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## **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](https://bit.ly/slppcagendas) to view the agenda and reports.

### **Agenda**

1. Call to order – roll call
2. Approval of minutes – June 26, 2024
3. Hearing
  - 3a. Application for appeal of zoning determination – 3330 Huntington Ave. S.  
Appellants: Fred and Julia Ramos  
Case No: 24-16-AP
4. Other business
5. Communications
6. Adjournment

### **Future scheduled meeting/event dates:**

September 4, 2024 – planning commission meeting  
September 18, 2024 – planning commission meeting  
October 9, 2024 – planning commission meeting \*  
October 16, 2024 – planning commission meeting

\*Meeting held on October 9 since Rosh Hashanah begins on October 2.

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## Board of zoning appeals

Members present: Mia Divecha, Matt Eckholm, Sylvie Hyman, Katie Merten, Tom Weber  
(arrived 6:03 p.m.), Jan Youngquist

Members absent: Jim Beneke

Staff present: Laura Chamberlain, Sean Walther

Applicant present: Jeremy Exley, Web Development

Chair Divecha welcomed new planning commissioner Sylvie Hyman.

1. Call to order – roll call

Approval of minutes – July 5, 2023 - The minutes were approved unanimously.

2. Hearings

3a. Amend and restate variances for 2625 Louisiana Ave. S.

Applicant: Web Development LLC

Case No: 24-24-VAR

Ms. Chamberlain presented the staff report.

Commissioner Weber asked if the variances are an extension of those that were already approved. Ms. Chamberlain stated yes, and noted the language is the same and the approval is the same and the only change is the expiration date.

Commissioner Merten asked if this is not approved, can the owner apply for a new variance. Ms. Chamberlain stated if the variance is denied, a resolution of denial would be required, and the decision would need to be tabled before a resolution could be created.

Commissioner Youngquist asked if any other changes are done administratively. Ms. Chamberlain stated yes, and added no PUD or CUP would be required and all other entitlements would be handled administratively.

Commissioner Youngquist asked if those items would have an expiration date as well. Ms. Chamberlain stated because those have not been approved yet, there would need to be zoning review first.

Chair Divecha asked why this extension needs to be completed. Ms. Chamberlain stated there was an issue of timing of when the original variance went through and added when it was first approved, it was at the time of economic downturn, so there were concerns about the project. She added staff feels a two-year extension is appropriate for this project.

Commissioner Youngquist asked if the city is providing financial support for this project. Ms. Chamberlain stated no and noted if that were the case other city policies would apply for those entitlements.

Chair Divecha opened the public hearing.

Jeremy Exley from Web Development, the developer, stated he is available for questions.

Commissioner Merten asked why the project sat for so long. Mr. Exley stated they would have started two years ago, but the situation got worse and worse.

Commissioner Merten asked if the variance is approved, when will construction begin. Mr. Exley stated next spring.

Commissioner Merten stated she is concerned about the 66% and stated Mr. Exley knew this at the outset. Mr. Exley stated Louisiana Avenue climbs as you go north, and their building will be 5 feet below the street. He stated because of the topography there are concerns.

Commissioner Hyman asked if the building will reduce to 66%. Mr. Exley stated yes, we are asking to make it smaller, which is better for impervious surfaces and shadow.

Chair Divecha closed the public hearing.

Chair Divecha asked for staff to comment on the 66% vs. 80%.

Ms. Chamberlain stated this property is one of the first proposals within the MX1 district – mixed use district, which is to have street-oriented development and active street frontage and uses, with ground floor commercial and residential above. She stated the initial variance request to have the building be 66% of the street frontage vs. the required 80% is due to the change in elevation and the frontage itself onto Louisiana Avenue is a bridge. She stated due to this and where the parcel is located is why the this met the variance criteria in 2022.

Commissioner Weber stated two years ago when this came forward, the commission had given this its due diligence, and had lengthy conversations about the variances, and he is ready to approve the extension.

Commissioner Eckholm asked about drive aisle lanes. Ms. Chamberlain presented a slide showing the narrower drive aisle lanes within the parking lot. Commissioner Eckholm stated there is definitely enough room for vehicles to pass on these lanes, adding he has no concerns about the variances.

Mr. Walther stated a bit more space is required for parking and noted this does factor in and is allowed in C1.

Commissioner Youngquist asked if the reduction allowed for more space for screening to the single-family neighborhood to the east. Ms. Chamberlain stated yes as well as ADA accessibility, and a connection to the regional trail.

Commissioner Weber made a motion, seconded by Commissioner Eckholm, to amend and restate variances for 2625 Louisiana Ave. S. as recommended by staff.

The motion passed with one abstention. Commissioner Hyman abstained.

3. Other Business

4. Communications

Mr. Walther stated the July 3<sup>rd</sup> planning commission meeting is cancelled and there are no new applications that were submitted for July 17, so likely that meeting will also be cancelled.

Mr. Walther noted the city council took action on the final plat for Park Place East, north of Costco, and staff will be issuing building permits soon. He added there will be open houses for the zoning code updates, and the next one is Thursday, June 27 at Westwood Hills Nature Center from 6 – 8 p.m.

Chair Divecha asked about city council's redesign of the commissions and boards and if there has been any communication on that. Mr. Walther stated there were a number of boards and commissions being considered to be reframed, but the council decided not to make a change, so things are at status quo at this point. The focus now will be on how recruiting is accomplished. He stated also one of the feedback items was the disconnect between boards and commissions and council. He stated there will be a study session to discuss this further.

5. Adjournment – 6:27 p.m.

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Sean Walther, liaison

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Mia Divecha, chair member

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**3a** Appeal of zoning code determination.

**Appellant:** Fred and Julia Ramos  
3320 Huntington Ave S.

**Case Number:** 24-16-AP

**Recommended actions:** Motion to adopt a resolution upholding staff's determination that the basketball hoop structure located at 3330 Huntington Ave S meets the required minimum setback from the side lot line.

**Appeal:** Fred and Julia Ramos (Appellants), who reside at 3320 Huntington Ave S, are appealing staff's decision to approve the proposed location of a sports court at 3330 Huntington Ave S. The appellants state in their appeal that the proposed location would continue a hazard and a nuisance that the court's current location poses, and the approval of the proposed location just a few feet from its current location is contrary to both the letter and the purpose of the St. Louis Park zoning code.

**Staff Determination:** City code section 36-162(d)(1)h states that a sport court is required to meet the same setback as is required for the principal building. The property is zoned R-2 single-family residence, which requires a five foot minimum side yard for the principal building. Therefore, the sport court is required to be at least five feet from the side lot line.

The sport court at 3330 Huntington Ave S consists of a basketball hoop installed in the grass on the edge of a driveway surface. Staff measured from the side lot line to the part of the basketball hoop structure closest to the side lot line and determined that it meets the five foot minimum required setback and approved the proposed location.

**Right to Appeal:** Section 36-30 of the City Code details the right and process for appealing staff interpretations of City Code. The ordinance states that an appeal may be made of any written order, requirement, permit, decision, refusal, or determination made by the Zoning Administrator interpreting or applying this chapter. This section of the City Code is attached to the report for your review. In summary, the steps for appealing are as follows:

1. File a notice of appeal within 20 days of the written order, requirement, permit, decision, refusal, or determination.
2. The Board of Zoning Appeals (BOZA) is to conduct a public hearing within 45 days of receipt of the notice.
3. Notice of the hearing is to be mailed to the applicant.
4. Any interested party may appear at the hearing.
5. The BOZA decision shall be by Resolution, adopted by the majority of all members present and voting on the appeal.
6. In making the decision, the BOZA is to consider the questions raised in light of the general purpose of the Zoning Chapter of the City Code and the Comprehensive Plan.
7. A copy of the Resolution is to be mailed to the applicant.
8. The BOZA decision may be appealed to the City Council.

**Background:** The basketball hoop structure was installed in 2023 by Ross and Lily Moeding, owners of the property at 3330 Huntington Ave S. The appellants moved into their current home in January of 2024.

May 30, 2024 city staff responded to a question from Fred Ramos regarding required setbacks for basketball hoops.

June 13, 20, and 24, 2024 zoning administrator, Gary Morrison reached out to Ross and Lily Moeding to inform them of the setback requirements for the basketball hoop structure, and to set up a time to verify the setback of the structure.

July 2, 2024 zoning administrator, Gary Morrison met with Ross and Lily Moeding at the Moeding residence to discuss the required setbacks. A measurement was taken and determined that the existing location does not meet the five foot required setback.

A second measurement was taken from the side lot line to the proposed location where the basketball hoop structure would be relocated to. This measured five feet, ten inches to the closest part of the structure. I informed the Moedings that this proposed location meets the minimum required setback of five feet. The measurement was taken from the side lot line to a handle on the backside of the structure that is used to adjust the height of the hoop. This handle is the closest part of the structure to the side lot line.

July 5, 2024, zoning administrator, Gary Morrison informed the appellant that the proposed location meets the minimum setback requirements. They were also informed of their right to appeal this determination.

July 22, 2024, Fred and Julia Ramos filed an appeal to the city.

**Staff response to appeal:** The applicant submitted a letter of appeal on July 24, 2024 (attached). Below is a response to six points (A – F) raised in the appeal.

A. The zoning administrator is misreading the Code by deciding that only the "basketball hoop structure" needs to be set back five (5) feet from the side property line. Instead, the Code states that the entire "sport court" needs to be set back from the property line.

The term "sport court" is not defined in the city code. When a term used in the zoning ordinance is not defined, then section 36-3 of the zoning ordinance states that the city shall use the meaning found in the Webster's Unabridged dictionary. If it is not defined there, then the common meaning shall be used.

City code section 36-3: Whenever a word or term which is defined in this chapter appears in the text of this chapter, its meaning shall be that stated in the chapter definition. Words or terms which are not defined in this chapter shall have the meaning found in the most recent edition of Webster's Unabridged Dictionary. Words not defined in that dictionary shall have their ordinary, usual meaning at the time the word or term is being applied to a zoning question or situation. General words are construed to be restricted in their meaning by preceding particular words.



The terms “sportcourt” or sport court” are not defined in the most recent edition of of Webster’s Unabridged dictionary. (Merriam-Webster Unabridged dictionary). This was verified by using their on-line dictionary. Therefore, a common term is used.

There are many commonly used definitions for sport court. Law Insider identifies a sport court as being “...an outdoor asphalt court (not including parking lots) designed for athletic purposes (i.e. basketball court, tennis court, etc.) surrounded by fencing or on a standalone pad.” (www.lawinsider.com/dictionary/sports-court).

