

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ 5432

**Date:** January 19, 2012

**Applicant:** Pat Golliker, on behalf of property owner, Carol Carrier

**Address of Property:** 2307 Milwaukee Avenue

**Contact Person and Phone:** Pat Golliker, (612) 490-0405

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

**Date Application Deemed Complete:** December 13, 2011

**End of 60-Day Decision Period:** January 9, 2012

**End of 120-Day Decision Period:** A 60-day extension letter was mailed on December 20, 2011, extending the 120-day decision period to March 9, 2012

**Ward: 2      Neighborhood Organization:** Seward

**Existing Zoning:** R2B/Two Family District

**Proposed Use:** Construction of a new screen porch at rear of the residence

**Concurrent Review:**

- Variance to reduce the required rear yard setback from 5 feet to approximately 1 foot 6 inches to allow for a screen porch

**Zoning code section authorizing the requested variance:** Chapter 525, Article IX Variances, specifically Section 525(1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.”

**Background:** The subject property is part of the Milwaukee Avenue Historic District, which is a contiguous two-block development of 19th century homes constructed for working class families. The property contains a single-family dwelling. The subject parcel is 60 feet wide by 51 feet deep (3,060 square feet). The depth and square footage of the lot is typical for Milwaukee Avenue parcels but substandard for a typical Minneapolis R2B lot of 120 feet deep and 5,000 square feet.

The subject property received approval for two variances in the past eight years:

- A variance to reduce the required interior side yard setback from 5 feet to 4 feet to allow for the construction of a bay window in 2004 (BZZ 1726), and

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- A variance to reduce the required east side setback from 5 feet to 1 foot 6 inches to allow for a one-story dining room addition of 162 square feet in 2006 (BZZ 3261).

**Proposal:** The Applicant seeks approval to construct a 217 square foot screen porch at the rear of the residence. The proposed porch would be built at the location of a paved patio area. The screened porch would be 1 foot 6 inches away from the rear (east) property line, which is the same distance as the 2006 dining room addition. In July of 2011, the Heritage Preservation Commission approved the proposed screen porch addition through a Certificate of Appropriateness application (BZH 26880).

**VARIANCE:** to reduce the required rear yard setback from 5 feet to approximately 1 foot 6 inches to allow for a screened porch

**Findings Required by the Minneapolis Zoning Code:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the setback variance is requested are unique to the parcel of land and were not created by a person presently having an interest in the property. A typical low density residential lot in the R2B zoning district is 5,000 square feet and 120 feet in depth. The subject property is a substandard lot in terms of size (3,060 square feet) and depth (51 feet). These circumstances make it difficult to place an addition that complies with all other zoning and Heritage Preservation regulations.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The property owner proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance. The purpose of yard requirements is to provide for orderly development and to minimize conflicts among land uses by governing the location of accessory uses and structures. The applicant is seeking a variance to reduce the rear yard setback from the required 5 feet to 1 foot 6 inches to allow for a screened porch. The proposed addition would not provide a conflict with the neighboring properties. The nearest residential structure to the proposed addition is more than 24 feet away (2313 Milwaukee Avenue to the south). The addition would also be more than 28 feet away from the garage located on the adjacent parcel to the east.

If the proposed addition is built, the lot would still meet all other zoning code requirements including lot coverage and impervious surface. However, the proposal comes close to the maximums allowed. If the proposed addition is built, the lot coverage would be 49 percent (50 percent maximum) and the impervious surface would be 62 percent (65 percent maximum).

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance will not alter the essential character of the locality. The Applicant is proposing a 217 square foot three-season porch addition at the rear of the property. The location of the addition at the rear of the property protects the historic appearance of the houses along Milwaukee Avenue. The Heritage Preservation Commission approved the proposed addition in July 2011 through a Certificate of Appropriateness application (BZH 26880). In addition, The Milwaukee Avenue Homeowners Association (MAHA) recommended approval and the MAHA Board of Directors approved the application to construct the screened porch as proposed.

The granting of the variance will also not be injurious to the use and enjoyment of the other properties in the vicinity. The purpose of yard requirements is to provide for orderly development and to minimize conflicts among land uses by governing the location of accessory uses and structures. The addition will be located 3 feet 8 inches away from the private sidewalk at the rear of the property, which is the same distance as the existing structure. In addition, the proposed screen porch would be located more than 24 feet away from the nearest residential structure at 2313 Milwaukee Avenue and 28 feet away from the garage located on the adjacent parcel to the east.

Further, granting of the variance will not increase the danger of fire safety or 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 required rear yard setback from 5 feet to approximately 1 foot 6 inches to allow for a screened porch for the property located at 2307 Milwaukee Avenue in the R2B Single-Family District, subject to the following condition of approval:

1. CPED-Planning and all other applicable City departments review and approve the final plans.
2. Final proposal shall meet Minneapolis Zoning Code lot coverage and impervious surface requirements.

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**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copies of e-mails sent to Seward Neighborhood and CM Gordon
- 3) Zoning map
- 4) Survey
- 5) Site plan
- 6) Floor plans
- 7) Elevations
- 8) Aerials
- 9) Photographs
- 10) Homeowner's Association Letter