

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 board of zoning appeals in person. Visit <https://bit.ly/slpboza> to view the agenda and reports.

You can provide comment on agenda items in person at the meeting or by emailing your comments to info@stlouispark.org by noon the day of the meeting. Comments must be related to an item on the meeting agenda.

Agenda

1. Call to order – roll call
2. Approval of minutes – August 19, 2026
3. Hearing
 - 3a. Application for two variances at 8800 Highway 7
Applicant: Broadway Street Development
Case No: 26-06-VAR
 - 3b. Application for two variances at 5430 Minnetonka Blvd.
Applicant: Sela Investments, LTD
Case No: 26-09-VAR
4. Other business
5. Communications
6. Adjournment

Future scheduled meeting/event dates:

September 16, 2026 – planning commission study session
October 7, 2026 – planning commission regular meeting
October 21, 2026 – planning commission regular meeting
November 4, 2026 – planning commission regular meeting

If you need special accommodations or have questions about the meeting, please call Jennifer Monson at 952.924.2176 or the administration department at 952.924.2588.

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Board of zoning appeals

Members present: Jim Beneke, Christopher Caton, Mia Divecha, Matt Eckholm,
John Flanagan, Tess Machalek, Sarah Strain, Tom Weber

Members absent:

Staff present: Gary Morrison, Jennifer Monson

1. Call to order – roll call

2. Approval of minutes – August 6, 2025.

It was moved by Commissioner Beneke, seconded by Commissioner Weber, to approve the August 6, 2025 minutes with a spelling correction noted by Chair Strain.

The motion passed on a vote of 7-0.

3. Hearings

3a. Application for variance at 4000 Cedarwood Road

Applicant: Ron Sonic, President, Sicora Design/Build

Case No: 26-10-VAR

Gary Morrison, Zoning Administrator, presented the application requesting a variance to Section 36-4 of the zoning ordinance to designate Cedarwood Road, rather than France Avenue, as the front lot line for the corner property at 4000 Cedarwood Road. Under current code, the front lot line is defined as the shortest dimension on a public street, which places the front lot line along France Avenue. However, the home was constructed in 1940, when code required the front yard to face the interior lots, in this case, Cedarwood Road. A 1959 code change created the nonconformity. The requested variance would formally realign the front lot line with the actual orientation of the home, enabling a proposed bedroom and bathroom addition to the northwest corner of the structure.

Staff found that the variance would not adversely affect the health, safety, and welfare of the community; that it is in harmony with the general purpose and intent of the zoning ordinance; and that a practical difficulty exists, as the homeowners did not create the nonconformity. Staff recommended approval.

Chair Strain opened the public hearing. No members of the public spoke. The public hearing was closed.

Commissioner Weber acknowledged and thanked the homeowners for going through the administrative process for a straightforward variance. Commissioner Beneke noted that the change would align the property with neighboring homes along Cedarwood Road and is supported by neighbors. Commissioner Divecha emphasized that the primary rationale was the physical orientation of the home as originally constructed facing Cedarwood Road.

BOZA

Aug. 19, 2026

It was moved by Commissioner Weber, seconded by Commissioner Eckholm, to approve the variance at 4000 Cedarwood Road to designating Cedarwood Road, rather than France Avenue, as the front lot line of the property. The motion passed on a vote of 7-0.

3b. Application to rescind two variances for 2625 Louisiana Ave. S.

Applicant: City of St. Louis Park

Case No: 26-07-VAR

Mr. Morrison presented the request, initiated by the City of St. Louis Park, to formally rescind Resolutions No. 24-01 and 24-02. These resolutions had granted variances in July 2022 for a multi-story mixed-use development at 2625 Louisiana Avenue South: one reducing minimum lot line coverage from 80% to 66%, and one reducing the minimum parking drive aisle width from 24 to 22 feet. As a condition of approval, construction was required to be started within two years of approval. An extension was granted in June 2024, setting a new expiration date of July 6, 2026. The developer did not commence construction and did not request a further extension, rendering both variances expired. The rescission is to formalize the expiration of the resolutions.

Commissioner Weber thanked staff for their years of work related to this property and expressed hope that future development on the property would come to fruition.

Commissioner Divecha inquired about the reasons the project did not proceed. Mr. Morrison indicated the primary obstacle appeared to be financing. In response to Youth Commissioner Machelek, Mr. Morrison confirmed that a future applicant could reapply for variances on the same property.

It was moved by Commissioner Weber, seconded by Commissioner Divecha, to approve rescinding BOZA Resolution Nos. 24-01 and 24-02 relating to 2625 Louisiana Ave S. The motion passed on a vote of 7-0.

4. Other Business - none

5. Communications

6. Adjournment – 6:15 p.m.

Gary Morrison, staff liaison

Sarah Strain, chair member

These minutes were created with the assistance of a generative AI transcript service, then edited and finalized by a city staff person.

3a Application for two variances at 8800 Highway 7**Executive summary**

Location:	8800 Highway 7
Case Number:	26-06-VAR
Applicant:	Broadway Street Development
Owner:	Brinker Properties LLC
Review Deadline:	60 days: September 20, 2026 120 days: November 19, 2026
Recommended motions:	Chair to open the public hearing, take testimony and close the hearing. Motion to approve variances to allow a minimum front yard of 6 feet 1 inch and a minimum side yard abutting a street of 6 feet 7 inches at 8800 Highway 7.

Summary of request: Broadway Street Development requests variances to the required front yard and side yard abutting a street for a proposed project located at 8800 Highway 7. The request would reduce the front-yard to 6 feet 1 inch and the side-yard abutting a street to 6 feet 7 inches. The subject property is a 4.4-acre site in the southwest corner of the city adjacent to Minnehaha Creek. It is currently developed with a four-story office building and surface parking lot. The site presents several physical constraints that impact potential redevelopment, including floodplain coverage on the south side of the site and the irregular shape of the property.

The requested variances would allow redevelopment of the property with a seven-story, 208-unit affordable apartment building. The proposed wrap-style design would incorporate most parking within the footprint of the residential building through an above-ground parking ramp, with a smaller surface parking area to the south.

Staff recommend that the board of zoning appeals grant the requested variances to reduce the required front yard and side yard abutting a street in the N-4 zoning district at 8800 Highway 7, subject to the conditions identified in the staff report.

