

**Department of Community Planning and Economic Development – Planning Division Report**

Variance Request  
BZZ-4089

**Date:** June 26, 2008

**Applicant:** Greco Real Estate Development, on behalf of Lyn-Lake Development Partners, LLC

**Address of Property:** 2900 Aldrich Avenue South

**Contact Person and Phone:**

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Date Application Deemed Complete:** May 23, 2008

**Publication Date:** June 20, 2008

**Hearing Date:** June 26, 2008

**Appeal Period Expiration:** July 7, 2007

**End of 60 Day Decision Period:** July 22, 2008

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East

**Existing Zoning:** R6 Multi-family District and C3A Community Activity Center District with PO Pedestrian Overlay

**Proposed Use:** Construction of three trellises (fences)

**Proposed Variance:** A variance to allow for increase in height for trellises (fences) that range in height from 7 ft. to 18 ft. at 2900 Aldrich Avenue South in the C3A Community Activity Center District, R6 Multiple family District, and the PO Pedestrian Oriented Overlay District.

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

**Background:** The subject site, 2900 Aldrich Avenue South, is a recent redevelopment of two new building, approved by the City in 2006. In addition to the City Planning Commission and the City Council, the site has been reviewed by the Board of Adjustment through an Appeal of the Decision of the Zoning Administrator on January 4, 2007. This appeal was a result of an amendment to the plan that a covered walkway between two buildings rendered the buildings one building, which would have not been possible due to the underlying zoning. The Board denied the request which was appealed to the City Council and granted by the City Council on March 30, 2007.

The applicants are now proposing trellises, or fences, along Aldrich Avenue and the alley way to buffer common outdoor spaces, including the front entrance, a pool area, and common gathering space. The trellises vary in height from 7 ft. to 18 ft. in height. The trellises are “green screens” are design for to grow within the supporting structure. The structures are aluminum frames with wire mesh panels that are proposed to support a variety of vegetation. The submitted plans show landscaping, but not the specific materials that will be planted within the green trellis

The panels that make the trellises vary in height from 7 ft. to 18 ft. which is repeated every 4 ft. 4 in. The panels along the alley have this consistent pattern. The trellis along the property line on Aldrich Avenue has 5 ft. trellises that face the street, with additional 18 ft. trellis, or green screens every 4 ft. that are perpendicular to the street.

The development is surrounded by other multi-family residential and commercial uses. The property to the west, on the alley is a commercial building, but up to the rear property line. Across Aldrich Avenue is another commercial building.

#### **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.**

Strict adherence to the code prevents the proposed height of the fences. While the building wall may be able to be built up to the property line in the alley, a fence is limited to 6 ft. along the public right of way. Even though the proposed trellises allow for more natural light through a method that insures privacy of the of the outdoor gathering areas, the code does not create a hardship for the property by limiting the height of the fence.

Increasing the height of a fence to 18 ft. along the public right and building entrance on Aldrich Avenue does not provides privacy to the area, given this area is used for access. The zoning code does not prevent a reasonable use of the front entrance by prohibiting an 18 ft. trellis.

- 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 request of fences greater than 6 ft. is a condition created by the applicant to install fences greater than the height limit of 6 ft. The use of the trellises along the alley does allow more natural light through a method that insures privacy of the outdoor gathering areas. However, given that the development is new construction and has been required to meet current zoning code regulations, there does not existing unique circumstances on the property that were not created by the applicant.

Increasing the height of a fence to 18 ft. along the public right and building entrance on Aldrich Avenue does not provides privacy to the area, given this area is used for access. Many buildings with courtyards provide an amount of security through a barrier such as a fence; however, there are no unique circumstances for an 18ft. trellis along the public right of way on Aldrich Avenue.

- 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 intent of the ordinance to limit fence height is to create private space, while limiting their visual impact and do not create unsafe areas by limiting natural surveillance. The proposed trellises along the alley seem to almost continue the building wall while providing a greater level of security and privacy for these outdoor gathering spaces. While the building wall may be able to be built up to the property line in the alley, a fence is limited to 6 ft. along the public right of way, even though the proposed trellises allow for more natural light through a method that insures privacy of the of the outdoor gathering areas.

The increase heights for trellises along Aldrich Avenue are neither needed for privacy nor safety, like the trellises along the alley. By adding such large structure in the entrance of the building, site lines along the side walk and street will be impaired. The entrance area is proposed to be landscaped, and along with the 5 ft. trellises, will provide green space on this portion of the site.

- 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.**

The proposed variance for the trellises along the alley will not add to congestion or be detrimental to public safety. The proposed trellises along the alley seem to almost continue the building wall while providing a greater level of security and privacy for these outdoor gathering spaces. While the building wall may be able to be built up to the property line in the alley, a fence is limited to 6 ft. along the public right of way, even though the proposed trellises allow for more natural light through a method that insures privacy of the of the outdoor gathering areas.

However, the proposed 18 ft. trellises along Aldrich Avenue will impact public safety by adding large structures in the entrance area of the building and will impair site lines along the side walk and street. As the 18 t. trellises are to be located perpendicular to the street, thus limiting the views in and out of the entrance area.

**CPED Planning Division Report**  
BZZ-4089

**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 **deny** the variance to allow for increase in height for trellises (fences) that range in height from 7 ft. to 18 ft. at 2900 Aldrich Avenue South in the C3A Community Activity Center District, R6 Multiple family District, and the PO Pedestrian Oriented Overlay District.