SportcourtMinnesota ([www.sportcourtmn.com/residential/basketball-courts](http://www.sportcourtmn.com/residential/basketball-courts)) illustrates a sport court as being the hard surface on-which a sporting activity occurs. The pictures below are taken from their website. As shown in many of the pictures there is a physical barrier directly behind the basketball hoop precluding an extension of the sport court behind the basketball hoop.



Given the common definitions associated with a sport court as being the improved hard surface, staff does not agree with the appellant that the sport court extends beyond the basketball hoop. Nor does staff agree that dimensions required for a regulation basketball court should be applied to a private residential sport court, or a basketball hoop installed as part of a driveway. Certainly, if someone building a sport court on their property wished to pave the additional space behind the basketball court to be used as suggested by the appellant, they certainly could, but it does not appear to be required by the sport court industry, and it is not required by the city’s zoning ordinance. The city attorney notes on page two of his letter to the appellants that the additional setback distance desired by the appellant is not found within the text of the city code.

The sport court in question is complicated by the fact that it consists of a basketball hoop installed on the edge of an existing driveway. The primary purpose of the hard surface is a driveway not a sport court. Driveways do not have a setback requirement, and are therefore, allowed to go up to the property line. The driveway in question varies in distance to the side lot line from approximately 7.5 feet to 4.0 feet. The proposed basketball hoop location as shown in the appellant’s photograph, is adjacent to a portion of the driveway that angles from the 7.5

feet to the 4.0 foot distance from the side lot line. See photo below taken from the appellant's appeal.



In this case where the sport court is overlaid on the driveway, staff noted that the handle on the back of the structure meets the minimum required five foot setback at the proposed location. Staff also notes that the Moedings intend to orientate the backboard in the proposed location so that it will be parallel to the side lot line. As a result, the sport court boundary would also be parallel to the side lot line as it would matches the orientation of the backboard. As a result, the boundary of the sport court is not the same as the driveway surface, but instead lines up with the backboard projecting both directions parallel to the side lot line. See illustration below.



- B. In approving the proposed relocation of the sports court just a few feet over, the zoning administrator is applying the Code contrary to the Code's stated purposes of protecting the neighborhoods, public health and safety and reasonable use and enjoyment of property.

The appellant identifies the following two purpose sections of the zoning ordinance:

Section 36-162(a) restrictions and performance standards. This section identifies the purpose of the restrictions and performance standards of specific activities allowed in the residential zoning districts, including sport courts. The full text of the purpose statement is as follows:

Purpose. The city council finds that in areas set aside by this chapter for residential development certain performance standards are desirable in order to preserve neighborhood character, public health and safety, property values, and allow all residents a reasonable use and enjoyment of property. To this purpose, the city council finds that the use and possession of commercial and recreational vehicles are an important factor in the lives of a substantial number of residents of the city. The council finds that certain types and sizes of commercial and recreational vehicles, the improper storage of commercial and recreational vehicles, and the parking of and storage of excessive numbers of vehicles can affect the neighborhood character as well as public health and safety, property values, and the reasonable use and enjoyment of neighboring properties. While the ability of recreational vehicle owners to provide for the security of and access to their vehicles is a reasonable expectation, they have a responsibility to respect the rights of residents, owners, and users of neighboring properties and to avoid interference with the purposes of the zoning district in which they are located. The city council further finds that the establishment of these regulations furthers the goals in the city's comprehensive plan relative to enhancement of residential neighborhoods and similar goals expressed in Vision St. Louis Park. The city council establishes these regulations as a means to balance the interests of the owners of commercial and recreational vehicles, adjacent residents and the public.

Section 36-164(a) this section identifies the purpose and effect of the regulations adopted in the R-2 single-family residence zoning district. The full text of the purpose statement is as follows:

Purpose and effect. The purpose of the R-2 single-family residence district is to provide appropriately located areas for single-family living at reasonable population densities consistent with sound standards of public health; ensure adequate light, air, privacy, and open space for each dwelling unit; protect residents from the impacts of high levels of traffic and minimize traffic congestion; avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to surrounding land use; provide institutional and community, service such as parks, schools, religious facilities, and community centers supportive of a residential area while safeguarding the residential character; and protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences.

These purpose statements identify the purpose of the zoning regulations adopted by the city council, which includes the five foot setback required for sport courts. By adopting these

regulations, including this setback, the council has concluded that the setback meets the purpose statements above.

While the purpose statements are used to determine if a variance meets the intent of the zoning ordinance, or if a condition of a conditional use permit is met, it is not intended to be used on a daily basis by staff to determine if a specific required setback should be applied as called for in the zoning ordinance. The zoning ordinance states that a sport court is allowed in the side yard and that it can be as close as five feet to the side property line. If it meets these two requirements, then it is allowed. The zoning ordinance does not give staff discretion to require a larger setback.

C. The sports court next door is analogous to a rec facility as contemplated by the Zoning Code

The appellant refers to city code section 36-163(c)(5) reads as follows:

(5) Parks/recreation. The conditions are as follows:

- a. The principal structure shall be located at least 50 feet from a lot in an R district.
- b. Areas designated for group activities shall be located a minimum of 25 feet from a lot in an R district.
- c. Swimming pools shall be located at least 50 feet from any lot line and at least 12 feet from any other structure on the same lot.
- d. A drainage system approved by the city engineer shall be installed.
- e. Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.

This provision refers to park and recreation facilities that are operating as a principal use on the property, meaning they are the primary use of the property, other uses are accessory to the primary use. As a principal use a recreation facility would typically generate higher levels of traffic and noise than an accessory use to a single-family home would because the principal use is generally open to the public, or are owned privately but generate similar crowds. In contrast, the principal use of 3330 Huntington Ave S is a single-family home, and the basketball court is an accessory use. City code section 36-164(e)(3) states that swimming pools and tennis courts are allowed as an accessory use as permitted in section 36-73. This reference acknowledges that recreation facilities that are accessory to single-family homes do not generate the noise and traffic a principal use recreation facility would, and therefore, is allowed a smaller setback. (Note: the reference, 36-73, is a broken link as the code it is referring to was relocated to 36-162(d)(1)h, which was noted above as requiring the five foot setback for sport courts.)

Therefore, the conditions listed above for park/recreation uses are not applicable and are not to be used to justify greater setbacks for play equipment at a single-family home because the code allows a smaller setback for sport courts and play equipment that are accessory uses to single-family homes.

- D. While the Code does not provide the exact measure for what the court baseline and or perimeter needs to be, since it does not break down each court by sport, it is possible to determine what such allowance should be without being arbitrary.

The sport court is an improved area where people can participate in an activity such as basketball. There is not an expectation that the sport court must meet official league regulation dimensions on and around the court. When using a sport court, it is understandable that persons will have to alter their play and sport rules to accommodate the smaller court size of the sport the sport court is designed to mimic. This is illustrated above with the pictures of various sport courts constructed by a Minnesota sport court installation company.

- E. Allowing the zoning decision to approve the proposed relocation of the in-concrete basketball pole to the narrow spot in between our houses is a dangerous precedent to set in St. Louis Park.

Permits are not required to install basketball hoops or other recreational equipment. Therefore, staff is unaware of how many basketball hoops or other recreational improvements are located on driveways between houses. However, staff believes it is a common activity for children and adults to use their driveways in a recreational manner. It is also understood that while doing so the activity may generate noise and equipment leaving the boundaries of the driveway.

- F. The approval of this relocation of the current basketball pole is not only contrary to the letter and purpose of the St. Louis Park zoning code, but also guarantees that we will be subject to a private nuisance.

The appellant states Minnesota Statute, Chapter 561, Section 561.01, a nuisance is a condition that interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to person of ordinary sensitivities attempting to use and enjoy it.

Staff believes that it is reasonable for children and adults to use their driveway for recreational purposes, including bouncing and passing a basketball. As a result, staff does not consider the use of this sport court as generating an “unreasonable” discomfort or annoyance as it does not generate any more noise or trespass than other recreational activities that can happen on any other residential property within the city.

City code section 12-124(e) addresses noise nuisance for gatherings by prohibiting noisy parties or gatherings between 11pm and 7am Sunday through Thursday, and between midnight and 7am Friday and Saturday.

**Staff Recommendation:** Staff recommends adopting the attached Resolution upholding staff’s determination that the sport court meets the required five foot side yard at 3330 Huntington Ave S.

**Supporting documents:** Draft resolution, city code section 36-30 (interpretation; procedures), written appeal, response from owners of 3330 Huntington Ave S, Letter from city attorney dated July 11, 2024.

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

**Reviewed by:** Soren Mattick, city attorney

**A RESOLUTION OF THE ST. LOUIS PARK  
BOARD OF ZONING APPEALS DENYING  
APPEAL OF FRED AND JULIA RAMOS**

**WHEREAS**, on July 2, 2024, Gary Morrison, zoning administrator, measured the proposed location of the basketball hoop, and determined that the hoop will be located approximately five feet, 10 inches from the side lot line. Morrison determined that this proposed location exceeds the five foot minimum yard requirement, and therefore meets the minimum code requirements; and

**WHEREAS**, city code section 36-30 allows a staff determination to be appealed if the appeal is submitted within 20 days of the staff determination. The 20 day appeal period expires on July 22, 2024. Fred Ramos hand delivered the appeal to the city on July 22, 2024, therefore, the appeal was timely received; and

**WHEREAS**, the appeal came on for public hearing before the Board of Zoning Appeals on August 21, 2024.

**BE IT RESOLVED BY** the Board of Zoning Appeals of St. Louis Park, Minnesota:

**FINDINGS**

1. In 2023, Ross and Lily Moeding installed a basketball hoop at the edge of their driveway in their side yard.

2. On or about May 30, 2024 Fred Ramos inquired about the basketball hoop and whether or not it meets city code.

3. On July 2, 2024, city zoning administrator, Gary Morrison, met with Ross and Lily Moeding at 3330 Huntington Ave S to measure the setback of the basketball hoop as it existed at that time and determined that it did not meet the minimum five foot side yard setback required. He also measured the proposed location identified by a stake placed by Ross Moeding, and determined that the proposed location would place the closest part of the basketball hoop structure, which would be the adjustment handle located on the backside of the pole, would be approximately five feet, ten inches from the side lot line, and would therefore, meet the minimum code requirement of five feet.

4. Fred Ramos appealed the zoning administrator's determination that the proposed location of the basketball hoop meets the setback requirements.

