

**ITEM 2**  
6:20 p.m.

<b>CASE:</b>	10961AB-15
<b>APPLICANT:</b>	Kathryn Ann Hale (owner and user)
<b>LOCATION:</b>	8201 Pillsbury Avenue
<b>REQUESTS:</b>	Variance to increase height of fence from 4 feet to 6 feet and opacity from 50 percent to 100 percent

**SPEAKING FOR THE APPLICANT:**

Kathryn Ann Hale, 8201 Pillsbury Avenue, Bloomington, MN 55420

**PUBLIC HEARING DISCUSSION:**

Pease presented the staff report. He described the location and the uses for the surrounding areas. The fence ordinance, which was adopted in 2008, does not allow a privacy fence along a public street unless adjacent to an arterial. He stated the applicant believed she built the fence per code with the setback from the sidewalk and provided the clear view triangle at the alley. He displayed an image of the fence and noted special circumstances with this particular property support the variance. West 82<sup>nd</sup> Street has a high volume of truck traffic and a traffic count of 3,500 ADT. The area where the fence is located is regulated as a front yard, known as a side yard adjoining a street. Pease noted this is the second fence variance request where there are higher traffic volumes, no other front yards along the same block and only includes the rear portion of the dwelling since the ordinance change. Pease asked the Commission for input on amending the code for a situation where a variance is routinely supported or go through the variance process for future fence applications with similar characteristics.

Willette asked if the existing fence is in the front yard or the side yard.

Pease said by definition, anything adjoining a street is regulated as a front yard. Technically, it is a side yard adjoining a street.

Hale stated Pillsbury Avenue is an active road that leads to 82<sup>nd</sup> Street. There are many industrial uses surround the property which cause a lot of noise. Hale loves the fence.

Nordstrom said he has a side yard on Normandale Boulevard and also has a fence. The fence went up in 1980. He understood that traffic is an issue.

Hale asked the Commission to approve the item or she has to move the fence as she has a larger dog.

The public hearing was closed via a motion.

Bennett stated she does not like dealing with variances when a Code change is a better solution and appreciates the applicant looking through the Code prior to installation.

Goodrum agreed the variances open a can of possibilities for future requests. He stated a Code change is suggested as opposed to routine variances. He asked if the findings are unique enough to separate other potential applications on 82<sup>nd</sup> Street.

Pease believed the Commission should grant this variance but suggested the Commission review a Code amendment in the Miscellaneous Issues ordinance. Pease stated if the applicant didn't have the conflicting uses across the street, the higher traffic volumes or truck traffic on Pillsbury Avenue, there would be a different recommendation.

Spiess agreed with the other Commissioners that this should be evaluated by staff.

Nordstrom stated that granting variances routinely opens the possibility for a Code revision. Nordstrom would make the recommendation for a future review of the Code.

Nordstrom said the item goes to the City Council on August 24, 2015.

**ACTIONS OF THE COMMISSION:**

**M/Spiess, S/Willette:** To close the public hearing. Motion carried 5-0.

**M/Spiess, S/Bennett** In Case 10961AB-15, I move the Planning Commission to recommend approval of variances to increase fence height from four feet to six feet and opacity from 50 percent to 100 percent at 8201 Pillsbury Avenue South subject to the two conditions listed in the staff report. Motion carried 5-0.

**CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:**

- 1) The fence must be located as shown on plans in Case File 10961AB-15.
- 2) The fence height and opacity variances are only applicable to encroachments along West 82<sup>nd</sup> Street shown on plans in Case File 10961AB-15.