Supporting documents: Variance narrative, site plan

Prepared by: Katelyn Champoux, planner

Reviewed by: Jennifer Monson, planning and economic development manager

Discussion

Site information:

The subject property is a 4.4-acre site located in the southwest corner of the city at 8800 Highway 7. The property is bounded by right-of-way to the north, Minnehaha Creek to the south and east and commercial uses to the south and west. The future land use designation of the property is RH – high density residential and the zoning of the property is N-4. The property is currently used for a four-story office building and surface parking lot. The existing building has had high vacancy rates for over a year.

The subject property is located along a private road, Boone Avenue. The western and southern property lines generally follow the centerline of this road. The city has an ingress, egress, drainage and utility easement over the portion of Boone Avenue located on the subject property. The zoning code states that setbacks are measured from either the line of the public right-of-way or the street (ingress/egress) easement. In this case, there is no public right-of-way so the setbacks along Boone Avenue are measured from the edge of the street easement.

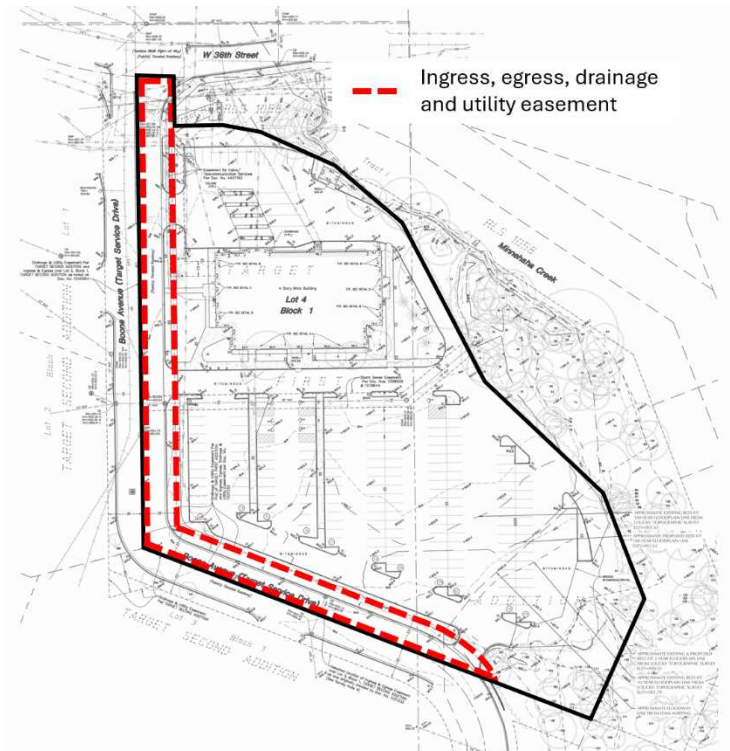
Additionally, approximately half of the subject property is located within the 100-year and 500-year floodplain. This covers most of the existing surface parking lot on the southern half of the site. The following image shows the approximate location of the 100- and 500-year floodplains.



Present considerations:

The applicant requests the city approve variances to the required 15-foot front yard and side yard abutting a street in the N-4 zoning district. The variances would reduce the front yard to 6 feet 1 inch and would reduce the side yard abutting a street to 6 feet 7 inches.

The purpose of the variance request is to allow redevelopment of the site with a seven-story, 208-unit affordable apartment building. The proposed development is a wrap-style design which fully conceals the parking ramp within the footprint of the residential building. The site plan also includes a small surface parking lot, but most of the off-street parking is provided in the parking ramp.



The project proposes adding more landscaping and pervious surfaces to the site, particularly in the southeast corner. There is also an existing canoe launch on the city owned property adjacent to Minnehaha Creek with a wood-chipped trail ending in the office parking lot. The developer has agreed to extend this trail, connect it to the proposed surface parking lot and provide parking spaces for users of the canoe launch.

Variance analysis and findings:

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

1. The effect of the proposed variance upon the health, safety, and welfare of the community.

The request to reduce the required front yard and side yard abutting a street does not impact the health, safety and welfare of the community. The proposed project would be located more than 100 feet from adjacent buildings on the opposite side of Boone Avenue. Locating the building closer to the street and providing walk-out units on the ground floor activates the street frontage which may make the area feel safer for residents, transit users and people visiting adjacent businesses.

Staff believe this criterion has been met.

2. Whether or not the request is in harmony with the general purposes and intent of the zoning ordinance.

The request is in harmony with the general purposes and intent of the zoning ordinance given the principal use (seven-story apartment dwelling) and accessory uses (parking ramp, parking lot) are permitted in the N-4 zoning district. Moving the building closer to the street also activates the street frontage, places surface parking behind the building and reduces potential impacts on the floodplain.

Staff believe this criterion has been met.

3. Whether or not the request is consistent with the comprehensive plan.

The comprehensive plan designates the land use of this site as RH – high density residential, which allows a variety of housing types with net residential densities ranging from 16 to 75 units per acre, and up to 125 units per acre through PUD or zoning density bonuses. The variance request would allow redevelopment of the site with a seven-story, 208-unit affordable apartment building with a residential density of approximately 47 units per acre. This is consistent with the comprehensive plan land use guiding. The proposed project supports the comprehensive plan housing goals by providing a fully affordable, mixed-income apartment building with mostly two- and three-bedroom units to serve larger households. It is also located within a major commercial area with access to transit and transportation corridors.

Staff believe this criterion has been met.

4. Whether or not the applicant establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulty means:

- a. *The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items required in the zoning ordinance, including but not limited to setbacks and height limitations.*

Seven-story apartment buildings are permitted in the N-4 zoning district.

- b. *The plight of the landowner is due to circumstances unique to the property and not created by the landowner.*

Redevelopment of the site is complicated by the fact that approximately half of the property is located within the 100-year or 500-year floodplain and the lot is an irregular shape. The western property lines run through the centerline of Boone Avenue which is covered by a drainage, utility, ingress and egress easement impacting the measurement of setbacks. Altogether, these conditions necessitate the variance requests.

- c. *The variance, if granted, will not alter the essential character of the locality.*

The variances will allow the construction of a permitted use that minimizes impacts on adjacent commercial properties, the floodplain and Minnehaha Creek. The project will add new housing units to an area with predominantly commercial uses which benefits both future residents by providing access to jobs and services and existing businesses by providing new customers within walking distance. Pushing the building northwest on the site allows for restoration of the floodplain and creation of new green space in an area of the city with a lot of impervious surfaces.

- d. *Economic considerations alone do not constitute practical difficulties.*

Economic considerations are not a significant factor for this request.

- e. *Practical difficulties include inadequate access to direct sunlight for solar energy systems.*

Adequate access to direct sunlight for solar energy systems is not applicable to this request.

