

## **Board of zoning appeals and planning commission meeting**

The St. Louis Park board of zoning appeals and planning commission are meeting in person at St. Louis Park City Hall, 5005 Minnetonka Blvd. Members of the public can attend the board of zoning appeals and planning commission meeting in person or watch the meeting by webstream at [bit.ly/watchslppc](http://bit.ly/watchslppc) and on local cable (Comcast SD channel 17 and HD channel 859). Visit [bit.ly/slppcagendas](http://bit.ly/slppcagendas) to view the agenda and reports.

Due to technical challenges, courtesy call-in public comment is not available for this meeting. You can provide comment on agenda items in person at the council meeting or by emailing your comments to [info@stlouispark.org](mailto:info@stlouispark.org) by noon the day of the meeting. Comments must be related to an item on the meeting agenda. The city recognizes the value of the call-in opportunity to provide access to those who can't attend meetings in person and is working on a reliable solution.

### **Agenda**

#### **BOARD OF ZONING APPEALS (BOZA)**

1. Call to order – roll call
2. Approval of minutes – April 12, 2023
3. Hearing
  - 3a. Variance for 8901 Stanlen Rd.  
Applicant: Barry Novak  
Case No.: 23-06-VAR
4. Other Business
5. Communications
6. Adjournment

#### **PLANNING COMMISSION**

1. Call to order – roll call
2. Approval of minutes – May 3, 2023; May 17, 2023; and June 21, 2023
3. Hearing
  - 3a. Zoning ordinance amendment - floodplain  
Applicant: City of St. Louis Park – community development department  
Case No.: 23-07-ZA
4. Other Business
5. Communications
6. Adjournment

*If you need special accommodations or have questions about the meeting, please call Sean Walther at 952.924.2574 or the administration department at 952.924.2525.*

**Board of zoning appeals and planning commission meeting  
July 5, 2023**

**Future scheduled meeting/event dates:**

July 19, 2023 – planning commission regular meeting

August 2, 2023 – planning commission regular meeting

August 16, 2023 – planning commission regular meeting

September 6, 2023 – planning commission regular meeting

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## **Board of zoning appeals**

Members present: Jim Beneke, Mia Divecha, Matt Eckholm, Katie Merten, Michael Salzer, Tom Weber, Jan Youngquist

Members absent: none

Staff present: Jacquelyn Kramer, Gary Morrison, Sean Walther

Guests:

1. Call to order – roll call
2. Approval of minutes – Oct. 12, 2022

Commissioner Divecha noted a comment in the minutes that should be attributed to Commissioner Youngquist and not to her.

Commissioner Beneke made a motion, seconded by Commissioner Youngquist, to accept the Oct. 12, 2022, minutes as amended.

The motion passed unanimously.

3. Hearings
  - 3a. Variance for 7710 West 24<sup>th</sup> Street  
Applicant: Josh Fitzpatrick  
Case No: 23-01-VAR

Ms. Kramer presented the report.

Commissioner Divecha asked why the car illustrated in the garage is parked at different angles.

Mr. Fitzpatrick, homeowner at 7710 West 24<sup>th</sup> St., stated they propose to widen the garage door by one foot, which would allow for him to enter the garage with his car and to park it at an angle to provide room to open the car doors.

Commissioner Salzer asked if neighbors had given any feedback. Ms. Kramer stated no, city staff have received no comments on the project from neighbors.

Mr. Fitzpatrick stated his neighbor to the east was fine with it.

Commissioner Salzer noted the finding regarding the uniqueness of the angle of the property line and if staff could explain that. Ms. Kramer stated if the house is at an angle at the property line, there is a bit of grace given in the zoning ordinance, but there is still a minimum of 5 feet setback required.

Chair Weber opened the public hearing.

Mr. Fitzpatrick thanked Ms. Kramer and Mr. Morrison for their help on this project and noted he and his family are happy to be in St. Louis Park. He also noted in their neighborhood, they have lost two families because of city codes limiting certain additions and the families' interest in adding onto their homes. He stated he hopes their neighborhood will not lose any other families because of city code and zoning issues.

Commissioner Beneke stated he supports this variance.

Chair Weber closed the public hearing.

Commissioner Beneke made a motion, seconded by Commissioner Divecha to approve the resolution granting a variance to allow a 3.6-foot side yard at 7710 West 24<sup>th</sup> St., with conditions in the staff report.

The motion passed unanimously.

#### 4. Other Business

There was no other business.

#### 5. Communications

There were no communications.

#### 6. Adjournment – 6:13 p.m.

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Gary Morrison, liaison

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Tom Weber, chair member

**3a Request for amendment to rear yard variance at 8901 Stanlen Road.**

**Location:** 8901 Stanlen Road  
**Case Number:** 23-06-VAR  
**Applicant:** Barry Novak  
**Owner:** Elizabeth and Barry Novak  
**Review Deadline:** 60 days: August 6, 2023      120 days: October 5, 2023  
**Recommended motions:** Chair to open the public hearing, take testimony and close the hearing.  
Motion to rescind council resolution 6975 and approve variance to allow a 7.7 foot rear yard for the proposed basement and first floor addition to the house with conditions as recommended by staff.

**Request:** Applicant requests approval of an amendment to the existing rear yard variance to allow a basement addition to be constructed under the first-floor addition previously approved by variance in 1981.



**Site information:**  
Zoning: R-1 single-family residence  
Site Area: 8,756 square feet

**Summary of request:** The request is for an amendment to the previously approved rear yard variance.

**1981 variance:** A variance was granted by the city council in October of 1981 to allow an 8-foot rear yard for the construction of a living space addition to the back of the house. The variance was granted to then owner Saul R. Grouse noting that the shape of the lot restricted where the house could be built. In 1981, the Board of Zoning Appeals (BOZA) was an advisory board and made recommendations to the city council that acted on variance applications.

The current rear yard minimum is 25 feet. The required rear yard minimum in 1981 was 35 feet.

