

**Department of Community Planning and Economic Development**  
Variance  
BZZ 6034

**Date:** May 23, 2013

**Applicant:** Mackey Malin Architects

**Address of Property:** 5021 Ewing Avenue South

**Contact Person and Phone:** Patrick Mackey, (612) 220-6190

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

**Date Application Deemed Complete:** April 29, 2013

**End of 60-Day Decision Period:** June 28, 2013

**Ward:** 13      **Neighborhood Organization:** Fulton Neighborhood Association

**Existing Zoning:** R1A Single-Family District

**Existing Overlay District:** Not applicable

**Zoning Plate Number:** 35

**Proposed Use:** New open front porch

**Variance:** to reduce the front yard setback along Ewing Avenue South from approximately 29 feet 2 inches to approximately 21 feet 4 inches to allow for a new open front porch on 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 50 feet by 127 feet (6,350 square feet) and the use of the property includes a single-family dwelling with detached garage. The single-family dwelling was permitted for construction in 1950 and the detached garage was constructed in 1953. The property owners received a building permit to construct a second-story addition with a 6-foot deep open front porch in March 2013 and construction is underway.

The applicants are now requesting to allow for a deeper open front porch, 8 feet 8 inches deep and 27 feet wide. The front yard setback in the R1A Single-Family District is 20 feet or the established, whichever is greater. The adjacent property to the north is zoned C2 Community Activity Center District and is a commercial building; however, the property the south is also zoned R1A and is setback

approximately 29 feet 2 inches from the front property line. Therefore, the minimum front yard setback is 29 feet 2 inches. The existing dwelling is approximately 30 feet 1 inch to the front property line. An open front porch is a permitted obstruction in the required front yard as long as they do not project more than 6 feet into the required yard. The proposed porch would project approximately 7 feet 10 inches beyond the established setback. Therefore, the applicants are seeking a variance to reduce the required front yard setback from approximately 29 feet 2 inches to approximately 21 feet 4 inches to allow for a new open front porch on an existing single-family dwelling.

Staff has not received correspondence from the East Harriet/Farmstead 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 Ewing Avenue South from approximately 29 feet 2 inches to approximately 21 feet 4 inches to allow for a new open front porch on 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 and use of the adjacent structures. The adjacent property to the north is a mixed-use building with retail uses and offices. There is a surface parking lot between the commercial building and the subject property. The adjacent structure to the south is located 29 feet 2 inches to the front property line and located almost 30 feet from the structure on the subject property. The existing structure was constructed in its present location in 1950 more than 5 feet further from the front property line than the minimum setback allowed in the R1A District. The applicant is proposing to add an open front porch to the dwelling. 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 applicant is seeking a variance to reduce the required front yard setback along Ewing Avenue South from approximately 29 feet 2 inches to approximately 21 feet 4 inches to allow for the proposed open front porch. 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 existing structure was built in 1950 in its present location, adjacent to commercial property to the north and approximately 30 feet from the structure to the south. 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. In 2009, the City of Minneapolis adopted a text amendment to require specific design standards for open front porches when they are allowed as a permitted obstruction or when they are used to obtain the minimum number of points necessary for compliance with the City site plan review standards for new residential structures. 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. Staff recommends that the proposed porch comply with these standards to mitigate impacts associated with extending into the front yard. The proposed open front porch will be compatible in materials to the existing structure. 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.

**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 minimum front yard setback along Ewing Avenue South from approximately 29 feet 2 inches to approximately 21 feet 4 inches to allow for a new open front porch on an existing single-family dwelling located at 5021 Ewing Avenue 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.
4. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
5. All site improvements shall be completed by May 23, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development Report  
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**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Hodges and East Harriet/Farmstead Neighborhood Association
3. Correspondence
4. Zoning map
5. Survey
6. Site Plan
7. Building elevations
8. Floor plans
9. Photos