



REQUEST FOR BOARD OF ADJUSTMENTS AND APPEALS ACTION

Date: December 7, 2020

Item No.: 7.g

Department Approval

City Manager Approval

Item Description: Consider an appeal of a staff decision regarding whether a structure is a fence and subject to height limitations at 2030 County Road B

BACKGROUND

The homeowners at 2030 County Road B submitted an email to the City Manager on November 1, 2020 appealing a City staff decision that a structure recently constructed on their property is a fence verses a screen or wall, and whether said fence, or screen or wall, is subject to the four foot height limitation in the front yard.

In early fall of 2019, the homeowners of 2030 County Road B constructed two structures at each end of their horseshoe driveway. The structures contain an enclosure area for trash and recycling carts, as well as a fence attachment. During construction, Inspections staff issued a Stop Work Order as the fence attachments exceeded four feet in height. Zoning Code, Section 1011.08.3 states that “fences in front yards shall not exceed 4 feet in height”.

A timeline of events is provided as Attachment A. Photos taken by both the homeowners and City staff are provided as Attachment B.

In response to the homeowners appeal request, staff would offer the following additional information:

- City Code Section 1008.02, noted in the appeal email, does not apply to the homeowner’s property as her property is located in the Low Density Residential-1 District. The requirement noted in 1008.02 applies to the Park and Recreation District. Even if this section applied, staff maintains the fence sections attached to the homeowner’s trash enclosure should be regulated as fences and comply with the four foot height regulation. Meeting this regulation does not negatively impact the purpose of the trash enclosure (which is to screen the receptacles).
- Even if the fence is considered a screen or wall for the homeowner’s trash enclosure, the definition of “screening” does not automatically allow a height over four feet. When multiple sections of code apply to a single issue, it is the generally-accepted standard to apply the most restrictive requirement.
- City Code Section 402.13 states that garbage and recycling receptacles shall be out of public view except on the day of pick-up. This section also states that “...containers may be stored behind the front line of the primary structure, but not in the street-facing side yard of a corner lot, and when so stored shall be considered out of public view”. In recognition the homeowner needs to store their receptacles between the primary structure and front lot line, staff applauds the homeowner’s compliance with this section by constructing a very attractive enclosure structure keeping the receptacles out of public view. Staff has no concerns in regards to the actual enclosure portion of the built structure, finds them to be similar to an address monument

(with dual-purpose to store the receptacles), which is listed as an allowed height exemption under Section 1011.07 of the Zoning Code.

POLICY OBJECTIVE

The purpose of fence regulations, as they apply to height limitations in the front yard, is not specifically stated in the code. From a planning perspective, staff suggests the purpose is to provide a transition between the public realm of the street to the private realm of the home. The purpose of screening standards, generally, is to shield from public view uses that may be considered unsightly.

Appeals are governed by Zoning Code Sections 1002.06 and 1009.08.

Appeals of staff decisions are considered by the City's Board of Adjustment and Appeals, as provided in Zoning Code Section 1009.08. Section 1009.08.A.1 states that "the appeal shall be submitted to the City Manager within 10 calendar days after the making of the order or decision being appealed". The Community Development Director affirmed staff's decision to the homeowners on October 19, 2020. The appeal was submitted to the City Manager on November 1, 2020, or 13 days after the Community Development Director's decision. Since the homeowners were not specifically advised of the ten day requirement, staff finds it appropriate to advance the appeal to the Board of Adjustment and Appeals. Lastly, in accordance with Section 1009.08.B.3, the homeowner's were provided mailed notice on November 19, 2020 of a November 30, 2020 public meeting date under which this appeal was to be heard, however, the public meeting was moved to December 7, 2020 at the property owner's request (Attachment I).

BUDGET IMPLICATIONS

None

STAFF RECOMMENDATION

Maintain the staff determination and require the fences to comply with the four foot height regulation, based on the following findings:

1. The structures meet the definition of fence.
2. The portion of the structures considered fences are not necessary to achieve screening of the trash and recycling receptacles.
3. Reducing the portion of the structures considered fences does not negatively impact the ability to screen the trash and recycling receptacles.
4. The code sections cited by the homeowners in their written request for an appeal do not apply and do not supersede other applicable City and Zoning Code requirements.

REQUESTED COUNCIL ACTION

Adopt the Resolution provided at Attachment H maintaining the staff determination and requiring the fences to comply with the four foot height regulation based on the findings outlined in lines 55-61 of this report.

Prepared by: Janice Gundlach, Community Development Director
Attachments: A: Timeline of Events
B: Photos
C: Email Correspondence of 10-7-2019 thru 10-8-2019 & 5-1-2020
D: Compliance Letter dated 10-15-2020
E: Email Correspondence of 10-16-2020 thru 10-19-2020
F: Appeal request via email from 11-01-2020
G: Applicable City and Zoning Code sections

H: Resolution of Decision

I: Email from homeowners seeking public meeting date delay

Timeline: Appeal of Staff Determination – 2030 County Road B (front yard fence)

