



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 13-139, Version: 2

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**ITEM: 11.1 DEVELOPMENT BUSINESS** - *Bryan K. Schafer, Planning and Community Development Director*

**CONDITIONAL USE PERMIT TO ALLOW FOR AN 8-FOOT FENCE IN THE REAR YARD ALONG 125<sup>TH</sup> AVENUE NE. 1169 124<sup>TH</sup> LANE NE. ERIC AND LEAH HARGROVE. (CASE FILE NO. 13-0044/ELH)**

Planning Commission (Public Hearing) 08/13/13  
City Council (Conditional Use Permit) 09/05/13  
Action Deadline (Extended by City) 10/19/13

### Planning Commission

The Planning Commission voted unanimously to approve the conditional use permit. A written comment was received with concerns about the fence height. Another written comment was received suggesting a sound wall be installed.

In November of 2008 the City Council adopted the 2<sup>nd</sup> reading of a code amendment to the height provisions for residential fences abutting collector and arterial roadways. The amendment now allows fences abutting major roadways to be taller than six-feet and up to 10-feet with the granting of a Conditional Use Permit. The purpose of the change to allow taller fences was to help property owners mitigate noise issues associated with living next to these busier and louder roadways.

The fence that the applicants are proposing will be eight (8) feet in height, constructed of wood, and will run along the length of their rear property line that abuts 125<sup>th</sup> Avenue NE. Specifically, as the attached fence sketch indicates, the new fence will be built as follows:

- 12-foot 6" by 6" support posts
- 2" by 4" top rail, middle rails and bottom rail
- 1" by 6" dog ear wood picket
- Smooth side of the fence facing public road
- Overall height of 8-feet

The application as submitted is consistent with the expectations of the code amendment. An

added condition is the need to have the fence sketch reviewed by a structural engineer to certify that the design meets building code wind load standards.

By motion, approve the Resolution.

### **Attachments**

Zoning and Location Map

Certificate of Survey

Site Plan

Fence Detail

Public Comments (2)

**WHEREAS**, an application has been filed by Eric and Leah Hargrove as conditional use permit Case File No. 13-0044; and

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on August 13, 2013; and

**WHEREAS**, the Blaine Planning Commission recommends said conditional use permit be approved; and

**WHEREAS**, the Blaine City Council has reviewed said case on September 5, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 33.09(h)(2) of the zoning ordinance to allow for an 8-foot fence in their rear yard along 125<sup>th</sup> Avenue NE based on the following conditions:

1. Applicants submit a structural engineer review (if required by the Building Official) of fence detail to determine wind load standards are being met.
2. Applicants obtain building permit for construction of fence.
3. Fence to be built as presented in the materials made part of this application including fence placement, appearance, materials, etc.
4. Homeowner has responsibility for maintenance and appearance of the fence.

**PASSED** by the City Council of the City of Blaine this 5<sup>th</sup> day of September 2013.