All meetings of the St. Louis Park Board of Zoning Appeals will be conducted by telephone or other electronic means until further notice. This is in accordance with a local emergency declaration issued by Mayor Jake Spano March 16, 2020 in response to the coronavirus (COVID-19) pandemic. Additionally, city facilities are closed to the public in keeping with the Executive Orders 20-20 and 20-33 issued by Gov. Tim Walz directing Minnesotans to Stay at Home March 28 through May 4, 2020.

All members of the St. Louis Park Board of Zoning Appeals will participate in the October 7, 2020 board of zoning appeals meeting by electronic device or telephone rather than by being personally present at the board of zoning appeal’s regular meeting place at 5005 Minnetonka Blvd.

Members of the public can monitor this meeting by video and audio at [https://bit.ly/watchslppc](https://bit.ly/watchslppc) and on local cable (Comcast SD channel 17, or CenturyLink SD channel 8117 and HD channel 8617) or by calling +1-312-535-8110 meeting number (access code): 372 106 61 for audio only. Cisco Webex will be used to conduct videoconference meetings of the board of zoning appeals, with board of zoning appeals commissioners and staff participating from multiple locations.

Those who wish to provide comments during the public hearing at this meeting can do so by calling 952-562-2888, and calls will be taken and heard by the commission in the order received.

1. Call to order – Roll Call

2. Approval of Minutes – September 4, 2019

3. Public Hearing
   3a. Fence variance application – 1454 Texas Circle
       Applicant: Jeb A. Meyers
       Location: 1454 Texas Circle
       Case No.: 20-22-VAR

4. Other Business

5. Communications

6. Adjournment

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.
UNOFFICIAL MINUTES
BOARD OF ZONING APPEALS
ST. LOUIS PARK, MINNESOTA
SEPTEMBER 4, 2019
COUNCIL CHAMBERS

MEMBERS PRESENT: Claudia Johnston-Madison; Jessica Kraft; Courtney Erwin; Matt Eckholm; Jim Beneke

MEMBERS ABSENT: Lynette Dumalag; Carl Robertson

STAFF PRESENT: Gary Morrison, assistant zoning administrator

1. Call to Order – Roll Call

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

2. Approval of Minutes

2a. February 28, 2019
2b. June 19, 2019

Commissioner Johnston-Madison made a motion to approve the minutes for February 28, 2019 and June 19, 2019. Commissioner Kraft seconded the motion. The motion was approved on a vote of 5-0.

3. Public Hearings

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

Gary Morrison, assistant zoning administrator, presented the staff report. The variance request is to allow a detached garage to be allowed in the front yard of a through lot.

Mr. Morrison explained the neighbor to the north will be applying for, essentially, the same variance.

Staff recommend the board conduct a public hearing and adopt the resolution approving the requested variance with conditions recommended by staff.
Ms. Johnston-Madison asked staff if there is any value in looking at classifying Brunswick Avenue as an alley rather than a street. Mr. Morrison explained that the difference between a street and an alley is the dimensions of the right-of-way. Alleys do not allow parking within while streets do.

Ms. Johnston-Madison asked why this could not have been done administratively. Mr. Morrison explained that there is a process to allow administrative variances but St. Louis Park does not have this written into the code. Ms. Johnston-Madison asked if this would be worth looking into. Mr. Morrison stated that staff have had that conversation.

The public hearing was opened. The public hearing was closed.

Chair Eckholm expressed appreciation to the applicant for reusing the garage.

Commissioner Johnston-Madison made a motion to adopt the 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. Commissioner Erwin seconded the motion. The motion was approved on a vote of 5-0.

4. Other Business: None

5. Communications

6. Adjournment

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Mara Hynek
Recording Secretary
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3a  Variance for fence height in front yard

Location:  1454 Texas Circle

Case Number:  20-22-VAR

Applicant/Owner:  Jeb A. Myers

Review Deadline:  60 days: November 7, 2020  120 days: January 6, 2021

Recommended motions:
- Chair to open the public hearing, take testimony, and close the public hearing.
- Motion to adopt resolution to deny the variance.

Summary of request: The applicant, Jeb A. Myers, requests a variance to allow a fence located in the front yard to be six feet tall instead of the four feet maximum allowed in city code.

Site information:

Current use: Single-family home  
Current 2040 land use guidance:  RL - low density residential

Surrounding land uses: Residential  
Current zoning:  R-1 single-family residence

Background. The applicant owns a lot at the southwest corner of Texas Avenue South and Texas Circle. The house was constructed in 1964, and the lot it was built on is a corner lot. The house faces Texas Circle and the driveway access is on Texas Circle.
**Front lot line.** The front lot line is defined as the lot line that abuts a street. For corner lots, the front lot line is the shorter of the two lot lines abutting the two streets.