- October 2, 2019: Stop work order issued by Inspections staff. At this time, posts were in the ground and the trash enclosure portion of the structure was complete, but not the attached fence.
- October 7-8, 2019: Homeowners inquired with planning staff about their recently constructed structure located in the front yard and how it is noncompliant with City Code. Several emails were exchanged providing information and clarifications. Said emails are provided as Attachment C. Following the Stop Work Order, and this email correspondence, the homeowners complied with the four foot height limitation.
- Sometime between
- Oct. 2019 – Mar. 2020: Planning staff discovered the fence attached to the trash enclosure structure had been increased in height above four feet.
- May 1, 2020: Planning staff followed up with the homeowners via email in regards to continued noncompliance with fence height regulations. Said email is included in Attachment C.
- October 15, 2020: Inspections staff issued a letter providing the homeowners a deadline of November 2, 2020 to comply with the fence height regulations. Said letter is provided as Attachment D.
- October 16, 2020: Homeowners emailed the Mayor seeking information and guidance surrounding the fence compliance issue. The Mayor forwarded the issue to the Community Development Director. Said emails are provided as Attachment E.
- October 16, 2020: Homeowners and Community Development Director corresponded via email and set up a phone call for October 19, 2020. Said emails are included as Attachment E.
- October 19, 2020: Homeowners and Community Development Director spoke via phone. Homeowners were advised the Planning and Inspections staff interpreted the

code correctly and the fence would need to be reduced to 4' in height. Homeowners asked what their options were should they not comply. Staff advised that the homeowners could appeal the staff decision and/or apply for a Variance to the height regulations. Staff advised the Variance process would likely result in a staff recommendation to deny as the "practical difficulty" standard couldn't be met. Staff also advised the homeowners that violations to the Zoning Code are a misdemeanor. Additional information was sought by the homeowners in regards to the practical difficulty standard. Staff committed to email this information, along with the code definition of a fence. Staff advised the applicant in order to avoid being issued a citation, they either needed to comply by the stated deadline of November 2nd or submit a request to appeal the staff decision and/or apply for a Variance. Staff advised the homeowners an appeal of a staff determination should be sent to the City Manager in writing.

- October 19, 2020: Community Development Director emailed the homeowners the information requested during the phone conversation. Said email provided as Attachment E.
- November 1, 2020: Homeowners emailed the City Manager to request an appeal of the decision of City staff that the structure constructed in their front yard was not a fence but a screen wall to enclose waste and recycling. Said appeal email is provided as Attachment F.













Bryan Lloyd

From: Bryan Lloyd
Sent: Friday, May 1, 2020 3:20 PM
To: 'Mellisa Weinert'
Cc: Gerry Proulx
Subject: RE: City Code

I hope you and your loved ones are staying well, Melissa.

Several weeks ago, just as the ongoing pandemic was gathering speed in Minnesota, I drove past your home and saw that the fences in your front yard were somewhat higher than they were following our conversations last fall. Now that we've all adjusted to our new working conditions, I reached out to Roseville's inspectors in the field about this, and Gerry Proulx was able to confirm that the boards on the fences have been restored to the full 70" – 76" height of their respective refuse/recycling cart enclosures.

As we discussed at length last fall, the cart enclosures are fine, but privacy fences are not allowed to be taller than 4 feet in the front yard. Please remove the privacy fence boards that are more than 4 feet above grade, along with the post extensions supporting them. If you'd like to keep the enclosures at their 6-foot (+/-) height, you may do that. If you prefer to shorten the enclosures to 4 feet to match the height of the fence, you may do that instead.

I appreciate your prompt attention to this, and please let me know if you have any further questions.

Bryan Lloyd, Senior Planner
651-792-7073

City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

From: Bryan Lloyd
Sent: Tuesday, October 8, 2019 9:11 AM
To: Mellisa Weinert [REDACTED]
Subject: RE: City Code

Hi again, Mellisa.

The definition of "fence" that I copied into the previous email is from the *definitions* section of the zoning code (Section 1001.10). Since front property lines are typically coincident with street right-of-way (ROW) lines, the front property lines tend to be 10' – 15' removed from the edge of the street, although for a variety of reasons, there isn't a standard, uniform distance along all streets. Allowing fences to be within private parcels (i.e., *outside* of the ROW) might have a more significant impact than the height of a fence on preventing snow pile-ups, as you say, but that is not my understanding of the purpose for the zoning code's fence height limit. The fact that fences are limited to 4 feet in height anywhere in the front yard (even far removed from driveways and ROW) is evidence that the height limit isn't related to snow piling.

Instead, the height of fences in front yards is limited because front yards constitute a sort of transition from the public realm (i.e., streets, trails, sidewalks, etc.) to the private realm. Tall, opaque fences are allowed in side and rear yards because there's a greater cultural—and regulatory—expectation of privacy in those locations. We don't expect a school kid selling wrapping paper, or a mail carrier, to enter the rear yard and knock on the back

ATTACHMENT C

door: because that is private space. By contrast, we have front doors (that we rarely use ourselves) and door bells and sidewalks connecting to the street because the front yard is that middle ground between public and private space. For this reason, the zoning code constrains the height of fences in front yards and relegates other structures to rear and side yards to prevent front yards from becoming walled off to the public realm. In fact, the only structure allowed within the standard front yard setback is a front porch. When the zoning code was comprehensively rewritten in 2010, front porches were given explicit permission to extend into the front yard in order to encourage homeowners to reestablish that connection to the public realm.

From a code enforcement perspective, we don't have the ability to make exceptions to the standard requirements or to offer permits for things which do not conform to the applicable zoning standards. You could conceivably submit an application to amend the zoning code, but the 4-foot height limit for fences in the front yard has remained in place despite many and substantial revisions having been made to the zoning code over the years, which suggests to me that the provision is intentional and that the City is comfortable with the rationale behind it.

I hope that helps.
Bryan

From: Mellisa Weinert
Sent: Monday, October 7, 2019 10:19 PM
To: Bryan Lloyd <Bryan.Lloyd@cityofroseville.com>
Subject: Re: City Code

Caution: This email originated outside our organization; please use caution.