5. Whether or not there are circumstances unique to the shape, topography, water conditions, or other physical conditions of the property.

There are factors related to the shape, size or other extraordinary conditions of the lot which impact the ability to meet the required front yard and side yard abutting a street. Redevelopment of the site is complicated by the fact that approximately half of the property is located within the 100-year or 500-year floodplain and the lot is an irregular shape. The applicant chose to shift the building to the northwest corner of the property to mitigate impacts to the floodplain. The western property lines also run through the centerline of Boone Avenue which is covered by a drainage, utility, ingress and egress easement impacting the measurement of yards.

Staff believe this criterion has been met.

6. Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right.

The variances would support the construction of a seven-story apartment building which is permitted in the N-4 zoning district. The project also aligns with the RH – high density residential land use guiding which allows densities of 16 to 75 units per acre.

Staff believe this criterion has been met.

7. Whether or not the granting of the variance will impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.

Granting the requested variances will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, or endanger public safety. The proposed project would be located more than 100 feet from adjacent buildings on the opposite side of Boone Avenue which mitigates its impact on the supply of light and air. The project provides adequate parking for the use in an above-ground parking garage and surface parking lot. It is also located adjacent to a bus stop which provides transit access to future residents and reduces the need to use a vehicle to complete daily activities.

Staff believe this criterion has been met.

8. Whether or not the granting of the variance will merely serve as a convenience or is it necessary to alleviate a practical difficulty.

The variances are necessary to alleviate the practical difficulty created by the floodplain and irregular shape of the site. It would allow the building to meet the required yards on the north, east and south sides of the property, limiting impacts on the floodplain and adjacent Minnehaha Creek.

Staff believe this criterion has been met.

Recommendation: Staff recommends BOZA grant variances to allow a minimum front yard of 6 feet 1 inch and a minimum side yard abutting a street of 6 feet 7 inches at 8800 Highway 7, with the following conditions:

1. Each balcony facing the street may extend up to 5 feet 5 inches from the building wall and may not exceed 56 square feet in area.
2. The variance is automatically revoked and cancelled if construction of the proposed building is not substantially completed within two years as outlined in city code section 36-455.

DRAFT BOZA Resolution No. 26-XX

Variance to allow a minimum front yard of 6 feet 1 inch and a minimum side yard abutting a street of 6 feet 7 inches for 8800 Highway 7

Whereas, Broadway Street Development applied for a variance from the requirements of Section 36-79 of the St. Louis Park city code to allow a minimum front yard of 6'-1" and a minimum side yard abutting a street of 6'-7"; and

Whereas, the property is located at 8800 Highway 7; the property is legally described in "Exhibit A" attached hereto; and

Whereas, the property is zoned N-4; and

Whereas, the required yards for a seven-story apartment in the N-4 district are 15 feet for a front yard and 15 feet for a side yard abutting a street; and

Whereas, city council granted the BOZA authority over variances; and

Whereas, the board of zoning appeals held a public hearing for the application for a variance on Sept. 2, 2026; and

Whereas, the board of zoning appeals reviewed the application and the information related to Case No. 26-06-VAR and the effect of the variance on the health, safety and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, the effect on the value of properties in the surrounding area and the effect of the use on the comprehensive plan, and compliance with the intent of the zoning ordinance; and

Whereas, based on the testimony, evidence presented and files and records, the city council has determined the requested variance meets the requirements of Section 36-451 of the zoning ordinance necessary to be met for the city council to grant variances, and makes the following findings:

1. The request to reduce the required front yard and side yard abutting a street does not impact the health, safety and welfare of the community. The proposed project would be located more than 100 feet from adjacent buildings on the opposite side of Boone Avenue. Locating the building closer to the street and providing walk-out units on the ground floor activates the street frontage which may make the area feel safer for residents, transit users and people visiting adjacent businesses.
2. The request is in harmony with the general purposes and intent of the zoning ordinance given the principal use (seven-story apartment dwelling) and accessory uses (parking ramp, parking lot) are permitted in the N-4 zoning district. Moving the building closer to the street also activates the street frontage, places surface parking behind the building and reduces potential impacts on the floodplain.

3. The comprehensive plan designates the land use of this site as RH – high density residential, which allows a variety of housing types with net residential densities ranging from 16 to 75 units per acre, and up to 125 units per acre through PUD or zoning density bonuses. The variance request would allow a redevelopment with a seven-story, 208-unit affordable apartment building with a residential density of approximately 47 units per acre. This is consistent with the comprehensive plan land use guiding. The proposed project supports the comprehensive plan housing goals by providing a fully affordable, mixed-income apartment building with mostly two- and three-bedroom units to serve larger households. It is also located within a major commercial area with access to transit and transportation corridors.
4. The applicant has established a practical difficulty in complying with the zoning ordinance with the following:
 - a. Seven-story apartment buildings are permitted in the N-4 zoning district.
 - b. Redevelopment of the site is complicated by the fact that approximately half of the property is located within the 100-year or 500-year floodplain and the lot is an irregular shape. The western property lines run through the centerline of Boone Avenue which is covered by drainage, utility, and ingress and egress easements impacting the measurement of yards. Altogether, these conditions necessitate the variance request.
 - c. The variance will allow the construction of a permitted use that minimizes impacts on adjacent commercial properties, the floodplain and Minnehaha Creek. The project will add new housing units to an area with predominantly commercial uses which benefits both future residents by providing access to jobs and services and existing businesses by providing new customers within walking distance. Pushing the building northwest on the site allows for restoration of the floodplain and creation of new green space in an area with a lot of impervious surfaces.
 - d. Economic considerations are not a significant factor for this request.
 - e. The variance will not impact access to direct sunlight for adjacent properties.
5. There are factors related to the shape, size or other extraordinary conditions of the lot which impact the ability to meet the required front yard and side yard abutting a street. Redevelopment of the site is complicated by the fact that approximately half of the property is located within the 100-year or 500-year floodplain and the lot is an irregular shape. The applicant chose to shift the building to the northwest corner of the property to mitigate impacts to the floodplain. The western property lines also run through the centerline of Boone Avenue which is covered by drainage, utility, and ingress and egress easements impacting the measurement of yards.
6. The variance would support the construction of a seven-story apartment building which is permitted in the N-4 zoning district. The project also aligns with the RH – high density residential land use guiding which allows densities of 16 to 75 units per acre.

