
Board of zoning appeals meeting

The St. Louis Park board of zoning appeals is meeting in person at St. Louis Park City Hall, 5005 Minnetonka Blvd. Members of the public can attend the meeting in person.

Visit bit.ly/slppcagendas to view the agenda and reports.

Agenda

1. Call to order – roll call
2. Approval of minutes – July 5, 2023
3. Hearing
 - 3a. Amend and restate variances for 2625 Louisiana Ave S.
Applicant: Web Development LLC
Case No: 24-24-VAR
4. Other business
5. Communications
6. Adjournment

Future scheduled meeting/event dates:

July 3, 2024 – **canceled**
July 17, 2024 – planning commission meeting
August 7, 2024 – planning commission meeting
August 21, 2024 – planning commission meeting

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Board of zoning appeals

Members present: Jim Beneke, Matt Eckholm, Katie Merten, Jan Youngquist

Members absent: Tom Weber, Michael Salzer, Mia Divecha

Staff present: Gary Morrison, Sean Walther

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

Commissioner Beneke made a motion, seconded by Commissioner Merten to approve the April 12, 2023, BOZA minutes as presented. The motion passed unanimously.

3. Hearings
 - 3a. Variance for 8901 Stanlen Road
Applicant: Barry Novak
Case No: 23-06-VAR

Mr. Morrison presented the report.

Commissioner Youngquist asked if the 1981 decision had the correct set back, would this be an issue today or is this because the owners are adding on to the current construction. Mr. Morrison stated the variance is required for both reasons noted – the setback and the living space being added below the current structure.

Acting Chair Eckholm opened the public hearing.

Barry Novak, the owner of the home, stated he was available for questions.

No questions were asked.

Acting Chair Eckholm closed the public hearing.

Commissioner Merten made a motion, seconded by Commissioner Youngquist to rescind city council resolution 6975 and approve resolution granting a variance to allow a 7.7-foot rear yard setback at 8901 Stanlen Rd, with conditions noted in the staff report. The motion passed unanimously.

4. Other Business - none

Unofficial minutes

BOZA

July 5, 2023

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5. Communications - none
6. Adjournment – 6:10 p.m.

Gary Morrison, liaison

Mia Divecha, chair member

3a Amend and restate variances for 2625 Louisiana Ave. S.**Location:** 2625 Louisiana Ave. S.**Case Number:** 24-14-VAR**Applicant:** Web Development, LLC**Owner:** Web Development, LLC**Review Deadline:** 60 days: July 8, 2024 120 days: September 6, 2024**Recommended actions:** Chair to open public hearing, take public testimony, and close public hearing.

Motion to adopt resolution amending and restating BOZA Resolution No. 22-01 adopted on July 6, 2022, and amending the expiration date to existing variance to allow lot line coverage of 66 percent instead of the minimum 80 percent in the MX-1 district for 2625 Louisiana Avenue South.

Motion to adopt resolution amending and restating BOZA Resolution No. 22-02 adopted on July 6, 2022, and amending the expiration date to existing variance to allow for an off-street parking area drive aisle width of 22 feet instead of the minimum requirement of 24 feet for 2625 Louisiana Avenue South.

Summary of request: The board of zoning appeals approved two variances for the property at 2625 Louisiana Ave. S on July 6, 2022:

- Variance to reduce the minimum lot line coverage from 80% to 66% in the MX-1 district.
- Variance to reduce the total width of a parking drive aisle from 24 feet to 22 feet.

These variances are associated with a development plan put forth by the applicant to develop a proposed 57-unit, four-story, mixed-use building. The conditions of the variances require sitework related to the variance to be completed within two years of the variance approval. The applicant has not submitted any permit applications for the project, nor have they begun site work related to the project. As such, the original variance approvals will expire on July 6, 2024.

The applicant has applied for an amendment to the expiration date of these variance approvals, which requires a public hearing and reconsideration by the board of zoning appeals. The attached resolutions amend and restate the previous resolutions, with updated dates and conditions where applicable.