**Yard requirements.** Below is an illustration of the yards required for the subject house. The size of the yards is listed and illustrated below.

**Fence requirements.** A six-foot tall fence is allowed in both side yards and the rear yard. A four-foot tall fence is allowed in the front yard.

![Yard Diagram](image)

<table>
<thead>
<tr>
<th>Yard</th>
<th>Yard Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Match the existing front yards on the block Estimate approximately 33 feet.</td>
</tr>
<tr>
<td>Rear</td>
<td>25 feet</td>
</tr>
<tr>
<td>Interior sides</td>
<td>Six feet</td>
</tr>
<tr>
<td>Side abutting a street</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

**Present considerations.** The house was constructed so that the front face of the house and garage door face Texas Circle. The side of the garage faces Texas Avenue South. As a result, practically speaking, the back yard is the area to the south of the house (behind the house). The back side of the house is approximately 35 feet from the interior side lot line (south lot line). This area is improved with a deck and patio. The survey shows that the existing fence along the south property line is located approximately four feet into the subject property, effectively
reducing the useable area. The applicant, however, is rebuilding the fence to be located closer to the side lot line (south lot line). The fence permit was approved to construct this portion of the proposed fence that meets code and does not require a variance.

The west side of the house is not parallel to the west lot line. The distance from the house to the west lot line ranges from 20 feet at the front corner of the house to 24 feet at the rear corner of the house. This area is improved with two garden beds.

**Variance:** The requested variance is to section 36-74(d)(2) which requires a four-foot maximum height for fences located in the front yard. A variance is required to allow a six-foot tall fence in the front yard instead of the maximum four feet allowed by code. The portion of the fence requiring the variance is outlined in yellow in the image below.

![Diagram of Texas Circle property with highlighted variance area](image)

**Variance analysis:** As required by city code, the board of zoning appeals (BOZA) considers the following prior to ruling on a variance. Staff’s analysis and findings for each of the criteria are also provided below. The applicant’s response to each of the criteria is attached at the end of the report.

1. **The effect of the proposed variance upon the health, safety and welfare of the community.**
   The intent of this ordinance is to maintain views along the front yards of all the homes on the block. The front yard is a semi-public space that creates an opportunity for neighbors to interact. It is an important component for healthy neighborhoods that enables residents to
meet and visit informally. The open front yard also increases safety for the neighborhood by preserving views up and down the street and front yards.

The trash area can be screened with a four-foot tall fence that meets code.

Constructing a privacy fence in the front yard adversely impacts the health, safety and welfare of the neighborhood.

2. The request is in harmony with the general purposes and intent of the zoning ordinance. The zoning ordinance allows a maximum four-foot tall fence in the front yard for all single-family homes. The request is to enclose a portion of the front yard with a six-foot tall privacy fence for the purpose of increasing the amount of private area for the family. This is a request for something typically not available to all single-family homeowners, and is therefore contrary to the general purpose and intent of the zoning ordinance.

As noted above, the intent of the ordinance is to create a semi-public space along the street where neighbors can meet and visit informally. It is also intended to improve safety in the neighborhoods by preserving the views along the front yards and along the streets. Constructing a privacy fence within the front yard is contradictory to the intent of the zoning ordinance.

Additionally, the zoning ordinance compensates for homes constructed on corner lots that face the side yard abutting the street. The required side yard is a minimum of 15 feet instead of the 30 feet or more that is required for front yards. Allowing the house to be constructed closer to the side yard abutting the street creates more space for the private area behind the house. The subject house was constructed 19 feet from the side lot line abutting the street. If it were constructed 30 feet from that lot line, then the private area behind the house would have been greatly reduced. The distance from the house to the south property line would be 24 feet instead of the 35 feet that exists today.

The reduced requirement for the side yard abutting the street eliminates the need to fence in the front yard for additional privacy space. Additionally, the trash area can be screened with a four-foot tall fence that meets code.

3. The request is consistent with the comprehensive plan. The request is not consistent with the comprehensive plan. The 2040 comprehensive plan established a priority that St. Louis Park will be a “Livable Community.” The term “Livable Community” means many things in the plan, including maintaining and creating safe and walkable streets. Maintaining views along the street’s front yards is an important contributor to safe and walkable streets. Six-foot tall privacy fences encroaching into the front yard is contradictory the comprehensive plan.