7. Granting the requested variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, or endanger public safety. The proposed project would be located more than 100 feet from adjacent buildings on the opposite side of Boone Avenue which mitigates its impact on the supply of light and air. The project provides adequate parking for the use in an above-ground parking garage and surface parking lot. It is also located adjacent to a bus stop which provides transit access to future residents and reduces the need to use a vehicle to complete daily activities.
8. The variance is necessary to alleviate the practical difficulty created by the floodplain and irregular shape of the site. It would allow the building to meet the required yards on the north, east and south sides of the property limiting impacts on the floodplain and adjacent Minnehaha Creek.

Whereas, the contents of Case No. 26-06-VAR are hereby entered into and made part of the record of decision for this case,

Now therefore be it resolved that the application for a variance to reduce the minimum setback for front yards and side yards abutting a street is hereby approved with the following conditions:

1. Each balcony facing the street may extend up to 5 feet 5 inches from the building wall and may not exceed 56 square feet in area.
2. The variance is automatically revoked and cancelled if construction of the proposed building is not substantially completed within two years as outlined in city code section 36-455.

It is further resolved that the city clerk is instructed to record certified copies of this resolution in the office of the Hennepin County Register of Deeds or Registrar of Titles as the case may be.

Adopted by the Board of Zoning Appeals: September 2, 2026

Effective date: September 17, 2026

Sarah Strain, chair

ATTEST:

Gary Morrison, zoning administrator

Exhibit A

Lot 4, Block 1, Target First Addition, Hennepin County, Minnesota.

Torrens Property

Certificate of Title No. 1200991

July 20, 2026

Creekline Flats
8800 Highway 7
St Louis Park, MN
55426

Variance Request Narrative

Project Overview:

The site for this proposed project is 8800 Highway 7, St. Louis Park, at the intersection of Boone Ave and 36th Street South, west of Minnehaha Creek. The proposed project is a seven-story affordable housing building wrapping 5-1/2 stories of structured parking. The residential building is approximately 280,000 gross square feet, and the parking structure is approximately 98,000 gross square feet. The development includes a ground-floor residential lobby with amenities, 208 affordable dwelling units and a wrap-style design which fully conceals the parking ramp within the footprint of the residential building.

Additional Project Data:

Existing Zoning District: Neighborhood District N-4

Proposed Primary Uses: DWELLING, APARTMENT (HIGH RISE)

Proposed Accessory Uses: PARKING RAMP; PARKING LOT

Variance Request:

The proposed design will be made possible through the request for two setback variances from the minimum-required setbacks stated in Table 36-166(a) *Yard Setback Standards*.

Table 36-166(a)

	REQUIRED	PROPOSED
FRONT YARD MINIMUM (FT)	15 FT	1'-6"
SIDE YARD ABUTTING A STREET MINIMUM (FT)	15 FT	3'-0"

The proposed variances occur along the private way, Boone Ave. Along Boone Ave, a Drainage and Utility Easement extends ~35' in each direction from the centerline of the private way. The boundary of this Drainage and Utility Easement is treated as the Property Line for the purpose of calculating setback starting measurement. The actual parcel boundary is the centerline of Boone Ave to the west & southwest of the parcel.

The proposed setbacks align with the setback plane of the upper-floor, private balconies. The nearest building element to the property line is the upper-floor, face of the balconies, and all building elements will be behind the face-of-balcony plane.

Findings:

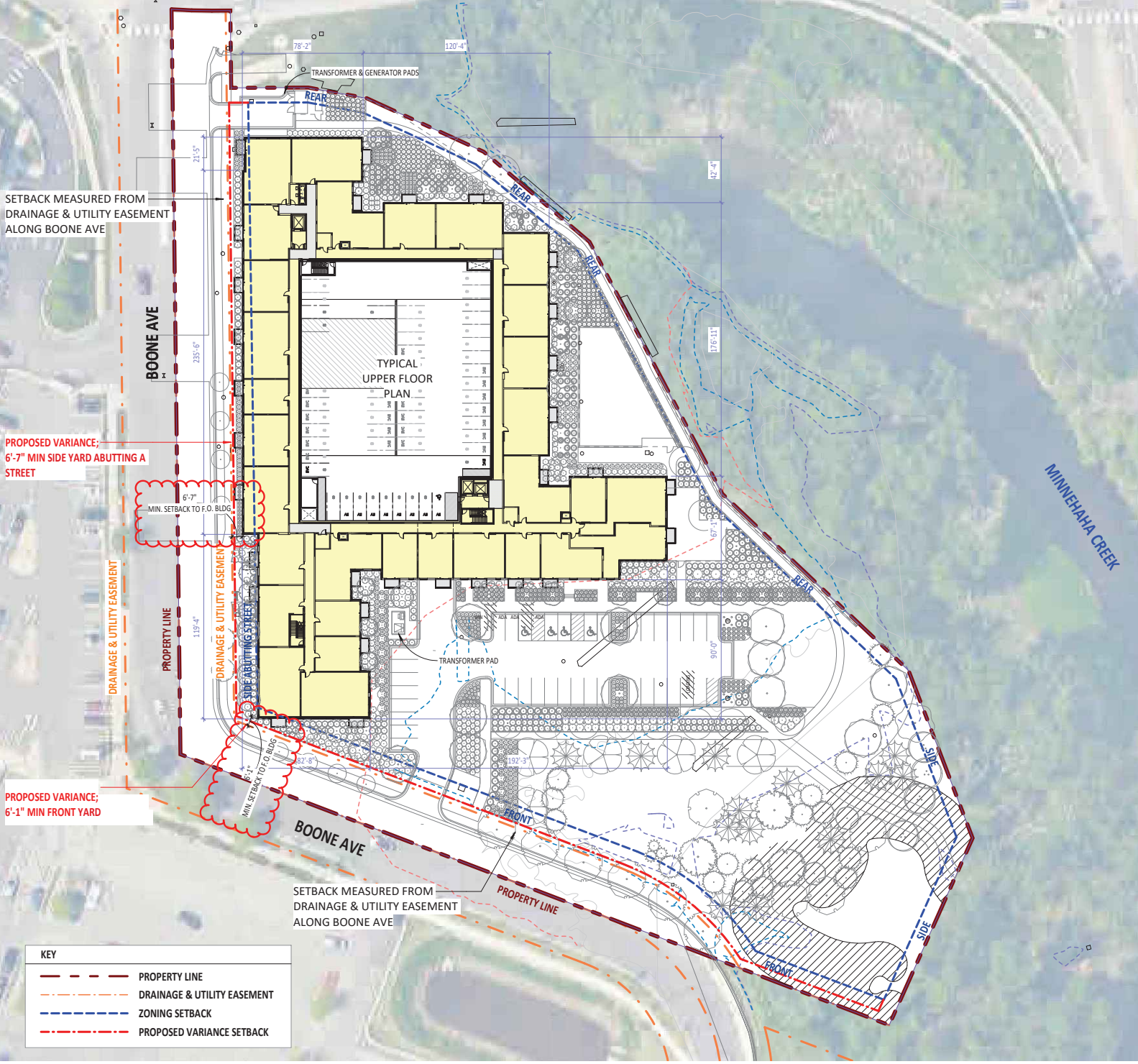
- (1) The effect of the proposed variance shall not have an impact on the health, safety and welfare of the community, as the primary and accessory uses are permitted in the N-4 district, and,
- (2) the development of affordable housing within the district aligns with the general purpose and intent of the zoning ordinance and the City's inclusionary housing goals.
- (3) The design is consistent with the current comprehensive plan zoning district and associated guidelines, with exception to this variance request.
- (4) :
 - a. The proposed uses are permitted in the zoning district.
 - b. The circumstances unique to the property include the parcel's adjacency to Minnehaha Creek and floodplain. If the applicant were to locate the building footprint outside of the 10-year, 100-year and 500-year floodplain, ~42% of the parcel area would not be buildable. This condition would result in significant unbuilt, landscaped, and impermeable area across the site and would also necessitate the building to encroach the FRONT and SITE ABUTTING A STREET setback requirements.
 - c. The setback variances requested will not alter the essential character of the locality. The encroachment beyond the required minimum setbacks occurs along Boone Ave (*alternatively 'Target Service Drive'*), abutting surface parking for C-2 commercial use to the west. The existing sidewalk and bus stop on Boone Ave will be maintained or restored following construction and will be otherwise unaffected by this variance request.
 - d. The practical difficulties of the site which necessitate this variance request are not economic in nature.
 - e. Rooftop solar systems will be included on the building roof and are unimpacted by this variance request.
- (5) Circumstances unique to the physical conditions: described above (4b)
- (6) As noted (in 4b), the proposed building location and associated setback variances allow for the preservation of a significant amount of open space, impervious surface and landscaping. The resulting outdoor spaces will contribute to the health and benefit of residents and neighbors.
- (7) As the requested variances are along the Drainage and Utility Easement abutting Boone Ave, they will have no impact on neighboring properties' access to light and air, nor will the building pose a fire danger to nearby structures. With respect to congestion, the development will provide the minimum required number of parking spaces; and, additionally, is served by a MetroTransit bus stop on Boone Ave.
- (8) The requested variances alleviate the site constraints associated with the natural existing conditions; while allowing for the preservation of outdoor and recreational areas. The development

