

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3966

Date: April 10, 2008

Applicant: Michael Altmann and Laurie Bushbaum

Address of Property: 4249 Linden Hills Boulevard

Contact Person and Phone: Laurie Bushbaum, (612 929-6908)

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

Date Application Deemed Complete: February 26, 2008

Publication Date: April 4, 2008

Public Hearing: April 10, 2008

Appeal Period Expiration: April 21, 2008

End of 60 Day Decision Period: April 26, 2008

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1, Single-Family District, and SH Shoreland Overlay District

Proposed Use: Expansion of a vestibule and addition of an open front porch to the front of the single-family dwelling.

Proposed Variances: A variance to reduce the established front yard setback to 31 ft.

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

Background: The subject property, 4249 Linden Hills Boulevard, is located west of Lake Harriet. This property, and the properties on this block are zoned R1, Single-Family Residential. The subject property measures 8,525 sq. ft. and is 55 ft. wide. The lot area measurement exceeds the R1 Zoning District lot area requirement, but the lot width is 5 ft. smaller than the R1 Zoning District requirement of 60 ft.

The property contains a 2-story, single-family dwelling that was built in 1914. The principal structure is located 41.5 ft. at its closest point from the front property line. Even though the R1 Zoning District front yard setback requirement is 25 ft., the subject property is located within the established front yard setback, per Minneapolis Zoning Code provision 546.160 (b) (see Appendix D: Site Plan).

The Minneapolis Zoning Code provision 546.160 (b) requires a property with neighboring properties setback further than the Zoning District setback to be at or behind an imaginary line that connects the corners of the adjacent properties nearest the street.

Proposal: The applicant is proposing a remodel and expansion project that includes expanding the vestibule by 65 sq. ft. and adding a 225 sq. ft open front porch that extends 10 ft. 4 in. from the front of the house.

The expansion of the vestibule and addition of an open front porch as proposed are not allowed due to the size of the vestibule and the depth the porch is proposed to project in the established front yard (see Zoning Code permitted obstructions section below).

Zoning Code Permitted Obstructions (Table 535-1):

Open Porches: projecting not more than six (6) feet into the required yard of a single or two-family dwelling provided that the total depth of the porch shall not exceed eight (8) feet.

Vestibules: not exceeding fifty (50) square feet in area and projecting not more than five feet into the required yard are permitted

Public Comment: CPED notified property owners within 350 ft. of the variance request on March 26, 2008; seven letters of support have been received including the immediate neighbor to the north (see Appendix E).

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 requests a variance to reduce the established front yard setback to 31 ft. to allow for an expansion of a vestibule and addition of an open front porch to the front of the single-family dwelling. CPED does not recognize a hardship on this lot, but it recognizes the addition of a vestibule that meets the Zoning Code requirements and construction of an open front porch that is 8 ft. in depth as a reasonable request. An open front porch that is 8 ft. deep would be located 33 ft. from the front property line at its closest point and would not be injurious to the use and enjoyment of other property in the vicinity.

- 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 City of Minneapolis Comprehensive Plan Chapter on City Form recognizes open-front porches as a common housing feature: "Porches, gables or attic windows punctuate the housing landscape as you stroll past." The subject property was built in 1914 which predates the first Minneapolis Zoning Code that established front yard setbacks and permitted obstructions. Given the location of the subject property on the lot, the maximum depth for an open-front porch would be 5 feet; this is one foot less than what is often viewed as the minimum depth needed for an open-front porch that functions as a quality outdoor gathering place.

- 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.**

Granting of the variance to allow for an 8-foot deep open front porch would be keeping with the spirit and intent of the ordinance. The purpose of the front yard setback provision is twofold: First, to protect neighboring properties' front yards from being obstructed by a structure that extends beyond their own, and second, to maintain a consistent front along the street. Granting of a variance to allow for an 8-foot deep open front porch would not substantially obstruct the views of the neighboring properties. The property to the south of the subject property, 4259 Linden Hills Blvd., is located 19 ft. from the subject property, and the property to the north of the subject property, 4247 Linden Hills Blvd., is located 11 ft. from the subject property. In addition, granting of the variance to allow for an 8-foot deep porch would be keeping with the Minneapolis Zoning Code requirement for an open front porch's total depth allowed in the front yard setback (see Zoning Code Permitted Obstructions section above).

Granting of the variance to allow for an open front porch would also be consistent with neighboring properties. A majority of neighboring properties located along Linden Hills Boulevard have open front porches (see Appendix B12)

- 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 variance 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:

CPED Planning Division
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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 established front yard setback to **33 ft.** to allow for an open front porch with the following conditions.

1. The depth of the open front porch shall not exceed 8 ft. in depth from the front entrance
2. The proposed vestibule expansion shall be in compliance with Section 535.280, and therefore, it shall not be greater than 50 sq. ft. or 5 ft. in depth.
3. CPED-Planning review and approve final site plan, floor plans, and elevations.

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Aerial

Appendix D: Established Front Yard Setback

Appendix E: Public Comments