

Department of Community Planning and Economic Development
Variances
BZZ 5963

Date: March 21, 2013

Applicant: Jack Wussler

Address of Property: 5360 Shoreview Avenue

Contact Person and Phone: Jack Wussler, (651) 721-8533

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

Date Application Deemed Complete: February 25, 2013

End of 60-Day Decision Period: April 26, 2013

Ward: 12 **Neighborhood Organization:** Nokomis East Neighborhood Association

Existing Zoning: R1 Single-Family District

Existing Overlay District: SH Shoreland Overlay District and AP Airport Overlay District

Zoning Plate Number: 39

Proposed Use: Second story addition with cantilever and open front porch to an existing single-family dwelling

Concurrent Review:

- Variance to reduce the front yard setback along Shoreview Avenue established by connecting a line between the two adjacent neighbors from approximately 38 feet to approximately 34 feet to allow for a second story addition and cantilever to an existing single-family dwelling.
- Variance to reduce the front yard setback along Shoreview Avenue established by connecting a line between the two adjacent neighbors from approximately 38 feet to approximately 30 feet to allow for an open front porch to an existing single-family dwelling.

Zoning code section authorizing the requested variance: 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 40 feet by 130 feet (5,200 square feet) and consists of an existing one and a half story dwelling and detached garage constructed in 1946 and 1947, respectively. The existing dwelling is located approximately 34.4 feet from the front property line. The applicant is proposing to remove the existing half-story to add a full second story addition that will cantilever 4 feet by 12 feet on the front of the structure over the first floor. The proposed dwelling would

be increased from a one and a half story dwelling to a two and a half story dwelling and would be located 34 feet from the front property line. The adjacent structure to the southwest is located approximately 38 feet from the front property line and the adjacent structure to the northeast is setback 34.5 feet. The minimum front yard setback in the R1 District is 25 feet. However, the required front yard shall be increased where the established front yard of the closest principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard required by the zoning district. In this case, the front yard setback is increased to approximately 38 feet based on the location of the adjacent structures. Approximately 80 square feet of the proposed second floor addition is located closer than 38 feet to the front property line. Therefore, the applicant is seeking a variance to reduce the required front yard setback from 38 feet to approximately 34 feet to allow for the proposed addition with cantilever.

A new open front porch, also 8 feet by 12 feet, will be located below the cantilever. An 8-foot deep open front porch is a permitted obstruction in the required front yard as long as the porch does not project more than 6 feet into the required yard. The proposed porch projects 8 feet into the required front yard setback of 38 feet, based on the location of the adjacent dwelling to the southwest. Therefore, the applicant has requested a variance to reduce the front yard setback along Shoreview Avenue established by connecting a line between the two adjacent neighbors from approximately 38 feet to approximately 30 feet to allow for an open front porch to an existing single-family dwelling.

As of writing this staff report, staff has not received any correspondence from the Nokomis East Neighborhood Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the front yard setback along Shoreview Avenue established by connecting a line between the two adjacent neighbors from approximately 38 feet to approximately 34 feet to allow for a second story addition and cantilever and from 38 feet to 30 feet for an open front porch to an existing single-family dwelling

- 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.**

Addition: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the adjacent neighbor's house. The minimum front yard setback in the R1 District is 25 feet, but has been increased to 38 feet due to the location of the adjacent neighbor to the southwest. Their existing dwelling is setback further in relationship to the block face, because the property is located along the curvilinear portion of Shoreview Avenue. The applicant is proposing to remove the existing half-story and add a full second-story and cantilever above the existing first floor of the existing single family dwelling. Approximately 80 square feet of the proposed second floor addition is located closer than 38 feet from the front

property line. Staff finds that these circumstances have created practical difficulties in complying with the ordinance.

Open front porch: The circumstances upon which the setback variance is requested are not unique to the parcel of land and have been created by the applicant. The minimum front yard setback has been increased to 38 feet due to the location of the adjacent neighbor to the southwest. The applicant is proposing to add an open front porch that is 8 feet by 12 feet under the proposed cantilevered addition. An 8-foot deep open front porch is a permitted obstruction in the required front yard as long as the porch does not project more than 6 feet into the required yard.

- 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.**

Addition: The applicant is seeking a variance to reduce the front yard setback established by the adjacent residential structures along Shoreview Avenue from approximately 38 feet to 34 feet in order to allow for the construction of an additional story, including cantilever, over the existing first floor of an existing 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. Approximately 80 square feet of the proposed second floor addition is located closer than 38 feet to the front property line. The existing dwelling with proposed addition will be in line with the majority of the homes on the block face along Shoreview Avenue. The adjacent dwelling to the southwest is setback further from the front property line due to the curvilinear portion of Shoreview Avenue. Staff finds that the applicant is proposing to use the property in a reasonable manner.

Porch: The minimum front yard setback in the R1 District is 25 feet, but has been increased to 38 feet due to the location of the adjacent neighbor to the southwest. The adjacent dwelling to the southwest is setback further in relationship to the block face, because the property is located along the curvilinear portion of Shoreview Avenue. The applicant is proposing to add an open front porch that is 8 feet by 12 feet under the proposed cantilevered addition. An 8-foot deep open front porch is a permitted obstruction in the required front yard as long as the porch does not project more than 6 feet into the required yard. Staff finds that the applicant has reasonable alternatives that would not require this variance and that the porch, as proposed, would not be in keeping with the intent of the ordinance.

- 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.**

Addition: Staff finds that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant is proposing to increase the height of the house from one and a half stories to two and a half stories. Approximately 80 square feet of the proposed second floor addition is located closer than 38 feet

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from the front property line, but will be in line with the majority of the block face along Shoreview Avenue. The proposed materials of the addition are composite shakes to match the existing dwelling. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety.

Porch: Granting of these variances may negatively alter the essential character of the area. The architecture of the area is post-WWII construction and none of the dwellings in the area have open porches. Further, staff has concerns that the front porch, projecting 8 feet into the front yard would negatively impact the adjacent neighbor to the south. 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.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

Staff finds that the proposed project will prevent soil erosion and other possible pollution during and after construction. The applicant has demonstrated that the necessary precautions will be taken during construction. There will be minimal disturbance of the soil to allow for four new footings to support the porch and the proposed project will not be located on the steep slope. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Nokomis.

2. Limiting the visibility of structures and other development from protected waters.

The proposed structure will be two and half stories and approximately 21 feet in height and consistent with the appearance of the existing structure.

3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.

The subject property does not have direct access to Lake Nokomis. Therefore, the proposed additions will not impact watercraft usage on Lake Nokomis.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the front yard setback along Shoreview Avenue established by connecting a line between the two adjacent neighbors from approximately 38 feet to approximately 34 feet to allow for a second story addition and cantilever to an existing single-family dwelling located at 5360 Shoreview Avenue in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions of approval:

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1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 21, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and deny the variance to reduce the front yard setback along Shoreview Avenue established by connecting a line between the two adjacent neighbors from approximately 38 feet to 30 feet to allow for an open front porch to an existing single-family dwelling located at 5360 Shoreview Avenue in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Colvin-Roy and Nokomis East Neighborhood Association
3. Zoning map
4. Survey/site plan
5. Building elevations
6. Floor plans
7. Photos