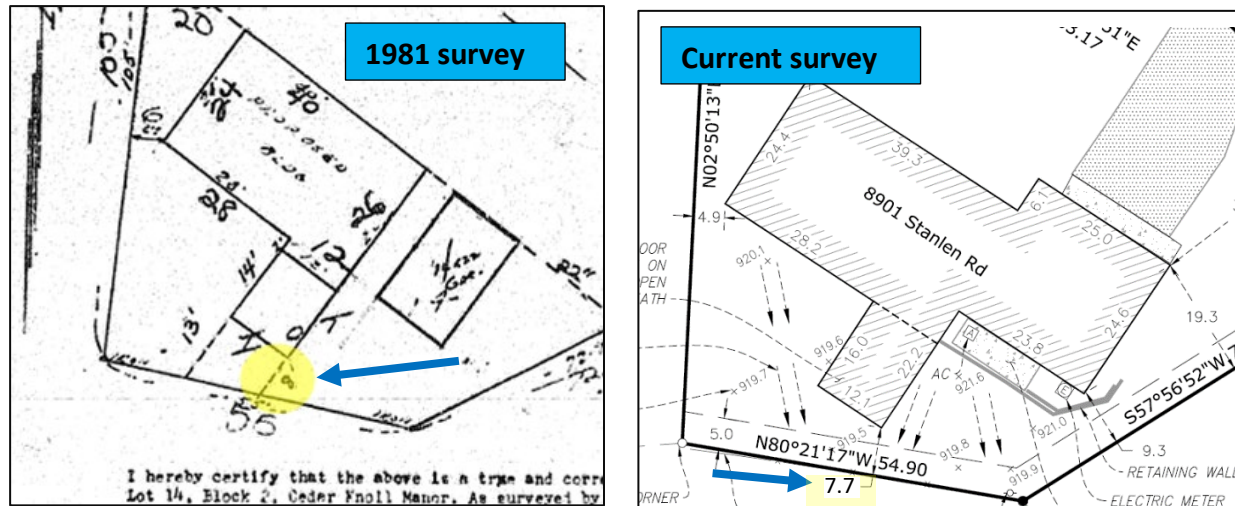
The purpose of the variance was to allow a 14-foot deep by 12-foot-wide addition off the back of the house. As pictured, the addition was a one-story addition extending from the main floor. It was built on posts with no living space below it.



Staff recommends the BOZA recommend the city council rescind the 1981 resolution (Resolution 6975, attached). Staff will place the BOZA recommendation on the next available city council consent agenda. Rescinding resolution 6975 requires council action because it is a council resolution, not a BOZA resolution.

If the BOZA approves the requested variance, the attached BOZA resolution approving the new variance will not require council action.

**1981 variance – error in measurement:** The city granted a variance to allow an 8-foot rear yard, however, as depicted in the 1981 survey presented to the BOZA and city council, the eight-foot measurement was taken incorrectly. The measurement is supposed to be perpendicular to the rear lot line to the corner of the proposed addition. The result is that the addition was constructed as presented to the 1981 city council and BOZA, but the actual setback is 7.7 feet as shown in the current survey.



It is the applicant's intent to rebuild the existing addition, and proposed basement enclosure, to the same dimensions as the existing addition. This would require a 7.7-foot rear yard instead of the previously approved 8-foot rear yard. Therefore, the applicant requests a 7.7-foot rear yard, instead of the previously approved 8-foot rear yard.

**Present considerations:** The subject property is improved with a single-family house that was constructed in 1954. It is a one-story house with an attached garage.

The house has a walk-out basement, and the main floor addition was constructed on posts elevating the addition approximately 8-feet from the ground. The post footings are failing, causing damage to the addition. The applicant would like to rebuild the addition with an enclosed basement and perimeter frost footings. The proposed addition would match the existing 14-foot deep and 12-foot wide addition.

**Variance analysis:** Requested is an amendment to an existing variance to Section 36-163(f)(5) which requires a 25-foot rear yard instead of the requested 7.7 feet.

The applicant proposes the following:

1. Rebuild an addition constructed in 1981 with a variance to the rear yard.
2. Amend the existing variance to allow a basement addition underneath the existing addition previously approved with the variance.
3. Amend the existing variance to reduce the approved variance from 8 feet to 7.7 feet due to an error in the survey presented to the city council and BOZA in 1981. This would allow the addition to be rebuilt to the same size as approved in 1981.

**Findings:** As required by city code, the board of zoning appeals (BOZA) considers the following findings prior to ruling on a variance. City staff provided an analysis of each point below. The applicant submitted a letter explaining the need for the variance. The letter is attached to this staff report.

- 1. The effect of the proposed variance upon the health, safety, and welfare of the community.** The proposed amendment to the existing variance does not impact the health, safety, and welfare of the community. The existing structure that is proposed to be rebuilt does not have a history of complaints or nuisances.

The proposed addition is below the existing addition, so it does not add additional height to the existing structure, and therefore, should not generate complaints or become a nuisance.

- 2. Whether or not the request is in harmony with the general purposes and intent of the zoning ordinance.** While the city council and BOZA in 1981 granted the variance for the existing addition, it may be said that the city today may not agree that the variance granted in 1981 is in harmony with the general purposes and intent of the zoning ordinance. Today it may be said that a small lot or irregular shaped lot indicates that the lot can accommodate a smaller, potentially more affordable house than other lots. This amendment to the variance, however, is in keeping with the 1981 city council and BOZA decision and should be granted so the existing structure can be maintained and improved with a basement instead of constructed on posts. The basement addition will make the addition more energy efficient and give it a more stable foundation than the existing room elevated on posts.

- 3. Whether or not the request is consistent with the comprehensive plan.** The comprehensive plan encourages a variety of housing styles, sizes, and affordability. The variance is needed to repair the existing structure at the existing 7.7 foot rear yard instead of 8 feet which was approved in 1981 in error. The actual rear yard dimension shown on the survey for the size of the requested addition presented to the 1981 city council and BOZA should have read 7.7 feet instead of 8 feet.



- 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 required in the zoning ordinance, including but not limited to setbacks and height limitations.* Single-family houses are permitted in the R-1 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 foundations for the posts supporting the addition approved in 1981 are deteriorating and need to be replaced. Additionally, the survey error is not the fault of the homeowner, as they purchased the home in 1993.
  - c. *The variance, if granted, will not alter the essential character of the locality.* The variance will allow the addition to be re-built to the same dimensions as the existing addition, except for the basement addition. The basement addition will be the same size as the existing addition above it and will not increase the height of the structure. Therefore, it will not impact adjacent properties.
  - 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.* Not applicable.
  
- 5. Whether or not there are circumstances unique to the shape, topography, water conditions, or other physical conditions of the property.** The variance is needed to rebuild the 1981 addition.
  
- 6. Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right.** The variance is needed to rebuild the 1981 addition.
  
- 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.** Granting the requested variance will not impact the supply of light and air to the adjacent property. The addition would not add congestion to the street and would not increase any risk to public safety.
  
- 8. Whether or not the granting of the variance will merely serve as a convenience or is it necessary to alleviate a practical difficulty.** The variance is necessary to rebuild the existing addition. The basement addition will result in a more lasting and energy efficient improvement.

**Recommendation:** Staff recommends BOZA rescind attached council resolution 6975, and grant a variance to allow a 7.7 foot rear yard for the construction of a 14 foot by 12 foot main floor with basement addition off the back of the house with the following conditions:

1. The variance is approved to construct the 14 foot deep by 12 foot wide addition off the back of the house as illustrated by exhibit A1-survey, exhibit A2-floor plans, which are adopted into this Resolution and made a part of this approval.

2. The addition is a main floor and basement addition only. A second story may not be constructed above the addition.
3. Construction of the addition must begin within two years of the approval of the variance. The variance is considered abandoned and cancelled if construction does not begin within two years of approval of the variance.
4. The variance is considered abandoned and cancelled if the addition is removed.

