



CPED STAFF REPORT
Prepared for the Board of Adjustment

BOA Agenda Item #3
September 11, 2014
BZZ-6720

LAND USE APPLICATION SUMMARY

Property Location: 3601 Logan Avenue North
Project Name: 3601 Logan Avenue North Fence
Prepared By: Shanna Sether, Senior City Planner, (612) 673-2307
Applicant: Michelle Cook
Project Contact: Michelle Cook
Request: New 6-foot tall, solid cedar fence.
Required Applications:

Variance	To increase the maximum height of a fence from 3 feet to 6 feet in the required front yard along 36 th Avenue North, on a reverse corner lot.
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SITE DATA

Existing Zoning	RIA Single-Family District
Lot Area	8,176 square feet / .19 acres
Ward(s)	4
Neighborhood(s)	Folwell Neighborhood Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	August 4, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	October 3, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 65 feet by 125.8 feet; approximately 8,176 square feet and consists of a one-story single family dwelling with a detached garage on a reverse corner lot. The zoning code defines a reverse corner lot as “a corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.” The existing single-family dwelling was permitted for construction in 1921 and the existing garage replaced the previous garage in 1961.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties are predominately single-family dwellings. The adjacent parcel across the alley at 1912 36th Avenue North is owned by the City of Minneapolis – Department of Community Planning and Economic Development and is presently vacant. The property is being marketed for use as a community garden, due to its size, which is approximately 2,600 square feet.

PROJECT DESCRIPTION. The applicant is proposing remove the existing 6-foot fence facing 36th Avenue North between the dwelling and the garage. The applicant would then construct a new, 6-foot solid, cedar fence along the 36th Avenue North property line to allow use of the entire yard. The subject property has a 20-foot required front yard setback along the south property line, because the property is a reverse corner lot. The maximum fence height for a solid fence in this location is 3 feet. Therefore, the applicant is seeking a variance.

Figure 1 Maximum Fence Height Reverse Corner Lot

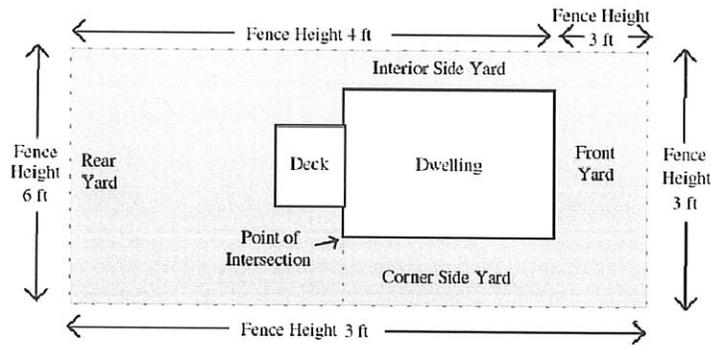
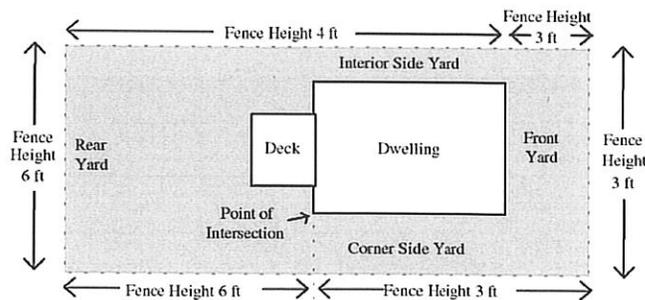


Figure 2 Maximum Fence Height Standard Corner Lot



PUBLIC COMMENTS. Staff has not received any public comments, at the time of writing the staff report. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum height of a solid fence from 3 feet to 6 feet based on the following findings:

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 that practical difficulties exist due to the type of lot, a reverse corner lot, and that the adjacent parcel to the west, which creates the reverse corner lot requirements, is vacant and will most likely not be redeveloped. These circumstances have not been created by the applicant. The applicant would be allowed to construct a new 6-foot fence along 36th Avenue North until the point of intersection (see Figure 2), if the parcel to the west (1912 36th Avenue North) was not platted towards the south. The property at 1912 36th Avenue North is a substandard lot and is owned by the City of Minneapolis. The adjacent parcel is being marketed for a community garden, due to its substandard size, approximately 40 feet wide and 65 feet deep. This lot would most likely not be redeveloped to allow for a new single-family dwelling without a significant number of variances.