4. The applicant establishes that there are practical difficulties in complying with the zoning ordinance. This means that:
   a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items.
b. The plight of the landowner is due to circumstances unique to the property and 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 proposed variance does not meet the criteria for practical difficulties. The condition was created by the person that built the house. They chose to face the house toward the side yard (Texas Circle) instead of the front yard (Texas Avenue South). As noted above, constructing a six-foot tall privacy fence in the front yard does have impacts on the character of the neighborhood and the trash areas can be screened with a four-foot tall fence. The property has approximately 3,200 square feet of private area to the south and west of the home. This area is improved with lawn, gardens, a deck, and a patio. This area can also be enclosed with a six-foot tall privacy fence. The desire for a larger private area is not a practical difficulty.

5. There are circumstances unique to the shape, topography, water conditions or other physical conditions of the property. The shape of the lot is a basic rectangle with frontage on two streets. At 9,672 square feet in area, it exceeds the 9,000 square foot minimum lot size required for this district. The lot width is 80 feet, which is five feet less than the lot width required for corner lots, but five more than required for interior lots. In comparison, the corner lot on the north side of Texas Circle is very similar to the subject property. It is 9,500 square feet in area and is also 80 feet wide along Texas Avenue South. The house on this property also faces Texas Circle.

6. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right. The variance is not necessary for the preservation of a substantial property right. The property has a backyard area that affords the owners privacy. The area of the land south and west of the house is approximately 3,200 square feet in area. The aerial photo below illustrates the size of private useable areas on other single-family lots in the area. They range from approximately 2,300 square feet at 1432 Texas Avenue South to 5,200 square feet at 1417 Texas Avenue South. The lots on the cul-de-sac were not included in the comparison as they are typically pie-shaped resulting in a larger backyard and are not comparable to the subject property.
7. 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. As noted above, the purpose of the open front yard area is to provide views along the front yards of all the streets. This is for light and safety purposes.

8. The granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty. The property currently enjoys approximately 3,200 square feet of private area to the south and west of the house. The request to increase the private area is a convenience and is not required to alleviate a practical difficulty.

Staff recommendation: Based on the review above, staff recommends adopting the Resolution denying the requested variance.

Supporting documents: Draft Resolution, Applicant letter, official exhibits, email from neighbor

Prepared by: Gary Morrison, assistant zoning administrator
Reviewed by: Sean Walther, planning and zoning supervisor
Resolution No. 01-20

Resolution denying variance to allow a six-foot tall fence in the front yard
1454 Texas Circle

Whereas, Jeb A. Myers, owner of land located at 1454 Texas Circle submitted an application for approval of a variance to allow a six-foot tall fence in the front yard; and

Whereas, the property is situated upon lands in Hennepin County, Minnesota, legally described as Lot 10, Block 1, McCaffrey’s Addition, according to the plat thereof on file or of record in the office of the County Recorder, Hennepin County, Minnesota; and

Whereas, the board of zoning appeals reviewed the application for variance case no. 20-22-VAR on October 7, 2020.

Whereas, based on the testimony, evidence presented, and files and records, the board of zoning appeals determined that the requested variance does not meet the requirements of Section 36-34(a)(2) of the zoning ordinance necessary to be met to grant variances, and makes the following findings:

a. The requested variance would adversely impact the health, safety and welfare of the community. Constructing a six-foot tall privacy fence would reduce the visibility along the front yards of the homes along that portion of Texas Avenue including the sidewalk, thereby impacting the safety for driveways, pedestrians and homeowners.

b. The request is not in harmony with the general purposes and intent of the zoning ordinance. The zoning ordinance allows fences up to four-feet tall in the front yard. The request for a six-foot tall fence is to allow something not currently allowed for single-family properties. The property currently enjoys a private area that is approximately 3,200 square feet in area and is improved with lawn, gardens a deck and a patio. This area can be enclosed with a six-foot tall fence.

c. The variance is not needed to address a practical difficulty. The property currently has approximately 3,200 square feet of private area improved with lawn, gardens a deck and a patio. This area can be enclosed with a six-foot tall privacy fence. The desire for a larger private area is not a practical difficulty.

d. The variance is not necessary for the preservation and enjoyment of a substantial property right. The property currently enjoys approximately 3,200 square feet of private area that can be enclosed with a six-foot tall privacy fence. The desire for a larger private area to be enclosed with a six-foot tall privacy fence is not a substantial property right.
Now therefore be it resolved that the requested variance to allow a six-foot tall privacy fence within the front yard of the property located at Lot 10, Block 1, McCaffrey’s Addition is hereby denied.