5. Fred and Julia Ramos live at 3320 Huntington Ave S.

6. Ross and Lily Moeding live at 3330 Huntington Ave S.

7. The Board of Zoning Appeals (BOZA) conducted a hearing on the Appeal on August 21, 2024.

8. City code section 36-162(d)(1)h requires sport courts and play structures to meet the same side yard as is required for the principal structure. 3330 Huntington Ave S is zoned R-2 single-family residence, which requires a five foot minimum side yard. Therefore, a five foot side yard is required for sport courts and play structures at this address.

**DECISION**

NOW, THEREFORE, BE IT RESOLVED that the appeal of Fred and Julia Ramos is denied. The administrative decision that the required setback for sport courts and play structures is measured to the structure is affirmed.

Adopted by the Board of Zoning Appeals: August 21, 2024

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Mia Divecha, Chairperson

ATTEST:

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Gary Morrison, Zoning Administrator

## **ATTACHMENT – REFERENCED SECTIONS OF CITY CODE**

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### **Sec. 36-30. Interpretation; procedures.**

**(a) Right of appeal.** At any time within 20 days after a written order, requirement, permit, decision, refusal, or determination by the zoning administrator has been made interpreting or applying this chapter, except for actions taken in connection with prosecutions for violation hereof, the applicant or any other person, officer, or department representative of the city affected by it may appeal the decision to the board of zoning appeals by filing a notice of appeal with the community development department addressed to the board of zoning appeals stating the action appealed from and stating the specific grounds upon which the appeal is made.

**(b) Setting a public hearing.** The city shall set a public hearing for the appeal by the board of zoning appeals to be held not less than ten days nor more than 45 days after it receives a notice of appeal. Notice of the hearing of the appeal before the board of zoning appeals shall be given by mail to all applicants. A notice of hearing shall be published in the official newspaper of the city at least ten days before the hearing date if the appeal involves the determination of boundary lines of a use district. Any interested party may appear at the public hearing in person or by agent or attorney. The decision of the board of zoning appeals shall be by resolution. A copy of the resolution of the board of zoning appeals shall be mailed to the applicant by the city clerk.

**(c) Board of zoning appeals to decide.** The board of zoning appeals shall determine by resolution all appeals from any written order, requirement, permit, decision, refusal, or determination of the zoning administrator; and from any interpretation of the text of this chapter, the location of the boundary of a use district as shown on the zoning map. The resolution shall be adopted by a majority vote of all members present and voting on the issues presented by the appeal. In making the decision, members of the board shall consider the questions raised in light of the general purpose of this chapter and the comprehensive plan.

**(d) Appeal to city council.** Any person aggrieved by a decision of the board of zoning appeals may appeal the decision in a manner provided in section 36-34.

**(e) Fee for appeal (interpretation).** A required fee established by resolution adopted by the city council shall be charged for all requests for appeal or interpretation of this chapter.



Fred and Julia Ramos  
3320 Huntington Avenue  
St Louis Park, MN 55416  
612-356-6395

City of St. Louis Park  
Board of Zoning Appeals  
5005 Minnetonka Blvd.  
St. Louis Park, MN 55416

Re: Appeal of zoning decision

July 21, 2024

Please consider this our appeal of a recent zoning decision by St. Louis Park's Zoning Administrator. Specifically, we are appealing the zoning administrator's decision to approve the new proposed location of a sports court of our neighbor at 3330 Huntington Avenue that would continue the hazard and a nuisance that this court's current location poses. This approval of a new proposed location just a few feet from its current location is contrary to both the letter and the purpose of St. Louis Park Zoning Code.

### **Background**

We purchased our home at 3320 Huntington Avenue on January 17, 2024 and moved in approximately a week later. We bought our home from a realtor, who bought the house from the original owner in May 2023 and undertook significant renovations of the home. The realtor did not live in the house during the remodel. We do not know when our neighbor's sport court was constructed. As it sits adjacent to their driveway and the permit for that driveway was closed on June 14, 2023, we are assuming that the court was built in the spring of 2023, when nobody resided in what is now our house.

Our lot is 50 feet wide by 260 feet long. Our driveway is very long and narrow, one car-width wide and is separated from our neighbor's parallel driveway by a small patch of a land near the front of the yard, which then disappears under their concrete towards the garage, so the two driveways are essentially merged. There is a fence which starts approximately in the middle of our house and goes to the garage in the rear. We have a side door on this side of the house, which we use as our main door. Even the official entrance to our house is off of that side of the house and requires walking through our driveway. We typically park our car near our side entrance to load and unload and pull all the way into the garage mostly at night. All of the windows of the rooms that we occupy during the day, such as our offices, our kitchen, one bedroom and our back porches, face our driveway.

Having a regulation size basketball court so near our property line, only a few feet from our driveway, in the narrowest and most used part of it because of our side door, and between our

actual houses, is a major problem. In addition, the hoop is not positioned perpendicular to our house but, instead, is positioned so that the balls fly in the direction of our house - entryway, walls, windows, and driveway. Our side door, side door stairs and landing are immediately behind the hoop itself. We've experienced incidents of balls landing on our car windshield. In another incident a ball landed right in front of us as we were walking in our driveway about to show our friends our new back yard.

The neighbors' children and their friends have run through our driveway to retrieve balls that have gone over the fence without permission and at unexpected times. This is not just incredibly intrusive and constitutes trespassing, but dangerous, as we could be backing out our car, or there could be construction debris, power tools, and uneven ground.

This sport court is used numerous times a day, every day. We have counted as many as ten times in a day that it was used, half hour or longer each time, with multiple players heaving multiple balls at the same time. They do not stop playing whether or not a car is moving in our driveway, cars are parked in close proximity to the hoop, or people are walking in the narrow driveway.

We have yet to host any friends or family at our new house without being interrupted by basketball noise and commotion. Even inside, as our kitchen faces the basketball hoop, meals at our kitchen table are subject to this nuisance. Our work in our offices is compromised, as we both work from home. Important Zoom meetings have been embarrassingly interrupted by basketball noise during the workday. We have been woken up in the morning numerous times by the basketball thumping. Basically, all our activities, work and leisure in our house are subject to being interrupted and intruded upon at any time outside of our control due to the unreasonable proximity of this basketball court.

Such frequency and length of use of sport equipment, as well as causing so much commotion and noise is absolutely not the community standard in our neighborhood, which is extremely quiet. There is no through traffic here 3 streets deep, no noises other than an occasional lawn mower. Our house backs to the Bass Lake preserve, so what we hear mostly is the sound of birds in the marsh. There are a few other basketball hoops on wheels on our street in the front of the owner's own driveways, so that the players are on the street and balls fly at their own houses. Those houses do not have adjacent neighbor driveways. Those hoops are used only once in a while if ever, for 5-10 minutes, if that, by one person. There are no basketball hoops in between houses anywhere that we have seen, let alone sport courts where regulation sized basketball poles are set in concrete.

Our neighbors have a yard more than twice as wide as ours. In addition, they own a second lot behind the one where the house is located. They could easily add a sport court in many locations on their property where it would not be a nuisance to their neighbors, including in their rear lot alongside their wooden ramp that they have installed there for mountain biking.

We attempted to talk with our neighbors about their positioning of the sport court and, without going to every detail, the conversation was not successful and only exacerbated our stress and anxiety over this situation. Instead of anything productive or mutually accommodating, we have been the recipients of not only increased basketball noise, but of several texts alleging all kinds

of nonsense and demands. In one text, they demanded that we pay them half for the fence that is between our driveways. This fence was built a year before we bought the house. In another text, they alleged that Gary Morrison confirmed that the post holding our gate is on their property and asked us to remove it. Gary told us he said no such thing to them and the post is not only on our property, but also is decades old. (All of this caused us to explore our options through the City of St. Louis Park.

We started investigating the city zoning code and communicating with the zoning department. On May 31, 2024, Katelyn Champoux confirmed to us that upon consultation with Gary Morrison, the situation in our side yard is indeed a sport court. On June 3, 2024, we notified the City by email that our neighbors had constructed and were using a sport court that was in violation of the required setbacks. We followed up several times with the city and learned that Gary had attempted to discuss the matter with the neighbors but was unsuccessful in contacting them.

On June 24, 2024, the City sent a letter to the neighbors. The letter informed them that city code section 36-162(d)(1)(h) requires a sport court to be placed at least five feet from the side lot line. It also requested that the owners locate and expose their property corner irons so the hoop structure can be measured and verified. The neighbors responded by placing a wooden stake with a pink flag marked "hoop" just a few feet from the location of the current pole, on the same side of their driveway, presumably still pointing at our house. It is even more between houses, even closer to our side door and even less protected by the fence. It appears that instead of using this opportunity to relocate the sport court to a neutral and reasonable location, like everyone else in this neighborhood and of which they have so many, our neighbor wants to continue to have this be a point of hazard and nuisance.

On June 5<sup>th</sup> Gary told us by phone that while he determined that the sport court's current location is indeed not in compliance with the City Code, but, to our shock, that he approved the proposed relocation of the sport court to where the neighbor has the wooden stake. On July 11<sup>th</sup> the St. Louis Park City Attorney confirmed in writing that the Zoning Administrator determined that our neighbor's existing location is not in compliance and must be changed, but that the new proposed location complies with the applicable setback of five feet.

## Discussion

- A. The zoning administrator is misreading the Code by deciding that only the "basketball hoop structure" needs to be set back five (5) feet from the side property line. Instead, the Code states that the entire "sport court" needs to be set back from the property line.**

## Summary

The June 24<sup>th</sup> letter from the City itself states that "City code section 36-162(d)(1)h requires sport courts to be placed at least five feet from the side lot line." The letter does not say that sport court hoops need to be placed at least five feet from the property line. The code itself does not state that sport court hoops need to be at least 5 feet from the property line. The code clearly

and unequivocally states “sport courts.” Sport courts in their entirety, as intended for their purpose. Not just specific structures that constitute a part of sport courts.

We are asking the Zoning Board of Appeals to apply the setback to the whole sport court as the Code states and the City letter of June 24<sup>th</sup> reiterates. That would be the whole space necessary to the practice and use of that equipment for that particular sport, and not narrowly to a specific piece of equipment that was erected.

#### Detail

In this particular case, the sport court in question is a basketball sport court and, as such, needs to include a baseline area for typical basketball activities, including missed shots, layups and turnovers out of bounds. You do not need to be a basketball expert to know that basketball activities take place behind the hoop on the court whenever the game is played or shots practiced. Therefore, the basketball hoop pole needs to be set back significantly farther than 5 feet from the side property line to accommodate the baseline area or a perimeter to accommodate those basketball activities and such additional necessary court area.