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 variances to increase the maximum fence height in the required front yard from 3 feet to 6 feet, on a reverse corner lot. 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 in the front yard along 36th Avenue North. The regulations for fence height in this location are to not obstruct sight lines from the adjacent property fronting along 36th Avenue North. In this case, the property to the west will most likely not be redeveloped for a new single-family dwelling, due to its substandard size. Staff finds that a 6-foot fence could be constructed on the property from the garage to the point of intersection, which would allow for 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 finds that a 6-foot fence constructed between the garage and the point of intersection would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicant has provided several examples of 6-foot fences on corner lots in the immediate area. Further, the proposed fence will be constructed from cedar, which is a permitted fencing material and will match the existing fence at the rear and interior of the property. The proposed fence complies with the other fence provisions, including the sight triangle and would be constructed out of a permitted fence material. Therefore, the proposed variance to increase the

maximum fence height will not be detrimental to the health, safety or welfare of the general public or those utilizing the property or nearby properties.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and approve the application for a variance to increase the maximum height of a solid fence from 3 feet to 6 feet, on a reverse corner lot located at 3601 Logan Avenue North in the RIA Single-Family District, subject to the following conditions:

1. The six-foot-tall portion of the fence shall not extend east of the rear wall of the home.
2. The proposed fence material shall be cedar to match the existing fence at the rear and interior of the property.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Photos

Proposed Use & Description of Project at 3601 Logan Ave N, Minneapolis, MN 55412

We are proposing to build a 6' tall, more yard-inclusive, privacy fence line. This fence would encompass our south facing side yard, from the edge of our driveway to the front corner of our home. It would extend around the west facing back yard (beside our garage) and rap around a portion of the north side, from the back of our property to the back corner of our house. We are applying for a variance that would allow us this taller fence line on portions of our lot as well as the ability to encroach the sidewalk; the fence would sit at the crest of our hill and 5' from the public sidewalk.

Our request for this variance takes into consideration the following:

- Jonah, our special needs son, is not currently allowed to play on the south end of our home due to concerns with the constant speeding traffic and numerous accidents that have occurred due to negligent drivers in our neighborhood. It is not safe for him to be out there currently. A fence line would create a bit of a barrier between him and the road and ease our worries in regard to the aforementioned issue.
- Our dog Phoenix can easily clear a 4' fence. Anything shorter than 6' would serve no purpose in the containment of our pet. In addition to this concern are the issues in our immediate area, with other dogs having been injured by passersby. A taller fence would better protect our pet.
- We have looked into building our fence line where the city is asking we place it, well into our corner lot. Aside from the major cost of building a retaining wall to "make sense" of the yard that would stick out well beyond the edge of the fence, we are also concerned about disturbing the major root system of our old maple tree. Digging into that side yard would not be prudent to its survival.
- Building a more inclusive fence line would allow us to utilize a much greater portion of our lot. As our current fence line sits, we are losing out on almost 1/3 of our lot. With us building it the distance away from the sidewalk that the City of Minneapolis asks that we place it, we would still lose more than 200 square feet of our yard.
- A privacy fence would keep our personal property safe, as where a chain link fence would not. We currently have to chain up anything we put outside of our current fence line. We are not able to put out simple things like a bird bath or yard ornamentation without it getting vandalized or stolen.
- A more solid fence at 6' of height would also block out some of the constant road noise from passing cars and pounding stereos, as well as curb the constant issues we have with people littering on our yard.
- A broader fence line would allow for more privacy and heightened security for our home in our high crime neighborhood. It would also eliminate the heavy foot traffic we currently have issues with at all hours of the day and night.
- Our project allows ample room for sidewalk maintenance, both for city related repairs and snow removal.
- We have taken into consideration the aesthetics of a wooden privacy fence and intend to do landscaping to better the look of this professionally built structure. Chain link has an industrial appearance and we do not want that for our property. We would like very much to brighten up our corner of North. Allowing us the ability to build this fence would have us investing much more than we have in the overall curb appeal for our home.
- We have considered the City's possible concern of any obstruction this fence line may cause and there is none. The fence would sit up on the crest of an incline and far back from the sidewalk, intersection and street. In viewing the sight triangle and the matter of where our home sits in regard to the traffic flow around our home, a clear view of oncoming traffic and pedestrians will remain fully intact.

