

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3156

Date: August 17, 2006

Applicant: Blumentals Architecture, Inc.

Address of Property: 2100 Bloomington Avenue

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

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

Date Application Deemed Complete: July 25, 2006

Public Hearing: August 17, 2006

Appeal Period Expiration: August 28, 2006

End of 60 Day Decision Period: September 25, 2006

Ward: 6 **Neighborhood Organization:** Ventura Village Neighborhood Association

Existing Zoning: R5 Multiple-family District and NP North Phillips Overlay 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 Bloomington Avenue from 4 ft. to 5 ft. to allow for the installation of a new ornamental wrought iron security fence to an existing multiple family structure.

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

Background: The subject property is 67,147 sq. ft. (1.54 acres) and consists of one multi-story apartment complex, with approximately 90 dwelling units. The applicant is proposing to construct a 5ft. tall wrought iron ornamental fence to replace the existing 5 ft. chain link fence on the east side of the property along Bloomington Avenue. The fence will be in front of the structure where the current chain link fence exists. The fence will be open, ornamental design made of wrought iron.

The subject site comprises the entire block and is located between commercial, industrial and residential districts. The east side of the property faces a mix of uses including offices, low and high density residential.

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 front yard from 4 ft to 5 ft. In the residential districts, open, decorative fences are permitted to be a maximum of 4 ft. high in the required front yard. The subject site comprises the entire block. In addition, there is an existing 5 ft. chain link fence in the proposed location of the new 5 ft. wrought iron ornamental fence. Staff believes that a decorative ornamental fence in the required front yard where the subject site comprises the entire block and is adjacent to a variety of uses and will replace an existing chain link fence of the same height allows for 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 platting of the subject site, the adjacent uses across the street and the height of the existing fence. The subject site comprises the entire block. In addition, there is an existing 5 ft. chain link fence in the proposed location of the new 5 ft. wrought iron ornamental fence. 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 proposed fence will replace an existing chain link fence of the same height in the same location.

- 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 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.

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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 Bloomington Avenue from 4 ft. to 5 ft. to allow for the installation of a new ornamental wrought iron security fence to an existing multiple family structure located at 2100 Bloomington Avenue in the R5 Multiple Family District and NP North Phillips Overlay District.