Hi Bryan,

Thank you for getting back to me so quickly. I have a few questions regarding this matter. Where in the code can you show me that the city has a definition of what constitutes a fence? I have been unable to find it in the ordinance.

From what I understand, the 4' rule is in place in an effort to decrease snow pile ups and plow dams. Isn't it also true that it is permissible to plant trees up to the property line in the front which would also create massive snow pile ups? We chose the option of the cart enclosure with extension because it is more controllable for snow pile ups. We feel we needed to exceed 4' code so that we're able to raise the lid to get trash/recyclables inside.

Because we would have never built this cart enclosure without the city code pertaining to visibility of the garbage carts, is there a way you could make an exception to this ordinance, create an amendment, or perhaps add a new type of permit for this?

Thank you again for your help and consideration.

Mellisa Weinert

On Oct 7, 2019, at 12:52 PM, Bryan Lloyd <Bryan.Lloyd@cityofroseville.com> wrote:

Hi, Mellisa.

If I'm following the situation correctly, I gather there are two front-yard issues in play here; fences, and screening of trash/recycling carts. As you're aware, refuse and recycling carts in the front yard do need to be screened, and fences in the front yard are limited to 4 feet in height. Given that Roseville's zoning code defines a fence as "**a structure** providing enclosure or

serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials **erected to enclose, screen**, or separate areas” (emphasis added by me), I can only conclude that you have designed an attractive screening fence that doubles as an elegant enclosure for your trash cart. But it unfortunately is much taller than the city code allows in the front yard. I think you mentioned that it’s about 6’-6” tall. If that’s right, it looks like the fence and the trash cart enclosure are faced with 1”x6” boards. It would appear, then, that the height of the opening for the trash cart is pretty close to 4 feet; since the largest residential trash carts seem to top out at under 4 feet in height (including the lids), it should be possible to screen even the largest cart with a 4-foot tall fence/enclosure. I would think that a flat “roof” of those same 1”x6” boards would serve to keep the cart lids closed in the wind and still leave the enclosure reasonably close to the 4-foot fence height limit established in the zoning code.

As attractive as your trash cart enclosure/fence might be, I have to ask you to remove everything above 4 feet in height. While I’m not well-versed in the property maintenance code and don’t know precisely what those requirements are, I would suggest that you also consider moving the 1”x6” boards from the south side of the enclosure to its west side (or perhaps installing a door on the west side of the enclosure) so that the trash cart is fully screened from the street.

I know that this is not the response you were hoping for from me, but I hope it is helpful nonetheless. Please feel free to let me know if you have any further questions.

Bryan Lloyd, Senior Planner
651-792-7073

City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

From: Mellisa Weinert [REDACTED]
Sent: Monday, October 7, 2019 9:25 AM
To: Bryan Lloyd <Bryan.Lloyd@cityofroseville.com>
Subject: City Code

Caution: This email originated outside our organization; please use caution.

Dear Bryan,

Good morning! I hope you are having a wonderful Monday morning. I’m reaching out to you today as concerned and compliant resident. It has come to my attention that the city of Roseville places certain criteria on residents building fences within their yards. While I was unaware of the ordinance I understand that rules are set in place to benefit the entire neighborhood. With that said, I would like to plead our case for why this particular project is not against city code and does not fall under the residential fence code.

I am aware that there is a city ordinance regarding that of hiding resident trash and recycling carts. According to the Roseville commonly asked about ordinances page, "Trash cans and recycling bins must be stored so they are not visible from the street except on collection day". On our property we have no where to place our trash and recycling carts other than directly in front for all to see and for the wind to catch and knock down. This constantly results in blown trash all over our yard as well as our neighbors' yards and also the street. As a result of this dilemma, to comply with the city trash receptacle ordinance we have decided to build a garbage cubby in

the *only* location available to store carts on our property. By building our architectural detail that holds the trash and recycling carts, not only are we complying with the city garbage ordinance, but it also helps to beautify the neighborhood by putting something once unsightly, into a tidy and attractive space. It also blends in with the style and detail of our home.

Roseville City Ordinance 1011.08 gives parameters for residential fences. It says nothing about, structures, walls, or screens. Our container is *not* a fence, nor is it intended to be a screen. A fence is described to be “something that *encloses* an area of ground to control access or prevent escape”. This extended trash cubby encloses absolutely nothing. It would not prevent anyone or anything from escaping. In fact, anyone can walk all the way around it; it does not prevent access to or from anything, and it does not hold anything in. It is simply an architectural extension of the cubby to hide our garbage and recycling carts. The only reason we’ve built this is for trash storage and extended it for aesthetics. We absolutely would not have built this if it were not for the trash and recycling carts. It also fits into the other following parameters of code 1011.08:

1) All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.

While again, this is not a fence as it does not fit the description of a fence, the finished side of our trash cubby and extended architectural detail faces the public right of way.

2. All fences shall be constructed of durable, uniform, weather-resistant, and rustproofed materials.

We have made this cubby out of cedar wood and ground level posts, securely concreted into the ground. It will be oiled and stained to match the cedar siding of our home.

3. All fences shall be maintained and kept in good condition.

We, like many residents, take great pride in our property and will up keep this trash cubby as we do the rest of our property.

I understand the residential fence code also mentions a 4’ rule in front of the house, for a fence which we do not have. We were unable to place this behind the front line of our home. With a raised driveway, it is impossible for us to store our trash and recycling carts on the side and behind the front line of the house for a few reasons:

1) There is a large step down off the side of the driveway, making it an impossibility to roll a garbage receptacle over it.