Reviewed for administration:  Adopted by the board of zoning appeals
Gary Morrison, assistant zoning  October 7, 2020
administrator

Jessica Kraft, chair
Letter from applicant

1454 Texas Circle, 55426 – Jeb and Charlene Myers

We live at 1454 Texas Circle. We are requesting a variance to Section 36-74-c-2 regarding fence height in a front yard. Our property is on the southwest corner of Texas Circle and Texas Ave. S. Per designation in St. Louis Park, the area we use as our front yard is a side yard and our property on the east side of our home, along Texas Ave. S., is our front yard. Per definition by St. Louis Park, on a corner lot, the front yard is the yard with the shortest dimension against the public right of way (the yard with the shortest curb length). Our address being Texas Circle, our front door is 20 feet to the property line, while our front yard to the east of our home and garage is 35 feet to our property line. Our property is 9,670 square feet with approximately 3000 square feet being our front yard as determined by St. Louis Park.

We are requesting a variance to build a six foot in height fence in our front yard that would provide privacy for an additional 432 square feet. The goal of this variance is to allow our front yard, over 30% of our property, to be more usable, provide a private space for our trash cans and provide a privacy wall from the busy street of Texas Ave. S. In our St. Louis Park designated front yard, we would like to build a 6 foot tall fence 39 feet in length parallel with our house 12 feet to the east of our house 6 feet in height for a privacy barrier.

This variance would not detract from the aesthetic of our neighborhood as we are not requesting for the full space to be enclosed. The fence would only extend twelve further feet aligning with our neighbor’s tree at 1458 Texas Avenue South. Texas Avenue S is one of four north-south local routes in all of St. Louis Park. The fence would be built 25 feet back from the east property line and almost 35 feet from Texas Avenue S and 35 feet back from Texas Circle, posing no problems with traffic viewing. These distances are well out of the traffic visibility requirements of Section 36-76.

The fence would not detract from our neighbor’s light or air or increase congestion, danger or fire. In addition, we will add three pine trees, three birch tree and native grasses parallel to the fence to make the space more inviting as an entrance to our backyard. We would build a flat stone path through the open north side to the east of our house with tall grasses bordering the path.

It would improve the health of our neighborhood as cars regularly travel five to ten miles per hour over the posted 30MPH speed limit. As my kids play baseball and soccer, the speed at which people travel make it dangerous when balls roll into the road. This fence would keep balls from rolling into the road.

There are many examples of this variance being granted in our Westwood Hills neighborhood including the corner lots of 2001 Westwood Hills Drive, 2000 Virginia Avenue South and 2000 Utah Avenue South.

We moved to St. Louis Park in 2007 and bought our current home in 2014 to provide a suitable home for our four children. The previous owner had allowed the home to fall in severe disrepair. Working with the city, we gutted our home to the studs and completely rehabbed the home. We intend to retire in this home. We are committed to St. Louis Park and appreciate any consideration you give to the variance to Section 36-74-c-2 to allow 30% of our yard to be more usable with the privacy of a 6 ft. in height fence.
Regular meeting meeting of October 7, 2020 (Item No. 3a)
Title: Variance for fence height in front yard

Official Exhibits
Title: Variance for fence height in front yard

Image of proposed fence
Regular meeting meeting of October 7, 2020 (Item No. 3a)
Title: Variance for fence height in front yard

Pictures of existing fence and location of proposed fence
Regular meeting meeting of October 7, 2020 (Item No. 3a)
Title: Variance for fence height in front yard
Regular meeting meeting of October 7, 2020 (Item No. 3a)
Title: Variance for fence height in front yard
Email from neighbor

From: Cathy Leahy
To: Gary Morrison
Subject: 1454 Texas Circle Variance
Date: Tuesday, September 29, 2020 4:31:12 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In regards to the 6 foot fence:

We live across Texas Avenue from 1454 Texas Circle and frankly this is a very unattractive fence and we really don't want to look at 6 feet of it from our kitchen window. In addition, traffic on Texas avenue tends to exceed the speed limit of 30mph more often than not. Sometimes cars, trucks, and buses travel upwards of 50mph northbound down this road. Many people, including children walking to the bus stop or middle school, cross Texas Avenue from Texas Circle. A 6 foot fence would limit visibility for both motorists and pedestrian traffic.

Lastly, this is a neighborhood with mature trees and well maintained houses and lawns. A 6 foot fence facing the street diminishes the appearance of the entire neighborhood. Since the fence will not enclose the property for the purpose of child or pet safety, maybe they should consider planting trees or bushes for privacy instead. Another alternative would be a chain link or other type of see through fence that wouldn't be as much of an eyesore and negatively impact the property values of the neighborhood.

Gerard & Cathy Leahy
1431 Texas Ave S