

**Department of Community Planning and Economic Development – Planning Division**

Variance Request  
BZZ-3771

**Date:** September 27, 2007

**Applicant:** Laura Schuelke, on behalf of George & Melanie Werl

**Address of Property:** 4833 East Lake Harriet Parkway

**Contact Person and Phone:** Laura Schuelke (952) 925-4006 x234

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** September 4, 2007

**Public Hearing:** September 27, 2007

**Appeal Period Expiration:** October 9, 2007

**End of 60 Day Decision Period:** November 3, 2007

**Ward:** 13      **Neighborhood Organization:** Lynnhurst Neighborhood Association

**Existing Zoning:** R1 Single Family District & SH Shoreland Overlay District.

**Proposed Use:** An open front porch

**Proposed Variance:** A variance to reduce the established front yard setback from 48 feet 3 inches to 41 feet to allow for a 8 foot 11 inch deep front porch at 4833 East Lake Harriet Parkway in the R1 Single Family District & SH Shoreland Overlay District.

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

**Background:** The subject site a through lot that is 22,315 square feet. The lot has public streets on three sides of the property. It addresses off of East Lake Harriet Parkway, but fronts Knox Avenue to the west and Park Drive to the south.

The applicants have an existing single family dwelling located 50 feet from the front property line along East Lake Harriet Parkway. The subject dwelling has an existing raised patio/terrace that is curved and its maximum extends 8 feet 11 inches in front of the dwelling, approximately 41 feet from the front property line. The applicant is proposing to convert a portion the front patio into an open front porch following the footprint of the existing patio. The applicant is also proposing to place a second story deck

over the proposed front porch. The proposed deck is not meant for use as a deck, but as an aesthetic element.

The structure on the adjacent property to the east, located at 4829 East Lake Harriet Parkway, is 48 feet 3 inches from the front property line. This structure creates the established front yard setback at 48 feet 3 inches.

An open front porch is permitted to extend 6 feet into the required front yard as long as its depth is no greater than 8 feet. The proposed porch extends 7 feet into the required front yard and has a maximum depth of 8 feet 11 inches.

A deck is only permitted to extend 4 feet into the required front yard setback and shall have a maximum area of 50 square feet. The applicant is proposing a second story deck that projects 7 feet into the required yard and is approximately 126 square feet in size.

The proposed porch and second story deck encroach farther into the required front yard setback than permitted and require a variance to be allowed.

**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 has requested a variance to reduce the established front yard setback to 41 feet to allow for an open front porch and second story deck. The applicant is proposing to make the curved portion of the patio/terrace into an open front porch with the deck above. The proposed porch and deck follow the footprint of the existing patio. The portion of the patio/terrace that will be covered by the porch and deck ranges from 5 feet to 8 feet 11 inches deep due to the curved design of the patio. Staff believes that following the footprint of the existing patio is a reasonable request for an open front porch.

- 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 conditions upon which the setback variance is requested are unique to the parcel due to the configuration of the existing front patio. The shape and size of the existing front patio is a circumstance that is unique to this parcel and not created by the applicant.

The proposed front porch is located 41 feet from the front property line along East Harriet Parkway, 48 feet from Knox Avenue South and is 45 feet from the only adjacent dwelling. These distances are unique to this parcel of land due to the standard lot widths in Minneapolis being 40 to 50 feet, which often results in homes and open front porches much closer to each other than what is proposed.

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.**

Staff believes that the 18 foot long, 126 square foot open front porch will not negatively alter the essential character of the surrounding neighborhood. The front porch will extend 11 inches farther into the required yard than what is permitted and will be 41 feet from the front property line.

Staff believes the 41 foot setback and the 16 feet of right of way between the front property line and the sidewalk is enough distance to mitigate any negative impacts of the additional front porch depth. Staff also believes the 68 feet between the front open front porch and adjacent dwelling to the east is enough distance to mitigate any impacts of the additional mass on the adjacent structure located 4829 East Lake Harriet Parkway. Staff believes that the open front porch will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the locality.

The proposed second story deck that is located on top of the proposed front porch will negatively alter the essential character of the neighborhood. A second story deck in the front yard is not permitted in the required yard and is uncommon in this area along East Lake Harriet Parkway. Staff believes the second story deck is not in keeping with the spirit and intent of the ordinance as it is 1.5 times larger than what is allowed.

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 the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety.

**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** a variance to reduce the established front yard setback from 48 feet 3 inches to 41 feet to allow for a 8 foot 11 inch deep front porch at 4833 East Lake Harriet Parkway in the R1 Single Family District & SH Shoreland Overlay District with the following condition:

1. The proposed second story deck shall not be accessible or functional.
2. CPED-Planning review and approve final site plan, floor plans, and elevations.