

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5458

Date: February 16, 2012

Applicant: Andrew Gillum

Address of Property: 3702 40th Street West

Contact Person and Phone: Andrew Gillum, (952) 210-7977

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: January 10, 2012

End of 60-Day Decision Period: March 10, 2012

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1A Single-family District

Proposed Use: Single-family dwelling

Concurrent Review: Variance to reduce the front yard requirement adjacent to Drew Avenue South to allow a second story addition, a bay window, an awning, an open porch, an egress window well, and a deck for a single-family dwelling located at the property of 3702 40th Street West.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

Background: A one-story single-family dwelling exists at the property of 3702 40th Street West. The applicant is proposing to remodel the dwelling including adding a second story, a porch, a deck and a detached garage. The property is a reverse corner lot.¹ For a reverse corner lot, both lot lines that abut a street are considered front lot lines and a required front yard is required to be provided and maintained along each front lot line. In the R1A district, the minimum front yard requirement is 20 feet or the established setback of the adjacent residential structure, whichever is greater. The dwelling located to the west is set back 19.5 feet from the lot line adjacent to 40th Street West; therefore, the minimum front yard required for the subject property is the district requirement of 20 feet. The dwelling located to the north is set back 28 feet from the lot line adjacent to Drew Avenue; therefore, the minimum front yard required for the subject property is the established setback of 28 feet. Also, a minimum 5 foot wide interior side yard is required adjacent to the west side lot line and a minimum 5 foot wide rear yard is required adjacent to north rear lot line. Each of the following are proposed obstructions in a required yard(s):

¹ The zoning code defines a reverse corner lot as “A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.”

CPED - Planning Division Report
BZZ-5458

- *Principal structure:* Part of the proposed second story would be located in the required front yard adjacent to Drew Avenue. It is not a permitted obstruction; therefore a variance is required.
- *Detached garage:* Portions of the proposed garage would be located in the required front yard adjacent to Drew Avenue and the interior side yard adjacent to the west lot line. On reverse corner lots, the zoning code requires that an accessory structure be located no closer to the side lot line than a distance equal to 2/3rds of the depth of the district front yard requirement of the adjacent property. The property to the north is zoned R1A where the required front yard for the district is 20 feet. Two-thirds of 20 feet is equal to 13.3 feet. The proposed garage would be set back 23.5 feet from the lot line adjacent to Drew Avenue. The zoning code also allows the interior side yard to be reduced to one foot when the entire accessory structure is located in the rear 40 feet of the property and is located behind the rear wall of the principal dwelling on the adjacent property. The garage would be set back one foot from the west lot line. Where the interior side yard is reduced, eaves including gutters must be located at least 6 inches from the lot line. Although the plans show an 8 inch eave extending into the side yard, the applicant has indicated that they will reduce the overhang to 6 inches. The plans will need to be revised before building permits are obtained.
- *Open porch:* An open porch is proposed on the south side of the dwelling. For a single-family dwelling, an open porch is a permitted obstruction in a required front yard when the following standards are met:
 - The porch shall not project more than six feet into the required yard provided that the total depth of the porch shall not exceed eight feet.
 - The porch shall be covered and may extend the width of the dwelling, provided it shall be no closer than three feet from an interior side lot line and no closer than six feet from a dwelling on an adjacent property.
 - Such porch shall be no closer than ten feet from the front lot line and no closer than five feet from the corner side lot line.
 - The porch shall not be enclosed with windows, screens or walls, but may include handrails not more than three feet in height and not more than 50 percent opaque.
 - The finish of the porch shall match the finish of the dwelling or the trim on the dwelling.
 - Raw or unfinished lumber shall not be permitted on an open porch.

The proposed porch would be 6 feet by 22 feet. As measured from 40th Street, the porch would comply with the above standards. As measured from Drew Avenue, the total depth of the porch would be 22 feet which does not comply with the above standards. A variance is required to allow the porch in the required front yard adjacent to Drew Avenue.

- *Deck:* A deck with stairs is proposed on the north side of the dwelling. A deck is a permitted obstruction in a required front yard provided it does not exceed 50 square feet in area and does not extend more than 4 feet into the required yard. The deck and stairs would be more than 50 square feet in area and would extend 8 feet into the required front yard adjacent to Drew Avenue; therefore a variance is required.
- *Awning:* An awning is proposed across the north side of the house. It would project 4.5 feet from the dwelling. Eleven feet of the 26 foot wide awning would extend into the required front yard adjacent to Drew Avenue. An awning is a permitted obstruction in a required front yard provided it doesn't project more than 2.5 feet into the yard. A variance is required to allow the awning.

