

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2483

Date: August 4, 2005

Applicant: Lee Krahenbuhl, on behalf of Minneapolis Public Housing Authority

Address of Property: 600 18th Avenue North

Date Application Deemed Complete: July 8, 2005

End of 60 Day Decision Period: September 6, 2005

Appeal Period Expiration: August 15, 2005

Contact Person and Phone: Lee Krahenbuhl, 612-646-2935

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

Ward: 5 Neighborhood Organization: Northside Residents Redevelopment Council

Existing Zoning: R6 Multiple-family District

Proposed Use: Construction of a fence in the required corner side yard

Proposed Variance: A variance to increase the maximum height for an open, ornamental fence located in the corner yard from 4 ft. to 6 ft. for a multiple-family dwelling located at R6 Multiple-family District located at 600 18th Avenue North.

Zoning code section authorizing the requested variance: 525.520 (1)

Background: The subject property is 120,355 sq. ft. (2.76 acres) and consists of two multi-story apartment complexes, with a total of 290 dwelling units, owned by the Minneapolis Public Housing Authority. The applicant is proposing to construct a 6 ft. tall fence on the north side of the property near the west corner. The fence will be in front of a portion of the structure and in front of a driveway into a parking lot. The fence will be open, ornamental design made of steel.

The property does not have a clear required front yard because of the configuration of the buildings. The buildings are placed in a curvilinear design across the property. Because of the original platting of the property, the west side of the lot has been determined to be the front yard and the northwest side of the property is the corner side yard. The subject site is located between commercial and residential districts. The north and west sides of the property face commercial zoning districts and commercial buildings that are built up to the lot lines. The south and east sides of the property face residential dwellings.

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 corner yard from 4 ft to 6 ft. In the residential districts open fences are allowed to be 4 ft. tall in the corner side yard. The residential structures are located on the property along a curvilinear, “S”, which results in a site layout that does not have typical front or side yards. The original platting of the property was used to determine the location of the required front and side yards. Staff believes that a decorative ornamental fence in the required corner side yard of a site that has this type of unique layout 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 setback variance is requested are unique to the property due to the configuration of the subject site and the surrounding buildings. The north and west sides of the property face commercial zoning districts and commercial buildings that are built up to the lot lines. The south and east sides of the property face residential dwellings. This property does not have typical front or side yards because the configuration of the buildings. The buildings are placed in a curvilinear design across the property.

- 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 north side of the property, but will be located in front of a portion of the building and the entrance to a parking lot. The adjacent use is the rear of a commercial structure that is built to the property lines.

- 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.

CPED Planning Division Report
BZZ-2483

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 for a open, ornamental fence located in the corner yard from 4 feet to 6 feet for a multiple-family dwelling located at R6 Multiple-family District located at 600 18th Avenue North.