of 208 affordable housing units and its associated minimum-required parking aligns with the City's Inclusionary Housing Policy and is made possible through these requested setback variances.

PARKING REQUIREMENT [ARTICLE V; TABLE 36-361(a)]			
UNIT	COUNT	RATIO	REQ'D
1-BED	47	1	47
2-BED	81	1.5	122
3-BED	80	2	160
SUBTOTAL			329
+ 5% GUEST PARKING			+ 17
-10% PROXIMITY TO BUS SERVICE			-32
			314 REQUIRED
			315 PROVIDED

DU MATRIX - BY UNIT TYPE	
NAME	COUNT
1 BED	47
2 BED	81
3 BED	80
	208

BICYCLE PARKING REQUIREMENT [ARTICLE V; 36-361(g)(3)]	
ONE BICYCLE PARKING SPACE PER DWELLING UNIT, PLUS ONE BICYCLE PARKING SPACE PER TEN AUTOMOBILE PARKING SPACES	
1 PER DWELLING UNIT	208
1 PER 10 AUTOMOBILE PARKING SPACES	32
	240 REQUIRED
	242 PROVIDED



3b Application for two variances at 5430 Minnetonka Blvd.

Executive summary

Location:	5430 Minnetonka Boulevard
Case Number:	26-09-VAR
Applicant:	Sela Investments, LTD
Owner:	Sela Investments, LTD
Review Deadline:	60 days: October 10, 2026 120 days: December 9, 2026
Recommended motions:	Chair to open the public hearing, take testimony and close the hearing. Motion to approve variances to allow second-story open, covered porches to encroach 10 feet into the required front and rear yards at 5430 Minnetonka Boulevard.

Summary of request:

Sela Investments, LTD applied for variances to reduce the required front and rear yards for second-story open, covered porches at 5430 Minnetonka Boulevard. The 1.1-acre property is located at the northwest corner of Minnetonka Boulevard and Highway 100. The site was previously used as a gas station, car wash, and retail store before being acquired by the Minnesota Department of Transportation (MnDOT) for reconstruction of the southbound Highway 100 off-ramp. Following completion of the highway project, the city amended the comprehensive plan and zoning for the property to support medium-density residential development.

In February 2026, city council approved a preliminary and final plat and a variance to the required front-yard for a proposed three-story, 33-unit apartment project. Following this approval, the applicant determined the project was no longer feasible and decided to pursue an alternative townhome project. The current proposal is a 14-unit townhome development consisting of 12 three-bedroom and two two-bedroom units, initially as market-rate rentals with the potential for future conversion to for-sale units. The project also proposes a public trail along the east side of the property connecting Minnetonka Boulevard to Utica Avenue South.

Staff find the variances meet the criteria outlined in the zoning code. Staff recommend that BOZA approve the variances, subject to the recommended conditions.

Supporting documents: Variance narrative, site plan

Prepared by: Katelyn Champoux, planner

Reviewed by: Jennifer Monson, planning and economic development manager

Discussion

Site information:

The subject property is a 1.1-acre site located at the northwest corner of Minnetonka Boulevard and Highway 100. The property is bounded by right-of-way on three sides: Vernon Avenue South to the west, Minnetonka Boulevard to the south, and Highway 100 to the east.

The property is currently vacant. Other adjacent uses include single-unit and two-unit dwellings to the north and west, commercial uses to the southwest, and a multi-unit dwelling to the south.



Location	5430 Minnetonka Boulevard
Site area (acres)	1.1 acres
Use	Vacant
2040 Future Land Use	RM – Medium density residential
Zoning	N-2
Surrounding land uses	North: Single-unit and two-unit dwellings South: Commercial uses, multi-unit dwelling East: Right-of-way West: Single-unit and two-unit dwellings

Background:

The property was previously used as a gas station with a car wash and retail store until it was acquired by the Minnesota Department of Transportation (MNDOT) to allow the reconstruction of the southbound Highway 100 off-ramp.

