

1. Call to Order – Roll Call
2. Approval of Minutes: Nov. 27, 2018
3. Consent Agenda:
4. Public Hearing
  - A. Variance: Variance to required minimum parking spaces  
Location: 6416 Lake St W  
Applicant: Sharon and Julio Margalli  
Case No.: 19-01-VAR
5. Old Business
6. New Business
  - A. Election of Chair and Vice-Chair
  - B. Annual Report
7. Communications
8. Miscellaneous
9. Adjournment

If you cannot attend the meeting, please call the Community Development Office, 952/924-2572.

Auxiliary aides for individuals with disabilities are available upon request. To make arrangements, please call 952/928-2840 at least 96 hours in advance of meeting.

**UNOFFICIAL MINUTES OF NOVEMBER 27, 2018  
BOARD OF ZONING APPEALS  
CITY OF ST. LOUIS PARK**

Members present: Anthony Howard, Justin Kaufman, Henry Solmer

Members absent: James Gainsley, Paul Roberts

Staff present: Jennifer Monson, Planner  
Gary Morrison, Assistant Zoning Administrator

1. Call to Order – Roll Call

Chair Kaufman called the meeting to order at 6:00 p.m.

2. Approval of Minutes of May 24, 2018

Mr. Solmer recommended approval of the May 24, 2018 minutes. Mr. Howard seconded the motion, and the motion passed on a vote of 3-0.

3. Consent Agenda: None

4. Public Hearings

- A. Variations: Texa-Tonka Shopping Center  
Location: 8000 Minnetonka Blvd.  
Applicant: Paster Properties, Mike Sturdivant  
Case Nos.: 18-61-VAR, 18-62-VAR

Jennifer Monson, Planner, presented the staff report. The variance requests are to allow a setback of 12 feet from residential properties for restaurants with intoxicating liquor licenses and to allow 160 parking spaces instead of the required 251 spaces.

Ms. Monson stated the applicant has a purchase agreement to buy the Texa-Tonka Shopping Center. The applicant wishes to update the site and façade and reduce the size of the shopping center to accommodate an outdoor gathering space and landscaping.

Ms. Monson presented analysis of the criteria for both variance requests.

Ms. Monson stated that a neighborhood meeting was held on November 15, 2018 to introduce Paster Properties to the neighborhood and to inform the community regarding the reinvestment planned for the shopping center. She said those in

attendance voiced overwhelming support for the project. She noted that several comments were made that there has not been a parking issue on site for over 30 years.

The chair opened the public hearing.

The applicant, Mike Sturdivant, introduced himself.

Mr. Solmer said it was great the property was going to be redeveloped. He said he was concerned about the cut through and noise getting through the opening to the neighborhood. He asked if the applicant would consider leaving a wall across the back for a noise barrier.

Mike Gordon, AWH Architects, discussed the sectional variation design which should help buffer some sound. He said they are also proposing planter boxes within the courtyard area along with a vegetated landscape screen that will also buffer noise. He said they are also leaving the existing structure in place, removing the roof and materials around it but leaving the beams and structural supports and on top of that proposing a solar ray. The ray won't be open, it will be closed, and hopefully that will help keep noise from escaping. The solar canopy will be over the seated area.

Mr. Solmer asked the applicant about similar projects they have done and how they worked out regarding noise.

The applicant discussed a similar project in south Minneapolis. The solar structure has helped create an enclosure and reduce noise.

Mr. Solmer spoke about the history of the property and parking. He discussed vacancies and low frequency use over the years. He said a restaurant will attract more drivers. He spoke about overflow parking which was available on the east side of Texas in the past. He said he wondered if it would be a good idea if the applicant would operate for a year before removing parking spaces.

Ms. Monson said staff never found anything in city records regarding required or allowed parking for this site with any of the other adjacent parking lots. She said the proposed resolution includes a stipulation that if there are any parking issues when a new business applies the city will not approve an occupancy until parking issues are resolved.

Mr. Sturdivant said they own and manage several shopping centers throughout the Twin Cities. The project is very neighborhood centered and they will do their best to bring in uses that are complimentary from a parking perspective. He discussed bike parking, bike lanes and transit that will be available to patrons.

Mr. Solmer said if the business is successful they will need more parking.

Chair Kaufman asked about restaurant hours.

Gary Morrison, assistant zoning administrator, stated there are no hour limitations in C-2.