Article IV., Division 4., § 36-162 (d) of the St. Louis Park Zoning Code distinguishes between accessory structures, buildings, detached garages and specifically separates out sport courts by setting different setbacks requirements for all of these items. Sport courts are in a separate subsection, to specifically distinguish them from structures that do not involve vigorous activity, such as a shed. Notwithstanding the name of this paragraph, the subparagraphs within them establish separate requirements for buildings (paragraphs c, d, and e), garages (paragraph f), structures and open structures (paragraphs a and b), and distinguish them from swimming pools, saunas, whirlpools, sport courts, and swing sets (paragraph h).

Paragraph (h) within this section provides:

Swimming pools, whirlpools, saunas, sport courts, and swing set/climbing structures are permitted in the backyard and side yards only and shall meet the following requirements:

1. They are a minimum of five feet from the rear lot line.
2. They meet the same side yards as required for the principal building.
3. A six-foot privacy fence shall be required to screen the portion of the swimming pool, whirlpool, or sport court located within 25 feet of the rear lot line.

While other tall structures require a 3 foot setback, the category in Paragraph (h) requires 5 feet, the same as the principal building, Therefore the code distinguishes the use and the purpose of the improvements listed in Paragraph (h).

The code does not provide a definition of sport court. A reasonable interpretation is that a sport court includes the actual and entire court. A pole and a hoop embedded in concrete is not the entire court. It is the not beginning or an end of a basketball sport court, just as the post for a tennis, volleyball, badminton, or pickleball net is not the beginning or end of those sport courts. If the current decision by the zoning administrator is allowed to stand, then people could set up

tennis nets 5 feet from and parallel to their side property boundary and lob balls into their neighbors' yard, house, or driveway. This is essentially what is happening to us right now.

The code does not enumerate the setback requirements for each type of sport court. This would result in a cumbersome and unwieldy code that exhaustively lists and establishes setbacks for all types of sport courts. Accordingly, it is reasonable and within the Board's authority to apply the standard dimensions of a particular sport, when requested, in establishing the setback requirements for that sport court. For a basketball court, it would need to accommodate five feet from the hoop to the baseline and six feet from the baseline to the edge of the court.

The code does not state where a hoop needs to be placed within a sport court. One might say this allows someone to put a hoop anywhere within the sport court so long as the hoop is five feet from the side yard property line. If that were the case, however, the code could have said "fixed structures" within a sport court just as it specifically said, "swing set/climbing structure." Rather, the code simply said, "sport court," which requires the reasonable, and far more safe application, of factoring in the boundaries or perimeter of a particular sport. As mentioned, it is customary in basketball for activities to happen under and past the hoop, which why this sport court requires a distance from the hoop to the baseline and from the baseline to the edge.

**B. In approving the proposed relocation of the sports court just a few feet over, the zoning administrator is applying the Code contrary to the Code's stated purposes of protecting the neighborhoods, public health and safety and reasonable use and enjoyment of property.**

#### Summary

Overturning the zoning administrator decision to approve the new location of the sports court to stay in the narrow side yard between actual houses, with part of the court activity being on an active neighboring driveway, also aligns with and fulfills the purpose of the zoning code.

#### Detail

We also ask that the Board of Zoning Appeals review our situation with consideration to the purpose of the Zoning Code, as stated in the Code itself. Section 36-162 provides as follows:

(a) Purpose. The city council finds that in areas set aside by this chapter for residential development certain performance standards are desirable in order to preserve neighborhood character, public health and safety, property values, and allow all residents a reasonable use and enjoyment of property.

The Code reiterates the purpose of its regulations for R-2 single family zoning districts in Section 36-164:

(a) Purpose and effect. The purpose of the R-2 single-family residence district is to provide appropriately located areas for single-family living ... consistent with sound standards of public health; ensure adequate ...privacy ...for each dwelling unit; while safeguarding the residential character; and protect residential properties from noise ... unsightliness, odors ... vibration ... and other objectionable influences.

Neighborhood character. We can't speak for all of St. Louis Park, but the character of our neighborhood within Minikahda Oaks is primarily peace and quiet. Specifically, no one in our neighborhood has a basketball hoop between the houses, or facing any neighbor house, so that balls are thrown in the direction of their neighbor's house, only a few feet from their persons, cars and windows. Having a basketball court that is used multiple times a day, so close to their neighbor, and positioned so that balls are thrown in the direction of the neighbor's house destroys the calm and peaceful nature of our neighborhood's character.

Public health and safety. The position of the proposed basketball court endangers public health – balls being thrown in the direction of neighbor's house and yard risks personal injury, creates significant stress and anxiety, and completely disrupts peace and tranquility.

Property values. The proposed position of the sport court will lower our property value, and thereby property values in the neighborhood. Anyone who is aware of a permanent busy and noisy sports court in such a tight spot between houses would devalue the property. Noisy neighbors devalue property values by as much as 10% according to the American Association of Appraisers.

Reasonable use and enjoyment of property. The sports court in its current and proposed locations interferes with our reasonable use of our property by interrupting and interfering with all of our activities multiple times every day. The hoop is so close to our house that the thumping and crashing can be heard from everywhere inside our house whether the windows are open or closed.

### **C. The sports court next door is analogous to a rec facility as contemplated by the Zoning Code**

The intention of the drafters of the St. Louis Park Zoning Code to protect occupants of residential properties from vigorous sports activities of others is further evident in its protection of R-2 single family communities from other land uses, such as parks and recreation. Section 36-163 (5) provides that a principal structure for parks and rec be "located at least 50 feet from a lot in an R district." Presumably, this "principal structure" includes the whole court, including the fencing around it, with nets or basketball hoops inside the courts, at a distance from the edges of those courts particular to each sport.

There are several important reasons for these longer setbacks. Parks and rec areas often generate noise and activity. Longer setbacks help reduce noise levels and vibrations from reaching neighboring properties. The longer setback provides a buffer that helps maintain privacy of adjacent properties and creates a more pleasant environment for both park users and neighbors. A third reason is that longer setbacks provide a safety buffer between active recreation areas like playgrounds and sports courts and private properties, reducing the risk of accidents or conflicts between park users and residents.

While we are not suggesting that the 50 foot setback be applied to us, we think the reasoning of the Code applies in our situation. The amount of time our neighbors use their court, as well as

the number of family members and visitors engaged in this activity, is much more akin to a public rec area than the typical use of a basketball hoop in our neighborhood.

**D. While the Code does not provide the exact measure for what the court baseline and or perimeter needs to be, since it does not break down each court by sport, it is possible to determine what such allowance should be without being arbitrary.**

Just like height of the hoop has an established standard, so do the location of the hoop pole on the court and the baselines. Whether high school, university or professional courts, or half courts in back yards, all basketball poles are supposed to be set approximately 5 feet from the hoop to the baseline and 6.5 feet from the baseline to the edge. We include an image for illustration as an exhibit. This would suggest approximately 11 feet from the hoop pole for the perimeter around it required to play and therefore for the court.

This perimeter is consistent with that of the insurance industry, which requires a minimum perimeter of 3 feet around the pole, but strongly recommends 10 feet. Similarly, this is consistent with what is reasonably required to throw a ball. Typically, a basketball that misses can reasonably travel 3 to 10 feet past the hoop, depending on the speed and angle of the shot. Children and those learning basketball would be reasonably expected to be in the higher end of that range. Accordingly, a 10 foot setback would be appropriate. This is what the city of Lakeland, MN established, for example.

The St. Louis Code provides additional guidance for larger setbacks when improvements are located on a lot with more than one street frontage and determines that 9 feet is the appropriate measure to satisfy those requirements. The second paragraph of (d) (1) (a) provides

Accessory structures ... in the case of a lot with more than one street frontage, [shall be located] nine feet from all other lot lines abutting a street.

Applying this rationale to our situation, our neighbor's sport court abuts our driveway. Our driveway is, for all intents and purposes, the equivalent of a street. We drive our vehicles on it. Like a street, our driveway is designed to accommodate vehicular traffic. Similar to a road, we park our cars on the driveway. Both the street and our driveway accommodate pedestrian traffic. We walk on our driveway multiple times a day. The purpose of (d)(1)(a) is to protect public safety, keeping cars and pedestrians safe. This same purpose is achieved by treating our driveway as a street and applying a longer setback.

All this guidance provides the Board of Zoning Appeals with solid basis on which to establish a perimeter or a baseline that should be required under the Code to measure from the hoop pole in a basketball court to the edge of the sports court. This is particularly important to establish in our case, where this side yard is very narrow, is in between actual houses, not lawn, and abuts an active driveway, analogously to a street abutment. This basis dictates that there should be 10 feet, with an absolute minimum of 3 feet from the hoop structure to what would be considered the edge of the court. Consequently, the five foot setbacks from the property line should be measured from this perimeter or baseline and not from the structure of the hoop pole.

**E. Allowing the zoning decision to approve the proposed relocation of the in-concrete basketball pole to the narrow spot in between our houses is a dangerous precedent to set in St. Louis Park.**

We have not seen any hoops in between houses here, let alone concrete sport courts. This is not a good precedent to set in any community.

**F. The approval of this relocation of the current basketball pole is not only contrary to the letter and purpose of the St. Louis Park zoning code, but also guarantees that we will be subject to a private nuisance.**

According to Minnesota Statute, Chapter 561, Section 561.01, a nuisance is a condition that interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to person of ordinary sensibilities attempting to use and enjoy it. Factors considered are the character of the neighborhood, the location of the land, social expectations, the extent to which others are engaging in similar conduct in the area, the magnitude, extent, degree, frequency or duration of the interference, and the capacity of the party to bear the burden of ceasing the usage. We are not in control of the location of the sports court or the frequency of its use, we are at the mercy of our neighbors.

**Conclusion**

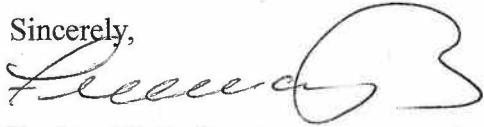
Moving this sports court to a location just a few feet from where it is currently, is, frankly, absurd. If something causing this much strife, wouldn't a reasonable person relocate it to a spot where they, their children, and their visitors can enjoy whatever activity they choose to pursue without risking being asked to stop? This would mean a location that would not impact their neighbors. They happen to own not just one, but two lots to enable them to find multiple spots do just that. Why would anyone go through the expense of digging out a regulation size basketball court from tons of concrete, just to relocate it to another dangerous and provocative location a few feet away? The only answer we can come up with is that this is not being done with reason, but out of vindictiveness and intention to provide as much nuisance and irritation as possible to someone who dared to ask them to please be considerate. The City should not be approving such petty and unproductive behavior.

