

**Department of Community Planning and Economic Development – Planning Division**  
Variances  
BZZ-5600

**Date:** June 28, 2012

**Applicant:** Project for Pride in Living

**Addresses of Property:** 3016 6<sup>th</sup> Street North

**Contact Person and Phone:** Shalaunda Holmes, (612) 455-5154

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** June 4, 2012

**End of 60-Day Decision Period:** July 30, 2012

**Ward:** 3      **Neighborhood Organization:** Hawthorne Neighborhood Council

**Existing Zoning:** R3 Multiple Family District

**Zoning Plate Number:** 8

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

**Proposed Use:** New single-family dwelling

**Concurrent review:**

- Variance to reduce the minimum front yard setback along 6<sup>th</sup> Street North from approximately 23 feet to 20 feet to allow for a new open front porch.
- Variance to reduce the minimum north interior side yard setback from 5 feet to approximately 2 feet to allow for the new structure.

**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:** The subject property is approximately 37 feet by 165 feet (6,115 square feet) and is presently vacant. The applicant is proposing to construct a new single-family dwelling with an attached garage. The minimum front yard setback in the R3 District is 20 feet or the established setback measured by connecting the front corners of the adjacent property, whichever is greater. The adjacent neighbor to the north is located 27 feet to the front property line from the enclosed porch. The adjacent neighbor to the south is located 10 feet from the front property line to the enclosed porch. In this case, the established setback is 23 feet, at the greatest point along the line connecting the two adjacent structures from the front property line along 6<sup>th</sup> Street North. The applicant is proposing to construct an open front

porch on the front of the principal structure that is 7 feet 3 inches in depth and 10 feet 3 inches deep at the principal entrance. Table 535-1 in the zoning code, authorizes open porches, projecting not more than 6 feet into the required yard as permitted obstructions provided the total depth of the porch does not exceed 8 feet. Therefore, a variance is required to construct an open front porch that exceeds 8 feet in depth that is located in the required front yard.

The subject property does not have alley access; therefore, the applicant is proposing to construct an attached garage, facing 6<sup>th</sup> Street North. The minimum interior side yard in the R3 District for a single-family dwelling is 5 feet. The proposed attached garage would be located approximately 2 feet from the north property line and would therefore require a variance in this location.

### Compliance with Other R3 District Code Requirements

Requirement	Allowed	Proposed
Minimum Lot Area	5,000 square feet	6,115 square feet
Minimum Lot Width	40 feet	37 feet <sup>1</sup>
Maximum Building Height <sup>2</sup>	30 feet	23 feet 11 inches
Maximum Lot Coverage	50%	17%
Maximum Impervious Surface	65%	25%
Minimum Front Yard	23 feet established setback for dwelling	20 feet to the open front porch
Minimum Interior Side Yard (North)	5 feet for dwelling	2 feet
Minimum Interior Side Yard (South)	5 feet for dwelling	5 feet
Minimum Rear Yard	5 feet for dwelling	70 feet

The applicant will need to obtain all necessary approvals and permits prior to construction. In addition to the requested variances, the applicant will also need to obtain zoning approvals for an administrative site plan review required by Chapter 530 Site Plan Review in the zoning code. Upon review of the application, it was determined that the dwelling qualified for 16 of the possible 24 points available for the site plan review. A minimum of 15 is required. The 16 points were awarded for a full basement, quality exterior materials, at least 10 percent windows on each floor facing an interior or rear property line, a 6/12 roof pitch, an open covered front porch, and a deciduous tree in the front yard.

Staff has not received any correspondence from the Harrison Neighborhood Council. Staff will forward comments, if any are received, to the Board of Adjustment at the public hearing.

<sup>1</sup> Per 531.100 a single-family dwelling shall be permitted on a lot of record notwithstanding any other provision to the contrary, in the R1 through R4 Districts and OR1 District.

<sup>2</sup> As defined in section 520.160 of the zoning code, height is the vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs.