For more information about the original variance approvals or zoning analysis for the project, please review the BOZA staff reports from 2022:

- [June 15, 2022](#)
- [July 6, 2022](#)

Site information:



Site area (acres): 0.89 acre

Current use: One-story commercial

Surrounding land uses:

North: Regional trail and railroad

East: One-family residences

South: Retail and services

West: Industrial

2040 land use guidance:

MX - mixed use

Zoning:

MX-1 vertical mixed use

Background:

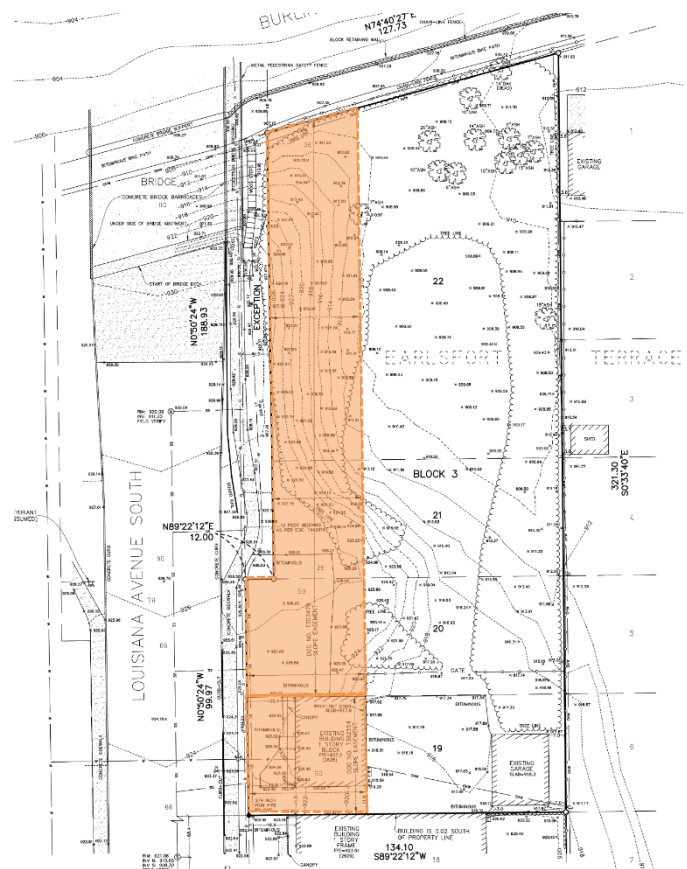
The applicant initially contacted city staff in February 2022 to discuss their interest in developing a mixed-use development on the site at 2625 Louisiana Ave. S. As one of the first new developments proposed in the MX-1 vertical mixed-use district, the applicant worked with city staff to try to meet the provisions of the zoning district. Due to some constraints on the site and challenges with frontage, terrain, and stormwater, the applicant eventually requested three variances from the zoning code to develop the proposed 57-unit, four-story, mixed-use building. Aside from the variances, all other aspects of the development may be reviewed and approved or denied administratively. Staff conducted a preliminary zoning review related to these administrative elements in 2022 and shared them with the BOZA as part of the staff report.

The existing conditions of the site include a one-story commercial building with a driveway at the southwest corner of the property onto Louisiana Avenue. The topography of the site then drops and slopes to the northeast away from Louisiana Avenue; the elevation changes by 20 feet when going from west to east on the site. In addition to the elevation change on the property, northbound Louisiana Avenue rises into a bridge over the Burlington Northern railroad tracks and North Cedar Lake Regional Trail along the west property line.

Also running along the western property line is a slope easement granted in favor of the City of St. Louis Park. The purpose of the easement is to maintain the structural integrity of the Louisiana Avenue bridge or any future reconstruction of the bridge through maintenance of the slope. The easement is 38 feet wide for over half the property and then increases to 50 feet wide when the property juts out to the west.

Buildings may be constructed in the slope easement if the structural integrity of the slope and bridge is maintained.

Slope Easement Diagram



Previous approvals:

In 2022, the applicant applied for three variances to the zoning code:

1. Variance from section 36-264(g)(3) to allow for a lot line coverage of 66% instead of the 80% minimum required lot line coverage in the MX-1 zoning district.
2. Variance from section 36-361(l)(2) to allow a driveway aisle width of 22 feet instead of the minimum 24 feet.
3. Variance from section 36-73(b)(1) to allow for balconies that encroach beyond the build-to-zone by 4.8 feet rather than the allowed maximum of three feet.

The board of zoning appeals held a public hearing on June 18, 2022; the BOZA's decision was tabled, as additional information was needed from the applicant to show that stormwater management could work on the site and not require additional approvals. On July 6, 2022 the board of zoning appeals approved the first two variance requests via BOZA Resolutions No. 22-01 and 22-02. The BOZA denied the third variance request via BOZA Resolution No. 22-03.

