

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5687

Date: September 13, 2012

Applicant: The Lander Group, Michael Lander

Address of Property: 3824 Grand Avenue South

Contact Person and Phone: Alex Gese, (347) 645-7391

Planning Staff and Phone: Jacob Steen, (612) 673-2264

Date Application Deemed Complete: August 13, 2012

End of 60-Day Decision Period: October 11, 2012

Ward: 8 Neighborhood Organization: Kingfield Neighborhood Association

Existing Zoning: R5 Multiple Family District

Proposed Use: New four-family dwelling with an enclosed front porch with a roof-top deck.

Variance: to reduce the required front-yard setback, along Grand Avenue South, from twenty-four (24) feet, seven (7) inches to twenty (20) feet to permit an enclosed front porch and a roof-top deck for a proposed four-family dwelling located at 3824 Grand Avenue South in the R5 Multiple-Family District.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically 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 5,240 square feet in size. The property is currently vacant with single-family homes on either side. The single-family dwelling to the north of the subject property is set back twenty-one (21) feet and six (6) inches from the front property line. The single-family dwelling to the south of the subject property is set back twenty-six (26) feet and nine and a half (9 1/2) inches from the front property line. As a result, the established front-yard setback for the subject property is twenty-four (24) feet and seven (7) inches. The district setback for a multiple-family dwelling in the R5 Multiple Family District would otherwise be fifteen (15) feet from the front property line.

The front porch will be a two-story open-air porch with a roof top deck on the third floor, which is not a permitted obstruction under Minneapolis Code of Ordinances Table 535-1. Pursuant to the permitted obstructions table, an open porch shall not be enclosed with windows, screens, or walls, but may include handrails not more than three (3) feet in height. Furthermore, decks in the required front yard cannot exceed fifty (50) square feet in area.

Staff has received correspondence from the Kingfield Neighborhood Association supporting the variance application.

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

VARIANCE: to reduce the required front-yard setback, along Grand Avenue South, from twenty-four (24) feet, seven (7) inches to twenty (20) feet to permit an enclosed front porch and a roof-top deck for a proposed four-family dwelling located at 3824 Grand Avenue South in the R5 Multiple-Family District.

- 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.**

Staff recognizes that the established front yard setback is substantially larger than the district setback for a four-family dwelling in the R5 Multiple Family District. The single-family structures to the north and south are set back twenty-one (21) feet and six (6) inches, and twenty-six (26) feet and nine and a half (9 1/2) inches respectively. Both structures were constructed further from the street than the district setback of fifteen (15) feet. The applicant is requesting a variance to reduce the established setback from twenty-four (24) feet and seven (7) inches to twenty (20) feet. Staff acknowledges that the established setback is considerably more restrictive than the district setback. However, Staff has concerns that, if constructed at twenty (20) feet from the front property line, the structure will project further towards the front property line than either of the adjacent structures. Therefore, Staff recommends that the front yard setback be reduced to the equivalent of the structure to the north, which is twenty-one (21) feet and six (6) inches.

- 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 twenty-four (24) feet, seven (7) inches to twenty (20) feet to permit an enclosed front porch and a roof-top deck for a proposed four-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. Staff has concerns with locating the proposed structure closer to the street than either of the adjacent one and a half story structures, particularly in light of the fact that the proposed structure is three stories tall and that the front porch and roof top deck will be over twenty-five feet tall at the front building wall. Staff believes that the applicant has reasonable use of the property while maintaining a minimum front yard setback of twenty-one (21) feet and six (6) inches.

- 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 other properties on the street include a mix of buildings, most of which are two-story apartment buildings or one and a half story single-family homes. Staff believes that granting the requested variance from twenty-four (24) feet, seven (7) inches to twenty (20) feet may alter the essential character of the locality and be injurious to the use or enjoyment of other property in the vicinity. The proposed three-story flat-roof structure will be taller than either of the adjacent one and a half story structures. The front porch and roof top deck will be over twenty-five (25) feet tall at the front building wall. Staff is concerned about the massing of the structure closer to the street than either of

the adjacent structures and the likelihood that it will break up the visual continuity of the streetscape. Staff believes that to mitigate the effects of the massing of the structure, maintaining a front yard setback of twenty-one (21) feet and six (6) inches, equal to the setback of the structure to the north, will not alter the essential character or be injurious to the use or enjoyment of other property in the vicinity. Staff does not believe that the proposed variance will be detrimental to the health, safety or welfare of the general public or 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 **deny** the variance to reduce the required front-yard setback, along Grand Avenue South, from twenty-four (24) feet, seven (7) inches to twenty (20) feet to permit an enclosed front porch and a roof-top deck, and in lieu thereof, **approve** the variance to reduce the required front-yard setback, along Grand Avenue South, from twenty-four (24) feet, seven (7) inches to twenty-one (21) feet and six (6) inches to permit an enclosed front porch and a roof-top deck for a proposed four-family dwelling located at 3824 Grand Avenue South in the R5 Multiple-Family District, subject to the following conditions of approval:

1. Approval of the application for Administrative Site Plan Review for Single and Two Family Dwellings and Multiple Family Dwellings Having 3 or 4 Dwelling Units by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by September 13, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions of findings submitted by the applicant
2. Zoning map
3. Survey/site plan
4. Floor plans
5. Building elevations
6. Photos
7. Correspondence