If the neighbor is permitted to create a basketball sport court without any baseline area in between our houses with our very narrow city lot, the City will be permitting a use by the neighbor that will inevitably result in trespasses on our property, danger and hazard to us, our visitors, our property, as well as to the trespassers, and a nuisance which frustrates our ability to peacefully use our property. All of this would be contrary to the purpose of the zoning code and the mission of the Board of Zoning Appeals.

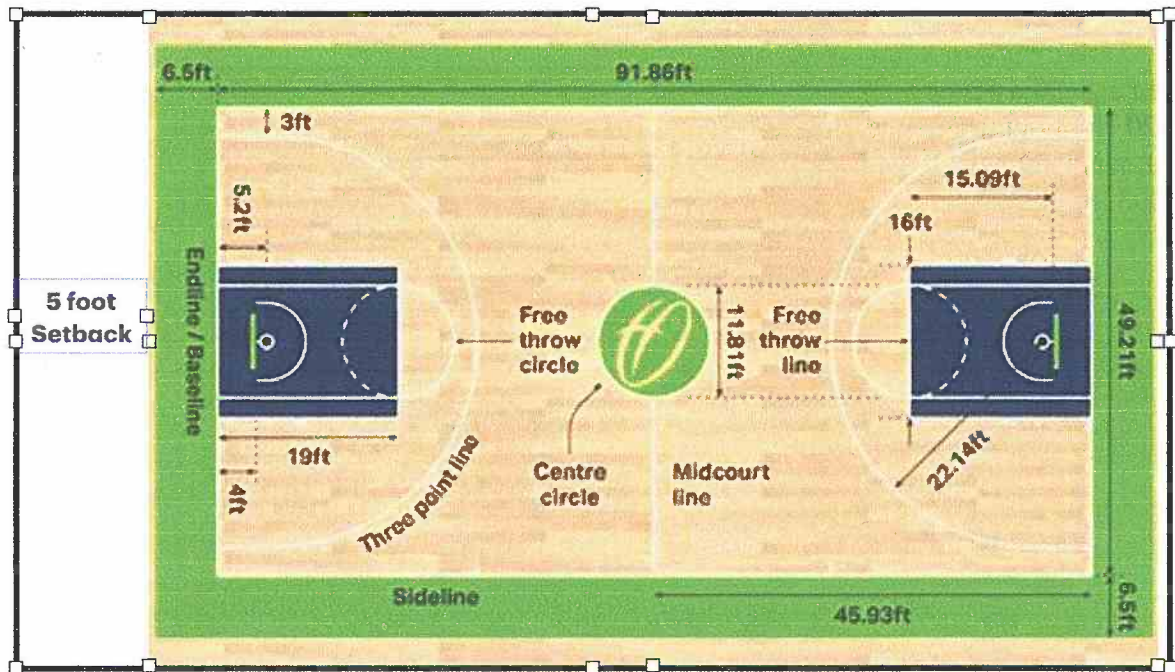
Thank you.



Sincerely,

A handwritten signature in cursive script, appearing to read "Fred and Julia Ramos". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Fred and Julia Ramos  
3320 Huntington Avenue  
St Louis Park, MN 55416  
612-356-6395



□ Hoop placement - 16.5 feet from property line □

- 5 foot setback
- 6.5 foot baseline
- 5.2 feet – distance of hoop from the baseline
- 16.5 feet - Total distance of hoop to property line**

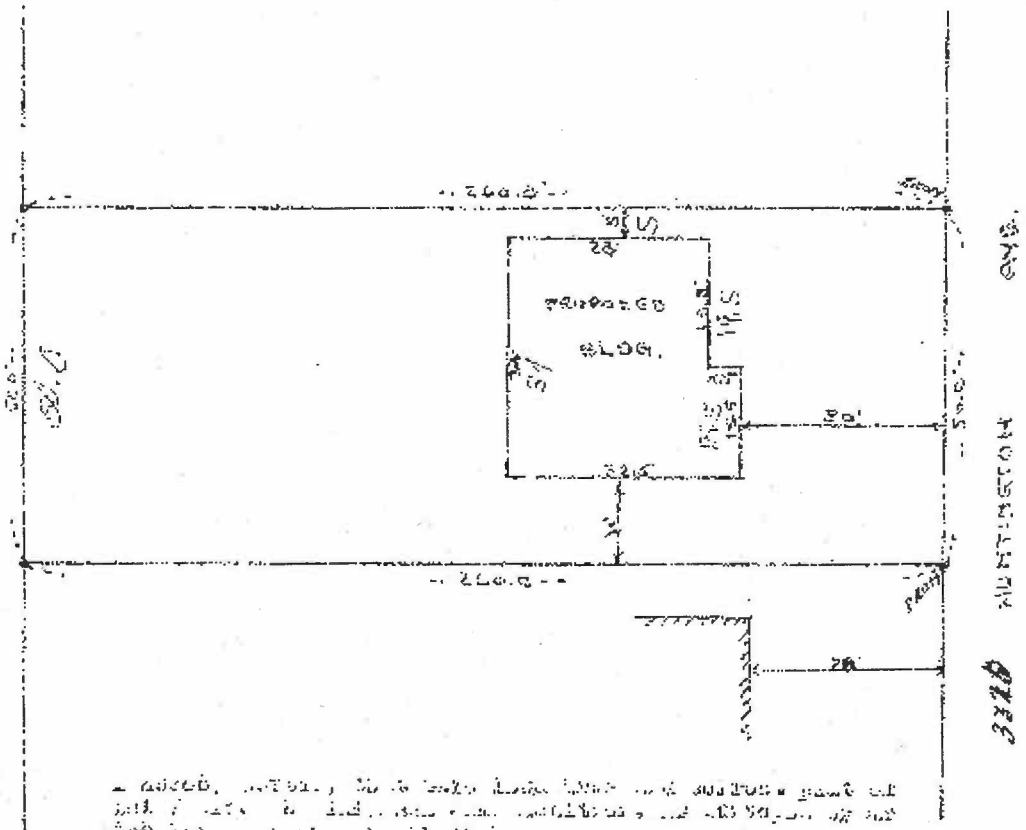
**Lakeland MN municipal code  
 § 159.089 TENNIS COURTS OR SPORT COURTS.**

In all districts, the following standards shall apply:  
 (D) Tennis courts or sport courts shall not be located closer than 10 feet to any side or rear lot line. Tennis courts or sport courts shall not be located in any front yard.

PARK SURVEYING CO.  
 REGISTERED SURVEYORS  
 ST. LOUIS PARK - MINNESOTA

10/1/77

Survey for Clearing Permit



A note or legend at the bottom of the diagram, partially obscured, likely describing the symbols used in the plan.

Surveyed and  
 10/1/77  
*[Signature]*

**Property Map** HENNEPIN COUNTY  
MINNESOTA

Search by Address or PID  [search help](#)

**Results** [Property Links](#) Print Share Close

**PID** 0602824140091

**Address** 3320 Huntington Ave S,  
St. Louis Park, MN 55416

**Owner/Taxpayer**

**Owner** Julia Yael Ramos Trust

**Taxpayer** JULIA Yael RAMOS TRUST  
3320 HUNTINGTON AVE S  
ST. LOUIS PARK MN 55416

**Tax Parcel**

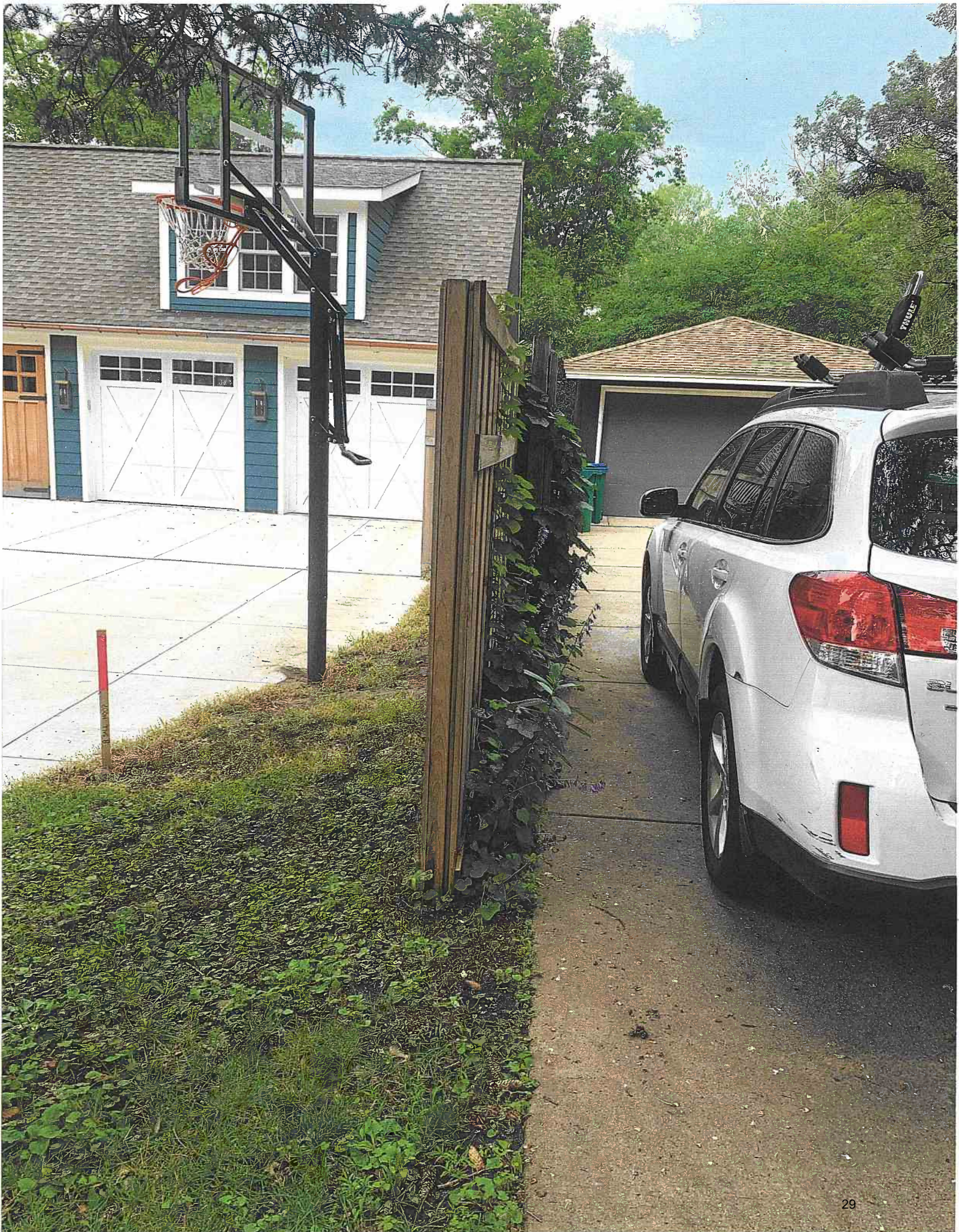
**Parcel Area** 0.3 acres  
13,003 sq ft