CPED - Planning Division Report
BZZ-5458

- *Bay window:* A nine foot wide bay window projecting one foot from the east side of the dwelling is proposed on the first floor. A bay window is a permitted obstruction in a required front yard provided it does not exceed 50 square feet in area and does not project more than five feet into the required yard. Because the dwelling already projects more than five feet into the required front yard adjacent to Drew Avenue, a variance is required to allow the bay window.
- *Eaves and gutters:* Eaves and gutters are proposed on all sides of the dwelling. Eaves, including gutters, are permitted obstructions provided they project not more than three feet from the building in required front and rear yards and not more than two feet in required interior side yards. The plans show that a two foot wide eave is proposed in the interior side yard. The applicant has indicated that gutters will be installed and the proposed eave overhang will be reduced by six inches to accommodate the gutters. The plans will need to be revised before building permits are obtained.
- *Egress window wells:* Two egress window wells are proposed. A 15 square foot window well that would be setback two feet from the interior side lot line is proposed on the west side of the dwelling. A 24 square foot window well is proposed on the east side of the house where it projects into the required front yard. Egress window wells are permitted obstructions provided they do not exceed 16 square feet in area and are not located closer than two feet from an interior side lot line. A variance is required to allow the window well on the east side of the dwelling.
- *Driveway:* The proposed driveway would be 13.5 to 21.5 feet in width. A driveway up to 25 feet in width is a permitted obstruction in a required front yard. Please note, parking in said driveway is not allowed.
- *Walkway and stairs:* A six foot wide walkway and stairs would connect the front entrance to the 40th Street sidewalk. The applicant has indicated that a five foot wide walkway would connect the garage to the deck. Both of these walkways would be located in the required front yards. Walkways and stairs are permitted obstructions in front yards provided they do not exceed six feet in width.

The dwelling is also subject to window requirements that apply to each side of the dwelling. Not less than 15 percent of the walls on each floor that faces a public street must be windows and not less than five percent of the walls on each floor that faces a rear or interior side lot line must be windows. The project currently does not comply with these requirements. The window requirements will need to be addressed and the plans will need to be revised before a building permit is obtained.

The proposed height of the garage is 14 feet. An administrative zoning approval is a required to allow the proposed height before a building permit can be obtained. To allow the proposed height, the primary exterior materials of the accessory structure must match the primary exterior materials of the principal structure, the roof pitch must match the primary roof pitch of the principal structure, and the wall height can not exceed 10 feet from the floor to the top plate.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

VARIANCE

Findings as Required by the Minneapolis Zoning Code for a Variance:

- 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.**

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The property is a reverse corner lot with two required front yards. The property is 48.6 feet wide by 120 feet deep. The required yards, including side and rear yards, cover almost 75 percent of the subject property. The east to west buildable area is only 15.5 feet wide. For new construction, the zoning code requires a minimum dwelling width of 22 feet. The existing dwelling extends into the required front yard adjacent to Drew Avenue by 12.5 feet.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Policies of the comprehensive plan also support the purpose of the yard ordinances. The project would comply with all other yard requirements and with all other district regulations, including maximum height, lot coverage and impervious surface. The existing dwelling extends into the required front yard adjacent to Drew Avenue by 12.5 feet. The second floor addition would not extend beyond the existing footprint maintaining a setback of 15.5 feet from the lot line adjacent to Drew Avenue. The proposed deck, porch, and awning would not extend closer to Drew Avenue than the east wall of the house. The bay window would project one foot from the dwelling and is only nine square feet in area. The egress window well would be located 12.5 feet from the lot line adjacent to Drew Avenue. The request is reasonable and consistent with the intent of the ordinance and the comprehensive plan.

- 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.**

Granting the variance would not likely affect the character of the area and should have little effect on adjacent properties. The proposed variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

RECOMMENDATION

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 above findings and **approve** the variance to reduce the front yard requirement adjacent to Drew Avenue South to allow a second story addition, a bay window, an awning, an open porch, an egress window well, and a deck for a single-family dwelling located at the property of 3702 40th Street West, subject to the following conditions:

1. Department of Community Planning and Economic Development—Planning Division staff review and approval of the final site plan, building plans and elevations.
2. The applicant shall obtain all necessary approvals and permits prior to construction.

Attachments:

1. Applicant statement of proposed use and findings
2. Zoning map
3. Plans
4. Photos