Cook, Michelle R

From: Mickey Cook <hyoslv@gmail.com>
Sent: Thursday, July 31, 2014 10:24 PM
To: Cook, Michelle R
Subject: Fwd: Notice of intent to build fence line - 3601 Logan Ave N, Mpls, MN

----- Forwarded message -----

From: "Mickey Cook" <hyoslv@gmail.com>
Date: Jul 14, 2014 5:23 PM
Subject: Notice of intent to build fence line - 3601 Logan Ave N, Mpls, MN
To: <roberta@folwell.org>
Cc:

Dear Roberta,

We are writing to you with notification of our desire to build a 6' fence line around a portion of our home. We reside at 3601 Logan Avenue North in Minneapolis. Unfortunately, the City of Minneapolis allows for a fence line of that height to be built only around the back portion of your property; anything forward of the back corner of your home is to be no taller than 3-4' in height. My family and I wish to construct a 6' wooden privacy fence to surround our property from the end of our back yard, around both sides (both north and south/neighborhood property and street side) and ending at the front corners of the home (leaving the front portion of our property unfenced).

We also wish to encroach the sidewalk by an additional 4' 8" more than the City of Minneapolis zoning allows, bringing it 5 feet from the sidewalk on the south facing part of our home, instead of the required 9' 8". Our intent is not to build a wall separating us from the community around us, or to build something that is not aesthetically pleasing to the eye. The placement of the professionally built fence we wish to construct would be at the lip of the hill where it both makes sense and gives us an additional portion of our property to enjoy. I am outlining below the reasons for our request and implore you to consider it with a positive approach, as we do want to continue being a good and responsible neighbor in our North Minneapolis community.

The desire to build a more yard-encompassing fence line takes into account our son Jonah, who has been diagnosed with a multitude of Special Needs. We would like to have more room for him and his friends to play outside of our home, which we currently must restrict him from doing on our south facing side yard. Since the parkway was built a block away (running down 37th street), we have had an ever-growing concern with the amount of speeding traffic that goes up and down 36th Street. It is simply not safe for him to play on our side yard without some sort of barrier between him and the road. An accident at our intersection recently was a glaring reminder of that, when a car ran a stop sign narrowly missing Jonah before flipping upside down and onto its roof. This is the second accident of its kind in the last couple of years outside of our home (that we are aware of). Coupled with excessive speeding and extremely careless driving, the "California Roll" is also very common place in our neighborhood. We want our son to be as safe as possible and the fence line would greatly help with that.

Having a fence installed where the city deems appropriate, would put the fence line much too close to our old maple tree, not only well into our side yard, but also digging into its major root system and not allowing for continued growth of the base. Unfortunately, we lost a beautiful maple tree on that side of the home a year ago due to a lightning strike. We wish very much to encourage the remaining tree to further mature.

· We are losing a great portion of our yard on the outside of our current privacy fence. Something our entire family would appreciate the use of. Right now it receives regular maintenance and care, but due to the car and foot traffic we are unable to utilize it for much more than lawn ornaments during the holiday season. Cutting into our property by an additional 4'8" to meet the city's current requirement would have us losing approximately 200 square feet of our property just on the street side alone. Something our family could make good and responsible use of if it were on the inside of our fence where we would more comfortably and more frequently access it.

· Having the fence going further around our lot would allow us to put things like lawn furniture on that side of the yard without so much concern for our things being stolen. Our neighbor on the corner of 36th and Knox experienced a costly theft not all too long ago when he woke up to 3 of 4 chairs and a table having been taken right out of his visible side yard while he slept. We already have to chain up our lawn ornaments in the Winter and wish to not have to do this with our patio set.