Susan Bloyer, 2935 Pennsylvania Ave. S., member of Texa-Tonka neighborhood association, said she supports the variances as submitted. She said the neighborhood likes the idea of the open area. She said shrubbery tends to be a better noise blocker than wood or other retaining walls. She said she has lived in the neighborhood for 30 years. She said she's seen times of successful, large commercial uses and has never seen full parking at the site. She said the parking spot across the street has never been used. She spoke about the shrubbery and landscaping being an improvement for water management on the site.

Scott Kosloski, 2845 Rhode Island, Texa-Tonka neighborhood association chair, said the association board supports approval of the variances. They feel the redevelopment will be a great benefit to the community. He said several residents at the neighborhood meeting have lived there for many years and they are not concerned about parking issues.

Joe Smith, 2941 TexaTonka, said he would be next to the open air seating area. He said he has concerns. He said in the past he had problems with the restaurants and the alley. He said the alley doesn't seem conducive to the open area. He wondered if the solar panels would reflect back at his space. He is concerned about noise. What can he do about noise? He's enjoyed his patio for 17 years.

Mr. Sturdivant said the alley will continue to be used by the restaurant. They will be cleaning up the alley.

Mr. Gordon discussed site lighting improvements to discourage lingering. He said the solar panels will be south facing.

There was a discussion about grade changes at the opening.

Mr. Sturdivant spoke about a similar restaurant with a patio that they operate in Lakeville and there have been no neighborhood concerns. He said they want to be good neighbors and address any concerns.

The Chair asked staff how the city addresses neighborhood complaints about a business.

Ms. Monson discussed the city noise ordinance and the ways the city works with property owners regarding issues. She said the city's liquor license requires barriers for outdoor seating if alcohol is served.

Mr. Sturdivant said their intent is not to have patrons in the alley.

As no one else was present wishing to speak the Chair closed the public hearing.

Mr. Solmer asked the applicant if they were aware of any drainage issues on the site.

Mr. Sturdivant said they are trying to stay under the threshold that would require a storm management plan.

Mr. Solmer made a motion to recommend approval of the variance requests with conditions as recommended by staff. Mr. Howard seconded the motion, and the motion was approved on a vote of 3-0.

B.     Variance:     Variance to required minimum parking spaces  
          Location:    6538 Lake Street  
          Applicant:   Alex Brose  
          Case No.:    18-66-VAR

Gary Morrison, assistant zoning administrator, presented the staff report. The applicant requests to allow two parking spaces instead of the required 21 spaces for a proposed Herbalife store at 6538 Lake Street. He explained that there are no on-site parking spaces, and there are 12 on-street parking spaces located adjacent to the property that can count toward the parking requirement. The 12 spaces count toward all uses in the property, not just the applicant's use.

Mr. Morrison discussed the Walker Lake parking study which will be completed next summer.

Mr. Morrison reviewed criteria for granting of the variance.

Mr. Solmer asked about current utilization of the on-street parking.

Mr. Morrison responded that about less than half of on-street parking on Lake Street is utilized. He commented that the block functions like a strip mall so parking might not be directly across from a use.

Alex Brose discussed the project and said they are very excited about the Walker Lake revitalization and the revitalization of the London Square building.

Mr. Solmer made a motion to approve the variance to allow two parking spaces instead of the required 21 spaces. The motion was approved on a vote of 3-0.

5. Unfinished Business: None
6. New Business: None
7. Communications: None
8. Adjournment

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Nancy Sells  
Recording Secretary