**Supporting documents:** Draft Resolution; Resolution 6975; letter from applicant; exhibits; and letter from neighbor.

**Prepared by:** Gary Morrison, zoning administrator

**Reviewed by:** Sean Walther, planning manager / deputy community development director

**DRAFT BOZA Resolution No. \_\_\_\_\_**

**Resolution rescinding city council resolution 6975 and approving a variance to allow a 7.7 foot rear yard instead of the required 25 feet for an addition to the back of the house at 8901 Stanlen Road**

**Whereas**, on June 7, 2023, the owner, Barry Novak, submitted a complete application for a variance from the requirements of the Zoning Ordinance Section 36-163(f)(5) to allow a 7.7 foot rear yard instead of the required 25 feet.

**Whereas**, On October 5, 1981 the city council, upon recommendation by the Board of Zoning Appeals, approved a variance to allow an 8 foot rear yard instead of the required 35 feet.

**Whereas**, city council granted the BOZA authority over variances.

**Whereas**, the property is located at 8901 Stanlen Road and described below as follows, to wit:

Lot 14, Block 2, Cedar Knoll Manor, according to the recorded plat thereof on file and record in the office of the Registrar of Titles in and for said County of Hennepin, State of Minnesota.

**Whereas**, the property is zoned R-1 single-family residence.

**Whereas**, the Board of Zoning Appeals held a public hearing and reviewed the application for variance Case No. 23-06-VAR on July 5, 2023.

**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. The variance will not have an adverse effect on the health, safety, and welfare of the community. The existing structure to be rebuilt does not have a history of complaints or nuisances.
- b. The proposed variance has minimal/no impact on the community. This variance is in keeping with the 1981 variance and will allow the addition constructed as a result of the 1981 variance to be rebuilt.
- c. The Comprehensive Plan designates the land use of this site as RL- low density residential. Single-family homes are consistent with this designation.
- d. The applicant has established a practical difficulty in complying with the Zoning Ordinance with the following:

1. Single-family homes are permitted in the R-1 single-family residence zoning district.
  2. A variance was approved in 1981 for the existing addition. The variance incorrectly stated an 8 foot rear yard, but a 7.7 foot rear yard is required for the size of addition presented to the city.
  3. The essential character of the site and the surrounding area would not be altered if this variance were granted.
  4. Economic considerations are not considered as part of this application.
- f. The variance is needed for the preservation of a substantial property right. The variance is needed to replace the existing addition.
- g. Granting the variance would not impact the supply of light and air to the adjacent property. The addition would not add congestion to the street and would not increase any risk to public safety.
- i. The contents of the Board of Zoning Appeals Case File 23-06-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 city council resolution 6975 is hereby rescinded, and the requested variance to construct a one-story with basement addition off the back of the house is hereby approved with the following conditions:

1. The variance is approved to construct the 14 foot deep by 12 foot wide addition off the back of the house as illustrated by exhibit A1-survey, and exhibit A2-floor plans, which are adopted into this Resolution and made a part of this approval.
2. The addition is a main floor and basement addition only. A second story may not be constructed above the addition.
3. Construction of the addition must begin within two years of the approval of the variance. The variance is considered abandoned and cancelled if construction does not begin within two years of approval of the variance.
4. The variance is considered abandoned and cancelled if the addition is removed.

Adopted by the Board of Zoning Appeals: July 5, 2023  
Effective date: July 16, 2023

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Tom Weber, Chair

**ATTEST:**

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Gary Morrison, Zoning Administrator

RESOLUTION NO. 6975

A RESOLUTION GRANTING VARIANCE IN REAR YARD SETBACK FROM SECTION 14-128(5) OF THE ORDINANCE CODE RELATING TO ZONING TO PERMIT A REAR YARD SETBACK OF EIGHT FEET INSTEAD OF THE REQUIRED 35 FEET IN THE R-1, SINGLE FAMILY DISTRICT AT 8901 STANLEN ROAD

BE IT RESOLVED BY the City Council of St. Louis Park, Minnesota:

Findings

1. Saul R. Grouse has applied for a variance from Section 14-128(5) of the Ordinance Code relating to zoning to permit a rear yard of eight feet instead of the required 35 feet for a single family house located in the R-1, Single Family Residence District, at the following location, to-wit:

Lot 14, Block 2, Cedar Knoll Manor Addition according to the map or plat thereof

2. The Board of Zoning Appeals has reviewed the application for a variance (Case No. 81-84-VAR) and has recommended to the City Council that the application be granted.

3. The Council has considered the effect of the proposed variance upon the health, safety and welfare of the community, existing and anticipated traffic conditions, light and air, danger of fire, risk to the public safety, the effect on values of property in the surrounding area and the effect of the proposed variance upon the Comprehensive Plan.

4. Because of conditions on the subject property and on the surrounding property, it is possible to use the subject property in such a way that the proposed variance will not impair an adequate supply of light and air to 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.


5. The special conditions applying to the structure or land in question are peculiar to such property or immediately adjoining property and do not apply generally to other land or structures in the district in which such land is located.

6. The granting of the application is necessary for the preservation and enjoyment of a substantial property right of the applicant. It will not merely serve as a convenience to the applicant but is necessary to alleviate demonstrable hardship or difficulty.

Conclusion

The application for a variance for the purpose designated is granted, based upon the findings set forth above.

Adopted by the City Council October 5, 1981

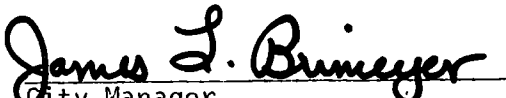
  
Mayor


ATTEST:

  
City Clerk

Reviewed for administration:

Approved as to form and legality:

  
City Manager

  
City Attorney

Property Owners of: 8901 Stanlen Road, Saint Louis Park, MN 55426

Barry J Novak \_\_\_\_\_  
[barrynovak@gmail.com](mailto:barrynovak@gmail.com)  
Mobile: 612-308-7961

Elizabeth S. Novak \_\_\_\_\_  
[Beth9560@me.com](mailto:Beth9560@me.com)  
Mobile: 952-270-1807

**One variance** is requested for the property listed above.

**Background:** *A dining room addition on the rear of the home was constructed by a previous homeowner in 1981. The addition is on the main level of a walk-out design rambler. We were informed by the City of St. Louis Park that a variance was granted to allow the building of the addition at that time. Over the 42 years since the addition was constructed, the five 6x6" wooden posts used to support the addition (underpinning) have begun to decay and settle. In order to preserve the structure and prevent failure, it is proposed that concrete footings, concrete block foundation wall and wooden-framed support walls be installed (of the same footprint as the dining room addition directly above). The result would be a basement-level enclosed space dimensioned 14'4" x 12' directly beneath the 1981 dining room addition.*

**Variance Request Explanation:**

1. The effect of the proposed variance upon the health, safety and welfare of the community: *The proposed structure will be constructed entirely on the landowner's property and using conventional building materials. It is not expected that either the building process or the finished structure will have any effect on the health, safety and welfare of the community.*
2. The request is in harmony with the general purposes and intent of the zoning ordinance: The neighborhood is located in a residential area zoned R-1 Residential. The proposed structure will have the appearance of a walk-out basement with approximately two courses of concrete blocks above the current grade level and will be finished above the block wall with

wooden siding products and will be painted to match the current home's siding.