· Adjusting our plan to the required 3-4' fence line for the side yard of our property would serve no purpose in the containment of our dog, as he is able to clear our currently deteriorating and inadequately-constructed 6' fence. We are in need of a solid fence line (taller than 3-4') to make certain he is both contained and protected from the high traffic (36th) street that runs past our home. He is also a care-free runner who is very hard to catch once free. Although we are responsible pet owners who have had him both licensed and chipped, building a shorter fence would endanger him and cause mayhem with both pedestrians and traffic should he get loose. Tethering him to a tie out (which has been considered) to allow for a shorter fence line would not be an option. Coupled with his extreme separation anxiety, relying on an average tie out to contain him could be disastrous, as he would likely consume or break the cord or strangle himself in an attempt to get free. A correctly built 6' privacy fence is our only option with this dog. In addition to this concern, our neighbor's dog (on the corner of 36th & Newton) was badly hurt when someone reached over their shorter chain link fence and hit their Newfoundland dog in the face. We are confident that this new fence would serve as overall protection for Phoenix, keeping our aforementioned concerns at bay.

· A 6' fence would help our home avoid some of the rampant litter problem we have from living on a high foot traffic street.

· A taller (privacy) fence would insulate our home from some of the consistent street noise we endure living on a corner lot.

· A broader fence line would allow for more privacy and heightened security for us in our high crime neighborhood.

· We would like to work with our yard more, including a garden and flower beds. Having the side yard wide open as it is now does not allow for that, due to the uninvited children and adults that frequently walk across our property at all hours of the day and night. We have experienced vandalism of yard ornamentation among many other issues. Enclosing the side yards to the front corner of our home would assist us in keeping those unwanted individuals out and help us to enjoy an area of our property where we currently cannot.

· We intend to line the exterior of the fence line with landscaping to assist us in the repair of a degrading hill of sliding soil. We had considered a multi-leveled retaining wall, but the cost incurred by us, the home owners, in having a fence nearly 10' from the sidewalk would be impossible for us to fund; when we take into consideration what it would cost to put up a retaining wall properly landscape and to level out the property. The additional cost to run a fence the additional 4'8" is much, much less. In further discussion of a potential retaining wall we look back again to our old maple tree. We reiterate the fact that further construction on that side of the property would harm it's base which we are trying at all costs to avoid.

· Addressing the concern of obstructing the view of oncoming traffic or pedestrians, we do still intend to be a responsible 5' of distance in from both Logan Avenue and 36th Street, as well as the distance from our driveway so that we may see others as we back up (and for them to more than adequately see us). There is an ample amount of distance from the stop sign on Logan to where our fence line would begin, leaving a healthy sight line for drivers to proceed safely without the impediment a blind spot would cause; a consideration we are certain that this zoning law was put in place for.

· We intend to leave an ample amount of room in our consideration of sidewalk maintenance; both for city related repairs and snow removal.

· We are looking to install an entry door to our basement on the north side of our property; putting a safety exit where there is currently not one. We will then be able to claim an additional bedroom to our home's layout; something that will add a significant amount to our home's property value. We desire a patio door entrance and would like to run a fence line around it so people will be less inclined to break in. We currently have a bathroom and 2 bedrooms on the main floor on that side; a fence line on the north side of the home would also allow for heightened privacy for these rooms.

· We are doing a multitude of projects in the near future on our Northside property; new windows, new steps, upgraded electrical, plumbing, landscaping and this fence line. All of which will increase the property value of our home and make significant curbside appeal which we currently do not have. This fencing project is a significant piece of the improvements we plan to make. Our desire is to have everything look nice, as well as make sense for both us and the surrounding community.

Please do not hesitate to contact us if you have any questions or concerns. We certainly appreciate the time you have taken to review this for consideration and we look forward to being your long term NOMi residents!

Warmest Regards,

Michelle Cook &
Carol Rogovsky
(612)532-1879

Cook, Michelle R

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Sent: Thursday, July 31, 2014 10:24 PM
To: Cook, Michelle R
Subject: Fwd: Notification of intent to build fence line at 3601 Logan Ave N, Mpls, MN 55412

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From: "Mickey Cook" <hyoslvr@gmail.com>
Date: Jul 14, 2014 5:16 PM
Subject: Notification of intent to build fence line at 3601 Logan Ave N, Mpls, MN 55412
To: <barbara.johnson@minneapolismn.gov>
Cc:

Dear Barbara,

We are writing to you with notification of our desire to build a 6' fence line around a portion of our home. We reside at 3601 Logan Avenue North in Minneapolis. Unfortunately, the City of Minneapolis allows for a fence line of that height to be built only around the back portion of your property; anything forward of the back corner of your home is to be no taller than 3-4' in height. My family and I wish to construct a 6' wooden privacy fence to surround our property from the end of our back yard, around both sides (both north and south/neighboring property and street side) and ending at the front corners of the home (leaving the front portion of our property unfenced).