**4A. Mexico City Cafe Variance Request**

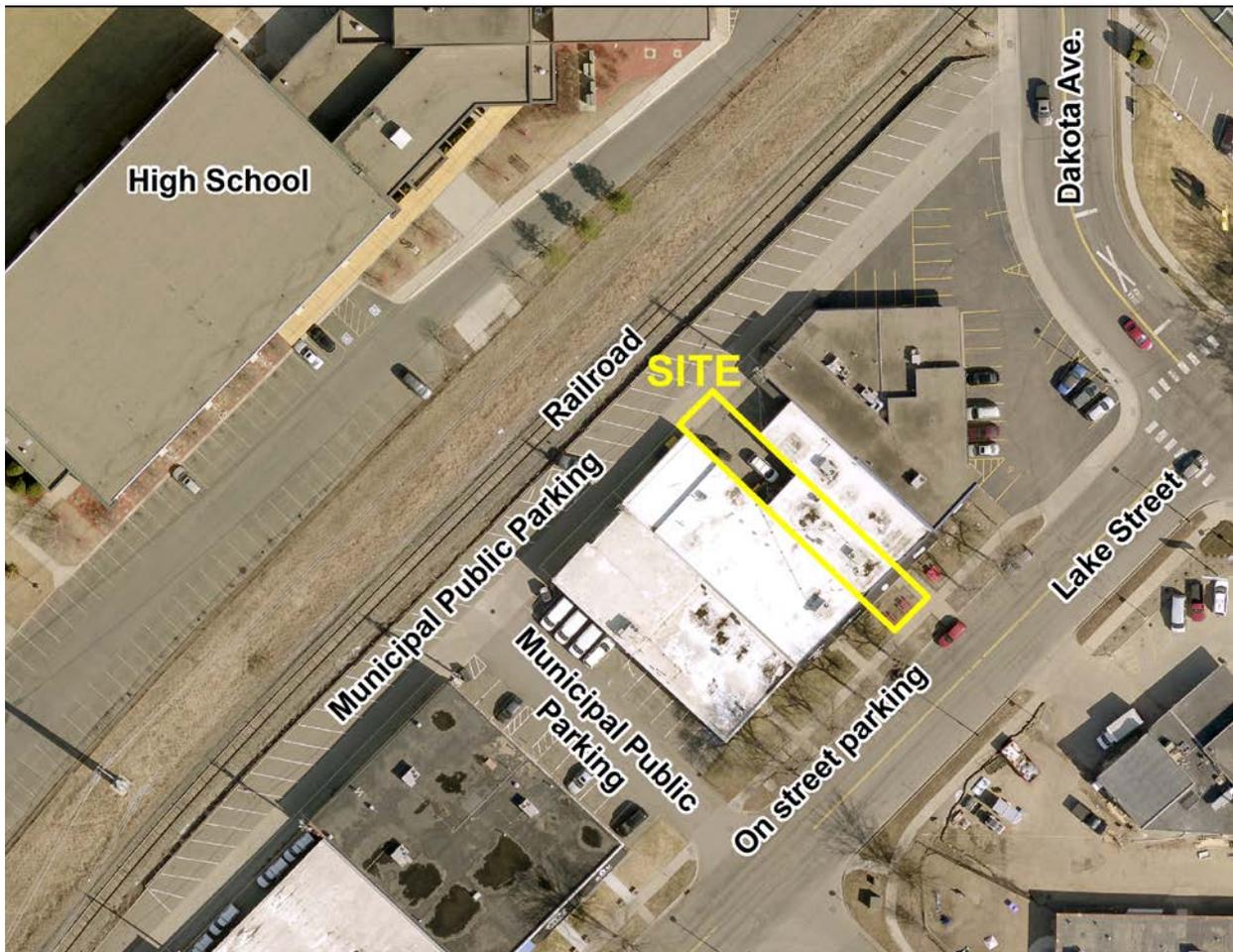
**Location:** 6416 Lake Street West  
**Case Nos.:** 18-72-VAR  
**Applicant:** Sharon and Julio Margalli

**Recommended motion:** Motion to recommend approval of the variance request with conditions as recommended by staff.

**REQUEST:** The applicants Sharon and Julio Margalli are requesting:

- A variance from Section 36-361(c)(3) Parking to reduce the required parking from 21 spaces to 3 spaces.

**SITE INFORMATION:**



**Current land use guidance:** COM-Commercial  
**Current zoning:** C-2 General Commercial  
**Site area:** 3,015 sf (0.07 acres)  
**Previous use:** Park Yogurt  
**Current use:** Vacant building  
**Proposed use:** Mexico City Café - Restaurant