Present Considerations:

BOZA Resolutions No. 22-01 and 22-02 both have conditions that the work associated with the variance requests must be substantially completed within two years of the variance approval. The expiration of those conditions will be July 6, 2024.

The applicant has requested an amendment to the approving resolutions to extend the expiration date two years, to July 6, 2026. All other conditions and details of the original development plan remain the same.

Variance Findings (same as 2022): As required by city code, the BOZA considers the following prior to ruling on a variance:

Variance Request 1: Variance to allow for lot line coverage of 66% instead of the minimum requirement of 80% lot line coverage in the MX-1 zoning district:

- 1. The effect of the proposed variance upon the health, safety, and welfare of the community.** The neighboring property to the north is a regional trail and railroad property, with the Louisiana Avenue bridge crossing above it. Therefore, reducing the lot line coverage at the north end of the lot frontage facing Louisiana Avenue will not impact the health safety or welfare of this block, particularly for the property to the north, where the variance is requested. The variance also allows less encroachment into a slope easement which is beneficial to the public interest in the adjacent bridge.
- 2. Whether or not the request is in harmony with the general purposes and intent of the Zoning Ordinance.** The general purpose and intent of the lot line coverage standard for the MX-1 district is to ensure active ground-floor uses are concentrated at the street frontage, creating pedestrian-scale engagement. The subject site has a street frontage that includes the Louisiana Avenue bridge, presenting changes in elevation as well as restricting direct access to the lot's frontage from the right of way.
- 3. Whether or not the request is consistent with the Comprehensive Plan.** The Comprehensive Plan designates the land use of this site as MX – mixed-use, which requires a mix of uses on a property, with retail, service, or other commercial uses on the ground floor and residential or office on the upper floors, with residential densities ranging from 20 to 75 units per acre. The request for the variance is for a four-story, mixed-use building, with commercial fronting on Louisiana Avenue South with pedestrian access and with residential density of 65 units per acre, which is consistent with the Comprehensive Plan.
- 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.* Mixed-use buildings with ground-floor commercial and upper-floor multi-family residential are permitted uses with conditions in the MX-1 vertical mixed-use district.

- b. *The plight of the landowner is due to circumstances unique to the property and not created by the landowner.* The primary street frontage of the property is Louisiana Avenue South, with a portion of the site fronting onto the Louisiana Avenue bridge. These circumstances are unique to this property's location and are not the result of action by the landowner.
 - c. *The variance, if granted, will not alter the essential character of the locality.* The essential character of the site and the surrounding area would not be altered if this variance were granted. Although the proposed development will bring with it change to the area, it is consistent with the intent of the zoning and land use guidance. The approval of this variance would not change the character of the type of development allowed.
 - 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.** The physical conditions of the property are unique in that the grade of the north half of the property drops 22 feet below the street level of the Louisiana Avenue bridge.
 6. **Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right.** The variance allows a mixed-use development that is allowed in the district and reduces the degree to which the building encroaches on the slope easement. While there might be a way to extend the building frontage north, so that more of the frontage was covered, the usability of that space would be extremely limited, thanks to the dramatic grade changes between the Louisiana Avenue bridge and the sloping terrain. Therefore, the intent of the regulation, to have more active uses on the ground level of the street frontage would not be met, and the variance is needed to meet that intent.
 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.** The granting of this variance will not impair light or air to the surrounding properties; rather, granting this variance would relieve development impact on the regional trail and railroad property to the north. The traffic expected to be generated from the planned residential density and commercial development were broadly reviewed in the comprehensive plan for this and other areas where the land use changes were considered, as well as background growth in the city's comprehensive plan.
 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 finds this criterion has been met. Requiring that the building take up 80% of the lot coverage, or 231 feet, will create a practical difficulty by greatly reducing the usability of the ground floor uses facing an elevated Louisiana Avenue bridge and extend the building encroachment farther into the slope easement.