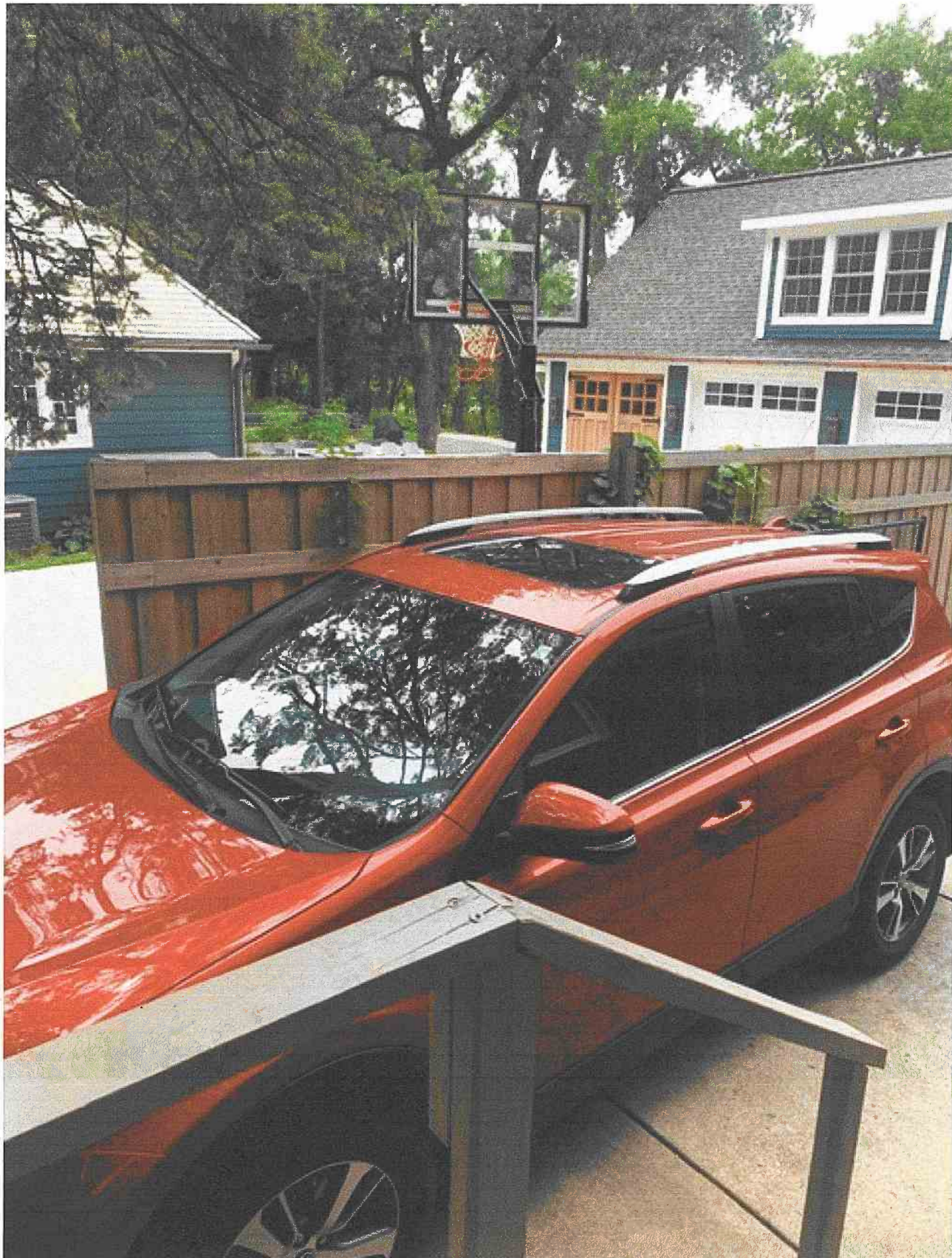
**Torrens/Abstract** Abstract

**Addition** Minikahda Oaks

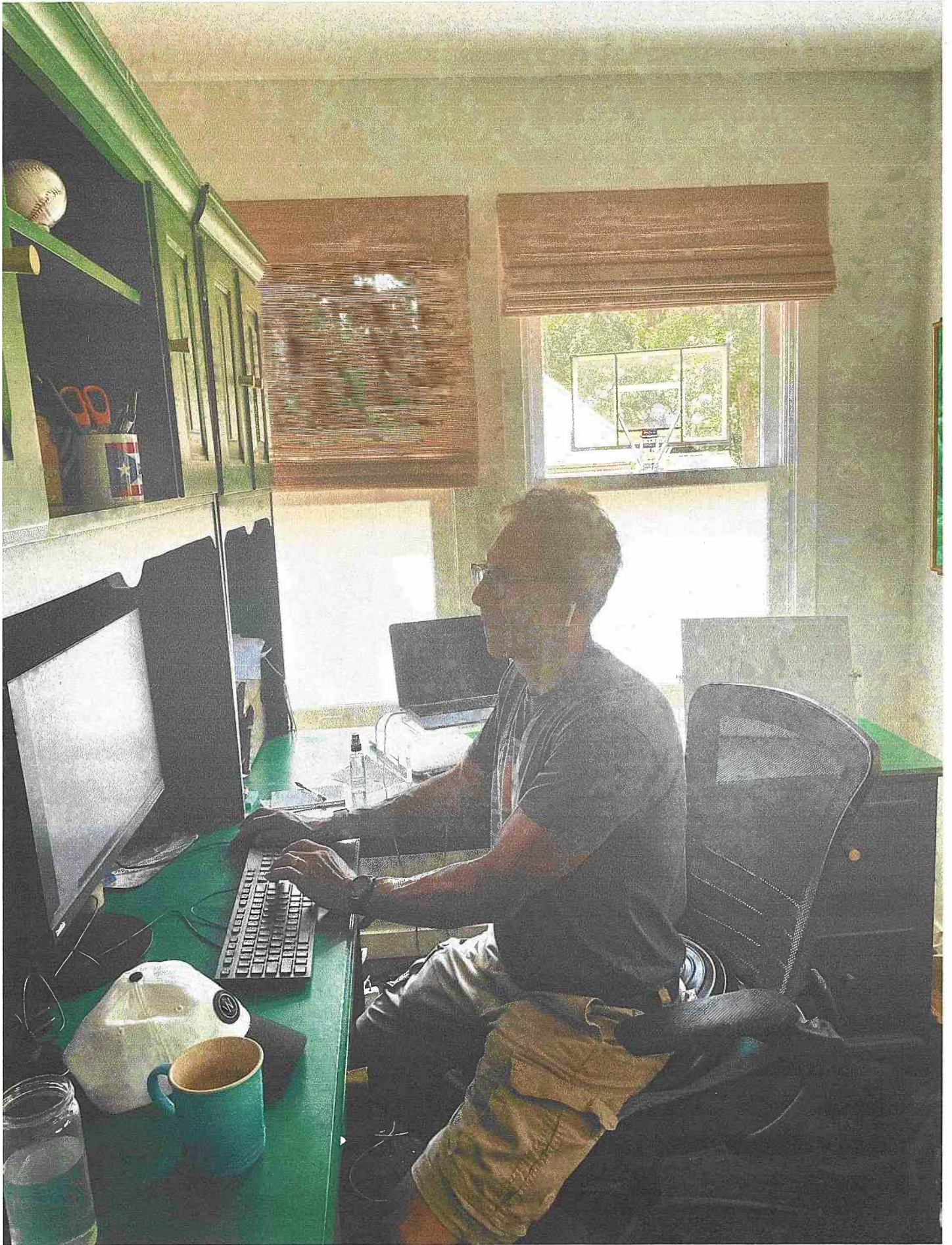
**Lot** 007



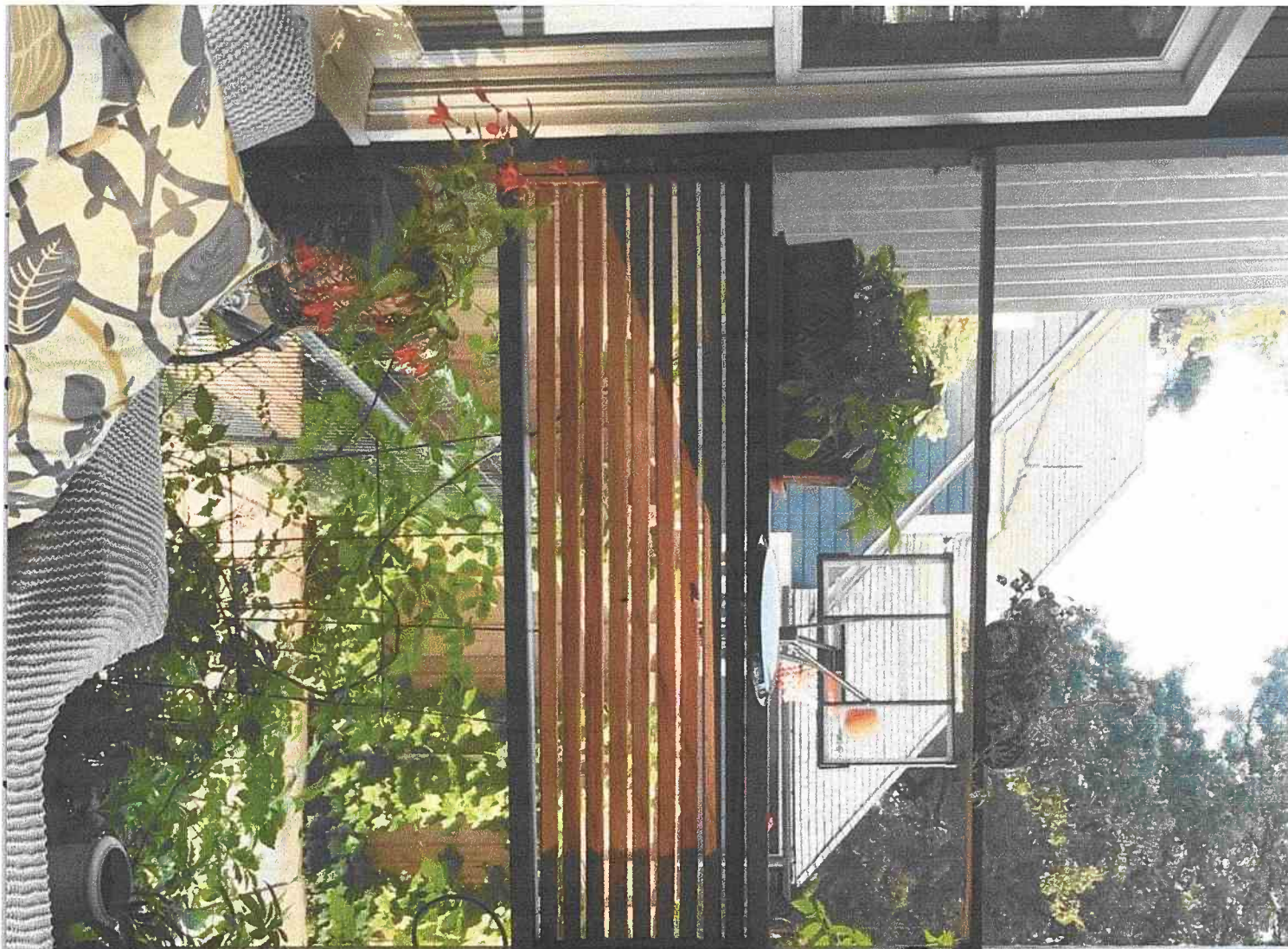












Lilly and Ross Moeding  
3330 Huntington Avenue  
St Louis Park, MN 55416  
612.581.9403 (Lilly) & 612.695.6386 (Ross)

City of St. Louis Park  
Board of Zoning Appeals  
5005 Minnetonka Blvd.  
St. Louis Park, MN 55416

Re: Response to Ramos' appeal of zoning decision

August 12, 2024

Please consider this our response to Fred & Julia Ramos' appeal of a recent zoning decision by St. Louis Park's Zoning Administrator. I will start by saying that we are extremely disheartened and disappointed in reading their appeal as it is filled with exaggerations, and some outright lies to sway the city to rule in their favor. We are longtime residents (11 years) of St. Louis Park and Minikahda Oaks and have never once had an issue with a neighbor until now. We absolutely love our neighborhood and our home and consider many of our neighbors genuine friends. We have invested heavily in our property and it's truly our "forever home" where we'll raise our two boys (ages 8 & 11).

As Fred & Julia mentioned, they moved into their home in January of 2024. We had been friendly but had little interaction with them until this spring when they texted us requesting a meeting to discuss "property line issues". Upon meeting them they went through a laundry list of grievances about our property and our children. They introduced themselves as lawyers to intimidate us, asked us to relocate our basketball hoop, complained that our garage was "encroaching their views," and implied that the fence between our properties (that we installed the year prior at a cost of \$4K) should be transferred in ownership to them for \$1. Our properties back up to Bass Lake Nature Preserve and given the large amount of rain this spring a tree had fallen from our portion of the swamp into their portion of the swamp. Upon seeing this they requested we immediately remove the tree as it was also "encroaching their views". At the point of their complaints the tree had been down for about 12 hours and was sitting in waist deep swamp water. Ross had full intentions of cutting up and disposing of the tree once the ground was solid, but they were frustrated that it wasn't being immediately dealt with. As you can imagine, this encounter left a very bad taste in our mouth about our new neighbors. It has only gone downhill from there despite Ross trying to smooth things out with Fred on a few occasions.

As the city of St. Louis Park knows, Fred & Julia went so far as you reach out in attempt to have us tear down our garage. They implied that our garage did not meet City of St. Louis Park codes after complaining to us that it was "encroaching on their views." It's important to note that the garage and the basketball hoop were both existing structures on our property prior to the Ramos' buying the house next door. Can you imagine buying a home and immediately going on a crusade to have your new neighbor's garage and basketball hoop torn down? It is shocking and not how we've known neighbors in St. Louis Park to treat each other.

Hopefully this background information paints a picture of their character and their entitlement.

Moving on to their accusations about our "sport court." For starters, we don't have a sport court, we have a driveway basketball hoop just like thousands of families in St. Louis Park. We started with a cheap hoop on wheels positioned in the street like others in our neighborhood, but once we saw how much our boys loved to play basketball, we decided to invest in a quality hoop. They are 11 and 8 years old and we are happy that they've found a sport they love. It keeps them active and off screens – any parent's dream. The hoop was a combined birthday present for them, and we enjoy

watching them practice or playing a family game of PIG or HORSE. We also prefer that they play in our driveway rather than playing in the city street for safety reasons. We don't understand why the Ramos' continue to assert that we have a sport court. While we have a fair amount of play space for the hoop, this is due to having a paved driveway and 3-car garage. We built our garage and paved our driveway and only after added a basketball hoop. In no way did we set out to build a "sport court." You can see photos of our driveway and basketball hoop following this letter.

Fred and Julia mentioned in their appeal that the boys play basketball 10 times per day for 30 minutes to an hour each time. That is a blatant lie. For starters, Ross and I both work full time and the children are not present during the workday. They attend summer camps that range from 8am-4pm or 9am-3pm. During the school year they are at school from 9am-4pm. There was one rare occasion this summer where the boys were home during the work week due to the 4<sup>th</sup> of July holiday week. On that occasion my parents were watching the boys and I was working from home. The boys began shooting hoops around noon on July 2nd. Fred Ramos came outside immediately and told them to stop playing. My boys are respectful, and they immediately stopped, but he has no right to tell my children that they can't play in their own yard. Upon texting Fred to ask him to share his concerns with us vs. intimidating our children he told us that he was doing our children a courtesy by asking them to stop playing instead of calling the police on them for being a nuisance. I don't know what kind of human calls the cops on children playing in their own yards. I will add that I, like Fred work from home. My home office is on the main level of our home on the same side of the house as the basketball hoop. While I can hear the ball bouncing in the rare instance the children are at home during a workday (again, this is extremely rare, limited to the 4<sup>th</sup> of July week and few random Fridays where summer camps were 4 days instead of 5 days), it does not impede my ability to work from home. I would liken the noise to hearing my neighbor mowing their lawn, using a weed whip or snow blowing. These are all normal neighborhood noises that last for a relatively short period of time. Anyone who lives in an urban neighborhood expects some level of noise. As someone who routinely works from home I also know that both Zoom and Teams completely filter any background noise from calls. I've had the vacuum cleaner going right outside my office door and while it sounds loud to me, no one on the call can hear anything.

