

Department of Community Planning and Economic Development – Planning Division
Variances
BZZ-5712

Date: September 27, 2012

Applicant: Heidi and Kevin Clarity

Address of Property: 4008 Beard Avenue South

Contact Person and Phone: Heidi and Kevin Clarity, (612) 920-4053

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

Date Application Deemed Complete: August 8, 2012

End of 60-Day Decision Period: October 7, 2012

End of 120-Day Decision Period: December 6, 2012 *(Staff sent the extension letter on August 31, 2012)*

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

Existing Zoning: R1A Single-Family District

Proposed Use: Open front porch accessory to an existing single-family dwelling

Concurrent Review:

- Variance to reduce the required front yard setback along Beard Avenue South from approximately 31 feet to 27 feet to allow for an open front porch.
- Variance to reduce the minimum north interior side yard setback from 5 feet to approximately 3 feet to allow for a new open front porch.
- Variance to increase the maximum width of stairs from 6 feet to 7 feet 6 inches located in the required front yard setback.

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: This application was continued from the September 13, 2012, Board of Adjustment public hearing to allow for a revised notice to be sent out regarding an additional variance to reduce the required front yard setback along Beard Avenue South.

The subject property is approximately 50 feet by 131.5 feet (6,574 square feet) and is an interior lot with an existing single-family dwelling and detached garage. The single-family dwelling was permitted for construction in 1937. The principal entrance of the existing dwelling faces the north interior property line and opens out to a covered stoop. The applicant is proposing to remove the existing covered stoop and construct a new open front porch. The zoning code authorizes an open front porch as a permitted obstruction in the required front and interior side yard setbacks, if (1) the open front porch does not

project more than six feet into the required front yard setback, (2) the total depth of the porch does not exceed eight feet and (3) the porch may extend the width of the dwelling, provided it shall not be closer than three feet to the interior side property line. In this case, the proposed porch meets two of the three conditions to be a permitted obstruction in the required front and interior side yard setbacks. Due to the location of the principal entrance, the porch will be 12 feet in depth for the portion immediately adjacent to the recessed portion of the house. Because the porch exceeds eight feet in depth at any point, it is not able to be considered to be a permitted obstruction and must adhere to the minimum front and interior side yards. Therefore, the applicant is requesting a variance to reduce the required front yard along Beard Avenue South from approximately 31 feet to 27 feet and a variance to reduce the required north interior side yard setback from 5 feet to 3 feet to allow for an open front porch.

The existing stairs that connect the covered stoop to the walkway are located in the required front yard. The stairs are approximately 7 feet 6 inches in width, which is consistent with the recessed portion of the dwelling. The applicants are proposing to remove the existing covered stoop to provide a new open front porch and allow for the stairs to be the same width, 7 feet 6 inches. The maximum width of stairs located in the required front yard is 6 feet. Therefore, the applicants are requesting a variance to increase the maximum width of stairs located in the required front yard from 6 feet to 7 feet 6 inches.

Staff has received a letter from the Linden Hills Neighborhood Council regarding the requested variances. Staff will forward additional comments, if any are received, at the Zoning Board of Adjustment public hearing.

VARIANCES: (1) To reduce the required front yard setback along Beard Avenue South from approximately 31 feet to 27 feet to allow for an open front porch (2) To reduce the minimum north interior side yard setback from 5 feet to approximately 3 feet to allow for a new open front porch and (3) to increase the maximum width of stairs from 6 feet to 7 feet 6 inches located in the required front yard setback.

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.**

Porch variances: The circumstances upon which the variances are requested are unique to the parcel of land due to the location and layout of the existing dwelling. These circumstances have not been created by the applicant. The applicants have an existing covered stoop that is 8 feet by 5.5 feet. The applicants are proposing to construct a new open front porch that will be 6 feet in depth at the front of the structure and 11.5 feet deep at the recessed portion on the front of the dwelling. The proposed porch would be allowed as a permitted obstruction in both the front and interior side yard setbacks, if the porch was not greater than 8 feet deep at any point. However, the existing door is recessed 5.5 feet from the front of the façade so to design a porch that is useable a portion of it needs to be 11.5 feet deep. Finally, the setback along the north property line of the existing dwelling is 3 feet. An addition to the structure would be allowed 3 feet from the interior side property line, however, the open front porch cannot. These circumstances have not been created by the applicant.