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

**VARIANCE** to reduce the minimum front yard setback along 6<sup>th</sup> Street North from approximately 23 feet to 20 feet to allow for a new open front porch

- 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 variance is requested are unique to the parcel of land due to the location of the adjacent structures on the neighboring properties. These circumstances have not been created by the applicant. The minimum required front yard setback in the R3 District is 20 feet and the applicant is proposing to locate the open front porch 20 feet from the front property line. The proposed building wall of the single-family dwelling is located behind the setback line and would be conforming; the incorporation of an open porch that extends to 10 feet 3 inches instead of 8 feet in depth and is located in the required front yard requires a variance.

- 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 applicant is seeking a variance to reduce the required front yard setback from 23 feet to 20 feet for a new open front porch. Approximately 5 square feet of the proposed open front porch will be located in the required front yard, established by connecting the closest corners of the adjacent structures. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The adjacent structure to the north is located approximately 12 feet to the open front porch from the closest corner to their enclosed front porch. Staff believes that the applicant is proposing to use the property in a reasonable manner.

- 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 these variances would not negatively alter the essential character of the area. Many of the dwellings in the surrounding area have porches, both open and enclosed. In 2009, the City of Minneapolis adopted a text amendment to require specific design guidelines for open front porches. The zoning code requires that an open front porch not be enclosed with windows, screens or walls, but may include handrails not more than three (3) feet in height and not more than 50 percent opaque. Further, the finish of the porch shall match the finish of the dwelling or the trim on the dwelling and not be raw or unfinished lumber.

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If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building codes.

**VARIANCE** to reduce the minimum north interior side yard setback from 5 feet to approximately 2 feet to allow for the new structure

- 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.**

While staff recognizes that the lot width is a unique circumstance of the property, we do not believe that it contributes to a practical difficulty in complying with the ordinance. The applicant is requesting a variance to reduce the north interior side yard setback from 5 feet to 2 feet to allow for the new construction of a single-family dwelling. The proposed attached garage would be located 2 feet from the north property line and the remainder of the dwelling would be setback at least 8 feet from the north property line. The applicant states that the variance is required due to the lack of alley access and the substandard lot width and the minimum required width of a dwelling. The minimum width of a dwelling is 22 feet. The minimum interior side yard setback in the R3 District is 5 feet. A driveway is a permitted obstruction up to the property line and must have a minimum width of 10 feet. Based on these requirements, a 22 foot wide house with a 5 foot interior side yard setback on one side and a 10 foot driveway and setback on the other could be constructed on the lot without the need of a variance.

- 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 applicant is seeking a variance to reduce the required north interior side yard setback from 5 feet to approximately 2 feet to allow for the new construction of a single-family dwelling. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The applicant states that the adjacent home to the north is setback 8.1 feet from the shared interior property line, which would provide 10 feet between the adjacent dwelling to the north and the proposed structure. The property owner to the north has development rights that would allow for a structure to be built 5 feet from the shared interior property line and additional obstructions as listed in Table 535-1 Permitted Obstructions, in the zoning code, including fencing that would prohibit access to the north wall of the proposed structure for routine maintenance. Staff believes that the applicant has reasonable use of the property while maintaining the minimum required interior side yards.

- 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.**

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Staff believes that the granting of this variance may alter the essential character of the locality and be injurious to the use or enjoyment of other property in the vicinity. The proposed structure would have a blank wall, 25 feet 8 inches in length, 2 feet from the shared interior property line. Staff has concerns with the proposed location of the dwelling only 2 feet from the north property line and believes that there is an increased danger of fire and detriment to the public welfare and 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** the variance to reduce the front yard setback along 6<sup>th</sup> Street North from approximately 23 feet to 20 feet to allow for an open front porch accessory to a new single-family dwelling located at 3016 6<sup>th</sup> Street North in the R3 Multiple Family District, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by June 28, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. 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.

**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 **deny** the variance to reduce the north interior side yard setback from 5 feet to approximately 2 feet to allow for the construction of a new single-family dwelling located at 3016 6<sup>th</sup> Street North in the R3 Multiple Family District.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. May 29, 2012, letters to Council Member Hofstede and Harrison Neighborhood Council
3. Zoning map
4. Survey
5. Site plan
6. Floor plans
7. Elevations
8. Photos of the site and surrounding area