2) Being on a main road with a horseshoe driveway causes us to have more snow in our yard than most residents.

I have no where to dump snow other than on both sides of the house behind the front house line as the front yard is mostly (large) driveway. Neither of these cases are of my own doing. The property was like this when we purchased the house. We are simply trying to do our best to do our part in keeping the neighborhood tidy and attractive as well as abide by the trash ordinance. The trash cubby we have built is behind our property line and it is set back approximately 20’ from the road to prevent snow dams or pile ups. Because we are not on the corner, it does not

block the view in the traffic visibility triangle. Our cubby needs to be above the 4' yet is still under the 6'6" code because both our trash and recycling carts are over 4' tall in height.

We have had many neighbors stop to compliment and thank us for our continued work cleaning up the yard from what it was before we purchased the house, and have especially had many compliments and thanks on this particular building project. One neighbor even described it as "gorgeous". Our next door neighbors have expressed a great deal of thanks and joy in this building project. They, like many other neighbors, feel it brings more value to the neighborhood, fills a need, and brings an attractive detail to the area. It also serves as an attractive way to display our house number identification that is solar lit at night.

I am happy to pay any permit fee attached with this trash cubby, but feel I am in no way against the residential fence code by providing a home for the trash and recycling and helping to make our neighborhood a more attractive place. I have attached pictures of the project in question to show it's location and purpose as well as a photo to show the drop off at the front house line from the side of the driveway. I implore you to please consider allowing this to remain in place. Thank you very much for your time and consideration. I look forward to hearing back from you.

Sincerely,

Mellisa Weinert

<image001.jpg><image002.jpg><image003.jpg><image004.jpg><image005.jpg>



Melissa Weinert

10/15/20

2030 County Road B

Roseville, MN 55113

Re: Reduction of fence height to 4 feet adjacent to trash and recycling enclosures.

Melissa,

I was informed by Bryan Lloyd of the Planning Department some months back that your petitions for an exemption to the maximum required fence height in the front yard had been exhausted without success. I have a copy of his e-mail conversations with you in which his last communication requires that the fence portions only adjacent to the enclosures be removed to the maximum height of 4 feet as allowed. Please see the enclosed copies of that correspondence. In addition he requires that the posts currently supporting the portions of the fence in question be removed to the maximum 4 foot height.

I allowed for time to accomplish this over the summer, but with the weather rapidly degrading I have to now require the fence work to come into compliance and be completed by Monday the 2nd of November. If you have any questions, I may be reached at 651-792-7084 or via e-mail at gerry.proulx@cityofroseville.com.

Thank You,

A handwritten signature in black ink, appearing to be "Gerry Proulx", written over a horizontal line.

Gerry Proulx Assistant Building Official

From: [Janice Gundlach](#)
To: ["Mellisa Weinert"](#)
Subject: RE: Introduction and Guidance Needed
Date: Monday, October 19, 2020 12:22:33 PM

The City Code Section that includes the definition of fence is 1001.10, which you can access at the below link:

https://www.cityofroseville.com/DocumentCenter/View/28568/Title-10-Zoning_190806

Here is the actual definition, cut and pasted from the code:

FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Also, here is the statute that explains the Variance process and what a "practical difficulty" is, should you opt to/need to advance this to the Variance process:

Minnesota Statutes 462.357.Subd 6.Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Let me know if you have questions and good luck!

Janice Gundlach | Community Development Director
O: 651.792-7071
janice.gundlach@cityofroseville.com

2660 Civic Center Drive | Roseville, MN 55113
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-----Original Message-----

From: Mellisa Weinert [REDACTED]
Sent: Friday, October 16, 2020 4:24 PM
To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Cc: Dan Roe <Dan.Roe@cityofroseville.com>
Subject: Re: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

How about noon?

Mellisa
[REDACTED]

On Oct 16, 2020, at 4:15 PM, Janice Gundlach <Janice.Gundlach@cityofroseville.com> wrote:

When would be a good time to give you a call on Monday?

Janice Gundlach | Community Development Director
O: 651.792-7071
janice.gundlach@cityofroseville.com

2660 Civic Center Drive | Roseville, MN 55113 Facebook | Twitter | YouTube

-----Original Message-----

From: Mellisa Weinert [REDACTED]
Sent: Friday, October 16, 2020 3:35 PM
To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Cc: Dan Roe <Dan.Roe@cityofroseville.com>
Subject: Re: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Thank you, Janice. Please feel free to reach out to us, personally come out to review and discuss with us or anything else we can aid in this matter. As residence and home owners we would like to be involved in this discussion.

Thank you.

Mellisa
[REDACTED]

On Oct 16, 2020, at 3:12 PM, Janice Gundlach <Janice.Gundlach@cityofroseville.com> wrote:

Thank you for the email Mellisa and Wendy. I will review the matter with Bryan and Gerry and follow-up as soon as possible. I'll be in touch.

Janice Gundlach | Community Development Director
O: 651.792-7071
janice.gundlach@cityofroseville.com

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-----Original Message-----

From: Dan Roe <Dan.Roe@cityofroseville.com>
Sent: Friday, October 16, 2020 3:07 PM
To: Mellisa Weinert <mellisa_suzann@yahoo.com>
Subject: Re: Introduction and Guidance Needed

Mellisa & Wendy,

Thank you for your email. At the City we definitely appreciate your interest in abiding by the code and being a good neighbor by having an appropriate screen for your trash bins.

