BOARD OF ZONING APPEALS (BOZA)

1. Call to order – Roll Call

2. Approval of Minutes:
   2a. February 28, 2019
   2b. June 19, 2019

3. Public Hearing
   3A. Variance to allow an accessory building in the front yard of a through lot
       Applicant: Brandon Eddy and Christine Olsen
       Location: 3274 Blackstone Ave S.
       Case No.: 19-22-VAR

4. Other Business

5. Communications

6. Adjournment

If you cannot attend the meeting, please call the Community Development office, 952.924.2575.

Auxiliary aids for individuals with disabilities are available upon request. To make arrangements, please call the administration department at 952/924-2525 (TDD 952/924-2518) at least 96 hours in advance of meeting.
Call to Order – Roll Call

Chair Kaufman called the meeting to order at 6:24 p.m.

Approval of Minutes of January 24, 2019

 Commissioner Solmer made a motion to approve the minutes of January 24, 2019. The motion passed on a vote of 2-0.

Consent Agenda: None

Public Hearings

A. Variances: Knollwood Village Mall – Request for Sign Variance
   Location: 8906 – 8912 Highway 7
   Applicant: Gator Knollwood Partners, LTD, Thomas Hultgren
   Case Nos.: 18-73-VAR

Chair Kaufman asked if there is a presentation.

Mr. Morrison responded that there is no presentation, just a request for the continuance.

Commissioner Solmer made a motion to approve the continuance. The motion for continuance was approved with a 2-0 vote until the next March 28, 2019 meeting.

Unfinished Business

New Business:

a. Election of Chair and Vice-Chair

The Board will revisit election of officers at the March 28, 2019 meeting.
7. Communications: None

8. Adjournment

The meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Elena Roberts
Recording Secretary
1. Call to Order – Roll Call

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

2. Approval of Minutes: None.

3. Public Hearings

3a. 7627 North Street Variance
    Applicant: Heinen Contracting Inc., on behalf of Casey Cunningham
    Location: 7627 North Street
    Case No.: 19-12-VAR

Akua Opoku, Intern, presented the staff report. The variance request is to allow a detached garage to be constructed in the front yard of the home.

Ms. Opoku stated the home is located 5 feet from the rear property line, 96 feet from the front property line, 16 feet from the west side property line, and 5 feet from the east side property line.

Ms. Opoku presented analysis of the criteria for said variance requests.

Chair Kaufman opened the public hearing. As no one was present wishing to speak he closed the public hearing.

Commissioner Robertson mentioned the street facing side of the garage could use more enhancement, to make it more aesthetically pleasing.

The homeowner and applicant addressed Commissioner Robertson’s comment. He stated that they have since added trimming to the scope of work for all the
windows on the garage, while possibly adding in another window to help with the design. He also mentioned the trusses should be more narrowly pointed than is being reflected in the drawing.

Commissioner Erwin made a motion to approve the variance with the conditions outlined by staff. Commissioner Robertson seconded the motion. The motion was approved on a vote of 7-0.

4. Old Business: Letter received from Gator Knollwood Partners withdrawing their sign variance application was received on March 28, 2018.

5. New Business:

5a. Board of Zoning Appeals bylaws

Commissioner Dumalag made a motion to approve the bylaws for the Board of Zoning Appeals and Commissioner Johnston-Madison seconded the motion. The motion was approved on a vote of 7-0.

6. Communications: None.

7. Adjournment

The meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Elena Roberts
Recording Secretary
3A Variance to allow an accessory building in the front yard of a through lot.

Location: 3274 Blackstone Ave. S.
Applicant: Brandon Eddy and Christine Olsen
Case No.: 19-22-VAR

**Recommended Action:** Chair to open public hearing, take public testimony, and close public hearing. Motion to Adopt Resolution approving a variance to allow a detached garage in the front yard of a through lot at 3274 Blackstone Ave S.