Back to the frequency of play with our hoop.....we are a very busy and active family as most families with young children are. The boys are in Park Valley Rec soccer with practices multiple nights each week and tournaments on the weekends. Both boys are also in multiple basketball programs outside of the home (Carondelet, Midwest 3x3, Minneapolis Lakers, and MN Hustle). Most of our days are spend at camps, school, or extracurricular activities. At most, the boys play basketball in our driveway for 15-25 minutes at a time once per day within the permitted hours and there are many days where we are simply too busy with other activities or out of town. To say we play 10x daily is an outright lie to try to paint an inaccurate picture of our situation. The Ramos' also imply that we are hosting basketball games at our home or having multiple children routinely playing. At most, 3 children have played at one time (our boys + 1 friend). These aren't 3x3 or 5x5 games, just little boys shooting hoops in their driveway. Anyone who knows boys this age, knows that they have short attention spans, after 15-25 minutes of playing they are off to the next thing. I will also note that the boys never play before 8am on weekdays (9am on weekends) and never play after 9pm. Our 8-year-old goes to bed at 8pm and our 11-year-old goes to bed at 9pm. We are not a party home, in fact everyone in the house is typically asleep well before 10pm every night.

I also want to address another claim from Fred & Julia. They mention in their appeal that the ball has hit their car windshield multiple times. I have never once witnessed this and don't believe it to be true. We believe they are exaggerating the truth to have a better chance at getting what they want. Another reason we are confident this hasn't happened is because they have erected cameras on their property to record our children playing. If they had footage of any ball hitting their car I'm certain that would be the first thing they would submit to the city as part of their appeal. That said, the ball absolutely does on occasion bounce into their property. When discussing this with the Ramos', I apologized and offered to put a net behind the hoop to prevent any balls from entering their property. I understand that is frustrating and we don't want that any more than they do. When I offered this, Julia angrily countered that a net that height would not be allowed and was not a solution. She was very rude when I was simply trying to offer solutions. We believe the only solution in Julia's mind is taking away the hoop completely. After speaking to Gary at the City of St.

Louis Park we understand that a net of 15 ft. high would be allowed as long as it's see through. We are more than happy to erect a net once we align on the placement of the hoop to ensure no balls ever enter the Ramos' property. We are also willing to tell our children that the Ramos' will not allow them to retrieve a stray ball should one bounce into their property. We understand they are accusing our children of trespassing for needing to retrieve an occasional stray ball that has bounced into their property. Again, this is not the community standard we are accustomed and certainly not the type of people I want to live next door to, but if we need to forfeit a few balls per year to avoid having our children be accused of trespassing, we can do that. A net should completely resolve this and we're willing to invest in one should the city council agree.

In the Ramos' appeal they also mention that we own two lots and could place the hoop on our second lot. This is not feasible as the second lot is behind our home is in a flood plain and is essentially unusable swamp land that backs into Bass Lake Nature Preserve. Please see photos of said lot following this letter. Even if that was feasible it would likely cost +\$50K to get machinery down the hill to pour a concrete slab and erect a basketball hoop in the marshland. The only placement for the hoop is in our driveway like other families in St. Louis Park. We understand the current placement of the hoop does not comply with St. Louis Park code (it is 6 inches closer to the property line than it should be) and we apologize for our oversight. As Gary at the city is aware, we have determined a new location that complies with the city standard for distance from the lot line. We have already purchased a \$200 replacement pole to correct the placement. We are ready to move the hoop despite it being a significant effort in time and cost (it's currently in concrete and will require us to saw off the old pole, dig a new hole and pour new concrete) to the new location once approved.

To clarify, in case this comes up as potential solution, we are not able to move the hoop to the front of our garage given we have over \$1,400 invested in the current hoop, pole & now replacement pole. The front of the garage is solid concrete so there's nowhere to put the pole. The pole would also block entry into the garage stalls. Lastly, there are also glass windows across all garage doors, 3 glass lights and a copper gutter that would risk damage.

