

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5530

Date: May 24, 2012

Applicant: Alyssa Jasko

Address of Property: 3927 Sheridan Avenue South

Contact Person and Phone: Alyssa Jasko, (612) 990-6517

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

Date Application Deemed Complete: April 10, 2012

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

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

Existing Zoning: R1 Single-Family Residence District

Proposed Use: Single-family dwelling

Concurrent Review: Variance to reduce the established front yard setback requirement to 6.7 feet adjacent to Sheridan Avenue South to allow a new open porch for the property located at 3927 Sheridan Avenue South.

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 two-story single-family dwelling exists at the property of 3927 Sheridan Avenue South. The applicant is proposing to construct an open porch on the front of the house. The front of the house is located 13.7 feet from the front lot line. The porch would be 7 feet deep and would wrap the northwest corner of the house.

Open porches are permitted obstructions in required front yards provided they comply with the following standards:

- The porch shall not project not more than 6 feet into the required yard of a single or two-family dwelling provided that the total depth of the porch shall not exceed 8 feet.
- The porch shall be covered and may extend the width of the dwelling, provided it shall be no closer than 3 feet from an interior side lot line and no closer than 6 feet from a dwelling on an adjacent property.
- Such porch shall be no closer than 10 feet from the front lot line and no closer than 5 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 3 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 and raw or unfinished lumber shall not be permitted on an open porch.

In the R1 district, the minimum front yard requirement is 25 feet or the established setback of the adjacent residential structures on either side of the property, whichever is greater. The dwelling located to the north is set back 6.6 feet from the lot line adjacent to Sheridan Avenue. The dwelling on the property located directly to the south is set back more than 80 feet from the lot line adjacent to Sheridan Avenue. Both the district and established front yard requirement exceed the proposed setback for the porch; therefore a variance is required to reduce the front yard requirement.

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 existing dwelling on this site is located 13.7 feet from the front lot line. The dwelling located to the north of the subject property is set back 6.6 feet from the lot line adjacent to Sheridan Avenue. The property to the south of the subject property is a through lot with frontage on Sheridan Avenue South and Richfield Road. The front of the dwelling on the adjacent property is oriented towards Richfield Road. The adjacent dwelling is located completely behind the rear lot line of the subject property. This results in an established front yard requirement that covers most of the subject property. An open porch cannot be constructed that complies with the standards for a porch that is allowed as a permitted obstruction.

- 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. Other than the distance to the lot lines, the proposed porch would comply with the standards for a porch allowed as an obstruction in a required front yard. The proposed setback is similar to the dwellings located at the properties of 3923 and 3933 Sheridan Avenue South. 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 affect the character of the area and would have little effect on adjacent properties. The block where the subject site is located contains a range of lot sizes and several through lots. With the exception of these through lots, the lots fronting Sheridan Avenue are smaller in size than a typical residential lot of 5,000 square feet in Minneapolis. These smaller lot sizes have resulted in smaller front yard setbacks. The dwelling located to the north is set back 6.6 feet from the lot line adjacent to Sheridan Avenue and the dwelling located two lots to the south is set back approximately 9 feet from the front lot line. Front porches are common in the immediate area. 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 established front yard setback requirement to 6.7 feet adjacent to Sheridan Avenue South to allow a new open porch for the property located at 3927 Sheridan Avenue South.

Attachments:

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