

**CITY OF SAINT ANTHONY VILLAGE
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION NO. 21-081

**A RESOLUTION APPROVING A REQUEST FOR A VARIANCE FROM
THE REQUIRED MAXIMUM HEIGHT FOR A FENCE IN THE FRONT YARD**

WHEREAS, the City of St. Anthony Village received a request from Anthony Farah for a variance from the required maximum height for a fence in the front yard at 3501 Maplewood Drive, legally described as follows:

Lot 23, Block 5, Wilshire Park 4th Addition (Subject Property); and

WHEREAS, the property is located in the R-1 Single Family Residential district and the applicable fence height for the front yard is 6 feet for the Subject Property on the south side of the home; and

WHEREAS, Title XV Land Usage, Chapter 152 Zoning Code Section §152.245 provides that City Council must provide evidence that the subject matter of the application is within the scope of the section and that strict enforcement would cause practical difficulties; and

WHEREAS, the Applicant has requested a 5 foot variance from the fence height dimension requirements to accommodate space for a swimming pool; and

WHEREAS, the impervious surface limits on the property could, pending verification, permit a swimming pool and appurtenant deck and fence within the approved setback with variance; and

WHEREAS, the Planning Commission held a public hearing on August 17 and September 21, 2021 on the application and the applicant and members of the public were provided the opportunity to present information to the Planning Commission; and

WHEREAS, the Planning Commission has considered all of the comments and the staff report, which are incorporated by reference into the resolution; and

WHEREAS, the City Council makes the following findings of fact in support of the resolution for approval:

1. The applicant is able to construct a swimming pool, pool deck, and privacy fencing within the proposed 5 foot setback encroachment.
2. A pool of the size, along with any associated construction such as a pool deck, that would encroach into the front yard will require additional verification of compliance with the terms of the City's impervious surface maximum for residential lots of this size.
3. The applicant can show unique conditions on the property that interfere with putting the property to a reasonable residential use, with reasonable use being defined in this case as the significant encroachments toward Maplewood Drive that exist on most of the surrounding properties to the east and west.

4. Circumstances that would lead to variance approval are the result of the actions of prior owners, and those owners in the neighborhood, and not the actions of the applicant.

NOW THEREFORE MAY IT BE RESOVLED, that the City Council of the City of St. Anthony Village accepts the findings and recommendations documented in the staff report and approves the requested variance to the required fence height of six feet, with a setback encroachment of 5 feet, as shown on the application dated 7/6/2021, and as amended on August 26, 2021.

Passed in regular session of the City Council on the 9th day of November 2021.

CITY OF SAINT ANTHONY VILLAGE

By: _____
Randy Stille, Mayor

ATTEST:

By: _____

Review for Administration: _____
Charlie Yunker, City Manager