OFFICIAL MINUTES
BOARD OF ZONING APPEALS
ST. LOUIS PARK, MINNESOTA
OCTOBER 7, 2020 – 6:00 PM
WEBEX

Members Present: Jim Beneke, Lynette Dumalag, Imran Dagane, Matt Eckholm, Courtney Erwin, Jessica Kraft, Tom Weber

Members Absent: None

Staff Present: Gary Morrison, Assistant Zoning Administrator

1. Call to Order – Roll Call

2. Approval of Minutes of Sept. 4, 2019

   Commissioner Eckholm made a motion, seconded by Commissioner Dumalag, to approve the minutes of Sept. 4, 2019. The motion passed on a vote of 7-0.

3. Public Hearings

   A. Fence variance application – 1454 Texas Circle
      Location: 1454 Texas Circle
      Applicant: Jeb A. Myers
      Case No.: 2-22-VAR

   Gary Morrison, assistant zoning administrator, presented the staff report.

   The applicant is requesting a fence variance at 1454 Texas Circle. This is a variance for a 6-foot fence and the allowed fence height is 4 feet maximum in the front yard. The house faces Texas Circle and the front yard faces Texas Avenue South.

   Mr. Morrison noted the applicant would like the 6-foot fence in the front yard area. A privacy fence currently is in place in the side yard and the applicant is looking to replace it and extend it into the front yard. He pointed out details within the staff report.

   Mr. Morrison stated that staff recommends adopting the resolution to deny the requested variance of a 6-foot fence.

   Chair Kraft opened the public hearing.

   There were no callers on the line.
The applicant, Mr. Myers, stated staff has been helpful. He stated he has lived in St. Louis Park since 2007 adding it’s diverse and a great location in the Twin Cities. He stated he believes this corner lot incentivizes him to close his lot off.

Mr. Myers stated he and his family want privacy, but they also want to be welcoming. He stated his house sits close to his adjoining neighbors with no privacy between homes. Mr. Myers stated this fence would also allow privacy from Texas Avenue, from cars driving fast on the very noisy street. This would allow his four children to play in the backyard with maximum safety.

Mr. Myers noted examples along W. Franklin Ave. in St. Louis Park where variances have been granted, adding these lots are also irregular, as his is. He appreciates the opportunity to discuss this and wants to be sure the 2040 comp plan is in full effect. He added he would like to use 30% more of his yard by having the fence requested.

Commissioner Weber clarified the fence location is okay, but the height is the issue. So, in the back of the back yard would be six feet, so why not do the fence at four feet in the area noted.

Mr. Myers stated he is trying to go as high as he can and added his house is two feet higher on a slope, so this would allow for more privacy.

Commissioner Weber asked if the goal is to have a bigger back yard or to have more privacy.

Mr. Myers stated it is both and wanting the interior side yard to be expanded. He noted they would not put a gate in, so as to allow folks to come into their yard.

Commissioner Weber asked Mr. Morrison if on Texas Avenue near the lot there is no sidewalk. Is there a plan to put sidewalks on that side of Texas and what effect would the sidewalk have on the lot with a four to six-foot fence?

Mr. Morrison stated there are no additional sidewalk plans for Texas Avenue at this time. He stated if a sidewalk were to be put there, there would be no effect to the fence or lot. Mr. Morrison added Mr. Myers would not need to take out the fence either, if a sidewalk were added there.

Commissioner Erwin asked if there are restrictions on vegetative plantings in the front yard. Mr. Morrison stated yes hedges are treated the same as fences, so hedges cannot exceed four feet in height.

The Chair closed the public hearing.

Commissioner Weber stated it seems like this is very close to a compromise and asked for Mr. Morrison’s and Mr. Myers’ thoughts here.

Commissioner Dumalag asked for Commissioner Weber’s intent. Commissioner Weber stated he understands Mr. Myers’ thought process and asked if the fence can be four feet in the front so it meets code, or if the fence could be a different material, or five feet instead.
Commissioner Dumalag stated she is generally in support of the application and is leaning toward approval of the variance.

Commissioner Beneke added he also supports the variance and it is not out of scale. He asked if it might set a precedent and if there is any reason to reject it.

Commissioner Eckholm stated he supports the staff recommendation to reject the variance because of concern for setting a precedent. He stated they need to be cautious of granting one-offs and he thinks it’s important to maintain the standards the city has set.

Commissioner Dumalag asked if this is based on precedent, from a practical standpoint, would there be that many applications for this type of variance. She added however she does understand the concept of precedent here.

Commissioner Eckholm stated there are many corner lots in the city, and this would set a precedent.

Commissioner Weber agreed with Commissioner Eckholm and stated he would feel comfortable to reject the variance if he felt Mr. Myers would put in the four-foot fence, which would be acceptable. He stated he is sympathetic however.

Commissioner Weber asked if the BOZA rejected the variance, could Mr. Myers still build the four-foot fence. Mr. Morrison stated the code would allow the four-foot fence in the front yard.

Commissioner Weber asked if the tree root area in the backyard would somehow allow for the variance in order to make the yard more useable.

Mr. Morrison stated usually a tree is not involved in considering the variance.

Commissioner Dumalag asked if the applicant withdrew this request and then worked with staff on an alternative, what the next steps are. Mr. Morrison stated staff can work with Mr. Myers and rework the application, but it depends on the action of the BOZA. He added the motion would need to be very clear.

Chair Kraft stated she would agree with Commissioner Dumalag and agree with the six-foot fence in this case.

Commissioner Eckholm added if this variance could be made very specific, he would be more supportive of it.

Commissioner Beneke stated he is sympathetic to the owner, but he is not happy about six-foot fences. He would hate to encourage too many of these within the city.

Commissioner Weber asked would the fence be more allowable if it were see-through.

Commissioner Erwin stated this could be a slippery slope that could be avoided by following the recommendations of staff.
Commissioner Eckholm noted there are some types of plexi-glass fences and added he would not support a six-foot chain link fence. He also has concerns about setting precedent with other applications in the future.

Commissioner Erwin made a motion, seconded by Commissioner Eckholm, to deny the fence variance at 1454 Texas Circle as recommended by staff.

The motion failed on a vote of 3-4 (Commissioners Kraft, Dumalag, Dagane, Weber opposed).

Commissioner Weber made a motion, seconded by Commissioner Eckholm, to continue this BOZA meeting to October 21, 2020 and to give direction to staff to create a new resolution for BOZA to review on October 21st.

The motion passed 7-0.

5. Other Business -none
6. Communications -none
7. Adjournment

The meeting was adjourned at 7:04 p.m.