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Warmest Regards,

Michelle Cook & Carol Rogovsky

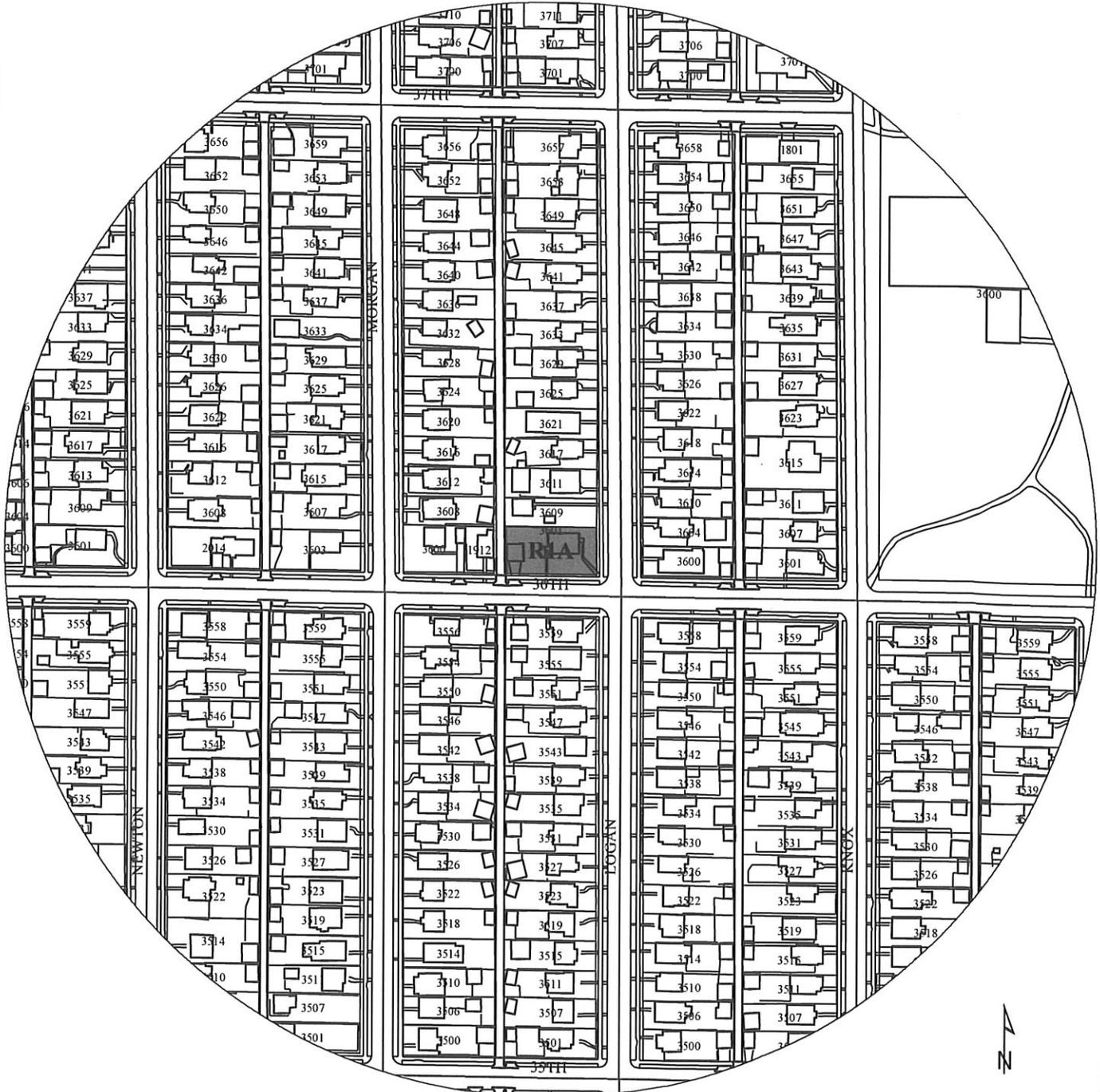
(612)532-1879

Michelle Cook

4th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

3601 Logan Avenue North