Stair variance: Practical difficulties do not exist in complying with the ordinance because of circumstances unique to the property. The applicants have stated that the existing stairs on the front porch are 7 feet 6 inches wide, which is consistent with the width of the recessed portion of the

dwelling. The applicants would like to maintain the same width of the existing stairs to maintain the same design as what was there originally. The zoning code allows for stairs in the required front yard as long as they do not exceed 6 feet in width. Staff does not find that unique circumstances exist in this case to allow for stairs wider than 6 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.**

Porch variances: The applicants are proposing to construct a new open front porch that will be 6 feet in depth at the front of the structure and 11.5 feet deep at the recessed portion on the front of the dwelling. The proposed porch would be allowed as a permitted obstruction in both the front and interior side yard setbacks, if the porch was not greater than 8 feet deep at any point. However, the existing door is recessed 5.5 feet from the front of the façade so to design a porch that is useable a portion of it needs to be 11.5 feet deep. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The applicant is proposing to use the property in a reasonable manner.

Stair variance: The applicants are requesting a variance to allow for stairs, 7 feet 6 inches wide, in the required front yard. The applicants have stated that the existing stairs on the front porch are 7 feet 6 inches wide, which is consistent with the width of the recessed portion of the dwelling. The zoning code allows for stairs in the required front yard as long as they do not exceed 6 feet in width. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. Staff finds that a 6 foot wide stair would allow for a reasonable use of the property.

- 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.**

Porch variances: Granting of these variances would not negatively alter the essential character of the area. Many of the dwellings in the area have porches, both open and enclosed, in the surrounding area. 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 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.

If granted, the proposed variances 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. The proposed porch and stairs will be required to receive a building permit prior to construction.

Stair variance: Granting of this variance would not negatively alter the essential character of the area or be injurious to the use or enjoyment of others in the vicinity. The request to have a wider stair is to maintain the character of the existing stair and to reflect the recessed portion of the dwelling.

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. The proposed porch and stairs will be required to receive a building permit prior to construction.

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 Zoning Board of Adjustment adopt the above findings and **approve** the variance to reduce the required front yard setback along Beard Avenue South from approximately 31 feet to 27 feet to allow for an open front porch for the property located at 4008 Beard Avenue South in the R1A Single-Family District, subject to the following conditions of approval:

1. The handrails shall not exceed 3 feet in height or be more than 50 percent opaque.
2. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling.
3. Raw or unfinished lumber shall not be permitted on an open front 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 Zoning Board of Adjustment adopt the above findings and **approve** the variance to reduce the minimum north interior side yard setback from 5 feet to approximately 3 feet to allow for a new open front porch for the property located at 4008 Beard Avenue South in the R1A Single-Family District, subject to the following conditions of approval:

1. The handrails shall not exceed 3 feet in height or be more than 50 percent opaque.
2. The finish of the porch shall match the finish of the dwelling or the trim on the dwelling.
3. Raw or unfinished lumber shall not be permitted on an open front 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 Zoning Board of Adjustment adopt the above findings and **deny** the variance to increase the maximum width of stairs from 6 feet to 7 feet 6 inches located in the required front yard setback for the property located at 4008 Beard Avenue South in the R1A Single-Family District.

Attachments:

1. Written descriptions of findings submitted by the applicant
2. Copies of e-mails and letters sent to Council Member Betsy Hodges and the Linden Hills Neighborhood Council
3. Correspondence
4. Zoning map

CPED - Planning Division Report
BZZ-5712

5. Site plans
6. Roof plan
7. Building elevation with proposed porch
8. Photos