



Legislation Text

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**Meeting Date:** September 17, 2020  
**To:** Members of the Zoning Board of Appeals  
**From:** Mikayla Schmidt, City Planner

Consider Resolution for a Variance Request to Allow a Six Foot Fence to be Built in the Corner Side Yard Setback at 2003 Grant Drive.

**Action Requested:**

The Zoning Board of Appeals is requested to approve allowing a six-foot fence to be built in the corner side yard setback at 2003 Grant Drive.

**Summary Report:**

The applicant, Sean and Mary Stanchina, have applied for a variance request to allow a six-foot fence in the corner side yard setback of their property at 2003 Grant Drive. The parcel is zoned N1: Neighborhood General 1, is part of the Park Pointe Subdivision and is located on the southern portion of town. The front of the property faces Grant Dr. to the south, the corner side yard faces Adams St. to the west and the rear yard faces Roosevelt Dr. to the north with sidewalks on all sides.

The applicant has applied for approval of a six-foot fence in the corner side yard of their property. There was communication between city staff and the applicants fencing contractor. Through that phone conversation, the contractor misunderstood the requirements for the height of the fence in the corner side yard, which resulted in the fence being built incorrectly at six-feet in the corner side yard.

Very few residential lots in the City are surrounded by street on three sides of a parcel. The six-foot fence does not impede the traffic visibility at the corner of Adams Street and Roosevelt Drive West. It is not located in the right-of-way and is set back interior to the west and north property lines. The fence placement was also meant to preserve mature coniferous trees in the Stanchina's backyard.

The criteria for approving a variance, according to Section 5.5.16(C), are as follows:

(1) Pursuant to Minn. Stat. §462.357, Subd 6, as it may be amended from time to time, the zoning board of appeals may only grant applications for variances where practical difficulties in complying with this LDC (Land Development Code) exist and each of the following criteria are satisfied:

- (a) The variance is in harmony with the general purposes and intent of this LDC; and,
- (b) The variance is consistent with the Comprehensive Plan; and
- (c) The property owner proposes to use the property in a reasonable manner not permitted by this LDC; and
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality.

Northfield Land Development Code 3.3.2: Fencing and Walls(C)(4) denotes that fences in residential zoning districts shall be limited to four feet in height in front yards and corner side yards. Analysis of the variance requested is addressed below.

**Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.**

The purpose of the Neighborhood General 1 (N1) district is applied to existing residential neighborhoods of the city that are found outside the R1 district. The N1 district is characterized by primarily single-family homes, or attached housing, on parcels that are generally larger than those found in R1. N1 districts are located on streets more curvilinear and less connected than traditional urban development patterns. The variance to have a six-foot fence on the corner side yard would not alter the existing character of the N1 district and would be in harmony with the general purposes and intent of the LDC. The six-foot fence does not impede the traffic visibility at the corner of Adams Street and Roosevelt Drive West. This home is surrounded by three streets; Grant Dr., Adams St. and Roosevelt Dr. W.

**Finding - Criterion (a):**

The project is in harmony with the general purposes and intent of the LDC. The parcel is surrounded by three streets; Grant Dr., Adams St. and Roosevelt Dr. W. with sidewalks along all each. With a six-foot fence along Adams St. and Roosevelt Dr. W., it does not impede traffic visibility at the corner, meeting the 35-foot triangle for vehicle visibility. The fence is not situated in the right-of-way, is within the parcels property lines and does not take away from the character of the N1 district.

The Land Development Code was adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.
- 1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.
- 1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.
- 1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive

plan.

1.1.14 Encourage vibrancy in the downtown core and fringe areas.

1.1.15 Ensure compatibility between different types of development and land uses.

1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The proposal is not in conflict with any LDC goals. It meets the following purposes:

1.1.1 Maintain and enhance the community's distinct small town character.

1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.

1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.

1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.

**Criterion (b) The variance is consistent with the Comprehensive Plan.**

The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

**1. Intent:** Development proposals will reflect the spirit and values expressed in the 12 principles (statements of intent) (pages 4.9 to 4.13).

**2. Location:** Development proposals will be consistent with the Conservation and Development Map (page 4.18) and location descriptions (pages 4.14 to 4.15).

**3. Character:** Development proposals will be consistent with the Framework Map (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

**Finding - Criterion (b):**

The variance is consistent with the Comprehensive Plan.