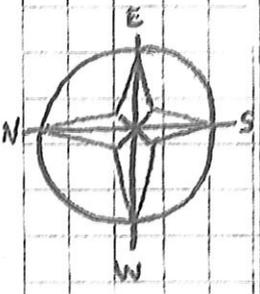
FILE NUMBER

BZZ-6720

← LOGAN AVE. N. →

STOP SIGN

⊗ = TREE
X = PROPOSED FENCELINE



3601 LOGAN

SHED

3609 LOGAN

PATIO

GARAGE

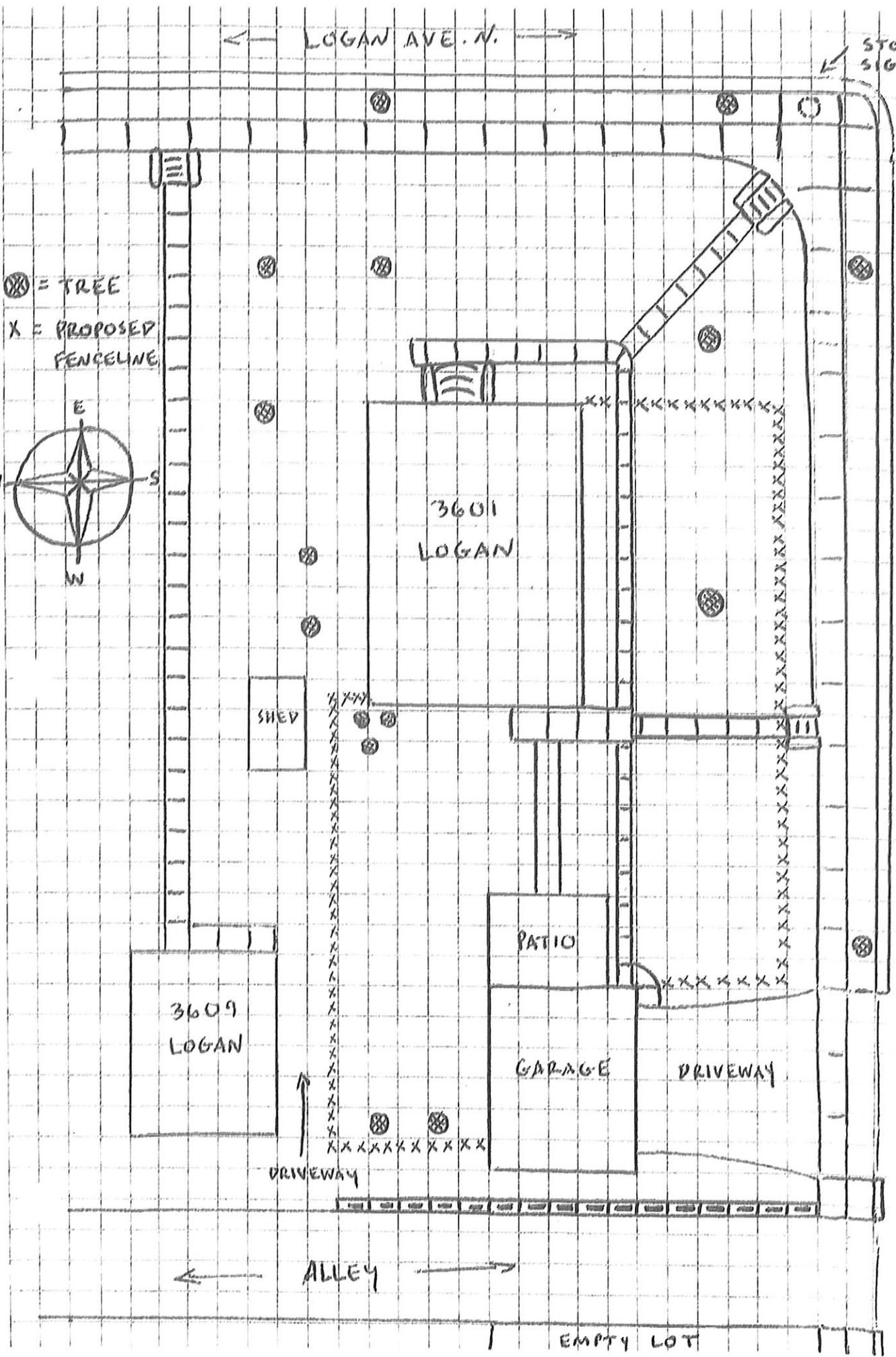
DRIVEWAY

DRIVEWAY

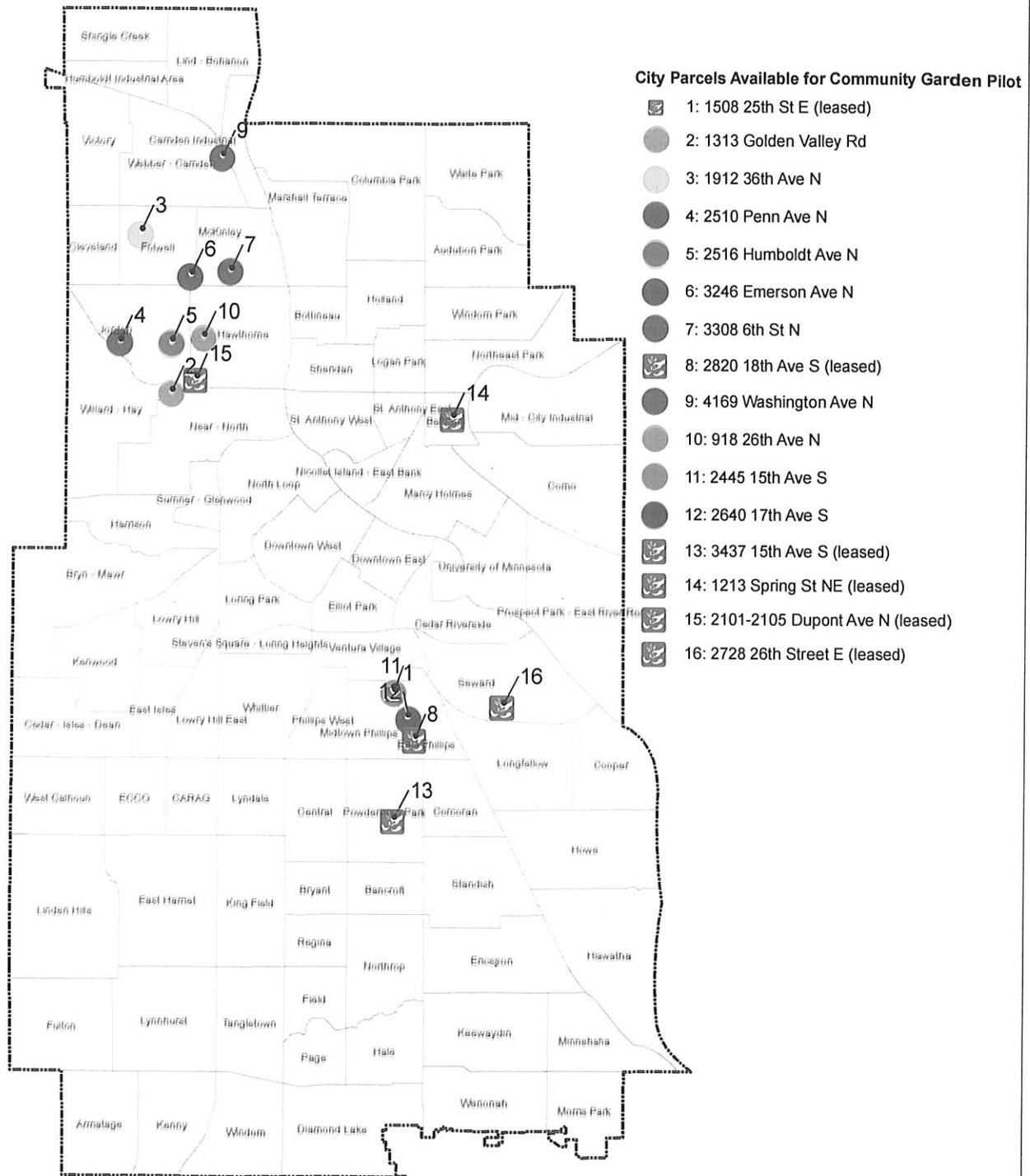
← ALLEY →

↑
36TH STREET
↓

EMPTY LOT



City Parcels Available for Community Garden Pilot Homegrown Minneapolis



City of Minneapolis

Created by: Community Planning and Economic Development - Planning Division

Updated on: July 5, 2011