Since I don't have any supervisory authority over City staff, I would suggest your next point of contact be with Janice Gundlach, the Community Development Director, who is the supervisor of the department in which Bryan and Jerry work. Ms. Gundlach can be reached at 651-792-7071 or by email at janice.gundlach@cityofroseville.com.

Hopefully, a resolution can be found that is satisfactory to all.

Regards,

Dan Roe | Roseville Mayor
H: 651.487.9654
E: dan.roe@cityofroseville.com
www.cityofroseville.com
City of Roseville: Facebook | Twitter | YouTube Mayor Dan Roe: Facebook | Twitter

From: Mellisa Weinert [REDACTED]
Sent: Friday, October 16, 2020 2:19 PM
To: Dan Roe
Cc: Wendy Weinert
Subject: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Dear Mayor Roe,

I hope this year finds you and your family well in this unprecedented time. Having been residents of Roseville going on 15 years now, we have continued to enjoy the beautiful city parks, central location, and overall way of life that this city offers. We value and appreciate the effort of our local leaders to maintain a safe and beautiful residential community.

As recent new home owners we have familiarized ourselves with Roseville city codes and do our best to always be in compliance and to continually have property improvements, adding value and beauty to our neighborhood and Roseville as a whole. We are aware Roseville's code regarding garbage bin placement. This particular ordinance was top of mind when we moved into our new home and we wanted to find an attractive solution to be within code. To do this we built an architectural detail in the front of our property to house our bins as well as provide a visual feature that not only compliment our home, but also the neighborhood at large. We were very careful to review the Roseville code for such a structure and are within the guidelines.

However, Bryan Lloyd your senior planner along with Jerry Proulx have taken it upon themselves to say that we are

not within the code. The code says nothing about the type of structure we have. The code references a fence only, not screens or architectural features. This is NOT a fence as it does not enclose anything. Bryan himself called it attractive and elegant. Neighbors daily compliment and thank us for building the bin enclosure. Bryan's qualm is that he believes it falls within the definition of a fence (which it absolutely is not a fence as a fence must enclose something) therefore making it "too tall" for the front of the yard.

We would love to invite you to come over and review and discuss this matter. We would sincerely appreciate your help and support with this issue. We are constantly trying to abide by and maintain Roseville rules. We are not trying to be difficult, but we do believe that this is an overreach. We would appreciate your support removing this internal memo within city hall as we are not harming anyone, have had zero complaints about it, and truly are within the guidelines set forth by the vaguely written code.

Thank you for your help. I look forward to hearing back from you.

Mellisa and Wendy Weinert

From: [Pat Trudgeon](#)
To: [Janice Gundlach](#)
Subject: FW: Appeal for 2030 County Road B W, Roseville
Date: Monday, November 2, 2020 8:08:34 AM

Patrick Trudgeon | City Manager

O: 651.792-7021 | | F: 651.792.7020

pat.trudgeon@cityofroseville.com



2660 Civic Center Drive | Roseville, MN 55113

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From: Mellisa Weinert [REDACTED]
Sent: Sunday, November 1, 2020 8:45 PM
To: Pat Trudgeon <Pat.Trudgeon@cityofroseville.com>
Cc: Wendy Weinert [REDACTED]
Subject: Appeal for 2030 County Road B W, Roseville

Caution: This email originated outside our organization; please use caution.

Good Morning Mr. Trudgeon,

I am writing in regards to my property located at 2030 County Road B W, Roseville for the purpose appealing the recommendation from Roseville Senior Planner, Bryan Lloyd.

Through email correspondence with Mr. Lloyd, he has stated the Trash/Recycling screen erected on the property is not in compliance with Roseville City Code's definition of a fence (Sec. 1001.10 - see below).

This appeal is based on the intent of the structure solely to satisfy Sections 1008.02 I and 1011.02 C-4.

Section 1008.02

I. Waste and Recycling Areas Waste and Recycling Areas: Trash storage areas shall be enclosed. Enclosure **walls** shall be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible, yet located away from main entries and residential uses. Seasonal trash storage areas shall be **screened** by a solid board-onboard **fence** and/or approved landscaping.

While Mr. Lloyd has focused on the aspect of the structure being a fence, I find it prudent not to overlook the infinite loop between the definitions of "Fence" and "Screening" in Section 1001.10.

SCREENING: A hedge, wall, or fence to provide a visual separator and physical barrier not

less than 4 feet nor more than 6 feet in height, unless otherwise provided for in this ordinance.

FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Section 1011.02 Environmental Regulations in All Districts:

C. In General: All uses shall be conducted so as to prevent any nuisance, hazard or commonly recognized offensive conditions, including creation or emission of noise, smoke and particulate matter, toxic or nontoxic matter, odors, vibrations, glare or heat, and the use of explosives.

4. Odors: The emission of odorous matter in such quantities as to be readily detectable beyond the boundaries of the immediate site is prohibited.

Separately, the property is adjacent to a park/playground structure owned by the City of Roseville. According to City Code 1008.02 J - "...A buffer strip that lies between parking lots, maintenance structures, and/or access roads and a residential use shall include screening of headlights to a minimum height of 42 inches, utilizing a combination of native plants, coniferous/deciduous trees, shrubs, solid board-on-board fencing, and/or landscaped berms". Since there are golf cart type maintenance vehicles and pick up truck(s) on the park path, the buffer strip is without the required 42" headlight screen adjacent to 2030 Country Road B W, Roseville.

Your time is greatly appreciated in this matter.

