

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-3126

Date: August 3, 2006

Applicant: Blumentals Architecture, Inc.

Address of Property: 1920 – 4th Avenue South

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: 6 **Neighborhood Organization:** Stevens Square Community Organization, adjacent to Whittier Alliance

Existing Zoning: R3 Multiple-family District and C1 Neighborhood Commercial District

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

Proposed Variance: A variance to increase the maximum height of a fence from 4 ft. to 6 ft. to allow for the installation of a new ornamental wrought iron fence along Clinton Avenue South of an existing multiple family structure located at 1920 4th Avenue South in the R3 Multiple Family District and C1 Neighborhood Commercial District.

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

Background: The subject property is 44,175 sq. ft. (1.01 acres) and consists of one multi-story apartment complex, with a total of 110 dwelling units, owned by the Minneapolis Public Housing Authority. The applicant is proposing to construct a 6 ft. tall fence on the west side of the property along Clinton Avenue South. There is an existing; 6 ft. high, ornamental wrought iron fence along the alley and East Franklin Avenue. The new fence will screen the remainder of the parking area, located south and west of the multifamily structure. The fence will be open, ornamental design made of wrought iron.

The subject property's address is off of 4th Avenue South, however, the structure also has frontage along East Franklin Avenue and Clinton Avenue South, thereby giving the property three front lot lines. The property has split zoning; the structure is zoned C1 Neighborhood Commercial District and the parking area is zoned R3 Multiple Family District. The zoning splits the block, just as it does the subject property, with C1 classification to the east of the block and R3 to the west of the block. The subject site shares the block with another multi-family structure, an office and retail building, and a place of assembly.

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 three sides of the property, along 4th Avenue South, East Franklin Avenue and Clinton Avenue South are required front yards. In addition, there are existing open, decorative wrought iron fences located on the subject property and on the adjacent property to the north, which is another multi-family structure. 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 commercial and residential 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. The east side of the property and the block are in the commercial zoning district C1 and the uses include an office and retail building and a place of assembly. The adjacent property to the north is another multi-unit structure, which also has an open, decorative wrought iron fence. This property has three 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 perimeter of the property, but will be added to an existing fence for the purpose of screening and enclosing the parking area. The adjacent property to the north is another multi-family structure and also has an open, decorative wrought iron fence.

- 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.

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 from 4 ft. to 6 ft. to allow for the installation of a new ornamental wrought iron fence along Clinton Avenue South of an existing multiple family structure located at 1920 4th Avenue South in the R3 Multiple Family District and C1 Neighborhood Commercial District.