**Surrounding land uses:**  
North: commercial  
East: municipal parking lot  
South: commercial  
West: commercial

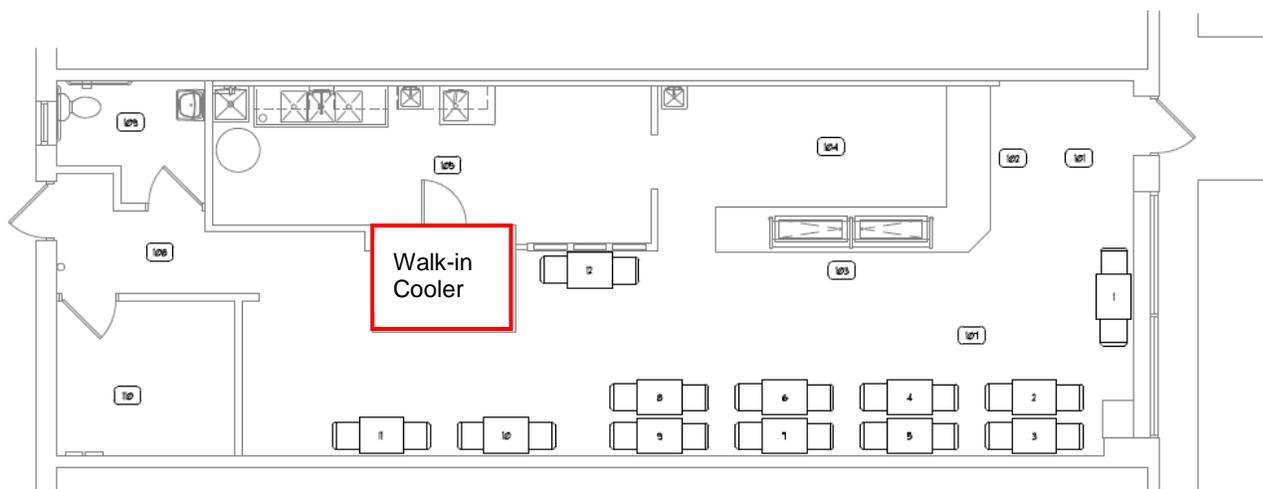
**BACKGROUND AND PROPOSAL:** St. Louis Park residents, Sharon and Julio Margalli, are requesting a parking variance to allow them to open a small Mexican restaurant in Historic Walker Lake, St. Louis Park’s original downtown. The applicants would like to operate a 1,250 square foot restaurant with eight tables (24 seats) in the space formerly occupied by Park Yogurt, Munchies, and Palm Bakery. The building was constructed in 1948 as part of a strip commercial center, and has been occupied by food oriented establishments for many years.

The previous food service uses all operated as non-conforming to the city’s parking standards. However, a variance was never required as each new business that occupied the space reduced the non-conformity of the previous use. The current request of the Mexico City Café increases the parking non-conformity, thus requiring a variance to allow the use to operate in the space.

Use	Parking Required	Parking Provided On-site/On-street	Interior Seating
Bakery: Palm Bakery	29 spaces	3 spaces	Unknown
Food Service: Munchies	23 spaces	3 spaces	Unknown
Coffee Shop: Park Yogurt	7 spaces	3 spaces	24 seats
Restaurant: Mexico City Café ( <b>requested</b> )	21 spaces	3 spaces	24 seats

The site has two on-site parking spaces at the rear of the building, and one on-street parking space along Lake Street. The site is also surrounded by a large municipal parking lot south and to the rear of the building that as per code, cannot technically be counted as parking for the site, but is available for them to use. This public parking is rarely more than 60% utilized, even at the peak hour of the day.

The applicants propose a minor remodel to the building’s interior to allow for the addition of a walk-in cooler. This will reduce the overall area for restaurant seating, allowing for a maximum of 8 tables and 24 seats.



The applicant is seeking a parking variance to reduce the amount of required parking from 21 spaces to 3 spaces, a variance of 18 spaces.

Applicable Zoning Regulations: The sections of city code that are the subject of the variances are as follows:

***City Code Section 36-361(c)(3)***

Parking minimum for restaurant: One space per each 60 sq. ft. floor area.

**ZONING ANALYSIS:** Section 36-33(d) of the Zoning Ordinance states that the Board of Zoning Appeals may grant variances from the strict application of the provisions of the Zoning Ordinance and impose conditions and safeguards.

As required by City Code, the Board of Zoning Appeals (BOZA) considers the following prior to ruling on a variance. Staff has provided an analysis of each point below.

**1. The effect of the proposed variance upon the health, safety and welfare of the community.**

This space has operated as a food service enterprise for many years. The site is surrounded by public parking to the west, south, and east. There is no record of complaints filed regarding parking on this property.

**2. Whether or not the request is in harmony with the general purposes and intent of the ordinance.**

Staff finds that the application meets this criterion. 6416 Lake St. W. has operated as food service and/or bakery use for many years. The zoning ordinance allows businesses to count on-street parking spaces toward their minimum number of parking spaces required for the use. The ordinance states the use can only count those spaces directly adjacent to their property in an attempt to alleviate an over-reliance on them, and therefore creating a shortage of parking. In this case, however, the restaurant is adjacent to large public parking areas. A December 2018 parking analysis of these lots showed that parking was never utilized more than 60% even at the peak hour of the day (12 p.m.). The proposed variance results in a more efficient use of the available public parking in the area.

