

Department of Community Planning and Economic Development
Variance
BZZ 6028

Date: May 23, 2013

Applicant: Brian Reinstra and Kathy Ferrey

Address of Property: 2925 Sunset Boulevard

Contact Person and Phone: Brian Reinstra and Kathy Ferrey, (612) 327-2647

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

Date Application Deemed Complete: April 22, 2013

End of 60-Day Decision Period: June 21, 2013

Ward: 7 Neighborhood Organization: Cedar-Isles-Dean Neighborhood Association

Existing Zoning: R1 Single-Family District

Zoning Plate Number: 23

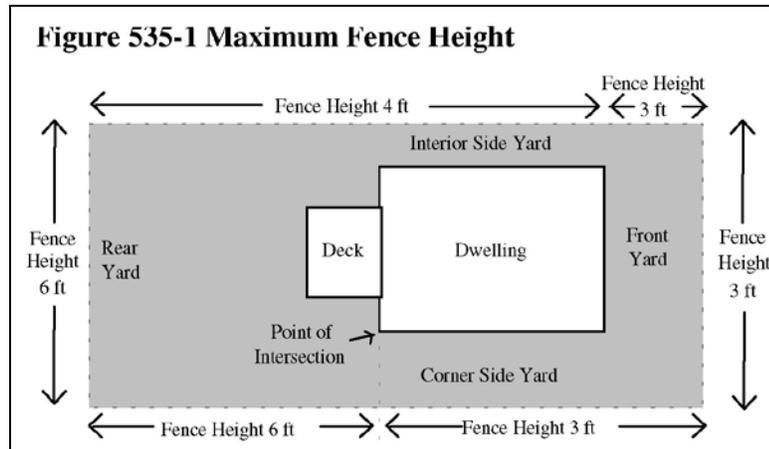
Proposed Use: New privacy fence accessory to an existing single-family dwelling

Variance: to increase the maximum height of a fence from 3 feet to 8 feet in the required front yard setback and from 6 feet to 8 feet in the required interior and rear yard setbacks.

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 64 feet by 140 feet (7,692 sq. ft.) and consists of a two-story single family dwelling with a detached garage. In 1979, Super America requested an alley vacation at the south end of the block and Public Works acquired the adjacent property to the south at 2929 Sunset Boulevard as a replacement alley outlet. The property immediately to the south of 2929 Sunset Boulevard is Super America, an automobile convenience facility, with frontage along West Lake Street between Sunset Boulevard and Ewing Avenue South.

The subject property has an existing 6-foot high, horizontal fence located in the front, south interior side and rear yard. The applicant is proposing to extend the fence 15 feet from the front property line and increase the height to 8 feet. The maximum height for a solid fence located in the required front yard setback is 3 feet. The maximum height of a solid fence in the interior side and rear yard setbacks is 6 feet.



Therefore, the applicant has requested a variance to increase the maximum height of a fence from 3 feet to 8 feet in the required front yard setback and from 6 feet to 8 feet in the required interior and rear yard setbacks.

The applicants have submitted a statement addressing the need for the requested fence height. Some of the reasons include the visibility, noise, light pollution, additional trash and noxious odors related to the Super America adjacent to the property. A copy of the applicant's full statement is attached to the report.

The applicant submitted the minutes from the Cedar-Isles-Dean Neighborhood Association (CIDNA) meeting on April 10, 2013. The meeting minutes indicated that the CIDNA Board voted no objection to the variance request. Staff will forward additional 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 to 8 feet in the required front, south interior side and rear yard setbacks

- 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.**

Staff finds there are unique circumstances of the property that contribute to practical difficulty in complying with the ordinance. The subject property has an existing 6-foot fence and the applicants are proposing to replace it with an 8-foot fence. The applicant has outlined several impacts from the adjacent automobile convenience facility including the visibility, noise, light pollution, additional trash and noxious odors. The applicant is requesting this fence to allow for an appropriate separation and barrier between their property and the automobile convenience facility. The proposed fence would be located 15 feet from the intersection with the alley, which would allow for an appropriate site triangle view. Staff finds that the circumstances for which the variance is requested were not created by the applicant.

- 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 to increase the maximum height of a fence from 3 feet to 8 feet in the required front yard setback and from 6 feet to 8 feet in the required interior and rear yard setbacks to mitigate off-site impacts from the adjacent automobile convenience facility. 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 proposed fence would be located 15 feet from the intersection with the alley, which would allow for an appropriate site triangle view. Staff finds that the proposed fence would allow for reasonable use of the property consistent with the spirit and intent of the ordinance and comprehensive plan.

- 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 finds that the granting of the variances will not alter the essential character of the surrounding neighborhood or be injurious to the use or enjoyment of other property in the vicinity. 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 regulations for fence height in these locations are to ensure that sight lines are not created and to allow views in and out of the property to encourage crime prevention through environmental design (CPTED). The proposed fence would be located 15 feet from the intersection with the alley, which would allow for an appropriate site triangle view. If granted, the proposed fence will not be detrimental to the health, safety, or welfare of the general public or those utilizing the property or nearby properties as long as it is constructed to current building codes.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to increase the maximum height of a fence from 3 feet to 8 feet in the required front yard setback and from 6 feet to 8 feet in the required interior and rear yard setbacks for the property located at 2925 Sunset Boulevard in the R1 Single-Family District, subject to the following conditions of approval:

1. Approval of the final site plan by the Department of Community Planning and Economic Development.
2. Installation of the fence shall be completed by May 23, 2015, unless extended by the Zoning Administrator, or the approval may be revoked for non-compliance.

Department of Community Planning and Economic Development Report
BZZ 6028

Attachments:

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Goodman and Cedar-Isles-Dean Neighborhood Association
3. Correspondence
4. Zoning map
5. Site plan
6. Photos