Variance Request 2: Variance to allow a driveway aisle width of 22 feet instead of the minimum 24 feet:

- 1. The effect of the proposed variance upon the health, safety, and welfare of the community.** The reduction of the drive aisle width from 24 feet to 22 feet will enable the eastern portion of the site to maintain a landscaped buffer between the parking lot and the adjacent properties to the east, as well as a pedestrian walkway along the east side of the building, which provides Americans with Disabilities Act (ADA) accessible route through the site from Louisiana Avenue South to the North Cedar Lake Regional Trail. In that regard, by allowing this variance, the health, safety, and welfare of the community may be improved beyond the alternative if the variance was not allowed.
- 2. Whether or not the request is in harmony with the general purposes and intent of the Zoning Ordinance.** The intent of the zoning ordinance is to safely accommodate on-site parking facilities while also creating buffers between different uses. The reduction of the drive aisle width is allowed in the C-1 district to address similar conditions on this site as most C-1 properties, including narrow lot depths and parking lots adjacent to residences, so the variance request is not outside of what has been allowed through the zoning ordinance before. The variance has the added benefit of resulting in the parking stalls being two feet farther away from the east property line, which slightly reduces the impact of the parking onto the neighboring one-family residences to the east.
- 3. Whether or not the request is consistent with the Comprehensive Plan.** The comprehensive plan designates the land use of this site as MX – mixed-use, which requires a mix of uses on a property, with retail, service, or other commercial uses on the ground floor and residential or office on the upper floors, with residential densities ranging from 20 to 75 units per acre. The request for the variance is for a four-story, mixed-use building, with commercial fronting on Louisiana Avenue South with pedestrian access and with residential density of 65 units per acre, which is consistent with the Comprehensive Plan.
- 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.* Mixed-Use buildings with ground-floor commercial and upper-floor multi-family residential are permitted uses with conditions in the MX-1 vertical mixed-use district.
 - b. *The plight of the landowner is due to circumstances unique to the property and not created by the landowner.* The unique topography and shape of the property make it difficult to accommodate the mixed use building as well as adequate on-site parking for the uses while also maintaining a buffer between parking and the adjacent properties to the east without the variance. These conditions of the lot were not created by the landowner.
 - c. *The variance, if granted, will not alter the essential character of the locality.* The essential character of the area will not be impacted by this variance. The MX-1 district allows for a maximum driveway curb cut width of 22 feet, so maintaining the drive aisle width at 22 feet will not alter the character of the district.
 - 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.** The topography and shape of the property are unique in that the topographic challenges of the lot limit where the building may be placed, which also limits where adequate parking on the lot may go. To accommodate the appropriate amount of parking, while giving access to the building and creating a buffer from the neighboring properties to the east, the variance becomes necessary.
6. **Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right.** Providing a mix of uses on the property and providing adequate parking facilities for those uses are part of the intention of the MX-1 vertical mixed-use district. To meet the intent of having off-street parking, and not having those facilities in the front yard of the property (facing Louisiana Avenue South), the configuration of the parking around the east yard and over to underground facilities in the building becomes necessary. These elements in the narrow lot, along with a needed buffer between the parking facilities and neighboring properties to the east and provide ADA accessible sidewalk to the regional trail, warrant a variance in drive aisle width.
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 this variance will not impair light or air access for surrounding properties. There are examples in other districts and circumstances where a 22-foot drive aisle is allowed, so there is no endangerment to safety with this variance.
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 finds this criterion has been met. The reduced drive aisle width will allow for the use of the property as intended within the zoning district and enable other regulations, such as parking space requirements and landscaping buffers, to be installed.

For more information about the original variance approvals or zoning analysis for the project, please review the BOZA staff reports from 2022:

- [June 15, 2022](#)
- [July 6, 2022](#)

STAFF RECOMMENDATION: Staff recommend the board of zoning appeals holds the public hearing for this request and takes the following actions:

1. Motion to adopt resolution amending and restating BOZA Resolution No. 22-01 adopted on July 6, 2022, and amending the expiration date to existing variance to allow lot line coverage of 66 percent instead of the minimum 80 percent in the MX-1 district for 2625 Louisiana Avenue South.
2. Motion to adopt resolution amending and restating BOZA Resolution No. 22-02 adopted on July 6, 2022, and amending the expiration date to existing variance to allow for an off-street parking area drive aisle width of 22 feet instead of the minimum requirement of 24 feet for 2625 Louisiana Avenue South.