**3. Whether or not the request is consistent with the comprehensive plan.**

Staff finds the application meets this criterion. The 2030 and 2040 Comprehensive Plans guide the site as commercial. The 2030 Plan, Chapter IV, Goal 4 is to encourage redevelopment projects that fulfill the city's vision and meet other community goals. One of the strategies identified to meet this goal is to encourage efficient, compact redevelopment that results in the highest and best land uses so as to minimize energy and infrastructure costs. Individual businesses with large private parking lots is an inefficient use of the city's land and resources. There is a large concentration of public parking in the Historic Walker/Lake area that is not utilized in the evenings and weekends. The variance is a way to efficiently share available public parking resulting in a smaller private parking lot.

**4. Whether or not 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:**

- a. **The property owner proposes to use the property for a land use permitted in the zoning district in which the land is located. A variance can be requested for dimensional items required in the zoning ordinance, including but not limited to setbacks and height limitations.**
- b. **The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

- c. The variance, if granted, will not alter the essential character of the locality.**
- d. Economic considerations alone do not constitute practical difficulties.**
- e. Practical difficulties include inadequate access to direct sunlight for solar energy systems.**

The application meets this condition. The restaurant is permitted in this zoning district.

The variance will not adversely impact the character of the area as on-street parking is permitted and utilized by businesses in the area.

There is sufficient public parking in the area including both on-street parking and two municipal parking lots. The Historic Walker/Lake area was developed in the 1940 and 1950s with a high dependency on on-street parking. As a result, most properties in the area do not have a private on-site parking lot. Those with off-street parking, have small parking lots and unlikely could meet the minimum number of parking spaces required for commercial uses or restaurants.

There are other factors besides economic considerations that need to be considered. A restaurant is a high priority for the Historic Walker/Lake area as per the city's 2017 Activation Plan, and small area planning efforts for revitalization. As noted above, however, the parking requirements for a restaurant make it very difficult and unlikely that a restaurant such as Mexico City Cafe, can locate in this area without a sizeable parking variance or replacing existing buildings with a large parking lot, which is not consistent with the goals of the Historic Walker/Lake area.

- 5. Whether or not there are circumstances unique to the property include the shape, topography, water conditions, or other physical conditions unique to the property.**

The Historic Walker/Lake area is the original downtown of St. Louis Park. As noted above, it was developed with very little private on-site parking, and therefore, a heavy reliance on on-street parking. This makes it difficult for commercial and restaurants to locate in Historic Walker/Lake without a parking variance.

- 6. Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.**

A restaurant such as Mexico City Cafe, can only locate in the Historic Walker/Lake area if they receive a parking variance, or if they replace existing buildings with a large parking lot capable of parking up to 18 cars. (The zoning ordinance requires 21 parking spaces for Mexico City Cafe.) Replacing buildings with parking lots is contrary to preservation and revitalization goals of the city and Historic Walker/Lake. Alternatively, the city encourages efficient and shared use of the public parking along with alternative means of transportation such as walking and biking. Locating a restaurant such as Mexico City Cafe in this area provides an alternative to area residents by giving them a restaurant they can walk or bike to as opposed to having to drive to West End or other regional commercial centers.

- 7. The granting of the variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, or endanger public safety.**

This variance will have no impact on the supply of light and air to adjacent properties, and will not endanger public safety.

**8. Whether or not the granting of the variance will not merely serve as a convenience to the applicant but is necessary to alleviate a practical difficulty.**

Staff finds that this criterion has been satisfied.

**Prepared by:** Jennifer Monson, Planner

**Reviewed by:** Gary Morrison, Assistant Zoning Administrator  
Sean Walther, Planning and Zoning Supervisor

## **VARIANCE**

### **BOZA RESOLUTION NO. 01-19**

#### **A RESOLUTION GRANTING A VARIANCE FROM SECTION 36-361(C)(3) OF THE ZONING ORDINANCE TO ALLOW 3 PARKING SPACES INSTEAD OF THE REQUIRED 21 PARKING SPACES AT 6416 W LAKE STREET.**

**BE IT RESOLVED BY** the Board of Zoning Appeals of St. Louis Park, Minnesota:

#### **FINDINGS**

1. On December 21, 2018, Sharon and Julio Margalli applied for a variance from the requirements of Section 36-361(C)(3) of the Zoning Ordinance to allow 3 parking spaces instead of the required 21 spaces to operate a 1,250 square foot restaurant in the C-2 General Commercial District at the following location, to-wit:  