**REQUEST:**
The Applicant requests a variance to allow a three-foot front yard instead of the required 25 feet for a detached garage.

**LOCATION:**

![Map of the area showing the location of the site and surrounding streets.](image)

**Comprehensive Plan:** Low Density Residential (RL)
**Zoning:** R-2 Single-Family Residence

**BACKGROUND:**
**Proposal:** The Applicant owns a lot that has frontage on two public streets, Blackstone Avenue South and Brunswick Avenue South. The two streets are located on opposite sides of the lot, making this lot a “through lot.” Through lots are required by the zoning ordinance to have a front yard on both street frontages. As shown on the aerial photo below, the houses on this block front on Blackstone Avenue South, and the garages are located along Brunswick Avenue South. Typically detached garages located in the back yard can be as close as two feet to the rear lot.
line. Since through lots are required to have a front yard on both street frontages, a 25-foot setback is required along Brunswick for the detached garage instead of two feet.

The applicant is requesting the variance to allow the detached garage to be located two feet from the lot line adjacent to Brunswick Avenue South instead of the required 25 feet.

**Existing Conditions:** The property is located on a block that is bisected by a railroad. Brunswick Avenue South does not cross the railroad tracks.

The houses on this block located south of the railroad face Blackstone Avenue South and most of them have garages that are accessed from Brunswick Avenue South.

The properties located on the west side of Brunswick Avenue South, south of the railroad tracks, are vacant and owned either by the railroad or the City of St. Louis Park.

There are four through lots on this block. Each of them has a detached garage along Brunswick Avenue South, including the applicant. Each of the garages are non-conforming to the front yard requirement.
Applicable Zoning Code: The section of city code that is the subject of the variance is as follows:

City Code Section 36-162(d)(1)c.
Accessory buildings on through lots shall be subject to the front and side yard requirements of the principal building if the accessory building is located within 60 feet of the rear lot line.

ANALYSIS: As required by City Code, the Board of Zoning Appeals (BOZA) considers the following prior to ruling on a variance. Staff provided an analysis of each point below, and the Applicant also provided an analysis of each point in the attached letter.

1. The effect of the proposed variance upon the health, safety, and welfare of the community. There are no houses facing toward Brunswick Avenue South on this section of the block, south of the railroad. Instead, Brunswick Avenue South is adjacent to the back yards of the houses fronting on Blackstone Avenue South. Therefore, reducing the yard requirement along Brunswick Avenue South will not impact the health safety or welfare of this block of those living on this block.

2. Whether or not the request is in harmony with the general purposes and intent of the Zoning Ordinance. The intent of this code is to maintain a consistent front yard along both street frontages. That way, if a property’s backyard is adjacent to another property’s front yard, all buildings will be located a consistent distance from the street. This situation, however, Brunswick Avenue South does not have a house facing it, and it is used in a manner more consistent with an alley. While the proposed location will not meet the required front yard, it is proposed to exceed the minimum yard requirements of a detached garage located adjacent to an alley. Detached garages adjacent to an alley can be as close as two feet, and the proposed garage will be three feet if approved.

3. Whether or not the request is consistent with the Comprehensive Plan. It is a goal of the Comprehensive Plan to “Promote and facilitate the expansion of existing homes through remodeling projects which add more bedrooms and more bathrooms, 2+ car garages and other amenities.” The Comprehensive Plan calls for the city to explore how zoning requirements for setbacks, lot coverage, and building height can be made more flexible to allow expansions of existing single-family homes.

Additionally, the proposed garage is being relocated from the neighbor’s property. The city encourages reuse of construction materials, and buildings whenever possible to preserve resources and reduce materials going to landfills.

