

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-4155

Date: September 18, 2008

Applicant: Catherine Coon

Address of Property: 4426 Nawadaha Boulevard

Contact Person and Phone: Catherine Coon, 612-588-0413

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

Date Application Deemed Complete: August 20, 2008

Publication Date: September 12, 2008

Hearing Date: September 18, 2008

Appeal Period Expiration: September 29, 2008

End of 60 Day Decision Period: October 20, 2008

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A Single Family Residence District

Proposed Use: Front yard 8 ft. deep pergola

Proposed Variance: A variance to reduce the front yard setback along Nawadaha Boulevard from 25 ft. to 17 ft. to allow for an 8 ft. deep pergola at 4426 Nawadaha Boulevard in the R1A Single-family Residential District.

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

Background: The subject property is a single-family home with detached garage. The home is along Nawadaha Boulevard faces Minnehaha Park across this street. The applicant is proposing to construct a 6 ft. porch and an 8 ft. deep pergola in the front yard setback. The home is setback 25 ft. from the front property line, with the home to the east also at 25 ft. and the home to the west at 28 ft. from the front property line. The porch portion of the project is a permitted obstruction; however, the pergola extends more than 6 ft. into the required yard, which is triggering this variance request.

The proposed porch and pergola will sit on concrete slab footings that are approximately 1 ft. off the ground. The porch's roof is proposed to be a metal material. The pergola's trellis is proposed to be cedar beams. Both the pergola and porch's posts are proposed to be Douglas fir. Both wood products are proposed to have a clear polyurethane finish.

In addition to the porch and pergola, the project involved new hardy board siding, windows, and a new detached garage. The home was built in 1936, however, the original size has been altered by a second story and rear addition, done in 1997 (B646919) and vinyl siding.

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 allows for a porch or pergola 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 or pergola.

- 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 8 ft. pergola would disrupt the consistent building face along Nawadaha Boulevard. The applicants have supplied photographs other homes in the area with large porches or and terraces. 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.

The materials and design are durable and have aesthetic qualities, and front yard gathering spaces adds 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 pergola would not increase street congestion or be detrimental to public safety. The materials and design are durable and have aesthetic qualities, and front yard gathering spaces do add additional visual surveillance and increase opportunities to connect with neighborhoods.

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 Nawadaha Boulevard from 25 ft. to **19 ft.** to allow for a **6 ft.** deep pergola at 4426 Nawadaha Boulevard in the R1A Single-family Residential District.