

Department of Community Planning and Economic Development – Planning Division Report
Variance
BZZ 5223

Date: September 1, 2011

Applicant: Aaron Shekey and Jenna Quarne

Address of Property: 600 Madison Street NE

Contact Person and Phone: Aaron Shekey and Jenna Quarne, (608) 212-8332

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

Date Application Deemed Complete: August 4, 2011

End of 60-Day Decision Period: October 2, 2011

Ward: 3 **Neighborhood Organization:** St. Anthony East Neighborhood Association

Existing Zoning: R2B Two-Family District

Zoning Plate Number: 14

Legal Description: Not applicable

Proposed Use: A privacy fence accessory to an existing single-family dwelling.

Variance to increase the maximum height of a fence in the required front yard from 3 ft. to 6 ft.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(5) “to permit an increase in the maximum height of a fence”.

Background: The subject property is approximately 54.5 ft. by 80 ft. (4,360 sq. ft.) and consists of a two-story single family dwelling on a reverse corner lot, with frontage along Madison Street NE and Spring Street NE. The applicant has recently constructed a new 6 ft. solid wood fence in the required front yard, perpendicular to Spring Street NE. The maximum height of an opaque fence in the front yard is 3 ft. Therefore, the applicant is requesting a variance to increase the maximum height of an opaque fence in the front yard, adjacent to Spring Street NE from 3 ft. to 6 ft. for approximately 20 ft. of the fence. The City right-of-way is approximately 12 feet from the public street, adjacent to the property. The applicant has stated that the purpose of having a 6 ft. fence is to allow for some privacy in their backyard and to allow for screening for a future hot tub in the back of the house.

Staff has not received correspondence from the St. Anthony East Neighborhood Association for the project. Staff will forward comments, if any are received, to the Board of Adjustment at their regular meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to increase the maximum height of a fence in the front yard along Spring Street NE

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The subject property is a reverse corner lot and the maximum fence height in the front yard for an opaque fence is 3 ft. The applicant constructed a 6 ft. fence within the required front yard; perpendicular to Spring Street NE. Approximately 20 ft. of the fence along the west property line exceeds the maximum height of 3 ft. The applicant has stated that the purpose of having a 6 ft. fence is to allow for some privacy in their backyard and to allow for screening for a future hot tub in the back of the house. Based on the site plan, it appears as though a 6 ft. fence could be constructed outside of the required front yard to screen the future hot tub. While staff recognizes the challenge of having two required front yards, the circumstances for which the variance is sought have been created by the applicant and that complying with the fence height requirements does not create a practical difficulty.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking variance to increase the maximum fence height in the front yard from 3 ft. to 6 ft. in order to allow for privacy for her home and future hot tub. The purpose of regulating fencing is to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy while maintaining access to light and air. The 6 ft. fence is located along the entire west property line, where the property owner would identify the area as their back yard. The regulations for fence height in these locations are to encourage an aesthetic environment and a 6 ft. fence in the required front yard of the adjacent property does not keep within the spirit and intent of the ordinance. Staff believes that the proposed fence height, in this location, is not a reasonable use of the property.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of the variance will alter the essential character of the surrounding neighborhood and may be injurious to the use or enjoyment of other property in the vicinity. The adjacent neighbor at 673 Spring Street NE is setback approximately 10 ft. to the front property line Spring Street NE and a 6 ft. fence within the required front yard. However, staff does not believe that a 6 ft. fence will be detrimental to the public welfare or endanger the public safety by preventing views around the corner for traffic and pedestrians.

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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 **deny** the variance to increase the maximum height of a fence from 3 ft. to 6 ft., on a reverse corner lot located at 600 Madison Street NE in the R2B Two-Family District.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to St. Anthony East Neighborhood Association and CM Hofstede
- 3) Zoning map
- 4) Site plan
- 5) Photographs