After completion of the reconstruction project, the city initiated a comprehensive plan amendment and a zoning map amendment for 5430 Minnetonka Blvd. The comprehensive plan amendment changed the future land use from COM – Commercial and ROW – Right of way to RM – Medium density residential and ROW – Right of way. The zoning map amendment changed the zoning of the property from C-1 neighborhood commercial and R-2 two-family residence to R-4 multiple family residence. In 2025, city council updated the zoning code which changed the zoning of the property from R-4 multiple family residence to N-2 neighborhood district.

MNDOT first offered the property to the original owner who operated the gas station, but he decided not to purchase the property. The previous owner would have used the site for the

same or similar commercial use which was not permitted under the new land use guiding and zoning district. MNDOT did not offer the property to the city, and the city did not participate in the blind bid auction to purchase the property. The current owner of the property is Sela Investments, LTD.

In February 2026, city council approved applications for a preliminary and final plat and a front yard setback variance for a three-story, 33-unit apartment project. Following these approvals, the applicant determined the project was no longer feasible and decided to pursue an alternative townhome project.

Present considerations:

The applicant requests variances to the required front and rear yards for second-story open, covered porches at 5430 Minnetonka Boulevard. The variances would reduce the yard from 25 feet to approximately 15 feet. Open, covered porches on the ground floor may encroach up to 10 feet into a front or rear yard, but the zoning code requires open, covered porches above the ground floor to meet the same yards as the principal building. Therefore, if approved, the yard requirement for the second-floor porches would match the yard requirements for the first floor porches.

The project also proposes a public trail to the east of the property connecting Minnetonka Boulevard to Utica Avenue South.

The townhomes will start as market-rate rental units but will be constructed to allow future conversion to for-sale units.

Variance analysis and findings:

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

1. The effect of the proposed variance upon the health, safety, and welfare of the community.

The proposed variances will not negatively impact the health, safety and welfare of the community. The second story porches along Minnetonka Boulevard will enhance the pedestrian experience by activating the street frontage. The additional visibility acts as “eyes on the street” to create a safer public realm for bicyclists, pedestrians and transit users.

The second story porches along the north side are proposed to be 15 feet from the lot line. These porches are adjacent to the neighbor’s side lot line, which have a five-foot side yard requirement, meaning the neighbors could build a second story porch on the side of their homes that are five feet off the property line. The larger 15-foot yard requirement for the proposed second story porches diminishes impacts that could affect the health, safety, and welfare of the community.

Staff believe this criterion has been met.

2. Whether or not the request is in harmony with the general purposes and intent of the zoning ordinance.

The request aligns with the general purposes and intent of the zoning requirements related to setbacks for open, covered porches. The recent zoning code update modified the existing setback requirements for open, covered porches to allow them in more types of housing projects. The previous code language mostly benefited single-unit dwellings while the new language provides more flexibility for medium- and high-density residential developments to incorporate this building element. This ordinance intends to provide outdoor recreation space on private property by allowing open, covered porches to encroach into the required building yards. The requested variance seeks to provide additional outdoor recreation space for future residents given the constraints of redeveloping a relatively small property.

Additionally, the variance requests align with the zoning code requirements for balconies and decks above the ground floor of an accessory dwelling unit. The ordinance requires them to locate a minimum of 15 feet from a side or rear lot line. The variances would align with this regulation given the second-story porches would be located a minimum of 15 feet from the front and rear lot lines.

Staff believe this criterion has been met.

3. Whether or not the request is consistent with the comprehensive plan.

The site is guided RM - Medium density residential which allows densities of 7-30 units per acre. The proposed project is 12.8 units per acre. This is consistent with the RM land use designation. The comprehensive plan also has goals to diversify the city's housing stock and provide more two- and three-bedroom units to accommodate larger households. The proposed project adds 14 townhome units – 12 three-bedroom and 2 two-bedroom units – in a predominantly single-unit dwelling area.

Staff believe this criterion has been met.

4. Whether or not the applicant establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulty means:

a. *The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items required in the zoning ordinance, including but not limited to setbacks and height limitations.*

Small townhomes are permitted in the N-2 district.

b. *The plight of the landowner is due to circumstances unique to the property and not created by the landowner.*

The property is bounded by right-of-way on three sides: Vernon Avenue to the west, Minnetonka Boulevard to the south and Highway 100 to the east. This location limits options for safe and desirable outdoor recreation space for individual units, which the developer would provide in addition to the shared outdoor recreation areas required by the zoning code.

c. *The variance, if granted, will not alter the essential character of the locality.*

The variances support construction of a permitted residential use adjacent to a residential neighborhood. The medium density residential development is appropriately located on the edge of a lower-density neighborhood along a major transit and transportation corridor in the city.

d. *Economic considerations alone do not constitute practical difficulties.*

Economic considerations are not a significant factor for this request.

e. *Practical difficulties include inadequate access to direct sunlight for solar energy systems.*

Adequate access to direct sunlight for solar energy systems is not applicable to this request.

5. Whether or not there are circumstances unique to the shape, topography, water conditions, or other physical conditions of the property.

The property is bounded by right-of-way on three sides: Vernon Avenue to the west, Minnetonka Boulevard to the south and Highway 100 to the east. This location limits options for safe and desirable outdoor recreation space for individual units, which the developer provides in addition to the shared outdoor recreation areas required by the zoning code.

Staff believe this criterion has been met.

6. Whether or not the granting of the variance is necessary for the preservation and enjoyment of a substantial property right.

The variances would support the construction of a small townhome development which is permitted in the N-2 zoning district. The project also aligns with the RM – Medium density residential land use guiding which allows densities of 7 to 30 units per acre. City council initiated the land use change to RM – Medium density residential in 2021 to better reflect the city's vision for the site.

Staff believe this criterion has been met.

7. Whether or not the granting of the variance will impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.

Granting the requested variances will not impair light or air to the surrounding properties. The applicant provided a shadow study showing that the proposed development meets the ordinance requirements regarding shade patterns on adjacent buildings. The project would provide more than the required parking to help mitigate concerns related to street parking and congestion. It would also clean up contaminated soils on the site during project construction.

Staff believe this criterion has been met.

8. Whether or not the granting of the variance will merely serve as a convenience or is it necessary to alleviate a practical difficulty.

The variances are necessary to alleviate the practical difficulty created by the location of the property which is bounded by right-of-way on three sides. This makes it challenging to provide safe and desirable outdoor recreation space. The upper level porches allow the townhomes to enjoy the outside air with a better relationship to the adjacent highway and other roadways.

