

**Department of Community Planning and Economic Development – Planning Division Report****Variance Request  
BZZ-2709****Date:** November 17, 2005**Applicant:** Sten Pearson**Address of Property:** 57 Oliver Avenue South**Contact Person and Phone:** Sten Pearson, 612-578-4183**Planning Staff and Phone:** Molly McCartney, 612-673-5811**Date Application Deemed Complete:** October 24, 2005**End of 60 Day Decision Period:** December 23, 2005**Appeal Period Expiration:** December 27, 2004**Ward:** 7      **Neighborhood Organization:** Bryn Mawr**Existing Zoning:** R1A District, Single-family District**Proposed Use:** Construction of a new open porch**Proposed Variance:** A variance to reduce the required front yard setback along Oliver Avenue South from 20 feet to 18 feet to allow for the construction of an 8 ft. open porch onto an existing single family dwelling on property located at 57 Oliver Avenue South in the R1A Single-family District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject site is a 40 ft. x 127 ft. (5080sq. ft.) corner lot. The applicant is proposing to construct a 12 ft. by 8 ft. deep open porch located in the “inset” of the dwelling. The porch will not extend past the existing façade of the dwelling. The dwelling is setback 18 ft. from the front property line, which is less than the district setback of 20 ft. The proposed new porch will meet that setback of 18 ft. along Oliver Avenue South. Porches can encroach into the front yard setback but are limited to 6 ft. in depth. The applicant is also proposing to move the current front door that faces Hawthorne Avenue West to the front porch area.

The adjacent dwelling immediately to the north as well as many of the other dwellings on the block have a similar front yard setback of 18 ft.

**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 along Oliver Avenue South from the district setback of 20 ft. to 18 ft. to allow for the construction of a new front open porch that is 8 ft. deep. A six foot deep porch is allowed without a variance, however the applicant states that 8 foot deep porch would match up with the façade of the existing dwelling and would be keeping with the neighborhood character. Strict adherence to the regulations would not allow for the 8 ft. deep open porch to be constructed on the property. Staff believes that this request is reasonable because of the location of the dwelling and the adjacent structures

- 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 circumstances upon which the variance is requested are unique to the parcel of land. The R1A District has a 20 ft. front yard setback requirement. However, the dwelling encroaches on the front yard setback and is only setback only 18 ft. from the property line. The ordinance allows for a 6 ft. deep open porch to encroach in the required front yard. With a depth of 8 ft. the new open porch would match the building wall of the existing enclosed porch. The building encroaching on the setback is not a circumstance 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 be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding area or be injurious to the use or enjoyment of property in the vicinity. The porch, located in the “inset” of the dwelling, will match the building wall of the existing enclosed porch. Therefore, views across the property will not be blocked. The proposed porch will be 8 ft. deep to provide adequate space for access and will match the character of dwellings in the surrounding area.

- 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 congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**Recommendation of the Department of Community Planning and Economic Development Planning Division:**

**CPED Planning Division Report**  
BZZ-2088

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 Oliver Avenue South from 20 feet to 18 feet to allow for the construction of an 8 ft. open porch onto an existing single family dwelling on property located at 57 Oliver Avenue South in the R1A Single-family District, subject to the following conditions:

1. That the Planning Division review and approve the final site and elevation plans that measure to an architect or engineering scale.