

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

Variance  
BZZ-5531

**Date:** May 3, 2012

**Applicant:** Anne Herwig, 3844 Washburn Avenue South, Minneapolis, MN 55410, (952) 250-8678

**Address of Property:** 3844 Washburn Avenue South

**Project Name:** 3844 Washburn Avenue South

**Contact Person and Phone:** Anne Herwig, 3844 Washburn Avenue South, Minneapolis, MN 55410, (952) 250-8678

**Planning Staff and Phone:** Becca Farrar, Senior City Planner, (612) 673-3594

**Date Application Deemed Complete:** March 27, 2012

**End of 60-Day Decision Period:** May 26, 2012

**End of 120-Day Decision Period:** Not applicable for this application.

**Ward:** 13

**Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 (Single family) district

**Zoning Plate Number:** 29

**Lot area:** 5,750 square feet or approximately .13 acres

**Legal Description:** Not applicable for this development

**Proposed Use:** Construct a porch addition on to the existing single-family home.

**Concurrent Review:**

- Anne Herwig has submitted a variance application to allow for the construction of a new porch in the established front yard along the east property line adjacent to Washburn Avenue South. The porch as proposed would extend 8 feet into the required front yard, which is greater than the 6 feet allowance outlined in the Zoning Code. The specific variance request would be from the established 33 feet to 25 feet to allow an open porch.

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

**Background:** The site is currently occupied by a single story, approximately 1,300 square foot single-family home that was constructed in 1954. The subject property is zoned R1 (Single-family) district and is located at the northwest corner of 39<sup>th</sup> Street West and Washburn Avenue South. The applicant proposes to construct a

new open porch on the property that encroaches into the established front yard setback along the east property line adjacent to Washburn Avenue South two additional feet beyond the allowable depth of 6 feet as permitted in Table 535-1, of the Zoning Code. Table 535-1, indicates that open porches, projecting not more than 6 feet into the required yard are permitted provided the total depth of the porch does not exceed 8 feet. The entire porch, which is 8 feet deep, is located in the required yard and as such a variance is required. The property is subject to a front yard increase per Section 546.160 of the Zoning Code as typically the setback would be 25 feet; however, the property to the north is setback approximately 33 feet from the property line along Washburn Avenue South. The existing structure on the subject parcel is located 33 feet from the property line or up to the established setback line prior to the inclusion of the open front porch. The specific request is to vary the front yard setback requirement from 33 feet to 25 feet to allow the open porch to extend 8 feet into the required front yard.

There are additional criteria pertaining to open porches as noted in Table 531-1 of the Zoning Code, including the porch shall be covered and may extend the width of the dwelling, provided it is no closer than 3 feet from the interior side lot line and no closer than 6 feet from the dwelling on the adjacent property. Further, the porch cannot be closer than 10 feet from the front lot line and no closer than 5 feet from the corner side lot line. The porch also cannot be enclosed with windows, screens or walls, but may include handrails not more than 3 feet in height and not more than 50% opaque. The finish of the porch must match the finish of the dwelling or the trim on the dwelling. No raw or unfinished lumber is permitted on an open porch. As proposed, the porch complies with these additional criteria, as well as all other applicable provisions in the R1 district.

Staff has not received official correspondence from the Linden Hills Neighborhood Association prior to the printing of this report. All correspondence received prior to the Board of Adjustment meeting will be forwarded on for consideration.

**VARIANCE** –of the front yard requirement along the east property line adjacent to Washburn Avenue South from the established 33 feet to 25 feet to allow an open porch that extends 8 feet into the required front yard.

**Findings as Required by the Minneapolis Zoning Code for the 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.**

Planning Staff believes that there are practical difficulties that exist in complying with the ordinance in this specific circumstance. The property is a corner lot with frontage on two public streets that is subject to a front yard increase per Section 546.160 of the Zoning Code as typically the setback would be 25 feet; however, the property to the north is setback approximately 33 feet from the property line along Washburn Avenue South. The existing building wall of the single-family home is located at the setback line and is conforming; the incorporation of an open porch that extends 8 feet instead of 6 feet into the required yard requires a variance. The principal entrance to the home is located off of 38<sup>th</sup> Street West. A large deck was once located in the proposed porch location. Planning Staff believes this request is a reasonable use of the property. Further, the expansion would result in minimal if any impact on the neighboring parcel due to the fact that the porch is open, and there are trees and vegetation between the properties.

**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 proposal to allow an open porch that is 8 feet deep, in lieu of a porch that has a depth of 6 feet in the established front yard is reasonable and would be in keeping with the spirit and the intent of the ordinance and

comprehensive plan. As previously noted, the subject parcel is a corner lot with frontage on two public streets and further subject to a front yard increase. The configuration of the existing structure on site limits the viable locations for a porch addition on the subject property. The proposed location is the best location on site given the constraints.

**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.**

The proposal to reduce the established front yard setback requirement to allow an open porch that extends two additional feet beyond what would typically be allowed as a permitted encroachment would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The finish of the porch will match the finish of the dwelling or the trim on the dwelling and meet all other applicable Zoning Code standards.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance application to allow a reduction in the established front yard setback requirement along the east property line from approximately 33 feet to approximately 25 feet in order to allow a new open porch that extends 8 feet instead of the allowable 6 feet into the required yard on the property located at 3844 Washburn Avenue South subject to the following conditions of approval:

1. The finish of the porch must match the finish of the dwelling or the trim on the dwelling.
2. The open porch shall meet all other criteria as outlined in Chapter 535 of the Zoning Code.

#### **Attachments:**

1. Statement of proposed use and description of the project
2. Findings
3. Correspondence – CM Hodges and Linden Hills Neighborhood Assn.
4. Zoning Map
5. Site plan, survey, elevations
6. Photos of the site