

Department of Community Planning and Economic Development – Planning Division Report**Variance Request
BZZ-2523****Date:** August 18, 2005**Applicant:** Donna Stephenson**Address of Property:** 5340 York Avenue South**Date Application Deemed Complete:** July 27, 2005**End of 60 Day Decision Period:** September 25, 2005**Appeal Period Expiration:** August 29, 2005**Contact Person and Phone:** Janet Lederle, 612-339-5093**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Ward:** 13 **Neighborhood Organization:** Fulton Neighborhood Association**Existing Zoning:** R1A District Single-family District and SH Shoreland Overlay District**Proposed Use:** Expansion of an enclosed porch to a single-family dwelling

Proposed Variance: A variance to reduce the front yard setback from the established setback created by the two adjacent residential structures to 34 ft. to allow for an expansion of an enclosed screen porch for a property located at 5340 York Avenue South in the R1A Single-family District and the SH Shoreland Overlay District.

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

Background: The subject site is approximately 5,120 sq. ft. and consists of a one and a half-story, single-family dwelling and detached garage. The applicant is proposing to expand an enclosed screen porch in the front of the dwelling by increasing the length, but not the depth of the porch. The existing porch measures 7 ft. 8 in. by 13 ft. and the proposed porch will measure 7 ft. 8 in. by 29 ft. The existing porch is setback 34 ft. 4 in. from the front property line. The rest of the structure is setback 42 ft. from the front property line, which is also the setback of the two adjacent residential structures. Neither of the adjacent residential structures have a porch similar to the subject dwelling. The applicant is also applying for a building permit for a dormer addition to the half story, which does not require a variance.

The subject site is located in the SH Shoreland Overlay District because it is within 300 ft. of Minnehaha Creek and is one property north of the parkland that surrounds Minnehaha Creek. It is not

located on a steep slope or within 40 ft. of a steep slope. The subject dwelling and adjacent properties are located on similar elevations that are approximately 6 ft. to 8 ft. above the street.

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.**

The applicant is seeking a variance to reduce the front yard setback from the setback established by the two adjacent residential uses to 34 ft. to allow for the expansion of an enclosed porch. The applicant states that the porch was built the same year the house was built and the size of the existing porch is small and of limited use. The applicant also states that the porch will not project any closer into the front yard. Strict adherence to the code prevents an enclosed porch to be enlarged in the required front yard. Staff believes that enclosed porch that meets the setbacks established is reasonable.

- 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.**

The conditions upon which the variance is requested are not unique to the parcel. The applicant states that the subject porch is an existing porch, one which the applicant did not build and that many dwellings along the west side of the block have extended porches similar to the subject property. However, the two adjacent dwellings do create a setback that is greater than the district setback of 25 ft. This circumstance is not unique to this property, as many properties in the City with views or sightlines to natural features such as Minnehaha Creek, have increase front yard setbacks. The circumstances on which the accessory structure is being requested have been 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.**

Granting the variance will alter the essential character of the surrounding area and will not be keeping with the spirit and intent of the ordinance. The dwellings on this block are at an elevated location in comparison to the street and however, the proposed addition may block sightlines or views of Minnehaha Creek. The proposed addition will have screens and will be a very open design and the door will remain in a similar location. While the proposed addition will be in line with the some of the dwellings on this block and be keeping with the character of the other dwellings in the area, the porch expansion will add more building that is in the established front yard setback.

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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.**

Granting the variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed structure 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 **deny** a variance to reduce the front yard setback from the established setback created by the two adjacent residential structures to 34 ft. to allow for an expansion of an enclosed screen porch for a property located at 5340 York Avenue South in the R1A Single-family District and the SH Shoreland Overlay District.