3. The request is consistent with the comprehensive plan: The neighborhood is located in a residential area zoned R-1 Residential. The proposed structure will have the appearance of a walk-out basement with approximately two courses of concrete blocks above the current grade level and will be finished above the block wall with wooden siding products and will be painted to match the current home's siding.
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 area in which the land is located. A variance can be requested for dimensional items: The neighborhood is located in a residential area zoned R-1 Residential. The proposed structure will have the appearance of a walk-out basement with approximately two courses of concrete blocks above the current grade level and will be finished above the block wall with wooden siding products and will be painted to match the current home's siding.
  - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner: The dining room addition was built by a previous owner in 1981 after the granting of a variance and a building permit for its construction. Both the design and materials used to construct the supports beneath the addition did not adequately address the effect of water exposure over time and have resulted in wood rot and settling of the supporting posts. Current homeowners purchased the home in January, 1994.
  - c. The variance, if granted will not alter the essential character of the locality: The outward appearance of the proposed construction will be that of a typical walk-out basement in the method and materials proposed.
  - d. Economic considerations alone do not constitute practical difficulties: Homeowners are not claiming that economic considerations constitute sole practical difficulties. However, we must invest our funds to stabilize existing failing underpinning/support structure beneath the addition.
  - e. Practical difficulties include inadequate access to direct sunlight for solar energy systems: Homeowners are not claiming any inadequate



access to direct sunlight for solar energy systems. Further, the construction process and the final structure will have no impact on potential solar energy systems for this or any neighboring properties.

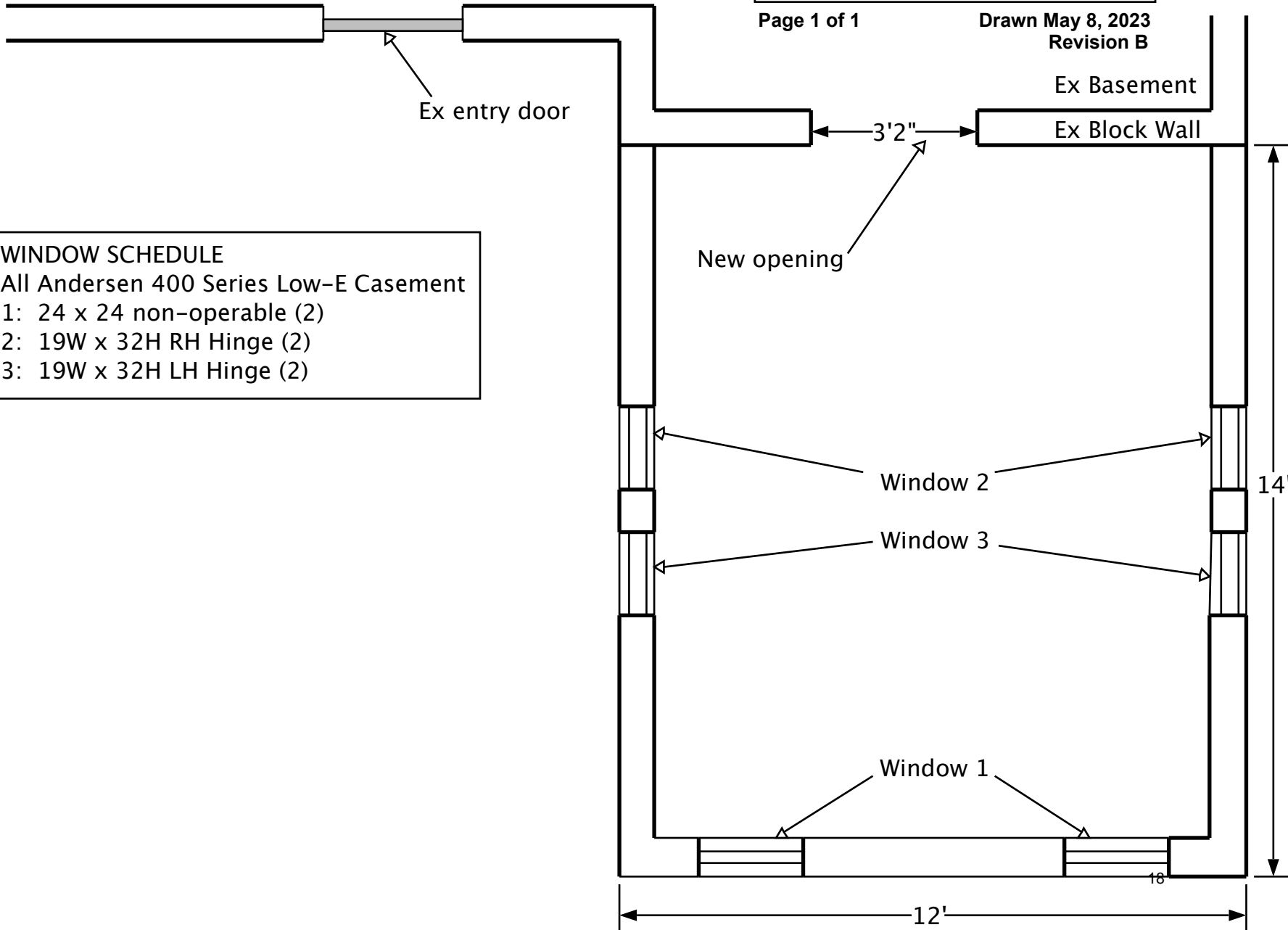
5. There are circumstances unique to the shape, topography, water conditions or other physical conditions of the property: The shape, topography and other physical conditions of the property are by definition, unique, however they alone do not constitute an argument for granting the variance. The nature of the variance request is to request the ability to “rescue/support” a potentially failing structure that was built 42 years ago.
6. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right: Current homeowners purchased the property 13 years after the dining room addition was constructed in 1981. The supporting structure beneath was not well-designed or constructed. It is potentially failing. We desire the ability to properly correct the current situation and to ensure the integrity of the structure for the foreseeable future.
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: The side of the home to which the addition in question is attached is facing south-southwest. As a result, the proposed “basement” structure beneath will have no bearing on the surrounding properties beyond that of the current structure from a light and air standpoint. Given that the proposed structure is directly beneath the 1981 addition (in the back yard of the property) and fully within the property lines, it should have no impact on congestion in the neighborhood. The proposed structure will be constructed of conventional materials (concrete, wood, fiberglass, vinyl clad windows). As a result, its construction and building process would not be expected to increase the danger of fire or endanger public safety in any way.
8. The granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty: The overwhelming driving force for the variance request is to alleviate a practical difficulty – the settling and potential failure of the wooden support system beneath the 1981 dining room addition. We desire to install concrete footings, concrete block foundation wall and wood-framed walls directly beneath the dining room footprint in order to stabilize and ensure the integrity of the structure for years into the future.