4. Whether or not the applicant establishes that there are practical difficulties in complying with the Zoning Ordinance. Practical Difficulty means:
   a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items only. Single-family homes and garages are permitted uses in the R-2 Single-Family Residence district.
b. **The plight of the landowner is due to circumstances unique to the property and not created by the landowner.** The large yard required along both streets is required to preserve a consistent front yard along the entire block. This block, however, does not have any single-family homes along Brunswick Avenue South. Therefore, the additional yard requirement reduces the usable backyard area of the property, without purpose as there are no single-family homes south of the railroad that utilize Brunswick Avenue South as a front yard.

c. **The variance, if granted, will not alter the essential character of the locality.** The proposed garage is built in alignment with the other garages on the street.

d. **Economic considerations alone do not constitute practical difficulties.** Economic considerations are not considered as part of this application.

e. **Practical difficulties include inadequate access to direct sunlight for solar energy systems.** This is not applicable to the application.

5. **Whether or not there are circumstances unique to the shape, topography, water conditions, or other physical conditions of the property.** There is a unique situation for this homeowner. As noted above Brunswick Avenue South is utilized as an alley by all the homes south of the railroad that are adjacent to it. Additionally, the properties across Brunswick Avenue South are owned by the railroad and the city. They are improved with railroad tracks and stormwater management.

6. **Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right.** While the garage can be constructed to meet the required 25-foot yard, the additional setback will greatly reduce the usable area in the backyard. Staff would most likely not support this variance if there were single-family homes using Brunswick Avenue South as their front yard. There are no homes, however, that use Brunswick Avenue South as their front yard, and Brunswick Avenue South is used as if it were an alley to the homes adjacent to it. Therefore, it seems that the intent of the front yard requirement is not met in this circumstance. Therefore, the variance is necessary to preserve the open area of the backyard.

7. **Whether or not the granting of the variance will impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.** As noted above, the proposed garage will meet the minimum setbacks required for a detached garage adjacent to an alley. Additionally, there are no homes on this block, south of the railroad that use Brunswick Avenue South as a front yard. Therefore, the proposed variance will not impair light and air to the surrounding properties or increase the danger of fire or create a hazard on the street.
8. **Whether or not the granting of the variance will merely serve as a convenience or is it necessary to alleviate a practical difficulty.** Staff believes this criterion has been met. Requiring the 25-foot yard will create a practical difficulty by greatly reducing the open space in the back yard. While this is necessary to preserve the front yard on the block, the intent of the code is not met on this section of the block since there are no homes using Brunswick Avenue South as a front yard. The street is essentially utilized as an alley.

**STAFF RECOMMENDATION:** Staff finds the proposed variance to allow a two-car garage in the front yard of a through lot on this property meets the criterion required for granting a variance. Therefore, staff recommends adoption of the attached Resolution approving the variance with conditions recommended by staff.

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

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

**ATTACHMENTS:**
- Aerial
- Proposed resolution
- Letter from applicant
- Project plans
AERIAL PHOTO
Board of Zoning Appeals – September 4, 2019  
Brandon Eddy and Christine Olsen, 3274 Blackstone Ave. S.  
Agenda Item # 3a.

BOZA Resolution No. ______

Resolution approving a variance to allow a detached garage to be constructed in the front yard of a through lot opposite of the front yard by the house at 3274 Blackstone Avenue South

Whereas, On August 5, 2019, Brandon Eddy and Christine Olsen, applied for a variance from the requirements of the Zoning Ordinance (Section 36-162(d)(1)a) to allow a detached garage to be constructed in the front yard.

Whereas, The property is located at 3274 Blackstone Ave. S. and described below as follows, to wit:

The south 22 feet of Lot 13, Block 4 and the North 22 feet of Lot 14, Block 4 all in DEL MONTE HEIGHTS, Hennepin County, Minnesota

Whereas, The property is zoned R-2 single-family residence.

Whereas, The Board of Zoning Appeals reviewed the application for variance Case No. 19-22-VAR on September 4, 2019.