Additionally, the project balances multiple city priorities on a relatively small site by diversifying the housing stock with 14 townhome units, providing two- and three-bedroom units to accommodate larger households and increasing density along a transit and transportation corridor in the city.

Staff believe this criterion has been met.

Recommendation: Staff recommends BOZA grant variances to allow second-story open, covered porches to encroach 10 feet into the required front and rear yards at 5430 Minnetonka Boulevard, with the following conditions:

1. Open, covered porches may not be enclosed with screens or walls.
2. The variance is automatically revoked and cancelled if construction of the proposed building is not substantially completed within two years as outlined in city code section 36-455.

DRAFT BOZA Resolution No. 26-XX

Variance to allow second-story open, covered porches to encroach 10 feet into the required front and rear yards at 5430 Minnetonka Boulevard

Whereas, Sela Investments, LTD applied for a variance from the requirements of Section 36-79 of the St. Louis Park city code to allow second-story open, covered porches to encroach 10 feet into the required front and rear yards; and

Whereas, the property is located at 5430 Minnetonka Boulevard; the property is legally described in “Exhibit A” attached hereto; and

Whereas, the property is zoned N-2; and

Whereas, second-story open, covered porches must meet the same yards required for the principal building; and

Whereas, city council granted the BOZA authority over variances; and

Whereas, the board of zoning appeals held a public hearing for the application for a variance on September 2, 2026; and

Whereas, the board of zoning appeals reviewed the application and the information related to Case No. 26-09-VAR and the effect of the variance on the health, safety and welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, the effect on the value of properties in the surrounding area and the effect of the use on the comprehensive plan, and compliance with the intent of the zoning ordinance; and

Whereas, based on the testimony, evidence presented and files and records, the city council has determined the requested variance meets the requirements of Section 36-451 of the zoning ordinance necessary to be met for the city council to grant variances, and makes the following findings:

1. The proposed variance will not negatively impact the health, safety and welfare of the community. The second story porches along Minnetonka Boulevard will enhance the pedestrian experience by activating the street frontage. The additional visibility acts as “eyes on the street” to create a safer public realm for bicyclists, pedestrians and transit users.

The second story porches along the north side are proposed to be 15 feet from the lot line. These porches are adjacent to the neighbor’s side lot line, which have a five-foot side yard requirement, meaning the neighbors could build a second story porch on the side of their homes that are five feet off the property line. The larger 15-foot yard requirement for the proposed second story porches diminishes impacts that could affect the health, safety, and welfare of the community.

2. The request aligns with the general purposes and intent of the zoning requirements related to setbacks for open, covered porches. The recent zoning code update modified the existing setback requirements for open, covered porches to allow them in more types of housing projects. The previous code language mostly benefited single-unit dwellings while the new language provides more flexibility for medium- and high-density residential developments to incorporate this building element. This ordinance intends to provide outdoor recreation space on private property by allowing open, covered porches to encroach into the required building yards. The requested variance seeks to provide additional outdoor recreation space for future residents given the constraints of redeveloping a relatively small property.

Additionally, the variance request aligns with the zoning code requirements for balconies and decks above the ground floor of an accessory dwelling unit. The ordinance requires them to locate a minimum of 15 feet from a side or rear lot line. The variance would align with this regulation given the second-story porches would be located a minimum of 15 feet from the front and rear lot lines.

3. The site is guided RM - Medium density residential which allows densities of 7-30 units per acre. The proposed project is 12.8 units per acre. This is consistent with the RM land use designation. The comprehensive plan also has goals to diversify the city's housing stock and provide more two- and three-bedroom units to accommodate larger households. The proposed project adds 14 townhome units – 12 three-bedroom and 2 two-bedroom units – in a predominantly single-unit dwelling area.
4. The applicant has established a practical difficulty in complying with the zoning ordinance with the following:
 - a. Small townhomes are permitted in the N-2 district.
 - b. The property is bounded by right-of-way on three sides: Vernon Avenue to the west, Minnetonka Boulevard to the south and Highway 100 to the east. This location limits options for safe and desirable outdoor recreation space for individual units, which the developer would provide in addition to the shared outdoor recreation areas required by the zoning code.
 - c. The variance supports construction of a permitted residential use adjacent to a residential neighborhood. The medium density residential development is appropriately located on the edge of a lower-density neighborhood along a major transit and transportation corridor in the city.
 - d. Economic considerations are not a significant factor for this request.
 - e. Adequate access to direct sunlight for solar energy systems is not applicable to this request.
5. The property is bounded by right-of-way on three sides: Vernon Avenue to the west, Minnetonka Boulevard to the south and Highway 100 to the east. This location limits options for safe and desirable outdoor recreation space for individual units, which the developer provides in addition to the shared outdoor recreation areas required by the zoning code.

6. The variance would support the construction of a small townhome development which is permitted in the N-2 zoning district. The project also aligns with the RM – Medium density residential land use guiding which allows densities of 7 to 30 units per acre. City council initiated the land use change to RM – Medium density residential in 2021 to better reflect the city’s vision for the site.
7. Granting the requested variance will not impair light or air to the surrounding properties. The applicant provided a shadow study showing that the proposed development meets the ordinance requirements regarding shade patterns on adjacent buildings. The project would provide more than the required parking to help mitigate concerns related to street parking and congestion. It would also clean up contaminated soils on the site during project construction.
8. The variance is necessary to alleviate the practical difficulty created by the location of the property which is bounded by right-of-way on three sides. This makes it challenging to provide safe and desirable outdoor recreation space. The upper level porches allow the townhomes to enjoy the outside air with a better relationship to the adjacent highway and other roadways.

Additionally, the project balances multiple city priorities on a relatively small site by diversifying the housing stock with 14 townhome units, providing two- and three-bedroom units to accommodate larger households and increasing density along a transit and transportation corridor in the city.

Whereas, the contents of Case No. 26-09-VAR are hereby entered into and made part of the record of decision for this case,

Now therefore be it resolved that the application for a variance to reduce the minimum setback for front yards and side yards abutting a street is hereby approved with the following conditions:

1. Open, covered porches may not be enclosed with screens or walls.
2. The variance is automatically revoked and cancelled if construction of the proposed building is not substantially completed within two years as outlined in city code section 36-455.

It is further resolved that the city clerk is instructed to record certified copies of this resolution in the office of the Hennepin County Register of Deeds or Registrar of Titles as the case may be.