Mellisa Weinert & Wendy Weinert

Applicable City & Zoning Code Sections

402.13: PLACEMENT OF CONTAINERS:

A. Residential Dwellings: Garbage containers, and other refuse, yard waste, and special waste containers at residential dwellings shall be out of public view except on the day of pickup. Such solid waste containers may be placed at curbside for collection (unless walk-up arrangements have been made with the hauler) prior to 7:00A.M. At no time shall such solid waste containers remain on curbside for longer than 24 consecutive hours. Completely closed hauler-provided containers may be stored behind the front line of the primary structure, but not in the street-facing side yard of a corner lot, and when so stored shall be considered out of public view. (Ord. 1559, 7-9-2018)

1001.10: DEFINITIONS

FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

SCREENING: A hedge, wall, or fence to provide a visual separator and physical barrier not less than 4 feet nor more than 6 feet in height, unless otherwise provided for in this ordinance.

1002.06 AUTHORITY AND DUTIES FOR ADMINISTRATION

The City officials and bodies identified in this section, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Title.

A. Community Development Department

B. Development Review Committee

C. Administrative Deviation Committee

D. Master Sign Plan Committee

E. Planning Commission

F. Variance Board

G. City Council

H. Board of Adjustment and Appeals

H. Board of Zoning Adjustments and Appeals

1. Membership: In accordance with MN Stat. 462.354, as amended, the City Council will act as the Board of Zoning Adjustments and Appeals.

2. Duties: The Board of Zoning Adjustments and Appeals hears and makes decisions on all applications for an appeal of any administrative order, requirement, determination, final decision made by the Community Development Department, or an appeal of a variance decision by the Variance Board, pursuant to the appeal procedure established in Section 1009.08 of this Title. (Ord. 1403, 12-13-2010)

1008.02: DESIGN STANDARDS

The following standards shall apply to all new roofed and enclosed buildings and major expansions of similar existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the recreation district. Design standards apply only to the portion of the building or site that is undergoing alteration. (Ord.1405, 2-28-2011)

I. Waste and Recycling Areas: Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible, yet located away from main entries and residential uses. Seasonal trash storage areas shall be screened by a solid board-onboard fence and/or approved landscaping.

1009.08 APPEALS

A. An appeal pertaining to a decision of the Variance Board or an administrative ruling of the Community Development Department regarding any interpretation of the intent of this Title, or any administrative action approving or denying an application or request related to any matter addressed in this Title may be filed by any property owner or their agent.

1. The appeal shall be submitted to the City Manager within 10 calendar days after the making of the order or decision being appealed.

2. The appeal shall state the specific grounds upon which the appeal is made.

3. The appeal shall be accompanied by the fee set forth in Chapter 314 of this Code.

B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within 30 days of the receipt of the appeal. The Board of Adjustments and Appeals will reconsider only the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appeals applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion, if that information serves to clarify information previously considered by the Variance Board and/or staff.

1. Variance Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s), members of the Variance Board, and to all of those property owners within the public hearing notification area established in Chapter 108 of the City Code, as well as the owner of the subject property.

2. Administrative Deviation Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) and all of those property owners who received notice of the original administrative deviation hearing, as well as the owner of the subject property.

3. Appeals of Administrative Decisions: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) as well as the owner of the subject property. (Ord. 1403, 12-13-2010)

1011.07 Height Exemptions in All Districts:

A. The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that the following shall be exempt from said height limitation:

1. Church spires
2. Belfries
3. Cupolas and domes which do not contain usable space
4. Monuments
5. Water towers
6. Fire and hose towers
7. Observation towers
8. Flagpoles
9. Electrical transmission towers
10. Chimneys
11. Smokestacks
12. Parapet walls extending not more than 3 feet above the limiting height of the building
13. Cooling towers
14. Grain elevators
15. Elevator penthouses

B. Exception: If, in the opinion of the Community Development Department, such structure would adversely affect adjacent property, such greater height shall not be authorized except by the City Council pursuant to the appeals procedure established in Section 1009.08.

1011.08 Fences in All Districts:

A. General Requirements: Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements.

1. The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.
2. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.
3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall as 6.5 feet.
4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the top of the fence material. Fence posts may extend an additional 6 inches.

5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.

6. All fences shall be constructed of durable, uniform, weather-resistant, and rustproofed materials.

7. All fences shall be maintained and kept in good condition.

8. Fences exceeding 4 feet in height shall require a permit from the City.

9. Temporary snow fencing is allowed seasonally, when snow is present, without a permit.

10. Non-residential Fences: In addition to the requirements of this section, fences in all non-residential districts shall conform to the screening requirements of Section 1011.03B of this Chapter.

11. Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than 4 feet in height shall be installed between the facility and the right-of-way.

B. Residential Fences: The following standards shall apply to all fences constructed in any residential zoning district

1. No fence used for screening or security shall exceed 6.5 feet in height;

2. Fences shall be comprised of chain-link, wood, plastic, or metal, but shall not be barbed wire, electric, weaved or welded wire

3. Exception: Weaved or welded wire or mesh fences erected at the periphery of a garden and used to keep unwanted animals out of the garden shall be allowed to a maximum of 8 feet in height. (Ord. 1436 5-13-13)

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 7th day of December 2020, at 6:00 p.m.

The following members were present: , , , and Mayor .
and the following were absent: .

Member introduced the following resolution and moved its adoption:

RESOLUTION No.

