

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3128

Date: August 3, 2006

Applicant: Blumentals Architecture, Inc.

Address of Property: 2728 East Franklin Avenue

Contact Person and Phone: Jim Moy, (763) 561-5757

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

Date Application Deemed Complete: July 11, 2006

Public Hearing: August 3, 2006

Appeal Period Expiration: August 14, 2006

End of 60 Day Decision Period: September 11, 2006

Ward: 2 **Neighborhood Organization:** Seward Neighborhood Association

Existing Zoning: R6 Multiple-family District

Proposed Use: Construction of a fence in the required front yard

Proposed Variance: A variance to increase the maximum height of a fence along Riverside Avenue from 4 ft. to 6 ft. to allow for the installation of a new ornamental wrought iron security fence to an existing multiple family structure located at 2728 East Franklin Avenue in the R6 Multiple Family District.

Zoning code section authorizing the requested variance: 525.520 (5)

Background: The subject property is 70,555 sq. ft. (1.62 acres) and consists of one multi-story apartment complex, with a total of 151 dwelling units, owned by the Minneapolis Public Housing Authority. The applicant is proposing to construct a 6 ft. tall fence on the north side of the property along Riverside Avenue. The fence will be in front of a portion of the structure and in front of a driveway into a parking lot. The fence will be open, ornamental design made of wrought iron.

The property addresses off of Franklin Avenue East, however, the structure also has frontage along Riverside Avenue, thereby giving the property two front lot lines. The subject site is located between

commercial and residential districts. The west side of the property faces commercial zoning districts and several bars/restaurants. The adjacent use to the east is an automobile convenience facility. North and across Riverside Avenue from the subject property is residentially zoned property, including another multi-unit apartment complex.

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 has requested a variance to increase the maximum height for an open, ornamental fence located in the required front yard from 4 ft to 6 ft. In the residential districts, open, decorative fences are permitted to be a maximum of 4 ft. high in the required front yard. The platting of the property requires that two sides of the property, along Riverside Avenue and East Franklin Avenue are required front yards. In addition, the adjacent properties are several bars, restaurants and an automobile convenience facility. Staff believes that a decorative ornamental fence in the required front yard of a site that has this type of platting and is adjacent to a variety of intense commercial uses 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.**

The conditions upon which the fence height variance is requested are unique to the property due to the configuration of the subject site and the surrounding buildings. The east and west sides of the property face commercial zoning districts and commercial buildings. Across Riverside Avenue is another multi-unit structure. This property has two required front yards based on the platting. These are circumstances not 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.**

Staff believes that the proposed fence will be keeping with the spirit and intent of the ordinance and will not alter the essential character of the surrounding neighborhood. The fence will be open and made decorative, ornamental material. The fence will not run the entire length of the north side of the property, but will be located in front of a portion of the building and the private courtyard.

- 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.**

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Granting the front yard setback variance would likely have no impact on the congestion of area streets or fire safety, nor would the proposed dwelling be detrimental to the public welfare or endanger the public safety. The applicant has stated that the fence will help to ensure safety of residents and visitors to the buildings.

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 increase the maximum height of a fence along Riverside Avenue from 4 ft. to 6 ft. to allow for the installation of a new ornamental wrought iron security fence to an existing multiple family structure located at 2728 East Franklin Avenue in the R6 Multiple Family District.