Adopted by the Board of Zoning Appeals: September 2, 2026
Effective date: September 17, 2026

Sarah Strain, chair

ATTEST:

Gary Morrison, zoning administrator

Exhibit A

All of Tracts A, B, and C described below:

Tract A:

Lot 15, except the north 80 feet thereof, and Lot 16, except the north 80 feet thereof, Auditor's Subdivision

No. 351, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota; excepting therefrom those parts conveyed to the County of Hennepin in Documents No. A-3876997 and A-3876998, lying westerly, northerly and easterly of the following described line: Beginning at the northeast corner of Lot 17 in said Auditor's Subdivision No. 351; thence southerly to a point on the easterly boundary of said Lot 17, distant 27.3 feet northerly of the southeast corner thereof; thence on an azimuth of 194 degrees 37 minutes 31 seconds for 223.52 feet; thence on an azimuth of 272 degrees 09 minutes 07 seconds for 210.49 feet; thence on an azimuth of 00 degrees 07 minutes 44 seconds for 181.58 feet and there terminating;

Tract B:

The northerly 80 feet of Lot 16, and the southerly 27.3 feet of Lot 17, Auditor's Subdivision No. 351, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying westerly of the following described line: Beginning at the northeast corner of said Lot 17; thence southerly to a point on the easterly boundary of said Lot 17, distance 27.3 feet northerly of the southeast corner thereof; thence on an azimuth of 194 degrees 37 minutes 31 seconds for 223.52 feet and there terminating;

Tract C:

The northerly 80 feet of Lot 15, Auditor's Subdivision No. 351, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota, lying easterly of the following described line: Commencing at the northeast corner of Lot 17 in said Auditor's Subdivision No. 351; thence southerly to a point on the easterly boundary of said Lot 17, distant 27.3 feet northerly of the southeast corner thereof; thence on an azimuth of 194 degrees 37 minutes 31 seconds for 223.52 feet;

thence on an azimuth of 272 degrees 09 minutes 07 seconds for 210.49 feet to the point of beginning of the line to be described; thence on an azimuth of 00 degrees 07 minutes 44 seconds for 181.58 feet and there terminating;

Subject to the following restriction: No access shall be permitted to Trunk Highway No. 100 from the lands herein conveyed.



August 5, 2026

Re: Variance Narrative for 5430 Minnetonka Boulevard - Townhouses

The project is requesting a variance for the front yard setback of a 2nd story open porch for the townhomes and a similar variance for rear yard setback from 25 feet standard to 17 feet on the east and 15 feet to the west due to the angle of Minnetonka Boulevard. The current ordinance allows for a 10 feet encroachment for a single level open porch structure. The requested encroachment is for a 2-story deck and patio encroachment where 1 level of a covered porch is allowed in the setback. All other components meet or exceed the 25'-0" setback or greater. The intent of the request is to provide more covered areas for residents to enjoy the outside area of the site and some enhanced privacy with elevation over the level of the public trail on Minnetonka Boulevard and the north side as well. In addition, the front yards are planned to have intensive landscaping and accent lighting as a pedestrian and neighborhood benefit, therefore the added outdoor covered area picks up some of the area given up for landscaping the beautify and enhance the development. The units will start as rental but are being constructed to allow future conversion to for-sale units, so added exterior usable areas will be critical to their future and long-term enjoyment by the residents.

Findings:

1. The effect of the proposed variance upon the health, safety and welfare of the community.
Response: The proposed variance will have no effect on the surrounding health, safety and welfare of the community as the requested variance will provide greater visibility and presence on the street enhancing the pedestrian experience and providing more "eyes on the street," allowing for a safer area.
2. The request is in harmony with the general purposes and intent of the zoning ordinance.
Response: The request is keeping in harmony with the intent of the zoning ordinance as the added 2nd level deck still maintains the open character of the allowed main level porch, minimizing any impact on the streetscape and visual impact.
3. The request is consistent with the comprehensive plan.
Response: The request and planned use of the site is consistent with the comprehensive plan by keeping to the low scale townhome development and acting as a buffer from the busier Minnetonka Boulevard to the two-family and single-family homes to the north.
4. The applicant establishes that there are practical difficulties in complying with the zoning ordinance. This means that:
 - a. The proposed use is permitted in the zoning district in which the land is located. A variance can be requested for dimensional items.
Response: The proposed use is permitted in the N-2 zoning district where the site is located.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
Response: The request is precipitated by creating a lower density residential development that will accommodate larger households, and family uses where additional outdoor seating and use areas are highly advantageous for the change in demographics.

c. The variance, if granted, will not alter the essential character of the locality.

Response: The requested variance still maintains the general character of the development and the allowable encroachments that a single level porch allows for, but as a two-story element, still open affords more room and choices to enjoy the outdoor spaces.

d. Economic considerations alone do not constitute practical difficulties.

Response: Economic considerations are not related to this request. It is a desire to provide easier access for the residents to enjoy the outdoors and facilitate neighborhood interactions.

e. Practical difficulties include inadequate access to direct sunlight for solar energy systems.

Response: The variance has been tested for the city's shadowing requirements and has met that standard.

5. There are circumstances unique to the shape, topography, water conditions or other physical conditions of the property.

Response: The property is irregularly shaped lessening the potential for more typically laid out townhouse plans, and the location of outdoor spaces was designed to not have them face the busy (and loud) Highway 100 to the east, limiting the potential and usability of locating porches on east side of the building. In addition, locating decks over the center driveway is not desirable.

6. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right.

Response: The variance will allow the units to have full access to the light and air outside their unit in conjunction with their landscaped area. To provide a substantial neighborhood improvement, the fronts of the units will be heavily landscaped at the common use path to the south (front yard) and the sidewalks to the west and north. The additional outdoor deck will provide an opportunity for the residents to still enjoy the outdoors while still providing the added benefits of expansive landscaping that the neighborhood can enjoy.

7. The granting of the variance will not impair light and air to the surrounding properties, unreasonably increase congestion, increase the danger of fire, or endanger public safety.

Response: The granting of the variance will not have an effect on the neighboring properties as it does not increase the unit density of the development, only the potential enjoyment of its location. In addition, studies of the development have proven that it will not impair light to the neighboring properties as it passes the shadowing requirements set forth in city.

8. The granting of the variance will not merely serve as a convenience but is necessary to alleviate a practical difficulty.

Response: The upper level decks allow the townhouses to enjoy the outside air and while open in nature, they have better views and a more desirable relationship to the highway being located on the other sides of the buildings.