LOT 33, EXCEPT THE NORTHEASTERLY 0.80 FOOT THERAF, AND THE NORTHEASTERLY 0.85 FEET OF LOT 34, BLOCK 178, REARRANGEMENT OF ST. LOUIS PARK, TOGETHER WITH THE ADJOINING ½ OF ALLEY NOW VACATED, HENNEPIN COUNTY, MINNESOTA.
2. The Board of Zoning Appeals has reviewed the application for Variance Case No. 18-72-VAR.
3. The building has been in existence since 1948 and has operated successfully for many years as a food service use with less parking than required by zoning.
4. The Board of Zoning Appeals has considered the effect of the proposed variances upon the health, safety and welfare of the community, and existing and anticipated traffic conditions. Past businesses have operated as bakeries and food service establishments. The reduction in parking requirements will not have a significant impact on the community as the site and surrounding municipal parking lots have operated with sufficient parking for many years.
5. The plight of the landowner is due to circumstances unique to the property not created by the landowner. The need for the variances is due to the unique circumstances of the property and the location of the existing building. When the building was constructed in 1948, it was constructed as part strip commercial center in the city's historic business center. The building is situated at the front of the site, and is constructed with zero site lot lines. The existing onsite parking stall counts do not meet the current code, and it is likely that any new use in the space would require a parking variance. The existing center is located in a transit connected, walkable and bikeable community.
6. The variances will not alter the essential character of the locality and will fill a vacant storefront in an area in which the city would like to add more vibrant uses.

7. The need for the variance is due to the unique needs of the existing site design, which was constructed in 1948, and the existing conditions of public parking availability within the Historic Walker Lake district.
8. Because of conditions on the subject property and surrounding property, it is possible to use the property in such a way that the proposed variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair health, safety, comfort, morals, or in any other respect be contrary to the intent of the Zoning Ordinance and the Comprehensive Plan.
9. The contents of Board of Zoning Appeals Case File 18-72-VAR are hereby entered into and made part of the public record.
10. Under the Zoning Ordinance, this variance shall be deemed to be abandoned, revoked, or canceled if the holder shall fail to initiate the work on or before one year after the variance is granted.
11. Under the Zoning Ordinance, this variance shall be revoked and cancelled if the building or structure for which the variance is granted is removed.

### **CONCLUSION**

The application for a variance from Section 36-361(C)(3) of the Zoning Ordinance to allow 3 parking spaces instead of the required 21 spaces to operate a restaurant is granted based upon the findings set forth above and with the following conditions:

1. The variance applies to the project as presented to the BOZA, and as shown on the attached exhibits; Exhibit A – Floor Plan
2. The restaurant seating shall be limited to the area shown on the floor plan.
3. Assent form and official exhibits must be signed by applicant (or applicant and owner if applicant is different from owner) prior to issuance of a building permit.
4. In addition to other remedies, the developer or owner shall pay an administrative fee of \$750 per violation of any condition of this approval.

Adopted by the Board of Zoning Appeals: January 24, 2019  
Effective date: December 7, 2018

\_\_\_\_\_  
Justin Kaufman, Chairperson

**ATTEST:**

\_\_\_\_\_  
Gary Morrison, Assistant Zoning Administrator

**6B 2019 Annual Report.****Recommended  
Action:**

- Approve the 2019 Annual Report for submission to the city council.
- Appoint a volunteer to present the report to the 2019 Board and Commission Annual Meeting.

**2019 Annual Report.** Each year the city council requires all boards and commissions to complete an annual report. The reports are due to be submitted to the city council by February 14, 2019, so this meeting is the only opportunity to provide feedback, and for the BOZA to approve it. Staff asks that you review the report, suggest comments/changes (if any) at the meeting, then recommend approval for submission to the city council.

**2019 Board and Commission Annual Meeting.** In addition to approving the report, the BOZA needs a volunteer to present the report to the city council at the 2019 Board and Commission Annual Meeting on Monday, February 25, 2019. All board members are welcome to attend the meeting, and I need one to give a short, not to exceed seven minutes, report. The presenter needs to be a board member. I will prepare the power point presentation in advance. The presenter, of course, can give some guidance on the presentation. I will also set it up for the meeting. All you need to do is enjoy the night and present the report.

