

Memorandum

TO: Planning Commission
FROM: Will Harris , Associate Planner
DATE: August 25, 2026
SUBJECT: 675 Sunset Ct - Fence Height Variance - Mark Palmquist
ITEM NUMBER: 7.A
SECTION: NEW BUSINESS

REQUESTED MOTION

To adopt Resolution 26-66 approving the variance application submitted by Mark Palmquist, 675 Sunset Ct, for a 6-foot-tall privacy fence that abuts a city road easement. Said approval is subject to the following conditions:

1. The project must be completed in accordance with this approval. Any significant changes, as determined by the city staff, will require review and approval by the Planning Commission.
2. This variance shall expire within one year of approval if a zoning permit has not been issued for the fence.
3. This approval is subject to a 5-day appeal period.

INTRODUCTION

Mark Palmquist has submitted a variance application to construct a 6-foot-tall privacy fence on his property at 675 Sunset Ct. The fence exceeds the maximum 4-foot height permitted in yards adjacent to a public road right-of-way or road easements.

DISCUSSION

Site Characteristics

The property is located with access off Sunset Ct on the east side of Turtle Lake. It is a substandard riparian lot located in the R-1 zoning district. It is 43,221 sq ft with a width of 36.65 feet along Sunset Ct and 83.69 feet along Turtle Lake. The property currently has a single-family home constructed on it with an attached garage. The total structure is 3772 square feet and was constructed in 2019.

The home itself was constructed in 2017 and received a front setback variance to construct the home further towards the lake to be in line with the other riparian properties' lakeside distances per planning case file No. 2677-17-30. The staff report describes that the variance was approved due to the unique lot shape that places the home at the end of a cul-de-sac with a riparian lot to the south and a standard non-riparian lot to the east. This required the home's front setback average to be calculated with a standard, non-riparian property, which would have put the front setback range at 136.95-156.95 feet per code, and they would have needed a variance to the lakeside setback requirement.

The lot borders a City right-of-way easement along the northern edge. This easement,

described as Lot B, was platted as a part of C.L. Dohm's Villa Lots in 1916 at a width of 15.5' and is known today as Dohm's Alley. In 2001, a portion of the alley area was turned over to the property owners at 5059 Alameda, 690 Birch Ln S, and 688 Birch Ln S via a shared access agreement that includes the requirement to perform all necessary maintenance for the alley, including bituminous repairs and snow plowing. The remaining homes along Birch to the north and Sunset Ct to the south maintain that area as a rear yard, with accessory structures and landscaping located near the easement. For that lot to be developed into a local street by the City, according to Code, it would need a minimum desired pavement width of 28 feet, with the ability to decrease that width at the discretion of the public works director. With this in mind, significant changes would need to be made to the area for this easement to be developed into either a local street or right-of-way.

Project Description

The applicants are proposing to construct a 4-foot fence and a 6-foot fence along the northmost property lines. Currently, there is no fence located along those property lines. Please see the attached site plan for a detailed depiction of the proposed work. The 4-foot section of fence can be approved administratively. But the applicants need a variance to install the proposed 6-foot-tall fence along the City right-of-way easement located north of their property.

DEVELOPMENT CODE REQUIREMENTS

Fences on residential properties are regulated in [Sec. 107-65 \(d\) \(7\)](#). Subsection (b) (1) of that code states that fences in front yards or any yard adjacent to a public road right-of-way or road easement cannot exceed four feet in height. The intent of the code is to soften the appearance of fences when they are adjacent to a road right-of-way, and maintain sight lines for drivers.

VARIANCE CRITERIA (Chapter 103, Article V)

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

APPLICANT'S STATEMENT

The applicant states that the reason for requesting this variance is that they have had numerous incidents of vehicles driving on their property to turn around (including couriers) and two incidents of vehicles driving over their property to their driveway to exit onto Sunset Ct. They have had to replace sprinkler heads as a result of these incursions. They also have e-bikes and bicycles using their yard as a shortcut to Sunset Ct. The fence would eliminate these issues as well as improve the aesthetics of their front property by blocking the view of the alley.

STAFF REVIEW

The request was reviewed by Staff in accordance with the variance criteria and was determined to meet the three criteria for a variance.

In Staff's opinion, all three criteria required for a variance are met.

1. Reasonable Manner. Six-foot fences are permitted in the R1, Detached Residential District provided certain standards are met. The applicant's desire to have a fence uses the property in a reasonable manner.
2. Unique Circumstances. Staff believes that the owner faces a unique circumstance on the lot. Public access to the site is provided via Sunset Ct, but the lot also abuts a portion of right-of-way easement that provides access to three homes in the area via a shared access agreement but does not provide public access to any other homes along Birch or Sunset Ct, nor does it reconnect to Hodgson Rd. Lot B has not undergone development since its platting in 1916, and significant changes to Lot B and surrounding properties would need to occur to create a right-of-way using the Lot. Therefore, the easement does not serve the function of what fence code Sec. 107-65 (d) (7) (b) (1) intends to restrict, creating a unique circumstance for the property owner. Should the easement not be located there, code would allow staff to administratively approve a 6-foot fence along that portion of the lot.
3. Neighborhood Character. The variance, if granted, would not alter the character of the neighborhood. A four-foot fence could be administratively approved in the proposed location, and the extra two feet of height that would be allowed with the variance would not be noticeable from the proposed location due to its restricted access from Dohm's Alley and being nearly 200' from Sunset Ct and over 200 ft from Alameda St; staff believes it will not negatively impact the neighborhood.

PUBLIC COMMENT

Property owners within 150' were notified of the request. At the time of this report, one comment in opposition to the proposed fence was received by staff.

STAFF COMMENT

Engineering provided the following comments regarding the fence permit issuance

1. The applicant shall enter into an encroachment agreement for the fence to be located within a public drainage and utility easement, stating that the city may remove at the homeowner's expense if needed for the city's use of the easement.

RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution 26-66 approving the variance application submitted by Mark Palmquist, 675 Sunset Ct, for a 6-foot-tall privacy fence that abuts a City road easement. Said approval is subject to the following conditions:

1. The project must be completed in accordance with this approval. Any significant changes, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This variance shall expire within one year of approval if a zoning permit has not been issued for the fence.
3. This approval is subject to a 5-day appeal period.

ATTACHMENTS

[675 Sunset Ct - Variance Request Application](#)

[Location Map](#)

[Resolution 26-66](#)