

**Department of Community Planning and Economic Development - Planning Division Report**

Variance Request  
BZZ-3967

**Date:** April 10, 2008

**Applicant:** David and Sara Weingartner (property owners)

**Address of Property:** 4516 Aldrich Avenue South

**Contact Person and Phone:** David Weingartner, (612) 823-3368

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

**Date Application Deemed Complete:** February 28, 2008

**Publication Date:** April 4, 2008

**Public Hearing:** April 10, 2008

**Appeal Period Expiration:** April 21, 2008

**End of 60 Day Decision Period:** April 28, 2008

**Ward:** 13      **Neighborhood Organization:** East Harriet Farmstead Neighborhood Association

**Existing Zoning:** R1A, Single-Family District, and SH Shoreland Overlay District

**Proposed Use:** Construction of an open front porch

**Proposed Variances:** A variance to reduce the established front yard setback to 25.75 feet.

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

**Background:** The subject property, 4516 Aldrich Avenue South, is located seven blocks east of Lake Harriet. With the exception of the properties at or near the corner of 46<sup>th</sup> Street and Bryant Avenue South that are zoned C1, the properties within 350 feet are zoned residential (R1A, R2B, R4, and R5).

The subject property is an interior lot. It measures 5,628 sq. ft. and is 42 ft. wide. The lot area measurement and width exceed the R1A Zoning District requirements of 5,000 square feet and 40 feet respectively. The subject property contains a 1 ½ -story, single-family dwelling that was built in 1912. The principal structure on the subject property is located 34 feet from the front property line. Even though the R1A Zoning District front yard setback requirement is 20 feet it is located within the established front yard setback, per Minneapolis Zoning Code provision 546.160 (b).

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.

**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.

**Proposal:** The applicant is proposing to build an 8-foot deep open front porch that is 25 feet wide. This open front porch would be located 25.75 feet at its closest point from the front property line.

**Public Comment:** CPED notified property owners within 350 feet of the variance request on March 26, 2008. There were two comments received in support of the variance request (see Appendix D)

**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 25.75 ft. to allow for the addition of an open front porch to the front of the single-family dwelling. CPED does not recognize a hardship on the lot; however, it recognizes that the proposed 8-foot deep, open front as a reasonable request for ongoing use 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.**

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 1912 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 will 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. Even though the open front porch would be located closer to the front property line compared to the adjacent properties, the open front porch would create minimal obstruction for the neighboring properties. The property to the north of the subject property, 4512 Aldrich Avenue South, is located 19.6 ft. from the subject property, and the property to the south of the subject property, 4512 Aldrich Avenue South, is located 16.1 ft. from the subject property. In addition, the open-front porch would be located 25.75 from the front property line, which is behind R1A Zoning District setback of 20 feet.

Granting of the variance to allow for an 8-foot deep porch would also be keeping with the Minneapolis Zoning Code Section 535.280 requirement for an open front porch's total depth allowed in the front yard setback (see below).

*Section 535.280 Table 535-1 Permitted Obstructions Open Porches* [are allowed] 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. The porch may extend the width of the dwelling, provided it shall be no closer than three (3) feet from an interior side lot line and no closer than six (6) feet from a dwelling on an adjacent property.

- 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 variances 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:**

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 25.75 ft. to allow for an open front porch.

1. The open front porch shall be located at least 3 feet from the interior side yard in order to meet the open porch permitted obstruction requirement.
2. 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: Public Comments