Below is the tentative agenda for the evening:

**5:30 PM****Check-in**

Light food/refreshments provided

Welcome & thank you from Mayor Spano

**6:00-6:15 PM****Council updates on key city-wide initiatives**

Strategic Priorities Overview

Race Equity Initiative Overview

**6:15-7:45 PM****B & C Presentations**

Five (5) minutes for annual report overview

Five (5) minutes for questions, comments, and follow-up requests from City Council

**PREPARED BY:** Gary Morrison, Assistant Zoning Administrator

**REVIEWED BY:** Sean Walther, Planning & Zoning Supervisor

**ATTACHMENTS:** 2019 Annual Report

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I. **Board of Zoning Appeals (BOZA) Members:**

Justin Kaufman, Chair  
Anthony Howard, Vice-Chair  
James Gainsley, Board Member  
Paul Roberts, Board Member  
Henry Solmer, Board Member

II. **2018 Goals and Key Initiatives:** The (BOZA) is charged with the responsibility of responding to request from residents and business owners for:

1. Variances to the regulations of the zoning ordinance,
2. Appeals from any order, decision, or interpretation of the text of the zoning ordinance made by staff.

The BOZA may also act in an advisory capacity on matters referred to it by the city council.

Section VI provides a summary of the BOZA actions resulting from applications received in 2017.

III. **2019 Goals:** The BOZA strives to maintain the following goals each year as it hears variances and appeals to staff interpretations decisions:

- a. Insure equal application of the judicial process to all cases, which are fairly decided based upon legally relevant factors.
- b. Insure that BOZA procedures and structure best facilitate the expeditious and fair resolution to disputes.
- c. Be sensitive and responsive to the needs of a diverse community.
- d. Use cutting edge technology to increase: citizens' access to the BOZA and the BOZA's ability to reach sound decisions through the best available access to factual and legal information.

IV. **2019 Key Initiatives/Activities:** The BOZA will pursue the following initiatives or activities to achieve progress toward the goals listed above:

- 
- a. Insure equal application of the judicial process to all cases, which are fairly decided based upon legally relevant factors.
    - i. Commissioners will make every effort to attend each meeting to ensure equal review and application of the process and law for each case.
    - ii. Commissioners will familiarize themselves with the city code and the materials delivered to the BOZA in advance of the hearing.
  - b. Insure that BOZA procedures and structure best facilitate the expeditious and fair resolution to disputes.
    - i. Commissioners will make every effort to attend each meeting to ensure there is a quorum.
    - ii. Prior to the hearing, information pertinent to the application will be made available to the BOZA, applicant, and any others interested in the application. The BOZA will make every effort to deliver the requested information by whatever means needed or preferred by the requestor.
  - c. Be sensitive and responsive to the needs of a diverse community.
    - i. The BOZA will make every effort to ensure the services offered by the BOZA are communicated to all residents of the community.
    - ii. The BOZA will make every effort to communicate hearing notices to all residents of the community, and make reasonable accommodations at the hearing so everyone can attend.
  - d. Use cutting edge technology to increase: residents' access to the BOZA and the BOZA's ability to reach sound decisions through the best available access to factual and legal information.
    - i. The BOZA will utilize available technology and communication sources to inform residents of BOZA applications.
    - ii. The BOZA will utilize available technology to review and present applications submitted to them.
- V. Race Equity and Inclusion:** The BOZA will continue to incorporate and promote race equity and inclusion in the key initiatives/activities identified in above. It will:
- a. Encourage people to be engaged in community decisions.
  - b. Identify diverse individuals to apply to serve on the BOZA when vacancies occur.

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**VI. Strategic Priorities:** The city council established the following strategic priorities that are to be supported and taken into account in all of the BOZA activities and decisions:

- St. Louis Park is committed to being a leader in racial equity and inclusion in order to create a more just and inclusive community for all.
- St. Louis Park is committed to continue to lead in environmental stewardship.
- St. Louis Park is committed to providing a broad range of housing and neighborhood oriented development.
- St. Louis Park is committed to providing a variety of options for people to make their way around the city comfortably, safely and reliably.
- St. Louis Park is committed to creating opportunities to build social capital through community engagement.

The BOZA's work supports the strategic priorities.

1. Receiving input from neighbors or others impacted by applications is important for the BOZA. The BOZA also acknowledges that not all persons are comfortable speaking in a public forum, especially when it is in opposition to a neighbor's application. Therefore, the BOZA welcomes many forms of communication including speaking before the BOZA, submitting written communication with or without the author present at the meeting, or accepting a proxy authorized to speak for them.
2. The BOZA conducts hearings in a manner that is respectful to all in attendance. This includes managing the process and dialogue with neighbors that may be in opposition over a particular application with the goal that they will be able to continue to live as neighbors and friends, or at least with respect for one another after the process is completed.

**VII. Variance Applications Received Since 2011:** The following table details the type and amount of variance applications received and reviewed by the BOZA since 2011.