**Intent:**

**1. The small town character will be enhanced.**

A fence of six-feet in the corner side yard at this location will not take away from the small town character of Northfield. In the N1 district, there are more contemporary street designs and layouts, which resulted in this parcel being surrounded by three streets. It will be complementary to the neighborhood while allowing the property owners privacy and a reduction of sound from traffic.

**2. The natural environment will be protected, enhanced and better integrated in the community.**

The fence placement was also meant to preserve mature coniferous trees in the Stanchina's backyard. Since, six-foot fences are not allowed in the corner side yard the Stanchina's would have had to remove trees in order to build a fence six feet tall straight north of the northwest corner of the house, so as not to encroach into the corner side yard.

**3. The preference for accommodating future growth is in infill locations, then redevelopment/ land intensification opportunities, and then on the edge of existing developed areas.**

N/A

**4. New and redeveloped residential communities (areas) will have strong neighborhood qualities.**  
While this is not a redevelopment, the addition of the fence will not take away from the neighborhood qualities of the area. The Stanchina's recognize the walkability of the neighborhood and the vehicle traffic, which they took into account when installing the fence. The traffic visibility at the corner is maintained for vehicles and pedestrians.

**5. Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.**

The fence placement preserves existing mature coniferous trees in the rear yard of the parcel.

**6. Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.**

N/A

**7. Neighborhood-serving commercial will be small scale and integrated with the residential context.**

N/A

**8. A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.**

N/A

**9. Rural character of certain areas of the community will be protected.**

N/A

**10. Streets will create an attractive public realm and be exceptional places for people.**

It was a goal of the property owner to maximize their fenced in area, but they took into account of the sight lines for traffic and pedestrians. The intersection of Adams St. and Roosevelt Dr. W., is a 2-way stop intersection where the north and southbound lanes of traffic on Adams St. are required to stop. When stopping at the stop sign on Adams St., going northbound, drivers can see oncoming traffic for nearly ¼ mile, until the road curves away from the property. In theory, the fence could encourage motorists to stop, instead of rolling through the stop sign, as the Stanchina's have stated they have witnessed on a regular basis prior to installing our fence.

**11. Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.**

The six-foot fence, in the corner side yard, does not impede the connectivity of the street and neighborhood.

**12. Opportunities will be created to walk and bike throughout the community.**

The six-foot fence, in the corner side yard, does not impede pedestrians ability to walk and bike through the community.

**Location:**

The parcel is developed along with the surrounding neighborhood.

**Character:**

The parcel is located in the Neighborhood General 1 area of the Framework Map, typified by single-

family homes.

**Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.**

**Finding:**

The requested variance will result in a reasonable use of the property otherwise not permitted by the LDC. The fence restriction of four feet in the corner side yard is intended to keep sight lines from being impeded and connection to the street. The location of the six-foot fence in the corner side yard, does not disturb pedestrian or vehicle site lines at the intersection and the fence is located interior to the property line, so it does not take away from the home's connection to the street.

**Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

**Finding:**

The plight of the landowner is due to the unique circumstance of the property being adjacent to three roads. In addition, removal of the existing mature coniferous trees would have been necessary to place the six-foot fence straight north of the northwest corner of the house and this would have greatly reduced the usable space of the backyard. The Stanchina's also had many people cutting through their yard on foot and by bicycle being they are surrounded on three sides by street and sidewalk. There is also noise emitted from the traffic along all three streets and the six-foot fence helps defer that noise.

**Criterion (e) The variance, if granted, will not alter the essential character of the locality.**

**Finding:**

Supported: Granting the variance will not alter the essential character of the locality. The project will be compatible with the character of the surrounding properties. The fence does not adversely alter the character of the neighborhood.

**Staff Recommendation:**

Staff supports approval of the increase from the allowed four-foot high fence in the corner side yard to six feet at 2003 Grant Drive.

**Alternative Options:**

1. The Zoning Board of Appeals could deny the request to allow a six-foot fence in the corner side yard, which would make the property owner lower the fence to four feet at its existing location or move it internally, to keep the six feet in height, to line up straight north of the northwest corner of the home.

**Financial Impacts:**

There are no direct financial impacts to the City due to approving these variances. The applicant has invested significantly in a well-designed and built fence to create privacy and reduce noise on their property surrounded by three streets.

**Tentative Timelines:**  
N/A