road from 20 feet to 3 feet 6 inches to allow for a second story addition to the existing structure
- Variance to reduce the front yard setback along Cumberland Road from 20 feet to 3 feet 6 inches to allow for a deck to existing structure

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1)(1)(1)(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: The subject property is a triangular through lot, approximately 40 ft. by 102.5 ft. by 103.5 ft., (8,100 sq. ft.). The property consists of an existing one story dwelling. The applicant is proposing to construct a second-story addition approximately 24 ft. by 34 ft. above the existing structure.

The subject property is a triangular through lot with frontages along both Robbins Street and Cumberland Road. Therefore, this lot is subject to two front yard requirements, one along Robbins Street and the other along Cumberland Road. The proposed second-story will be located approximately 25 feet at the closest point to the front property line along Robbins Street. The adjacent structure to the west, along Robbins Street, is located approximately 27 ft. to the front property line. Therefore, the applicant is applying for a variance to reduce the front yard setback along Robbins Street from approximately 27 feet to 25 feet to allow for a second story addition to the existing structure.

The applicant is proposing to locate the open front porch approximately 16 feet to the property line along Robbins Street. Open front porches are permitted obstructions in the required front yard, as long as they do not extend further than 6 feet into the required yard and are no greater than 8 feet in depth. Because part of the existing home is located in the required yard, the proposed porch will extend approximately 11 feet into the required yard. The proposed porch extends into the front yard setback greater than what is allowed as a permitted obstruction, therefore, the applicant is requesting a variance to reduce the front yard setback along Robbins Street from approximately 27 feet to 16 feet to allow for an open front porch to the existing structure.

The second-story addition of the structure will be located approximately 3 feet 6 inches, at the closest point, to the front property line along Cumberland Road. The minimum front yard setback along Cumberland Road is 20 feet. Therefore the applicant is applying for a variance to reduce the front yard setback along Cumberland Road from 20 feet to 3 feet 6 inches to allow for a second story addition to the existing structure.

Lastly, the applicant is proposing to add a 14 ft. by 12 ft. by 18 ft. triangular deck to the southeast corner of the structure. The deck is also located approximately 3 feet 6 inches, at the closest point, to the front property line along Cumberland Road. The minimum front yard setback along Cumberland Road is 20 feet. Therefore the applicant is applying for a variance to reduce the front yard setback along Cumberland Road from 20 feet to 3 feet 6 inches to allow for a ground-level deck to the existing structure.

Staff has received correspondence from the Armatage Neighborhood Association and it is attached to the staff report. Staff will forward any additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code - Variances:

- 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.**

All variances: The applicant is seeking variances to the required front yards along Robbins Street and Cumberland Road to allow for the construction of a new second-story addition, open porch and deck to an existing single-family dwelling. The existing dwelling on the subject property is located within the required yards and the applicant is proposing to construct a second story

addition above the majority of the existing footprint. In addition, the applicant is proposing to construct a front porch and ground level patio to the existing single family home, which are structures typically allowed as permitted obstructions in the required yard. Strict adherence to the regulations would not allow for the proposed additions to the existing single-family dwelling as a result of the parcel located on a through lot. Based on the submitted information staff believes that the proposed second-story addition, front porch and ground level patio to the existing single family home are reasonable uses of the property.

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.**

All variances: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the type and shape of lot and the established front yard setbacks along both Robbins Street and Cumberland Road. As previously mentioned, the subject site is on a triangular through lot, which puts an undue hardship on the applicants, because strict adherence to the code would not allow for an addition on the existing footprint of the home or the open front porch and deck. The home is located within the existing required front yards along Robbins Street and Cumberland Road. These circumstances are unique to this parcel and not created by the applicant, because the required setback is greater than the established and due to the shape and type of lot.

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.**

Variances for the addition: Staff believes the second-story addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. Further staff believes that the addition will not be injurious to the use or enjoyment of other property in the vicinity because it will not be located any closer to the property line than the location of the existing dwelling and will be constructed in character and building material with the existing dwelling. Staff believes the addition meets the intent of the ordinance, by allowing an addition that meets the other requirements of the district and that is characteristic of the dwelling. The proposed addition also meets the requirement of the zoning code requiring a minimum of 15 percent windows of the portion of the new addition facing 35th Street East per 535.90 (c):

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses.

(c) *Windows* . Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

Variance to allow for the deck and front porch: Staff believes the proposed variances will not be injurious to the use of the adjacent property, because the adjacent structure is located

approximately 40 feet away from the proposed porch and the proposed deck will be located on the corner, not adjacent to any neighboring properties. The openness of the porch and deck reduces 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.

All variances: The proposed variances 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 building will not result in the creation of increased parking, second dwelling units or new construction exempt from safety provisions in adopted Building and Fire codes.

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 along Robbins Street from approximately 27 feet to 25 feet to allow for a second story addition to the existing structure for the property located at 5430 Cumberland Road in the R1A Single-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials of the addition shall match the existing dwelling.

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 along Robbins Street from approximately 27 feet to 16 feet to allow for an open front porch to the existing structure for the property located at 5430 Cumberland Road in the R1A Single-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The finish of the porch shall match the finish or the trim of the existing dwelling.

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** to reduce the front yard setback along

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Cumberland Road from 20 feet to 3 feet 6 inches to allow for a second story addition to the existing structure for the property located at 5430 Cumberland Road in the R1A Single-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.
2. The exterior materials of the addition shall match the existing dwelling.

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** variance to reduce the front yard setback along Cumberland Road from 20 feet to 3 feet 6 inches to allow for a deck to existing structure for the property located at 5430 Cumberland Road in the R1A Single-Family District, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and elevation plans.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Armatage Neighborhood Association and CM Hodges
- 3) Correspondence from the neighborhood association
- 4) Zoning map
- 5) Site plan
- 6) Building elevations
- 7) Floor plans
- 8) Photographs