

**Department of Community Planning and Economic Development – Planning Division**

Variance Request  
BZZ-2514

**Date:** August 18, 2005

**Applicant:** Jeanne Milbrath

**Address of Property:** 1322 Summit Avenue

**Contact Person and Phone:** Taunya Nelson or Chris Koch, Vujovich, (612) 338-2020

**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887

**Date Application Deemed Complete:** July 22, 2005

**End of 60 Day Decision Period:** September 20, 2005

**Appeal Period Expiration:** August 29, 2005

**Ward:** 7      **Neighborhood Organization:** Lowry Hill Residents, Inc.

**Existing Zoning:** R1A Single-family Residential District

**Proposed Use:** A front porch addition to an existing single-family dwelling.

**Proposed Variance:** A variance to reduce the required front yard setback along Summit Avenue from 20 ft. to 16 ft. to allow for an enclosed porch at 1322 Summit Avenue in the R1A Single-family Residential District.

**Zoning code section authorizing the requested variance:** 525.520 (1)

**Background:** The subject property is approximately 67 ft. by 100 ft. (6,700 sq. ft.) and consists of an existing single-family dwelling with an attached garage. The property is a reverse corner lot, located on the corner of Girard Avenue South and Summit Avenue. The applicant is proposing to enclose and existing open porch. The porch will have screens only. The applicant will not be altering the existing wall of the dwelling. The applicant is requesting a variance to reduce the required front yard setback along Summit Avenue from 20 ft. to 16 ft. The enclosed would be in the location of an existing open porch approximately 6 ft. from the east interior side property line. The existing porch is 5 ft. 10 in. deep. A portion of the existing dwelling is located 18 ft. from the front property line and the adjacent dwelling is setback 19 ft. from the front property line.

The applicant has received a building permit to reconstruct the sidewalk, stairs, and open porch. The permit also states that to enclose the porch would require a variance, no work was to be done in regards to the enclosure of the porch.

**Findings Required by the Minneapolis Zoning Code:**

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback:** The applicant is seeking a variance to reduce the required front yard setback along Summit Avenue from 20 ft. to 16 ft. to allow for the construction of an enclosed porch to the front of an existing single-family dwelling. The existing single-family dwelling is located in the required front yard setback. Strict adherence to the regulations would not allow for the proposed porch conversion to the existing single-family dwelling in the required front yard. A porch addition to a single-family dwelling is a reasonable use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback:** The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing dwellings. As previously mentioned, the subject property is a reverse corner lot. The subject property and the adjacent property both have frontage on Summit Avenue, the majority of the houses have frontage along Girard Avenue South and Fremont Avenue South. Both the subject dwelling and the adjacent dwelling are located less than the 20 ft. required by the district. This is a circumstance that is unique to this parcel and not created by the applicant. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** Staff believes the addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. The dwelling located on the corner of Fremont Avenue South and Summit Avenue is located approximately 9 ft. from the from the property line along Summit Avenue. The proposed addition will maintain 6 ft. to the east interior side property line, the same as the existing dwelling. Staff believes that the proposed enclosed porch will not be injurious to the use or enjoyment of other property in the vicinity because it is located under the same roof as the existing open porch and would project no more than 3 ft. in front of the adjacent dwelling. Staff believes the addition meets the intent of the ordinance, by allowing an addition that meets the other requirements of the district and that is characteristic of the dwelling. Additionally, the inclusion of landscaping will help reduce the impact on the adjacent structure.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback:** Granting the front and side yard setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety.

**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 Board of Adjustment adopt the findings above and **approve** the variance to reduce the required front yard setback along Summit Avenue from 20 ft. to 16 ft. to allow for an enclosed porch at 1322 Summit Avenue in the R1A Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the applicant install landscaping to reduce the impact of the porch on the neighbor.