**8901 Stanlen Road  
Project Floor Plan**

Barry Novak  
Homeowner/Builder  
612-308-7961

Page 1 of 1

Drawn May 8, 2023  
Revision B



**WINDOW SCHEDULE**

All Andersen 400 Series Low-E Casement

1: 24 x 24 non-operable (2)

2: 19W x 32H RH Hinge (2)

3: 19W x 32H LH Hinge (2)

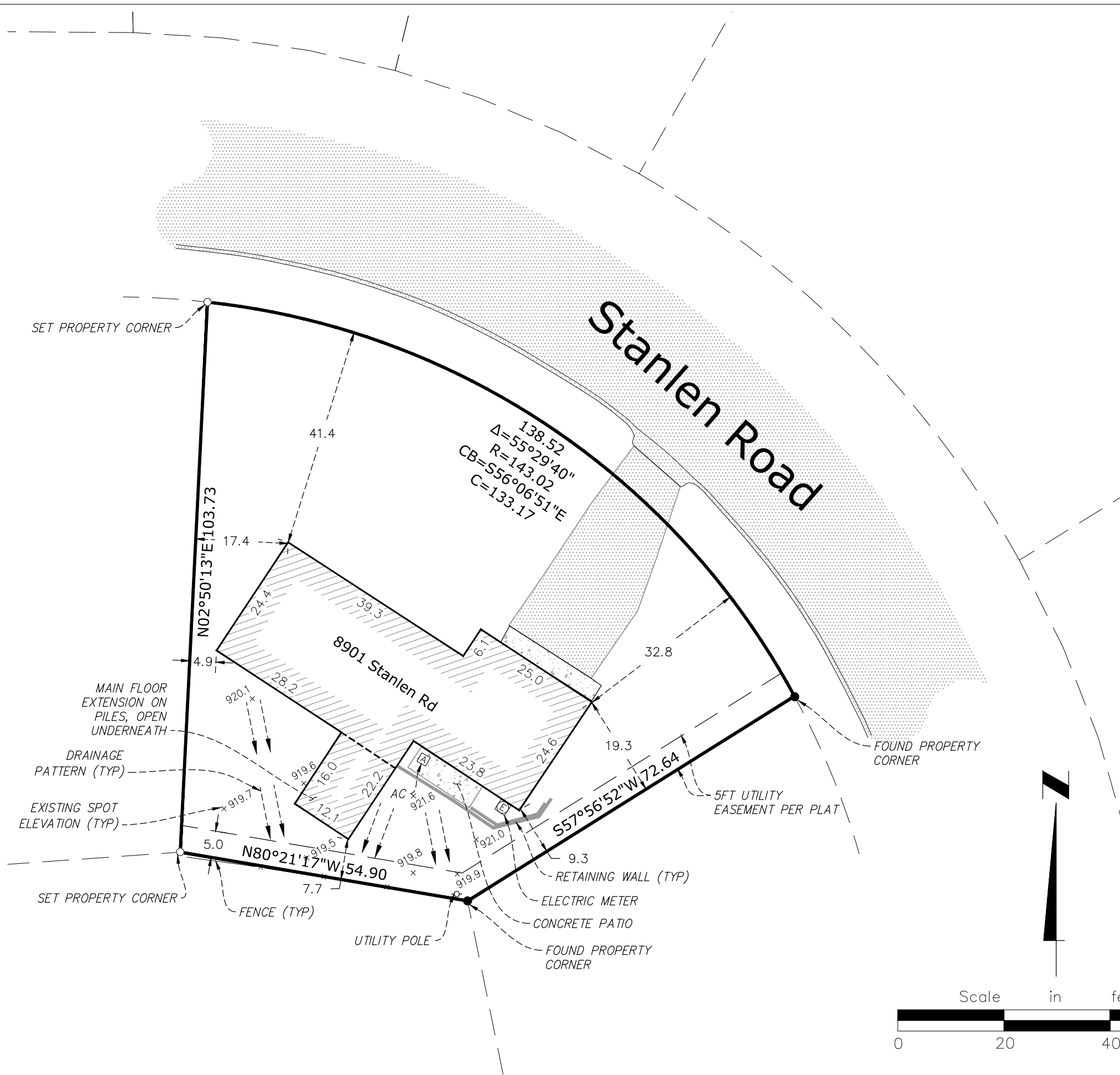
20230522 8901 Stanlen SkySURV-8901 Stanlen.dwg

**DESCRIPTION OF PROPERTY SURVEYED**

Lot 14, Block 2 of Cedar Knoll Manor, St. Louis Park, Minnesota

**Survey Notes**

1. Bearings are based on the Hennepin County Coordinate System.
2. Client Name: Barry Novak
3. Site Address: 8901 Stanlen Road Saint Louis Park, MN 55426
4. This survey is based on the legal description as provided by the Client
5. This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land
6. Do not reconstruct property lines from building ties



**MINNESOTA LAND SURVEYOR CERTIFICATION**

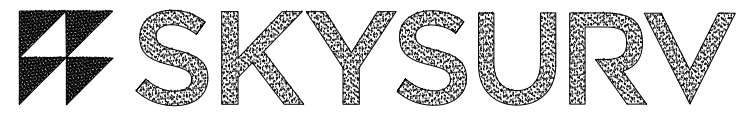
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 6th day of June, 2023.

Kelly D Ness      Minnesota License No. 45847

**Linetype & Symbol Legend**

- FOUND IRON MONUMENT
- SET IRON MONUMENT



5775 Wayzata Blvd #700  
St Louis Park, MN 55416  
info@skysurv.us

**Certificate of Survey**

|          |                |
|----------|----------------|
| Revision | Project No.    |
| X        |                |
| X        | Drawn by AJM   |
| X        | Checked by KDN |
| X        | Book/Page X    |
| X        |                |

BP 11836.