**RESOLUTION OF DECISION OF THE BOARD OF ADJUSTMENTS AND APPEALS
RELATED TO THE APPEAL FROM THE PROPERTY OWNERS
OF 2030 COUNTY ROAD B
REGARDING AN ADMINISTRATIVE DECISION PERTAINING TO A FENCE**

WHEREAS, on October 2, 2019 a Stop Work Order was issued by Inspections staff regarding the construction of a structure in the front yard of 2030 County Road B; and

WHEREAS, on October 7th through October 8th, 2019 the property owners corresponded with City Planning staff via email in regards to the structure, whereby staff indicated the fence portion of the structure must not exceed four feet in height in order to comply with Zoning Code Section 1011.08.3; and

WHEREAS, following correspondence between City staff and the homeowners, the homeowners finished the structure at a fence height in excess of four feet; and

WHEREAS, on November 1, 2020, after several interactions with City Planning staff and the Community Development Director where various City Code interpretations were discussed, the homeowners filed a request with the City Manager to appeal the decision of City staff that the structure in question should be regulated as a fence; and

WHEREAS, a public meeting date was scheduled for November 30, 2020, consistent with the requirements under Section 1009.08.B.3, but said meeting was delayed to December 7, 2020 per the homeowner's request; and

WHEREAS, on December 7, 2020, a public meeting was held of the City Council, acting as the Board of Adjustment and Appeals to hear the appeal and issue a decision.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Adjustment and Appeals of the City of Roseville finds as follows:

1. The Board **approves/denies** the appeal of the Administrative Decision requested by the homeowners of 2030 County Road B and makes the following findings in support of this decision:
 - a.

The motion for the adoption of the foregoing resolution was duly seconded by Member , and upon a vote being taken thereon, the following voted in favor thereof: , , , and Mayor . and the following voted against the same: .

WHEREUPON said resolution was declared duly passed and adopted.

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STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 7th day of, December, 2020 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this day of , 20

SEAL

Patrick J. Trudgeon, City Manager

From: [Janice Gundlach](#)
To: ["wendym lady@yahoo.com"](mailto:wendym lady@yahoo.com)
Subject: RE: Fwd: Introduction and Guidance Needed
Date: Tuesday, November 24, 2020 3:34:32 PM

Hey Wendy,

Our attorney says we're good for the 7th. Please put the appeal on your schedule for December 7th. Thanks!

Janice Gundlach | Community Development Director

O: 651.792-7071

janice.gundlach@cityofroseville.com



2660 Civic Center Drive | Roseville, MN 55113

[Facebook](#) | [Twitter](#) | [YouTube](#)

From: Janice Gundlach
Sent: Tuesday, November 24, 2020 3:26 PM
To: 'wendym lady@yahoo.com' <wendym lady@yahoo.com>
Subject: RE: Fwd: Introduction and Guidance Needed

Hey Wendy,

One quick item. The code says we have to review appeals within 30 days of receiving them. December 7th is outside that 30 days. I'm sure it's fine to delay since you are requesting it, but I'm confirming with the City Attorney first. I'll let you know what he says once I hear back.

Janice Gundlach | Community Development Director

O: 651.792-7071

janice.gundlach@cityofroseville.com



2660 Civic Center Drive | Roseville, MN 55113

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From: wendy weinert <wendym lady@yahoo.com>
Sent: Tuesday, November 24, 2020 3:18 PM
To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Subject: RE: Fwd: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Wonderful! Happy Thanksgiving to you as well. :)

[Sent from Yahoo Mail on Android](#)

On Tue, Nov 24, 2020 at 3:14 PM, Janice Gundlach
<Janice.Gundlach@cityofroseville.com> wrote:

Okay, we'll move to December 7th.

If you get an email invitation to the meeting on Monday, just ignore it. All that means is the invitations were set up before we pulled the item from the agenda.

Have a great Thanksgiving!

Janice Gundlach | Community Development Director

O: 651.792-7071

janice.gundlach@cityofroseville.com



2660 Civic Center Drive | Roseville, MN 55113

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From: wendy weinert <wendymlady@yahoo.com>
Sent: Tuesday, November 24, 2020 2:48 PM
To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Subject: RE: Fwd: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Thanks for the info. We will be driving at that time, so yes, if we can move to the 7th that would be great!

Thanks,

Wendy

[Sent from Yahoo Mail on Android](#)

On Tue, Nov 24, 2020 at 1:58 PM, Janice Gundlach

<Janice.Gundlach@cityofroseville.com> wrote:

Thanks for the email Wendy. The meeting is virtual via zoom and begins at 6pm, so no physical presence is necessary. You'll receive an email with a link to "attend" the meeting. Since it's virtual, I thought I'd double check on whether you want to reschedule. The only other meeting available this year is December 7th. Let me know, thanks!

Janice Gundlach | Community Development Director

O: 651.792-7071

janice.gundlach@cityofroseville.com



2660 Civic Center Drive | Roseville, MN 55113

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From: wendy weinert <wendymlady@yahoo.com>

Sent: Tuesday, November 24, 2020 11:39 AM

To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>

Subject: Re: Fwd: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Good morning, Janice.

I just received the letter from you regarding our appeal. I see it is scheduled for Nov 30th. We will be traveling that day and unavailable. Could we get our appeal moved to be on schedule for the next meeting instead?

Your help is much appreciated. Thank you.