Whereas, Based on the testimony, evidence presented, and files and records, the Board of Zoning Appeals has determined that the requested variance meets the requirements of Section 36-34(a)(2) of the zoning ordinance necessary to be met for the Board of Zoning Appeals to grant variances, and makes the following findings:

a. There are factors related to the shape, size or other extraordinary conditions on the lot which impact the construction of a two-car garage. The lot is a through lot, however, the portion of Brunswick Avenue South located south of the railroad track crossing does not have any homes that use Brunswick Avenue South as a front yard.

b. The request is in harmony with the general purposes and intent of the Zoning Ordinance. The intent of this code is to maintain a consistent front yard along both street frontages so that one property’s back yard is treated the same as the neighbor’s front yard. Brunswick Avenue South, however, does not have a house facing it, and it is used in a manner more consistent with an alley. Therefore, granting the requested variance will not impact a neighbor’s front yard and will allow this section of Brunswick Avenue South to be used to service the back side of the lots facing Blackstone Avenue South.

c. There are no homes facing Brunswick Avenue South on this portion of the block south of the railroad crossing, therefore, the intent of the front yard on Brunswick Avenue
South is not met and granting the variance will alleviate a hardship by allowing the garage to be located closer to Brunswick Avenue South to preserve open space in the backyard.

e. The contents of the Board of Zoning Appeals Case File 19-22-VAR are hereby entered into and made part of the public hearing record and the record of decision for this case.

Now therefore be it resolved by the Board of Zoning Appeals of St. Louis Park, Minnesota, that the requested variance to construct a detached garage in the front yard of a through lot and opposite of the front yard of the house at the property located at 3724 Blackstone Ave. S. is hereby approved with the following conditions:

1. The garage shall be constructed in accordance to the following exhibits:
   a. Exhibit A – Survey showing location of the proposed garage located at least three feet from the west property line along Brunswick Avenue South.
   b. Exhibit B – Building elevations showing the size and height of the garage.
2. The garage may not be expanded or added onto unless this variance is amended to reflect the proposed change.
3. The variance is automatically revoked and canceled if construction of the proposed garage is not substantially completed within two years as outlined in city code section 36-38(a)(9).

   Adopted by the Board of Zoning Appeals: September 22, 2019
   Effective date: September 16, 2019

   ________________________________
   Matt Eckholm, Chair

   ATTEST:

   ________________________________
   Gary Morrison, Assistant Zoning Administrator
Dear City of Saint Louis Park Zoning Commission Members:

This Letter of Intent is in addition to our applications for through-lot variance requests to the front yard setback as required by the Saint Louis Park Zoning Code. Our lots, with frontage on Blackstone Ave, both have “alley access” via Brunswick Ave, a now dead end street with only garage/ alley access, on the portion to the south of the railroad tracks. We are seeking a variance from the Zoning Code §36-163(f)(6), requiring front yard setbacks on our rear yard due to the fact that they have frontage on Brunswick Ave. We are seeking this variance because we would like to each increase our detached garage footprints without considerably diminishing our backyard square footage.

When our homes were built in the late 1930’s/ early 1940’s, our lots, along with our neighbors to the south, the Ray’s, were subdivided from two lots, into three, therefore leaving us with narrower and an overall smaller square foot lot size than our immediate neighbors to the north. Although we are very fortunate to have many beautiful parks surrounding us, nothing is quite like our own backyard. We are looking to maximize on our backyard square footage as much as possible, asking for the same rights as those with a true alley, allowing us the liberty of the two foot setback from the rear lot line.

We plan to also be good stewards of the environment by reusing as much of the existing structures as possible. To do this, our plan is to move the two and a half car garage from the 3272 property to
the 3274 property, and use as much of the existing materials from the existing single car garage from the 3274 property in either other decorative projects or in the maintenance of the two and a half car garage once it is move to the new location on the 3274 property. A new garage will then be built on the 3272 property.

As for the criteria in consideration of the variance, below listed are our responses.