# PARK SURVEYORS

Registered Surveyors

WALNUT 8934

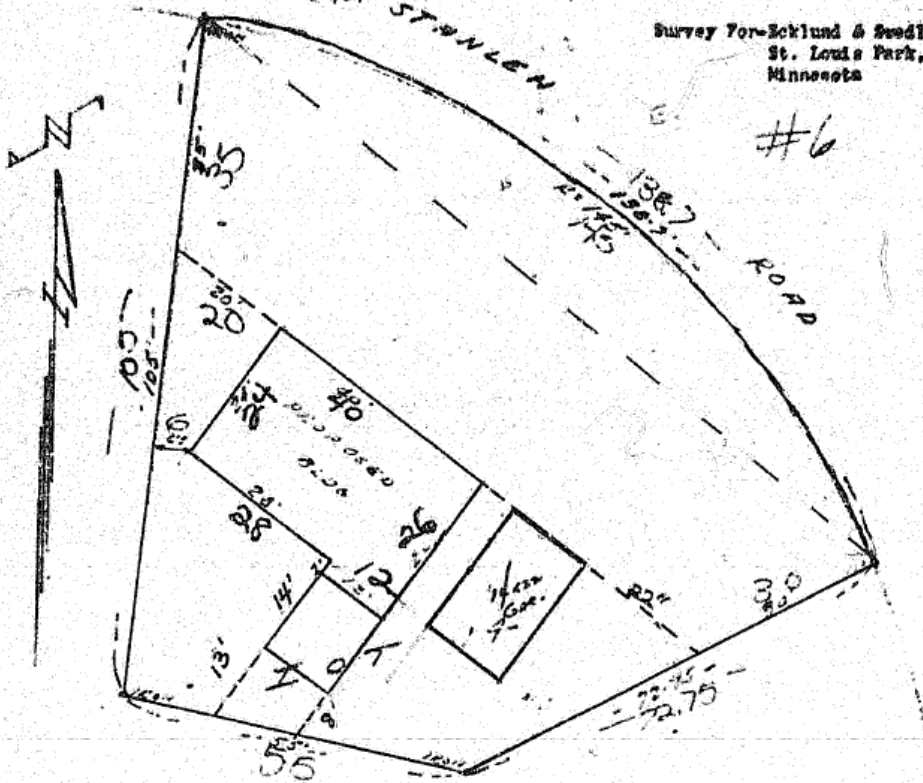
5213 GOODRICH AVENUE  
MINNEAPOLIS 18, MINN.

718 MIDLAND BANK BUILDING  
MINNEAPOLIS 2, MINNESOTA

Survey For Schlund & Seedinad  
St. Louis Park,  
Minnesota

8901 STANLEN

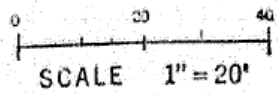
#6



I hereby certify that the above is a true and correct plat of a survey of Lot 14, Block 2, Cedar Knoll Manor. As surveyed by me in June 1951.

PARK SURVEYORS

*[Signature]*



81-84-var

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

From: Faith Riverstone <faithriverstone@yahoo.com>

Sent: Thursday, June 22, 2023 4:36 PM

To: Gary Morrison <GMorrison@stlouisparkmn.gov>

Cc: Faith Riverstone <faithriverstone@yahoo.com>

Subject: SLP Zoning Appeal for 8901 Stanlen Road, Hearing 07/05/23 at 6pm Comment

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.

Dear Mr. Gary Morrison, and to Whom It May Concern;

My name is Faith Riverstone, and I own the home at 9001 Stanlen Road, Mr. Barry Novak, at 8901 Stanlen Road is my neighbor. I will not be able to attend the Hearing on July 5, 2023, however, my Comments are as follows:

Mr. Novak already has an existing structure in that location, as such building underneath that structure would pose no additional inconvenience to the neighbors (beyond the actual temporary construction noise). No further privacy is invaded that was not previously invaded.

Furthermore, the Novaks have been good neighbors and are upstanding citizens. As such, I support Mr. Novak's application for variance, and would respectfully ask the City of St. Louis Park to kindly grant the variance.

Thank you,  
Faith Riverstone  
9001 Stanlen Road  
St. Louis Park, MN 55426  
952-412-6657

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## **Planning commission**

Members present: Mia Divecha, Michael Salzer, Katie Merten, Tom Weber, Jan Youngquist

Members absent: Jim Beneke, Matt Eckholm

Staff present: Gary Morrison, Sean Walther

1. Call to order – roll call
2. Approval of minutes – April 12, 2023, and April 19, 2023

Commissioner Salzer made a motion, seconded by Commissioner Youngquist to approve the minutes of April 12, 2023, and April 19, 2023, as presented. The motion passed unanimously.

3. Hearings
  - 3a. AC Hotel by Marriott planned unit development amendment - 5075 Wayzata Blvd  
Applicant: Christopher Flagg, on behalf of TPI Hospitality  
Case No: 23-02-PUD

Mr. Walther presented the report. The applicant requests the parking requirement to be reduced from 189 to 129 stalls. Mr. Walther stated parking demand will be met with this reduced number of stalls based on the experience of operating for five years and the data provided by the hotel manager and applicant.

Commissioner Divecha asked why this is being done now. Mr. Walther stated because there is a new owner of the 10 West End office building where the off-site parking is hosted and a disagreement between the hotel owner operator and the new parking ramp owner about the 60 unreserved parking spaces. This is an opportunity to right-size the parking requirement and resolve this issue.

Commissioner Youngquist asked if the 189 parking spaces is what the zoning code requires. Mr. Walther stated yes, and city staff were reluctant to require fewer stalls five years ago, because it was unclear what impact the restaurant would have on parking demand. The restaurant has had much impact, and staff now support the change. He added the reduction in parking will still satisfy the City of Golden Valley's parking formulas, which require fewer stalls than St. Louis Park's code.

Chair Weber opened the public hearing.

Mr. Flagg stated he is available for questions.

Commissioner Divecha asked what the benefit is of releasing these parking spots.

Mr. Flagg stated there was a recent transaction at the neighboring office building and new management. He noted there was a disagreement in interpretation of how the 60 stalls are managed and charged, and in speaking with the new owners, this approach would resolve the matter for all parties.

Commissioner Salzer asked about the methodology of exhibit 3. Mr. Flagg stated that is correct and that staff counts during the time period showed that the off-site 10 West End parking stalls – both the 50 reserved spaces and the 60 unreserved spaces – are rarely used. He noted there are many hotel guests that arrive by ride share or buses to the hotel and parking demand is less than 1 per room.

Commissioner Salzer asked if there is any on-street parking. Mr. Walther stated no there is none available in that area, and the surrounding residential properties tightly manage their parking.

Commissioner Merten asked if events are held at the hotel. Mr. Flagg stated there is a conference room that can hold 10-12 people, so they only host small group meetings.

Chair Weber closed the public hearing.

Commissioner Youngquist stated she appreciated staff's clarifications and the data provided by the applicant and she will support this PUD.

Commissioner Youngquist made a motion, seconded by Commissioner Salzer, to approve the PUD as presented and subject to the conditions in the staff report. The motion passed unanimously.

3b. Corsa Floodplain conditional use permit  
Applicant: Eric Ryan, on behalf of OPUS Development Company  
Case No: 23-04-CUP

Mr. Morrison presented the report.

Commissioner Salzer asked about the units of measurement shown on the screen. Mr. Morrison explained the elevations are presents are elevation (feet) above sea level. The difference between the official FEMA mapped elevation and the modeled elevation is 0.7 feet.