**VIII. 2018 Applications:** The following is a summary of the applications the BOZA acted on in 2018.

Date: March 22, 2018  
Variance: Side setback  
Location: 4317 Browndale Ave S  
Applicant: Andre LaTondresse



The property is a single-family home that backs

	'11	'12						
<b>RESIDENTIAL</b>								
<b>Attached Garages:</b>								
Interior side setback:	2	0						
Rear setback:	0	0						
Side yard abutting the street setback:	0	0						
<b>Detached Garages:</b>								
Maximum Ground Floor Area:	0	0	0	0	0	1	0	0
<b>Living Space:</b>								
Front setback:	0	1	1	1	1	0	0	0
Interior side setback:	0	1	0	0	0	1	1	0
Side abutting the street setback:	0	0	0	0	0	0	0	0
<b>Miscellaneous:</b>								
Deck-Interior side yard:	0	0	0	0	0	0	0	0
Open covered porch – front yard:	0	0	1	0	0	0	0	0
Fence height – front yard:	0	0	0	1	0	1	0	0
Eave – interior side yard:	0	0	0	0	0	0	0	0
<b>Total Residential Variances:</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>
<b>COMMERCIAL</b>								
Front setback:	1	0	1	0	0	0	0	0
setback:	0	0	2	0	0	0	0	1
Front yard setback for a sign:	0	0	0	0	0	0	1	0
Increase total sign area:	0	0	0	0	0	0	0	0
Drive aisle width:	0	0	1	0	0	0	0	0
Floor area ratio:	0	0	0	0	1	1	1	1
Number of required parking spaces:							1	3
Screening wall:	0	0	0	1	0	0	0	0
<b>Total Commercial Variances:</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>5</b>
<b>Total Variances:</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>7</b>

up to Browndale Park. The Applicant requested a 5 foot, 11 inch variance to the required 11 foot, 8 inch side setback for the construction of an attached garage located behind the home.

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Staff recommended denial of the application as a detached garage could be constructed without a variance, and a detached garage is common for the neighborhood. Therefore, the application was not required have a standard garage, but instead it was to gain what is not common and typical for the neighborhood, an attached garage. It was determined that the impact of the proposed attached garage is mitigated by the fact that it is constructed into a hill. Therefore, it does not impact the adjacent residential property in the same way a garage built on grade would. The BOZA voted 3-0 to approve.

Date: May 24, 2018  
Variance: Rear yard setback  
Location: 4054 Raleigh Ave S  
Applicant: Karen and Jason Dean

The property is a single-family home. The Applicant requested a 14 foot variance to the required 25 foot rear yard for an attached garage.

Staff recommended approval of the application as the attached garage was needed to meet accessibility requirements for their son who is in a wheelchair. A variance is needed resulting from space requirements to accommodate a van with lift and ramp and additional access improvements to be made to the home. The BOZA voted 3-0 to approve.



Date: May 24, 2018  
Variance: Gross floor area and parking variances  
Location: 4930 W 35<sup>th</sup> St  
Applicant: Rem 5, LLC

The property is an industrial building located in Beltline Industrial Park. The Applicant requested a variance to reduce the required parking from 147 to 66 parking spaces, and a variance to allow an entertainment business to occupy up to 50% of the floor area instead of the required maximum of 25%.



The high number of required parking spaces is driving by the fact they serve food and alcohol, which classifies them as a restaurant in the zoning ordinance. The use, however, is predominantly entertainment driven by a limited number of virtual reality (VR) stations. Therefore, staff recommended that the number of required spaces is not necessary. Additionally, the VR stations take up a lot of space, more floor area is required than allowed by code for an entertainment and restaurant use. The BOZA voted 3-0 to approve.

Date: November 27, 2018  
Variance: Rear yard setback and parking  
Location: 8000 Minnetonka Blvd  
Applicant: Paster Properties

The property is the Texa-Tonka mall. The Applicant requested a rear yard variance to allow restaurants with intoxicating liquor, and a variance to allow 160 parking spaces instead of 251.

Staff recommended approval of the application the restaurants will not have an impact on the adjacent residential properties, and the history of the mall shows that the number of required parking spaces is not required. The BOZA voted 3-0 to approve.



Date: November 27, 2018  
Variance: Parking  
Location: 6538 Lake St  
Applicant: Alex Brose

The property is a commercial building located in the Historic WalkerLake area. The Applicant requested a variance to reduce the required parking from 21 to two parking spaces.

The high number of required parking spaces is driving by the fact they hold classes. The classes, however, are small, and there is sufficient public parking in the area to accommodate their needs without impacting area businesses and residences. The BOZA voted 3-0 to approve.

