

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2556**

Date: September 1, 2005

Applicant: Scott Johnston and Brigitt Orfield

Address of Property: 417 Tarrymore Avenue

Contact Person and Phone: Scott Johnston and Brigitt Orfield, (612) 827-2918

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

Date Application Deemed Complete: August 10, 2005

End of 60 Day Decision Period: October 9, 2005

Appeal Period Expiration: September 12, 2005

Ward: 11 **Neighborhood Organization:** Hale, Page, Diamond Community Association

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 front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Tarrymore Avenue from 47 ft. to 42 ft. to allow for the construction of an open front porch addition to an existing single-family dwelling located at 417 Tarrymore Avenue in the R1 Single-family Residential District.

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

Background: The subject property is approximately 66 ft. by 135 ft. and consists of an existing single-family dwelling and a detached garage. The subject lot is located on a curvilinear street next to Minneahaha Parkway. The existing dwelling has a solid brick front with a front facing door.

The applicant submitted plans with measurements of 57 ft. from the street side of the sidewalk to the of the dwelling. The street ordinance states there is a 3.5 ft. boulevard next to the street, a 4 ft. sidewalk, and 2 ft. interior boulevard. The front setback is measured from the front property line, which is 2 ft. behind the sidewalk, making the existing setback 51 ft. from the front property line. Staff used this information to determine that the setback reduction requested would be from 51 ft. 10 in. to 42 ft. The adjacent dwelling to the west is located 2 ft. further from Tarrymore Avenue than the subject dwelling, with a setback of 34 ft. The adjacent dwelling to the east is located 17 ft. closer to Tarrymore Avenue than the subject dwelling, with a setback of 53 ft.

The applicant is proposing to construct an 8.5 ft. open front porch addition to an existing single-family dwelling. The proposed porch would run the width of the subject dwelling and would project 4 ft. into the required front yard on the west side of the property. The applicant would be allowed to construct a 6 ft. deep open porch without a variance.

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 established front yard from 47 ft. to 42 ft. to allow for the construction of an open front porch addition to an existing single-family dwelling. Due to the location of the dwellings, strict adherence to the regulations would not allow for the proposed open porch addition to the existing single-family dwelling in the required front yard. The property has a front facing door and would not be allowed to construct a porch that is deeper than or projects more than 6 ft. from the dwelling. The proposed open porch projects 8.5 ft. from the front façade of the dwelling. Given the fact that the proposed porch would still provide a greater front yard setback than the existing dwelling to the east, staff believes that an open porch in front of the dwelling allows reasonable use of the property. The porch could be constructed to 8.5 ft. for 14 ft. and be located behind the front setback, 10 ft. of the western half of the porch is located in the front yard. At its greatest projection, the porch will be 4 ft. into the required front yard.

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 conditions upon which the setback variance is requested are unique to the parcel of land and were not created by the applicant due to the location of the existing dwellings. The applicant has proposed to construct an open porch on the front of an existing single-family dwelling. Staff believes that the location of the existing dwellings are not a circumstance created by the applicant. Porches that are deeper than or project more than 6 ft. from the dwelling are not permitted and are a circumstance created by the applicant. However, the location of the adjacent dwelling to the west is uniquely setback to 53 ft. from the front property line. The majority of the homes are setback 34 ft. from the front property line. The subject property is also located on a curvilinear street, making it difficult to draw a consistent setback along the street, by connect the front corners of dwellings. The location of the existing structures and the curvature of the road 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 that granting the setback variance will not alter the essential character of the surrounding neighborhood nor be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the open porch is compatible with the design of the dwelling. Staff believes that the porch addition would not be injurious to the use or enjoyment of other property in the vicinity because it would not block views of the creek. The applicant is proposing a porch addition that is 2.5 ft. greater than the allowed porch size for one portion of the project. Staff believes the addition does meet the intent of the ordinance, because only a portion of the porch projects 4 ft. into the required front yard and the proposed setback would be compatible with other setbacks on the block.

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 setbacks: Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition 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 a variance to reduce the front yard setback established by connecting a line between the front two corners of the two adjacent residential structures along Tarrymore Avenue from 47 ft. to 42 ft. to allow for the construction of an open front porch addition to an existing single-family dwelling located at 417 Tarrymore Avenue in the R1 Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.