

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4039

Date: June 5, 2008

Applicants: Wanda Kern, property owner

Address of Property: 2207 Polk Street, Northeast

Contact Person and Phone: Wanda Kern (763) 222-6688

Planning Staff and Phone: Carol Ahlgren (612) 673-2847

Date Application Deemed Complete: May 2, 2008

Publication Date: May 21, 2008

Public Hearing: June 12, 2008

Appeal Period Expiration: June 23, 2008

End of 60 Day Decision Period: July 8, 2008

Ward: 1 Neighborhood Organization: Windom Park

Existing Zoning: R1/Single Family District

Proposed Use: Addition of wrought iron fence to front and side of property

Proposed Variance: A variance to permit construction of a 5 foot wrought iron fence in the front and side yard.

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

Background: The subject property, 2207 Polk Street Northeast is located on a reverse corner lot. The main façade fronts Polk Street Northeast, and the side yard is located on 22nd Avenue Northeast. This property, and the properties within a 350 foot radius, are zoned R1, Single-Family Residential.

The subject property is a reverse corner lot that measures 6,880 sq feet and is 80 feet wide in the front and 86 feet on the side. These measurements exceed the R1 Zoning District lot area and width requirements; 6,000 sq. ft. and 50 ft.

The property features a brick 2.5 story triplex that was built in c.1900, in the Victorian architectural style. The principal structure is located 26 ft. at its closest point from the front property line.

The Minneapolis zoning code provision 535.420 (1) requires that fences located in the required front yard shall not exceed three (3) feet in height. The maximum height may be increased by one (1) foot if the fence is constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque.

Proposal: The applicant is proposing to erect a decorative wrought iron fence in the front yard and side yard on a reverse corner lot. The fence will exceed the maximum four (4) feet allowed for a decorative open fence by 1 foot for a height of 5 feet. The fence will be located within the property lines and have two gates that will open into the property. The total fence length will be 60 feet.

Public Comment: CPED notified property owners within 350 ft. of the variance request.

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 requests a variance to increase the maximum fence height allowed for an open decorative wrought iron fence from 4 feet to 5 feet on a reverse corner lot. Strict adherence to the zoning code would not cause an undue hardship.

- 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 unique circumstance for which this variance is sought is the reverse corner lot of the property. The property owner experiences people walking through their yard.

- 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.**

The subject property, a two and one-half story brick Victorian style residence has experienced few alterations. The proposed wrought iron fence will be decorative and open and in keeping with the style of the house. The proposed fence would have pickets spaced 5 inches apart. Granting the variance to increase the permitted fence height from 4 feet to 5 feet may negatively impact the essential character of the area and the property.

The adherence of the zoning code to the 4 foot requirement for an open decorative fence will not be injurious to the use and enjoyment of other property in the vicinity.

- 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.**

Adherence to the zoning code fence requirement of 4 feet would have no impact on the congestion of area streets or fire safety, nor would the required fence height be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and **deny** the variance to increase the height of a decorative fence from 4 feet to 5 feet.

Attachments:

Appendix A: Zoning map

Appendix B: Application and supplemental materials

Appendix C: Letter (via email) of opposition from neighborhood organization