

Department of Community Planning and Economic Development
Variance
BZZ 5931

Date: March 21, 2013

Applicant: Marissa Rosenblum and David Upin

Address of Property: 1785 Logan Avenue South

Contact Person and Phone: David Upin, (612) 354-3543

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

Date Application Deemed Complete: February 7, 2013

End of 60-Day Decision Period: April 8, 2013

Ward: 7 Neighborhood Organization: Lowry Hill Neighborhood Association, adjacent to Kenwood Isles Area Association

Existing Zoning: R2 Two-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 18

Proposed Use: Paver patio accessory to an existing single-family dwelling

Variance: to reduce the front yard setback along Logan Avenue South established by the adjacent neighbor to the north from 26.8 feet to approximately 21 feet to allow for the construction of an expanded ground level patio at the front of 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 75 feet by 135 feet (10,125 square feet) and contains an existing single-family dwelling and attached accessory structure. The dwelling and attached garage were permitted for construction in 1911 and 2012, respectively. The applicant received land use approvals in 2012, for a variance to reduce the north interior side yard and rear yard setbacks to add an attached garage addition, approximately 21 feet by 19 feet, connecting the detached garage to the dwelling.

In addition to attached garage addition to the home last summer, the property owners completed a project to disconnect the roof drains from the city sanitary sewer. Upon completion of the rainleader

disconnection project, the property owners added a paver patio to the existing landscaped terrace at the front of the structure to help direct the stormwater to the landscaped portions of the property. The paver patio is approximately 12 feet wide and 20 feet deep and includes the walkway surface connecting the front of the dwelling to the public sidewalk. The minimum front yard setback in the R2 Two-Family District is 20 feet. However, the front yard setback shall be increased when the adjacent structure is setback further. The adjacent structure to the north is setback 26.8 feet to the front property line. A ground level patio is a permitted obstruction in the required front yard as long as it does not project more than 5 feet into the setback and is 50 square feet or less in area. The paver patio extends 5.8 feet into the required front yard setback and is greater than 50 square feet in area; therefore, a variance is required to allow for the new paver patio, located 21 feet from the front property line.

As of writing this staff report, staff has not received any correspondence from the Lowry Hill 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 Logan Avenue South by connecting a line between the two adjacent neighbors from 26.8 feet to approximately 21 feet to allow for the construction of an expanded ground level patio at the front of 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.**

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 and the existing terrace area. The minimum front yard setback in the R2 District is 20 feet, but has been increased to 26.8 feet due to the location of the adjacent neighbor to the north. The applicant added a paver patio to an existing landscaped terrace at the front of the existing dwelling. The landscaped terrace appears to have existed at the property in this location since its construction in 1911. Staff finds that these circumstances have created practical difficulties in complying with the ordinance.

- 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 minimum front yard setback in the R2 District is 20 feet, but has been increased to 26.8 feet due to the location of the adjacent neighbor to the north. The existing dwelling to the north includes an enclosed front porch with a roof-top deck. The applicant added a paver patio to an existing landscaped terrace at the front of the existing dwelling. The landscaped terrace appears to have existed at the property in this location since its construction in 1911. Staff finds 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.**

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, and patios in the surrounding area. The applicant is proposing to add a paver patio to an existing landscaped terrace at the front of the existing dwelling. The landscaped terrace appears to have existed at the property in this location since its construction in 1911. If granted, the proposed variances will not be detrimental to the health, safety or welfare of the public or those utilizing the property.

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 Logan Avenue South established by the adjacent neighbor to the north from 26.8 feet to approximately 21 feet to allow for the construction of an expanded ground level patio at the front of an existing single-family dwelling located at 1785 Logan Avenue South in the R1 Single-Family District, SH Shoreland Overlay District and AP Airport Overlay District, subject to the following conditions of approval:

1. Approval of the final site 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.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Goodman and Lowry Hill Neighborhood Association
3. Zoning map
4. Survey
5. Site plan/landscaping plan
6. Photos