Regarding the Ramos' "main door" located on the side of the house near the hoop, that door was not on their home when we installed our hoop. The previous owner who fixed up and flipped the home prior to the Ramos' purchasing the property added that door. It is not our fault that a door that did not exist when we installed our hoop was added later causing concerns for the Ramos'.

The Ramos' mention in their appeal that they are not being petty. We beg to differ. On one evening in July when my 8-year-old was playing after dinner, they began to blast explicit rap music (Eminem) at a very loud level in response to my son dribbling the ball. My son continued to play but came into the house 10 minutes later. The Ramos' immediately turned off their music when he stopped playing. Shortly after my 11-year-old decided he wanted to play and went outside. Upon the ball bouncing in the driveway they immediately returned to blasting the explicit rap music to prove their point that they were annoyed. We never texted or called them about this and they only did it once, so I can only hope they realized that their behavior was childish and extremely inappropriate. I'm sure they will be embarrassed that we mentioned this to the City Council. I know I would be.

Lastly, my mother is a practicing realtor and shared this excerpt from her recent continuing education class about real estate complaints related to basketball hoops. I think it fits perfectly in this situation....

"Complete and emotional tranquility is seldom attainable when living in an urban environment. A reasonable person must expect to suffer and submit to some inconveniences and annoyances from the reasonable use of property by neighbors, particularly in the sometimes-close living of suburban residential neighborhoods. Every annoyance or disturbance of a landowner from the use made of property by the neighbor does not constitute a nuisance. The question is not whether the plaintiffs have been annoyed or disturbed....but whether there has been an injury to their

legal rights. People who live in organized communities must of necessity suffer some inconvenience and annoyance from their neighbors and must submit to annoyances consequent upon the reasonable use of property by others.”

We believe our boys shooting hoops in our driveway is a reasonable use of our property. We understand that it annoys Fred & Julia and that is unfortunate, however their annoyance does not create an injury to their legal rights. I would encourage the Ramos’ to think more critically about their next home purchase. I believe they would be much happier in an environment with no neighbors or a 55+ development, where no children would annoy them.

What we truly want is a return to the happy home life we had before they moved next door. We don’t want to be enemies with our neighbors. It’s not fun and we’ve already wasted so much of our limited time & energy with these baseless claims. We hope they realize they are at fault and stop harassing us about our fence, our garage, a fallen tree, our children and our basketball hoop. It’s making our lives miserable and we imagine it’s making their lives miserable as well.

Thank you for hearing our side of the story. We apologize we are unable to attend in person. We are taking our boys to NYC for the first time as our summer trip this year and could not change our flights to make the hearing date work. We would have preferred to attend in person to address any claims or answer any questions. We strongly considered reducing our trip by a day and incurring a \$300 penalty per ticket to change our flights, but ultimately decided that it was not worth cutting a 4-day vacation to 3-days and paying \$1200 in flight changes to state our case. We have already lost enough dealing with these matters. We will be in NYC making memories with our kids and hope this letter suffices. We welcome anyone from the city council to stop by our house at any time and see things for themselves.

Respectfully,  
Lilly & Ross Moeding  
3330 Huntington Ave.

Please see the following pages for additional photos & context:

Photos of our driveway & hoop. As you can clearly see, this is not a sport court. We didn't even know that we would eventually put up a hoop when we paved our driveway and built our garage.



Additional photo of our driveway and hoop.



Photo #1 of our second lot where the Ramos' propose we install a hoop. The lot is greatly sloped & floods every year. It has been filled with standing water all summer. Even if we wanted to install a hoop here it would likely require +\$50K to pour a court and we'd risk the structure being ruined by flooding. We also have no desire to have a sport court. We are happy with our driveway hoop.





Photo #2 of our second lot where the Ramos' propose we install a hoop.



Photo of Ross and our boys, super excited to see their heroes in the fan tunnel at a Timberwolves game this spring.





# CAMPBELL KNUTSON

PROFESSIONAL ◆ ASSOCIATION

July 11, 2024

VIA EMAIL & US MAIL

Elliott B. Knetsch  
Andrea McDowell Poehler  
Soren M. Mattick  
David S. Kendall  
Jared D. Shepherd  
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Julia Ramos and Fred Ramos  
3320 Huntington Ave.  
St. Louis Park, MN 55416

**RE: 3330 Huntington Basketball Hoop**

Dear Julia and Fred Ramos:

This office represents the City of St. Louis Park ("City"), and I am writing to you regarding the dispute with your neighbors at 3330 Huntington Ave. regarding a basketball hoop. This letter is provided to you to summarize the information provided to you, and your options to appeal to the Board of Zoning Appeals.

You have reported that a basketball hoop on the neighboring property is too close to the lot line, in violation of applicable setbacks. The basketball hoop is located in the side yard of the neighboring property. Sport courts and similar recreational structures, such as swing sets or climbing structures, are allowed in residential side yards. Under City Code § 36-162(d)(1)(h), such structures must meet the same side yard setbacks as required of the principal building. Under City Code § 36-164(f)(5), the setback for this property is five (5) feet.

On June 24, 2024, the City sent a letter to the property owners of 3330 Huntington Ave. informing them of the setback requirement and requesting that they locate the property corner irons to verify whether the basketball hoop complied as installed. A copy of this letter was provided to you via email.

On July 2, 2024, the City Zoning Administrator met with the property owners at 3330 Huntington Ave. At that meeting, the Zoning Administrator measured the setback distance and found that the basketball hoop was approximately four (4) feet from the property line. The Zoning Administrator determined that this was in violation of the applicable setback. The 3330 Huntington Ave owners had also placed a stake farther from the property line, indicating a possible new location for the basketball hoop. As that location was more than five (5) feet from the property line, the Zoning Administrator determined that this location complied with the applicable setback. The Zoning Administrator informed the 3330 Huntington Ave. property owners that they had until July 8 to relocate the structure to the proposed location. You were informed of this determination by email.

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July 11, 2024  
Julia Ramos and Fred Ramos

Under City Code § 36-60(a), you may appeal any “written order, requirement, permit, decision, refusal, or determination by the zoning administrator” made “interpreting or applying this [zoning] chapter.” Such appeals must be initiated within 20 days after the determination was made. The appeal is initiated by filing a notice of appeal with the community development department addressed to the Board of Zoning Appeals. The notice must state the action appealed from and the “specific grounds upon which the appeal is made.” The appeal further requires the \$325.00 appeal fee. You were informed of this appeal right by email. I have attached a copy of City Code § 36-30 here for your convenience.

On July 5, 2024, you stated by email to the City that you “have no choice but to pursue the appeal of the zoning decision to relocate.” When an appeal is initiated or imminent, the City pauses enforcement of the action until the appeal has resolved. This prevents wasted time, money, and energy if the outcome of the decision changes during the course of the appeal. Given your clear statement that you would be pursuing an appeal, the City notified your neighbors that the basketball hoop need not be relocated until after any potential appeal has been resolved. This is to prevent potentially having to relocate the basketball hoop more than once.

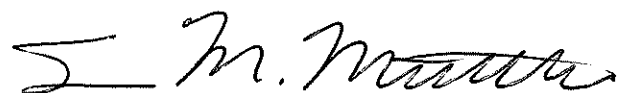
From a review of your communications, it appears the specific item you wish to appeal is the determination that your neighbors’ new proposed location for the basketball hoop complies with the applicable setback. The Zoning Administrator made this determination on July 2, 2024. Accordingly, the time to appeal the determination will expire on July 22, 2024. A failure to appeal the determination by that date will constitute a waiver of any right to appeal.

Further, you have indicated that your disagreement with the determination stems from interpreting the city code as imposing a larger setback on basketball hoops. You have stated a belief that the setback must include not only the distance to the structure, but also additional distance to allow for possible uses of the basketball hoop. It is your right to file an appeal based on your interpretation, but I note that this additional setback distance is not found within the text of the City Code.

The City is available to discuss this matter further. If you have any questions regarding this letter, feel free to contact me at (651) 234-6217.

Very truly yours,

**CAMPBELL KNUTSON**  
*Professional Association*



Soren M. Mattick  
St. Louis Park City Attorney

enclosures

**Sec. 36-30. Interpretation; procedures.**

(a) **Right of appeal.** At any time within 20 days after a written order, requirement, permit, decision, refusal, or determination by the zoning administrator has been made interpreting or applying this chapter, except for actions taken in connection with prosecutions for violation hereof, the applicant or any other person, officer, or department representative of the city affected by it may appeal the decision to the board of zoning appeals by filing a notice of appeal with the community development department addressed to the board of zoning appeals stating the action appealed from and stating the specific grounds upon which the appeal is made.

(b) **Setting a public hearing.** The city shall set a public hearing for the appeal by the board of zoning appeals to be held not less than ten days nor more than 45 days after it receives a notice of appeal. Notice of the hearing of the appeal before the board of zoning appeals shall be given by mail to all applicants. A notice of hearing shall be published in the official newspaper of the city at least ten days before the hearing date if the appeal involves the determination of boundary lines of a use district. Any interested party may appear at the public hearing in person or by agent or attorney. The decision of the board of zoning appeals shall be by resolution. A copy of the resolution of the board of zoning appeals shall be mailed to the applicant by the city clerk.

(c) **Board of zoning appeals to decide.** The board of zoning appeals shall determine by resolution all appeals from any written order, requirement, permit, decision, refusal, or determination of the zoning administrator; and from any interpretation of the text of this chapter, the location of the boundary of a use district as shown on the zoning map. The resolution shall be adopted by a majority vote of all members present and voting on the issues presented by the appeal. In making the decision, members of the board shall consider the questions raised in light of the general purpose of this chapter and the comprehensive plan.

(d) **Appeal to city council.** Any person aggrieved by a decision of the board of zoning appeals may appeal the decision in a manner provided in section 36-34.

(e) **Fee for appeal (interpretation).** A required fee established by resolution adopted by the city council shall be charged for all requests for appeal or interpretation of this chapter.

(Code 1976, § 14:8-1.0; Ord. No. 2462-15, 2-2-2015)

**Sec. 36-31. Registration of land use.****(a) Approval required; exceptions.**

- (1) No person or business shall use or occupy any land or building within the city without first obtaining approval of a registration of land use for the proposed use.
- (2) Exceptions:
  - a. When a certificate of occupancy or certificate of property maintenance is issued as required by chapter 6 of this Code.

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\*Cross reference(s) --Administration, ch. 2.