

Department of Community Planning and Economic Development
Variance
BZZ 6049

Date: August 8, 2013

Applicant: Thomas Siwek

Address of Property: 2329 Marshall Street NE

Contact Person and Phone: Thomas Siwek, (612) 597-4194

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

Date Application Deemed Complete: July 2, 2013

End of 60-Day Decision Period: August 31, 2013

Ward: 3 Neighborhood Organization: Bottineau Neighborhood Association

Existing Zoning: R2B Two-Family District

Existing Overlay District: MR Mississippi River Critical Area Overlay District

Zoning Plate Number: 9

Proposed Use: New open front porch to an existing single-family dwelling

Variance: to reduce the required front yard setback along Marshall Street NE from the setback established by connecting a line between the two adjacent structures from approximately 45 feet to approximately 15 feet 8 inches to allow for a new 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 175 feet (7,000 square feet) and consists of an existing two and a half story dwelling constructed in 1889. The dwelling is located approximately 20 feet 8 inches from the front property line. The applicant recently constructed a new 5-foot deep open front porch to the front of the dwelling. The adjacent structure to the south is located approximately 62 feet from the front property line and the adjacent structure to the north is setback 17 feet 7 inches. The minimum front yard setback in the R2B Two-Family District is 20 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 45 feet based on the location of the adjacent structures. Therefore, the applicant is

seeking a variance to reduce the required front yard setback along Marshall Street NE from the setback established by connecting a line between the two adjacent structures from approximately 45 feet to approximately 15 feet 8 inches to allow for a new open front porch to an existing single-family dwelling.

Staff has received a letter of support from the Bottineau Neighborhood Association; a copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the required front yard setback along Marshall Street NE from the setback established by connecting a line between the two adjacent structures from approximately 45 feet to approximately 15 feet 8 inches to allow for a new 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.

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 R2B District is 20 feet, but has been increased to approximately 45 feet due to the location of the adjacent structure to the south. The two properties to the south have the greatest setback along the block and are out of character with the block face. The applicant added a 5 foot by 18 foot 6 inch open front porch to the front of the dwelling. An open front porch is a permitted obstruction in the required front yard, as long as it does not project more than 6 feet into the required yard. Based on the location of the adjacent dwelling to the south, any open front porch to the existing property would require a variance. 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 front yard setback established by the adjacent residential structures along Marshall Street NE from approximately 45 feet to 15 feet 8 inches to allow for a new open front porch to 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. The minimum front yard setback in the R2B District is 20 feet, but has been increased to approximately 45 feet due to the location of the adjacent structure to the south. The two properties to the south have the greatest setback along the block and are out of character with the block face. The adjacent property to the south is setback 62 feet from the front property line and is located over 50 feet from the new open front porch. 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, although it has already been constructed.

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. The subject property does not have a steep slope and is not located in the SH Shoreland Overlay District. The project has been completed and there have been no reported issues regarding soil erosion. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the Mississippi River.

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

The new open front porch is subordinate in height to the existing dwelling 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 the Mississippi River. Therefore, the proposed additions will not impact watercraft usage on the river.

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 required front yard setback along Marshall Street NE from the setback established by connecting a line between the two adjacent structures from approximately 45 feet to approximately 15 feet 8 inches to allow for a new open front porch to an existing single-family dwelling located at 2329 Marshall Street NE in the R2B Two-Family

Department of Community Planning and Economic Development Report
BZZ 6049

District and MR Mississippi River Critical Area Overlay 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 August 8, 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 Hofstede and Bottineau Neighborhood Association
3. Zoning map
4. Survey
5. Photos