Supporting documents: Draft resolutions

Prepared by: Laura Chamberlain, senior planner

Reviewed by: Gary Morrison, zoning administrator

BOZA Resolution No. 24-01

Amends and Restates BOZA Resolution No. 22-01

Amending and restating BOZA Resolution No. 22-01 adopted on July 6, 2022, by amending the expiration date to existing variance to allow lot line coverage of 66 percent instead of the minimum 80 percent in the MX-1 district for 2625 Louisiana Avenue South

Whereas, on April 18, 2022, Jeremy Exley, representing Web Development LLC, applied for a variance from the requirements of the Zoning Ordinance (Section 36-264(g)(3)) to allow for a lot line coverage of 66% instead of the minimum requirement of 80% lot line coverage in the MX-1 zoning district.

Whereas, the subject property is located at 2625 Louisiana Ave. S. and described below as follows, to wit:

- Lots 19 and 20;
- Lots 21 and 22 except the Westerly 12 feet of said lots;
- All in Block 3, "Earlsfort Terrance", Hennepin County, Minnesota.

Whereas, the subject property is zoned MX-1 vertical mixed-use.

Whereas, a variance was approved by the Board of Zoning Appeals on July 6, 2022, via Resolution No. 22-01.

Whereas, it is the intent of this resolution to continue and restate the conditions of the variance granted by BOZA Resolution No. 22-01 and to extend the approval window two years from the previous approval date.

Now therefore be it resolved that BOZA Resolution No. 22-01 is hereby restated and amended by this resolution which continues and amends the variance on the subject property at the location described above based on the following conditions:

1. The building shall be constructed in accordance with the following exhibits:
 - a. Exhibit A – Ground Floor Architectural Plan showing the proposed building width of 193.2 feet, representing 66.9% of the coverage on the west lot line, which totals 288.9 feet.
2. The building's lot line coverage may not be reduced further unless this variance is amended to reflect the proposed change.
3. The construction of the retaining wall on the eastern edge of the property shall be conducted completely on the subject property, unless the owner has obtained a temporary easement for construction access; this shall apply to initial construction of the wall and any future maintenance or reconstruction of the wall.
4. The stormwater management facility for this project shall be designed to accommodate all of the existing drainage areas directed to this site. The volume of runoff draining to a_2

landlocked receiving area may not increase due to a project unless the applicant can demonstrate that any additional runoff volume from the project will be effectively abstracted. The 100-year runoff event, as determined by Atlas 14, will be used to determine holding capacity and high-water elevation for this area.

5. The variance is automatically revoked and canceled if construction of the proposed building is not substantially completed ~~within two years as outlined in city code section 36-38(a)(9)~~ by July 6, 2026.

