

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-1415****Date:** September 2, 2004**Applicant:** Paula Dyrhaug**Address of Property:** 1466 Minnehaha Parkway**Date Application Deemed Complete:** August 10, 2004**End of 60 Day Decision Period:** October 9, 2004**End of 120 Day Decision Period:** December 8, 2004**Appeal Period Expiration:** September 13, 2004**Contact Person and Phone:** Paula Dyrhaug, 612-824-9009**Planning Staff and Phone:** Carrie Flack, 612-673-3239**Ward:** 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association**Existing Zoning:** R1, Single Family District**Proposed Use:** Addition onto the side of an existing single family dwelling - 2 open decks with an enclosed gazebo in between.**Proposed Variance:** A variance to reduce the front yard setback along West Minnehaha Parkway from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 30 feet and a variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 20 feet to allow for the construction of a deck and conservatory.**Zoning code section authorizing the requested variance:** 525.520 (1) (1)**Case History:** The subject site received the above variances on October 8, 2003. However, the plans approved for the variances were for two open decks on both sides of a screened gazebo. A condition of approval was placed upon the variances that stated, "The open decks shall be maintained and shall not be enclosed with walls, screens, or windows unless an additional variance is granted to do so". The applicant now plans to construct a glass conservatory in the place of one of the open decks and gazebo with only one open deck remaining on the side of the structure. Therefore, approval from the Board is required to modify the approved plans.

Background: The subject site is located at the confluence of West Minnehaha Parkway and Humboldt Avenue South and is a reverse corner lot. The site consists of an existing single family dwelling that is oriented towards both Minnehaha Parkway and Humboldt Avenue. The proposed construction will occur on the south side of the dwelling facing Minnehaha Parkway. The applicant is proposing to add 1 10 ft. x 10 ft. open deck on the east side of an enclosed conservatory that is 12 ft. x 12 ft. and is enclosing the previously approved open deck on the west side of the structure with additional conservatory space that is 10 ft. x 10 ft. The deck and conservatory space will be located to utilize two existing sets of French doors and will be approximately 1 ½ ft. off the ground similar to a terrace. The main portion of the conservatory will be accessed from both sets of doors.

The R1 District has a front yard setback requirement of 25 feet. The proposed decks and gazebo will be setback 30 feet from Minnehaha Parkway and 20 feet from Humboldt Avenue. The adjacent dwelling to the west is located 36 feet from Minnehaha Parkway. Along Humboldt Avenue, the adjacent dwelling to the north is setback 33 ft. and the applicant's dwelling is setback from 20 ft. Therefore, the variances to the established setbacks are necessary.

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 (Minnehaha Parkway): The applicant is seeking a variance to reduce the front yard setback along West Minnehaha Parkway from the setback established by connecting a line between the two adjacent residential structures to 30 feet to allow for the construction of an open deck and an enclosed conservatory. The applicant has indicated that the proposed structure is very close to complying with the established setbacks. Strict adherence to the regulations would not permit the deck and conservatory, both of which are reasonable uses.

Front yard setback (Humboldt Avenue South): The applicant is seeking a variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the two adjacent residential structures to 20 feet to allow for the construction of an open deck and an enclosed conservatory. The applicant has indicated that the proposed structure is very close to complying with the established setbacks. Strict adherence to the regulations would not permit the deck or conservatory, both of which are reasonable uses.

- 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 (Minnehaha Parkway): The condition upon which the setback variance is requested is unique to the parcel of property due to the setback of the applicant's home as well as the adjacent single family dwelling. The R1 District provides for a 25 foot setback. However,

the applicant's home and the adjacent residential structures are located back further than the minimum 25 feet. As previously mentioned, the dwelling to the west is setback 36 feet. The applicant's home has a 39 foot setback. The portion of the structure that will be closest to Minnehaha Parkway will have a 30 foot setback, 6 feet closer than the dwelling to the west. The applicant states that the placement of their house on the reverse corner lot does not allow for a deck or conservatory to be located anywhere else on the property.

Front yard setback (Humboldt Avenue South): The condition upon which the setback variance is requested is unique to the parcel of property due to the setback of the applicant's home as well as the adjacent single family dwelling. The R1 District provides for a 25 foot setback. However, the applicant's home and the adjacent residential structure are located back further than the minimum 25 feet. As previously mentioned, the dwelling to the north is setback 33 feet. The applicant's home has a 20 foot setback. The proposed deck along Humboldt Avenue will also have a 20 foot setback. The proposed deck will not likely be visible from the north since it is in alignment with the dwelling and will be blocked by the side of the dwelling. The applicant states that the placement of their house on the reverse corner lot does not allow for a deck or gazebo to be located anywhere else on the property.

- 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 (Minnehaha Parkway): Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the deck and conservatory are in keeping with the architectural integrity of the dwelling. In addition, two sets of French doors exist on the south side of the house and will be more usable with the addition of the deck and conservatory. Visibility and site lines will be maintained since the structure will be all glass or open. Staff believes that the deck and conservatory design are in keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback (Humboldt Avenue): Staff believes that the addition will not alter the essential character of the surrounding neighborhood. The applicant states that the design of the deck and conservatory are in keeping with the architectural integrity of the dwelling. In addition, two sets of French doors exist on the south side of the house and will be more usable with the addition of the deck and conservatory. Visibility and site lines will be maintained since the structure will be all glass or open. Staff believes that the deck and conservatory design are in keeping with the neighborhood and design of the house and will not be injurious to the use or enjoyment of other property in the vicinity.

- 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.**

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Front yard setback (Minnehaha Parkway): Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the deck and conservatory be detrimental to welfare or public safety since site lines will be maintained.

Front yard setback (Humboldt Avenue): Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the deck and conservatory be detrimental to welfare or public safety since site lines will be maintained.

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 West Minnehaha Parkway from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 30 feet and **approve** the variance to reduce the front yard setback along Humboldt Avenue South from the setback established by connecting a line between the front two corners of the two adjacent residential structures to 20 feet to allow for the construction of a deck and gazebo subject to the following conditions:

1. The Planning Department shall review and approve the final site and elevation plans.
2. The exterior building materials used for the addition shall be compatible to the exterior building materials of the house.
3. The open deck shall be maintained and shall not be enclosed with walls, screens, or windows unless an additional variance is granted to do so.