Commissioner Salzer asked how the Atlas 14 rainfall data applies here. Mr. Morrison stated it will not have an impact on the CUP, because the first floor elevation is still two feet above the 1% chance flood elevation in the modeling.



Commissioner Merten asked for explanation on the 15 feet of fill. Mr. Morrison clarified that the code would allow the fill in the flood plain to extend 15 feet horizontally from the building so the first floor elevation and the area 15 feet around the building are both 2 feet above the flood plain elevation.

Commissioner Divecha asked why staff recommends the 15-foot amendment not be completed. Mr. Morrison stated the Minnesota Department of Natural Resources has amended their model ordinance to retract the 15-foot requirement to minimize the fill in the flood plan. In this instance, it also minimizes impacts to the public sidewalk and street and the impacts to the building accessibility from the public sidewalk. Mr. Walther added the development provides compensatory flood storage for the fill that was placed in the flood plain to maintain storage volumes.

Chair Weber asked if this requires the least amount of fill with the CUP. Mr. Morrison stated yes.

Commissioner Merten asked if water would come from Bass Lake Preserve. Mr. Morrison said yes and stated Bass Lake Preserve collects water from a very large storm water drainage area starting from around Cedar Lake Road and that continues towards Minneapolis. He added the mapping provides an estimation of where flooding might go, noting it eventually drains to Bde Maka Ska and the Mississippi River.

Commissioner Youngquist asked about the PUD that was approved in 2021 for this area. She asked if it is correct to say this is a technicality and that is why the commission is now reviewing a CUP. Mr. Morrison stated that is correct, adding this has been reviewed by city staff, the watershed district and the DNR. He stated under the city code a CUP is required.

Commissioner Merten asked if this will take away any requirements for residents to have flood insurance. Mr. Morrison stated that is the goal of the applicant following the CUP process for them to request a change for their property from FEMA so that flood insurance is not required. The property owner or the residents would still have the choice to obtain flood insurance and at lower rates than if they were in the flood plain.

Commissioner Salzer asked if the construction impact will be at the parking area. Mr. Morrison stated yes, the elevation at the parking ramp is 880 feet, which is lower than the residential area.

Chair Weber opened the public hearing.

There were no comments from the public.

Chair Weber closed the public hearing.

Commissioner Youngquist made a motion, seconded by Commissioner Merten, to approve the CUP as presented and subject to the conditions in the staff report. The motion passed unanimously.

3c. Risor Floodplain conditional use permit  
Applicant: Chesley Janso, on behalf of Roers Companies  
Case No: 23-04-CUP

Mr. Morrison presented the report. He noted this application is identical to the last one.

Commissioner Divecha asked about the floor area and if all habitable areas conform to the 2 feet above. Mr. Morrison confirmed that is correct.

Chair Weber opened the public hearing.

There were no comments from the public.

Chair Weber closed the public hearing.

Commissioner Mertens made a motion, seconded by Commissioner Youngquist, to approve the CUP as presented and subject to the conditions in the staff report. The motion passed unanimously.

4. Other Business - none

5. Communications

5a. Update on TOD station area planning – Mr. Walther pointed out the written report in the staff packet. He noted the community advisory group met last week and a survey will be sent out to the community next week, and an open house will be held on May 23 at City Hall council chambers from 4-7 p.m.

Commissioner Divecha asked how many serve on the advisory committee. Mr. Walther stated currently it is 9 members, and stated this can grow to 16 members and he is hoping through community engagement the city will make new connections and add to the diversity of the community advisory group membership.

Commissioner Divecha asked if commissioners can attend the open house and if there is risk that a quorum might be present, and how it could be managed. Mr. Walther stated that is possible, and if commissioners are interested in attending, they should send an email to Mr. Walther. Staff would publicly post the meeting as a commission meeting three days in advance if a quorum is likely to occur.

The next meeting is a study session on May 17<sup>th</sup>.

Chair Weber noted he and Commissioner Divecha attended a meeting last week for city boards and commissions chairs and vice chairs to meet with an outside consulting firm. He noted a survey went out to all commissioners for their feedback as well and asked the planning commission to please watch for it.

6. Adjournment – 6:35 p.m.

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Sean Walther, liaison

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Tom Weber, chair member

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## **Planning commission**

### **Study session**

Members present: Mia Divecha, Matt Eckholm, Katie Merten, Michael Salzer, Tom Weber

Members absent: Jim Beneke, Jan Youngquist

Staff present: Gary Morrison, Sean Walther

Consulting planners present: Rita Trapp, Jeff Miller

#### 1. Discussion of zoning code update, phase 1

Mr. Miller and Ms. Trapp presented the report and led the discussion regarding residential districts and standards.

Commissioner Divecha asked if the intention of the zoning district purpose statements is to help guide the process. Mr. Walther stated purpose statements are most often referenced with a rezoning or when working to see if a site is suitable for the district. It is also a touchstone that guides the regulations specific to the district.

Commissioner Weber asked about density and the possibility of more of that in the future and how to communicate that there will be more housing options. He asked about the phrases low, mid and high-rise, and how to communicate these definitions to the public in the most appropriate way.

Commissioner Eckholm agreed and suggested using creative descriptive language vs. traditional city zoning terms.

Commissioner Merten asked about the distinction between group home or rooming house. Mr. Walther stated they are similar, but they are generally distinguished by whom they serve, the types of services provided to residents, and which agency licenses them and the type of license required. Some group homes are not licensed by the State or Health and Human Services and are regulated differently in the zoning code than State licensed facilities, including separation requirements from other group homes.

Mr. Walther stated rooming houses also can serve larger groups of individuals living in the same home.

Commissioner Divecha asked about group daycares and why they are excluded from low density residential areas. Mr. Walther noted the city zoning allows for family daycares, and group daycares as accessory uses within another institutional building such as a school or church, but not as a principal use.

Commissioner Weber stated the goal is to bring more people into the city, so it would be preferable for the districts to be structured to focus on what is wanted and allowed vs. what is not wanted and excluded.

Commissioner Divecha noted fire stations and religious institutions are allowed in Zone 1, but not Zone 2, which seems inconsistent, especially when looking into the future on zoning. And if these types of uses and buildings are allowed, why not allow group daycares, too.

Commissioner Eckholm agreed and stated even though there would be higher traffic, it does not make sense to not allow institutions within other zones.

Mr. Miller added that increasing different uses within residential and commercial areas can be revisited in future phases.

Ms. Trapp reviewed the city maps and noted residential blocks with and without alleys could be treated differently when determining building types allowed or dimensional standards.

Mr. Walther noted that there are areas where alleys were platted but never built or were removed.

Ms. Trapp noted lot sizes as well as other site and building standards. She noted these are complex and they will come back to the commission with more details in the future.

Commissioner Divecha asked about courtyard cottages lot size. Mr. Miller noted these lots can be different formats and noted various examples such as the historic Milwaukee neighborhood in Minneapolis.