Adopted by the Board of Zoning Appeals: June 26, 2024

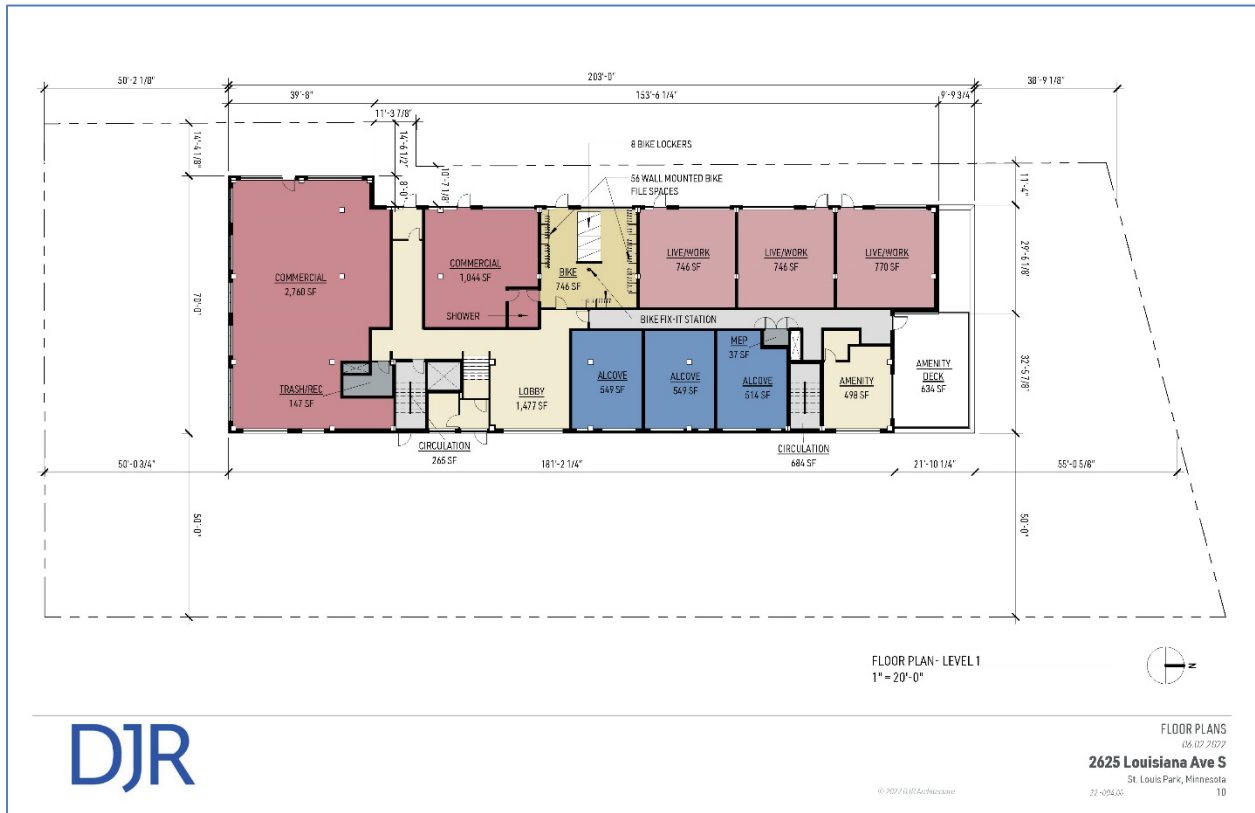
Effective date: July 8, 2024

Mia Divecha, Chair

ATTEST:

Gary Morrison, Zoning Administrator

“Exhibit A” Floor Plan – Level 1 06/02/2022



BOZA Resolution No. 24-02

Amends and Restates BOZA Resolution No. 22-02

Amending and restating BOZA Resolution No. 22-02 adopted on July 6, 2022, by amending the expiration date to existing variance to allow for an off-street parking area drive aisle width of 22 feet instead of the minimum requirement of 24 feet for 2625 Louisiana Avenue South

Whereas, on April 18, 2022, Jeremy Exley, representing Web Development LLC, applied for a variance from the requirements of the Zoning Ordinance (Section 36-361(l)(2)) to allow for an off-street parking area drive aisle width of 22 feet.

Whereas, the subject property is located at 2625 Louisiana Ave. S. and described below as follows, to wit:

- Lots 19 and 20;
- Lots 21 and 22 except the Westerly 12 feet of said lots;
- All in Block 3, "Earlsfort Terrance", Hennepin County, Minnesota.

Whereas, the subject property is zoned MX-1 vertical mixed-use.

Whereas, a variance was approved by the Board of Zoning Appeals on July 6, 2022, via Resolution No. 22-02.

Whereas, it is the intent of this resolution to continue and restate the conditions of the variance granted by BOZA Resolution No. 22-02 and to extend the approval window two years from this resolution's approval date.

Now therefore be it resolved that BOZA Resolution No. 22-02 is hereby restated and amended by this resolution which continues and amends the variance on the subject property at the location described above based on the following conditions:

1. The off-street parking area shall be constructed in accordance with the following exhibits:
 - a. Exhibit A – Site Plan showing the proposed drive aisle width of 22 feet.
2. The off-street parking area's drive aisle width may not be reduced further unless this variance is amended to reflect the proposed change.
3. The construction of the retaining wall on the eastern edge of the property shall be conducted completely on the subject property, unless the owner has obtained a temporary easement for construction access; this shall apply to initial construction of the wall and any future maintenance or reconstruction of the wall.
4. The stormwater management facility for this project shall be designed to accommodate all of the existing drainage areas directed to this site. The volume of runoff draining to a

landlocked receiving area may not increase due to a project unless the applicant can demonstrate that any additional runoff volume from the project will be effectively abstracted. The 100-year runoff event, as determined by Atlas 14, will be used to determine holding capacity and high-water elevation for this area.

5. The variance is automatically revoked and canceled if construction of the proposed off-street parking area is not substantially completed ~~within two years as outlined in city code section 36-38(a)(9)~~ by July 6, 2026.

Adopted by the Board of Zoning Appeals: June 26, 2024

Effective date: July 8, 2024

Mia Divecha, Chair

ATTEST:

Gary Morrison, Zoning Administrator

