

Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-1854

Date: August 5, 2004

Applicant: Bruce Rovner

Address of Property: 2815 France Avenue South

Date Application Deemed Complete: July 12, 2004

End of 60 Day Decision Period: September 10, 2004

Contact Person and Phone: Bruce Rovner, (612) 928-8979

Planning Staff and Phone: Tanya Holmgren, (612) 673-5887

Ward: 7 **Neighborhood Organization:** Cedar Isles Dean Neighborhood Association

Existing Zoning: R1, Single-family District

Proposed Use: New screened porch addition to single-family dwelling.

Proposed Variance: A variance to reduce the north interior side yard setback from 6 ft. to 3.7 ft. to allow for the construction of a new screened porch addition to the rear of an existing single-family dwelling.

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

Background: The applicant is seeking a variance to reduce the north interior side yard setback from 6 ft. to 3.7 ft. to allow for the construction of a new 12 ft. 10 in. by 14 ft. screened porch addition to the rear of an existing single-family dwelling.

The subject property faces onto France Avenue South. The lot consists of a single-family dwelling and a attached garage. The subject lot is triangular. An alley runs along the side of the property at about a 45 degree angle to France Avenue South.

The existing house is setback approximately 25 ft. from the front lot line along France Avenue South. Since the property narrows to the rear, any addition to the rear of the dwelling is impacted by the angled side property line. The existing house is setback 3.5 ft. from the rear property line at its closest point. The attached garage is setback 2.5 ft. from the rear property line at its closest point. The new rear screened porch will be setback 3 ft. 10 in.

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 north interior side yard setback from 6 ft. to 3.7 ft. to allow for the construction of a new 12 ft. 10 in. by 14 ft. screened porch addition to the rear of an existing single-family dwelling. Strict adherence to the regulations would require a 6 ft. setback from the alley. The triangular lot leaves little area in the rear of the lot for enjoyment. Strict adherence to the regulations would not allow for the screened porch to the existing single-family home.

- 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 conditions upon which the setback variance is requested are unique to the parcel and have not been created by the applicant. As previously mentioned the subject property is triangular shaped and narrows to the rear of the lot. The existing dwelling is located only 2.5 ft. from the side property line at its closest point. The location of the existing dwelling and the fact the lot is triangular in shape is a circumstance that is unique to this parcel and not one created by the applicant.

- 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: Staff believes that the screened porch addition to the existing single-family home will not alter the essential character of the existing dwelling or the surrounding neighborhood. Staff believes the side yard setback variance meets the intent of the ordinance, is in keeping with the neighborhood, and will not be injurious to the use or enjoyment of other property in the vicinity. The impact of the addition will be minor due to the addition being to the rear of the home and maintaining a greater setback than the existing dwelling and attached garage.

- 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.**

Front yard setback: Granting the setback variance would likely have no impact on congestion of area streets or fire safety. Nor would the proposed construction be detrimental to the public welfare or endanger the public safety. The proposed porch addition will be setback further than other portions of the existing dwelling.

Recommendation of the CPED Department Planning Division:

The CPED Department Planning Division recommends that the Board of Adjustment adopt the finding above and **approve** the variance to reduce the north interior side yard setback from 6 ft. to 3.7 ft. to allow for the construction of a new screened porch addition to the rear of an existing single-family dwelling subject to the following conditions:

1. Review and approval of final site and elevation plans by the CPED Department Planning Division.
2. That the porch addition would remain screened and would not be enclosed with drywall or glass windows at any point in the future without obtaining a building permit.