The commissioners discussed the management of impervious surfaces related to water runoff and environmental concerns. Commissioners noted that standards are intended to provide space for trees and gardens, address climate action concerns, provide for walkability, and to ensure the entire city is not built out.

Commissioner Weber asked if one of the goals should be affordability. If affordability is important than does that mean fewer standards should be established or that opportunities to increase the number of living units in a structure explored.

Commissioner Eckholm asked if pervious surfaces for patios and pavers needs to be part of the standards, adding he would like to see more alternatives to asphalt and concrete.

Ms. Trapp stated that it can be explored but noted that over time, if the alternatives are not maintained well, then they become impervious surfaces. For example, pervious pavers and pavement need to be vacuumed to remove smaller material that clogs the system.

Commissioner Weber stated it will be important for developers to know about and understand the city's requirements for trees, shrubbery, and impervious surfaces.

Mr. Miller stated housing affordability and climate action will be two criteria for selecting the measures that are best for the zoning plans.

Mr. Miller noted the direction from the commission at this time is for the consultant and staff to proceed with developing 3 new zoning districts and recommended zoning map changes. This information will be put together for the planning commission to review, as well as working on community engagement over the next month or so.

Commissioner Divecha asked about discussing parking requirements in residential areas. Mr. Walther stated this will be discussed in phase 3 of the broader process. He added housing is the most important piece, and that's where this will start.

Mr. Walther stated the council recently received one written report regarding the planning commission's progress on the zoning code update, and there is a joint discussion planned for later this summer. This would likely occur on a Monday to coincide with the city council's meeting schedule.

Adjournment – 8:00 p.m.

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Sean Walther, liaison

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Tom Weber, chair member

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## **Planning commission**

### **Study session**

Members present: Mia Divecha, Matt Eckholm, Jim Beneke, Michael Salzer, Tom Weber, Jan Youngquist

Members absent: Katie Merten

Staff present: Sean Walther

Others present: Paz Sela, Amy Gonyea, Leah, Dean Dovolis and Sheldon Berg of DJR Architecture, and Ward 1 Council Member Margaret Rog

The meeting started at 5:35 p.m.

#### 1. Tour of Parkway Residences

The commission toured the common areas of the Parkway Place and Parkway 25 buildings and viewed an apartment in Parkway 25. The commission also walked around the neighborhood to view the exteriors of the new Parkway Flats and Parkway Commons buildings, two other apartment buildings that were rehabbed and preserved as affordable, and the site of the future 11-story apartment building called Parkway One (previously called Parkway Plaza).

#### 2. Adjournment – 6:40 p.m.

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Sean Walther, liaison

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Tom Weber, chair member

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**3a** Zoning ordinance amendment - floodplain**Case Number:** 23-07-ZA**Applicant:** City of St. Louis Park – community development department**Recommended motions:** Chair to open the public hearing, take testimony and close the hearing.  
Motion to recommend approval of the zoning ordinance amendment as recommended by staff.**Summary of request:** The proposed ordinance amends existing regulations to clarify that all service utilities, including mechanical and heating equipment must be elevated to the regulatory flood protection elevation, which is defined as two feet above the flood elevation.

The proposed ordinance amends the following two sections of the floodplain ordinance:

**Section 1:** Floodway district - Chapter 36-296(d)(4). This amendment replaces the word “heating” with the word “mechanical”. Mechanical is a broader term that includes air conditioning and other HVAC equipment. This amendment also removes the option to place the equipment below the regulatory flood protection elevation if it is floodproofed.**Section 2.** Flood fringe district - Chapter 36-297(b). This amendment accomplishes the same intent as Section 1 above. It clarifies the existing language by adding “electrical and mechanical equipment” and clarifies that the term “elevated” means at or above the regulatory flood protection elevation. This section also removes the option to place the equipment below the regulatory flood protection elevation if it is floodproofed.**Background:** This clarification is requested by the agency reviewing the city’s participation in the National Flood Insurance Program Community Rating System (CRS). This program is a voluntary program for cities. Successful participation in this program results in lower flood insurance premiums for property owners. St. Louis Park was accepted into this program in May of 2019.

Continued participation in the CRS program requires annual submittal of specific documentation and an audit every five years. The city completed its first audit in June. They found the city complies and is in good standing. They also requested the city update our floodplain ordinance to newly established CRS language requiring service utilities to be elevated to a minimum of two feet above the flood elevation.

The proposed ordinance meets the CRS floodplain ordinance requirement. The language clarifies existing language and does not add additional regulations to property owners.

**Next Steps:** Pending a recommendation from the planning commission, the ordinance is scheduled for a first reading at the council on July 17, 2023.**Attachments:** Proposed ordinance**Prepared by:** Gary Morrison, zoning administrator**Reviewed by:** Sean Walther, planning manager/deputy community development director

## Proposed ordinance

### Ordinance No. \_\_\_\_-23

#### Ordinance regarding amendment to the floodplain district

##### The City of St. Louis Park does ordain:

**Whereas**, the city, began participating in the FEMA National Flood Insurance Program Community Rating System (CRS) on May 1, 2019, and

**Whereas**, the city desires to continue participating in the CRS program because it results in lower flood insurance premiums for St. Louis Park property owners, and

**Whereas**, continued participation in the CRS program requires clarification to the city's floodplain ordinance.

**Whereas**, the planning commission conducted a public hearing on this ordinance on July 5, 2023 and recommended the city council adopt this ordinance, and

**Whereas**, the City Council has considered the advice and recommendation of the planning commission (case no. 23-07-ZA), and

**Now, therefore be it resolved** that the following amendments shall be made to Chapter 36 of the City Code pertaining to zoning:

**Section 1.** Floodway district – service utilities. Chapter 36-296(d)(4) of the St. Louis Park City Code is hereby amended to add the following underlined text and delete the following struck-out text:

- d. Service utilities, such as electrical and mechanical ~~heating~~ equipment and ductwork, within these structures must be elevated to or above the regulatory flood protection elevation ~~or properly floodproofed~~;

**Section 2.** Flood fringe district. Chapter 36-297(b) of the St. Louis Park City Code is hereby amended to delete the struck-out language and to add the following underlined text:

- (6) All service utilities, including electrical and mechanical equipment and ductwork, must be elevated to or above the regulatory flood protection elevation ~~or water-tight to prevent infiltration of floodwaters~~.

**Section 3.** This ordinance shall take effect 15 days after publication.

|                             |                   |
|-----------------------------|-------------------|
| First reading               | July 17, 2023     |
| Second reading              | August 7, 2023    |
| Date of publication         | August 17, 2023   |
| Date ordinance takes effect | September 1, 2023 |

Reviewed for administration:

Adopted by the City Council \_\_\_\_\_, 2023

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Kim Keller, city manager

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Jake Spano, mayor

Attest:

Approved as to form and execution:

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Melissa Kennedy, city clerk

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Soren Mattick, city attorney