1. We do believe there is a positive effect upon the health, safety and welfare of the community because we are working to be environmentally conscious citizens by moving one structure and reusing it.

2. We believe the request is in harmony with the general purposes and intent of the zoning ordinance. This is due in large part to the fact that the street is no longer a thoroughfare, and it’s primary use is for access to accessory buildings/ detached garages for the residences located along Lake Street and Blackstone Ave.

3. We believe the request is consistent with the comprehensive plan because this allow for the current residents to continue to live in Saint Louis Park and have the community thrive with adaption and change that impacts the community in a positive way by allowing its residents to live within the intended scale of the community but still grow within their property.

4. We establish that there are practical difficulties in complying with the zoning ordinance and plight of the landowner is due to circumstances unique to the property and not created by the landowner because we are situated on through lots. We do not believe that if the variance is granted that it will alter the essential character of the locality due to the fact that the portion of Brunswick to the south of the rail road tracks is utilized as an alley for all the residential properties abutting it.

5. We do believe that there are circumstances unique to the shape, topography, water conditions or other physical conditions of the property, that by granting this variance we are able to or will continue to enjoy.

6. We believe that granting the variance will preserve and allow for enjoyment of a substantial property right and that is to maintain as much greenspace in our rear yards as is afforded others.

7. We do not believe that the granting of the variance will not impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.

8. The granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty; the practical difficulty being that we are limited by the front yard setback requirement on lots that were already made more narrow before the development of the homes, and we are looking to preserve as much of that green space as we possibly can.
We do not believe that our request creates any undue burden on any neighboring residence and we intend for this variance, and the following construction, to be an improvement to the neighborhood and result in an overall increase in property value and tax base created by the improvement.

Thank you for your consideration.

Respectfully submitted,

Meagan Benson, Owner 3272 Blackstone Ave.

Brandon Eddy & Christine Olsen, Owners of 3274 Blackstone Ave.
The South 22 feet of Lot 13, Block 4, and the North 22 feet of Lot 14, Block 4 all in DEL MONTE HEIGHTS, Hennepin County, Minnesota.

**BENCHMARKS**

The vertical datum is based on NGVD29.

1. TNH on Lake St W between Brunswick Ave S & Blackstone Ave S. Elevation = 914.61
2. TNH on the corner of Lake St W & Brunswick Ave S. Elevation = 913.50

**SETBACKS**

FRONT: 15 FT
SIDE: 2 FT
REAR: 2 FT

**SURVEY NOTES**

1. Subject property’s address is 3274 Blackstone Avenue, its parcel identification number is 1611721230010.
2. Field work was completed on 06/13/2019.
3. No elevations, either found in the field or on this certificate, should be used for construction without being checked against the benchmarks shown on this survey.
4. No building information provided by this survey should be used without being checked against architectural plans. Use architectural plans for building construction purposes.

**Summary**

Approved: MRS  Drawn: PLF

Revision History

No. Date By Submittal / Rev.
**DESCRIPTION**

The South 22 feet of Lot 13, Block 4, and the North 22 feet of Lot 14, Block 4 all in DEL MONTE HEIGHTS, Hennepin County, Minnesota.

**BENCHMARKS**

The vertical datum is based on NAVD29.

1. THN on Lake St W between Brunswick Ave S & Blackstone Ave S.  
   Elevation = 914.61
2. THN on the corner of Lake St W & Brunswick Ave S.  
   Elevation = 913.50

**PROPOSED ELEVATIONS**

Garage Floor at Overhead Door:  912.2

**SETBACKS**

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**LEGEND**

- Found Monument
- Existing Monument
- Proposed Elevation
- Surface Drainage
- Electric Meter
- Guy Anchor
- Air Conditioner
- Bituminous Surface
- Concrete Surface
- Landscape Surface
Number of Stories: 1
Footprint Perimeter: 92' 11"
Footprint Area: 507 ft²