Wendy

[Sent from Yahoo Mail on Android](#)

On Mon, Oct 19, 2020 at 2:43 PM, Mellisa Weinert

<mellisa_suzann@yahoo.com> wrote:

Begin forwarded message:

From: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Subject: RE: Introduction and Guidance Needed
Date: October 19, 2020 at 12:22:31 PM CDT
To: 'Mellisa Weinert' <mellisa_suzann@yahoo.com>

The City Code Section that includes the definition of fence is 1001.10, which you can access at the below link:

https://www.cityofroseville.com/DocumentCenter/View/28568/Title-10-Zoning_190806

Here is the actual definition, cut and pasted from the code:

FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Also, here is the statute that explains the Variance process and what a "practical difficulty" is, should you opt to/need to advance this to the Variance process:

Minnesota Statutes 462.357.Subd 6.Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the

essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Let me know if you have questions and good luck!

Janice Gundlach | Community Development Director
O: 651.792-7071
janice.gundlach@cityofroseville.com

2660 Civic Center Drive | Roseville, MN 55113
Facebook | Twitter | YouTube

-----Original Message-----

From: Mellisa Weinert <mellisa_suzann@yahoo.com>
Sent: Friday, October 16, 2020 4:24 PM
To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Cc: Dan Roe <Dan.Roe@cityofroseville.com>
Subject: Re: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

How about noon?

Mellisa
651.895.0891

On Oct 16, 2020, at 4:15 PM, Janice Gundlach
<Janice.Gundlach@cityofroseville.com> wrote:

When would be a good time to give you a call on Monday?

Janice Gundlach | Community Development Director

O: 651.792-7071
janice.gundlach@cityofroseville.com

2660 Civic Center Drive | Roseville, MN 55113 Facebook | Twitter |
YouTube

-----Original Message-----

From: Mellisa Weinert <mellisa_suzann@yahoo.com>
Sent: Friday, October 16, 2020 3:35 PM
To: Janice Gundlach <Janice.Gundlach@cityofroseville.com>
Cc: Dan Roe <Dan.Roe@cityofroseville.com>
Subject: Re: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Thank you, Janice. Please feel free to reach out to us, personally come out to review and discuss with us or anything else we can aid in this matter. As residence and home owners we would like to be involved in this discussion.

Thank you.

Mellisa
651.895.0891

On Oct 16, 2020, at 3:12 PM, Janice Gundlach
<Janice.Gundlach@cityofroseville.com> wrote:

Thank you for the email Mellisa and Wendy. I will review the matter with Bryan and Gerry and follow-up as soon as possible. I'll be in touch.

Janice Gundlach | Community Development Director
O: 651.792-7071
janice.gundlach@cityofroseville.com

2660 Civic Center Drive | Roseville, MN 55113 Facebook | Twitter |
YouTube

-----Original Message-----

From: Dan Roe <Dan.Roe@cityofroseville.com>

Sent: Friday, October 16, 2020 3:07 PM
To: Mellisa Weinert <mellisa_suzann@yahoo.com>
Subject: Re: Introduction and Guidance Needed

Mellisa & Wendy,

Thank you for your email. At the City we definitely appreciate your interest in abiding by the code and being a good neighbor by having an appropriate screen for your trash bins.

Since I don't have any supervisory authority over City staff, I would suggest your next point of contact be with Janice Gundlach, the Community Development Director, who is the supervisor of the department in which Bryan and Jerry work. Ms. Gundlach can be reached at 651-792-7071 or by email at janice.gundlach@cityofroseville.com.

Hopefully, a resolution can be found that is satisfactory to all.

Regards,

Dan Roe | Roseville Mayor
H: 651.487.9654
E: dan.roe@cityofroseville.com
www.cityofroseville.com

City of Roseville: Facebook | Twitter | YouTube Mayor Dan Roe:
Facebook | Twitter

From: Mellisa Weinert <mellisa_suzann@yahoo.com>
Sent: Friday, October 16, 2020 2:19 PM
To: Dan Roe
Cc: Wendy Weinert
Subject: Introduction and Guidance Needed

Caution: This email originated outside our organization; please use caution.

Dear Mayor Roe,

I hope this year finds you and your family well in this unprecedented time. Having been residents of Roseville going on 15 years now, we have continued to enjoy the beautiful city parks, central location, and overall way of life that this city offers. We value and appreciate the effort of our local leaders to maintain a safe and beautiful residential community.

As recent new home owners we have familiarized ourselves with Roseville city codes and do our best to always be in compliance and to continually have property improvements, adding value and beauty to our neighborhood and Roseville as a whole. We are aware Roseville's code regarding garbage bin placement. This particular ordinance was top of mind when we moved into our new home and we wanted to find an attractive solution to be within code. To do this we built an architectural detail in the front of our property to house our bins as well as provide a visual feature that not only compliment our home, but also the neighborhood at large. We were very careful to review the Roseville code for such a structure and are within the guidelines.

However, Bryan Lloyd your senior planner along with Jerry Proulx have taken it upon themselves to say that we are not within the code. The code says nothing about the type of structure we have. The code references a fence only, not screens or architectural features. This is NOT a fence as it does not enclose anything. Bryan himself called it attractive and elegant. Neighbors daily compliment and thank us for building the bin enclosure. Bryan's qualm is that he believes it falls within the definition of a fence (which it absolutely is not a fence as a fence must enclose something) therefore making it "too tall" for the front of the yard.

We would love to invite you to come over and review and discuss this matter. We would sincerely appreciate your help and support with this issue. We are constantly trying to abide by and maintain Roseville rules. We are not trying to be difficult, but we do believe that this is an overreach. We would appreciate your support removing this internal memo within city hall as we are not harming anyone, have had zero complaints about it, and truly are within the guidelines set forth by the vaguely written code.

Thank you for your help. I look forward to hearing back from you.

Mellisa and Wendy Weinert