REGULAR MEETING AGENDA

Board of Zoning Appeals meetings are being conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The public can make statements in person at this meeting during the public comment sections.

Remote Attendance/Comment Options: Members of the public may attend this meeting by streaming via Webex, or by calling 1-415-655-0001 and entering access code 2456 531 8815. Members of the public wishing to address the Board remotely have two options:

- Via web stream - Stream via Webex and use the ‘raise hand’ feature during public comment.
- Via phone - Call 1-415-655-0001 and enter meeting code 2456 531 8815. Press *3 to raise your hand during public comment sections.

1. Call to Order & Land Acknowledgement

2. Approval of Agenda

3. Approval of Minutes
   April 27, 2022, Regular Meeting

4. Address: 5901 Westbrook Rd.
   Applicant: Rebekah and Ryan Bailey
   Request: 1 foot over the maximum allowed height of 4 feet to a total height of 5 feet.
   § 113-152, Screening and Outdoor Storage, Subd. (c)(1) All Residential Zoning Districts (a)

5. Address: 1109 Tyrol Trail
   Applicant: SKD Architects on behalf of Matt and Maddy Goeden
   Request: 7 feet off the required 35 feet for a triangular portion of a garage addition on the west side property line, to a total distance of 28 feet.
   § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (e)(1)(a) Principal Structure Front Setback

   Request: increase of the 15-foot setback at a 2:1 ratio with encroachments height exceeding 15 feet, due to second story master bedroom height.
   § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (e)(1)(c)(1) Principal Structure Side Setback

6. Board Orientation

7. Adjournment
REGULAR MEETING MINUTES
This meeting was conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The City used Webex to conduct this meeting and members of the public were able to monitor the meeting and provide comment by calling in.

Call To Order
The meeting was called to order at 7 pm by Richard Orenstein.

Roll Call
Members present: Chris Carlson, Nancy Nelson, Richard Orenstein, Lauren Pockl – Planning Commissioner
Members absent: Kade Arms-Regenold
Staff present: Myles Campbell – Planner, Jason Zimmerman – Planning Manager

Approval of Agenda
MOTION made by Pockl, seconded by Carlson to approve the agenda of April 27, 2022, as submitted.
Motion carried

Approval of Minutes
MOTION made by Carlson, seconded by Orenstein to approve the March 22, 2021 meeting minutes.
Motion carried

1. Address: 1875 Kyle Place
   Applicant: Allison Adrian and Spencer Gerberding
   Request: 6 feet off the required 15 feet to a distance of 9 feet

   Jason Zimmerman, Planning Manager, reviewed the request and reminded the Board that the previous request was partially denied in November 2021. Staff reviewed the property, lot regulations, and the applicant’s amended request. Staff pointed out that the city zoning code regulates setbacks to 15 ft when a lot is 100 ft or wider. The applicant would like to reduce their setback to 5.9 ft.

   Practical Difficulties
   - The ability to have a deck overlooking Sweeney Lake appears to be reasonable. However, the applicants already have a walkway facing the lake and, with the construction of the large new deck, have gone beyond the constraints imposed by the side yard setback that all other homes on Sweeney Lake must follow.
Enough space exists to the east of the home to construct a conforming deck. Alternatively, a ground level patio could be constructed in the same area of equal size without necessitating a variance. Therefore, staff believes the owners do not propose to use the property in a reasonable manner.

- The need for the variance is due to the construction – absent City review or permits – of a large deck without consideration the side yard setback requirement. While staff does not believe this action was carried out with any ill intent, the fact remains that the need for the variance is clearly due to circumstances that were caused by the owners and not due to circumstances unique to the lot. A sufficient side yard exists to allow the applicants to utilize a generous outdoor space, albeit as a patio instead of a deck.

- There are many eyes on the back yards of homes that abut Sweeney Lake, and a number of concerned residents are aware of the lake’s classification as an impaired body of water. Allowing large structures to be constructed that meet zoning requirements may be unavoidable, but allowing those that do NOT meet requirements to remain only adds to the number of impervious surfaces in the area and contributes to runoff into the lake. Given the large size of the deck – even with the front portion removed to accommodate the Shoreland Overlay District and the sanitary easement – staff believes the proposed use would alter the essential character of the area.

Other Considerations
Staff assesses whether the request represents the smallest feasible variance or if there are other options available:

- There remains enough room to the east of the existing home for a smaller deck to be constructed while observing the 15-foot setback. Alternatively, the space that the new deck occupies could be replaced with a ground level patio (under 8 inches) and not be constrained by the side yard setback (though a setback of 3 feet from the side property line would still need to be observed).

Recommendations
Based on the factors above, staff recommends denial of the variance request for 6 feet off the required 15 feet to a distance of 9 feet for a deck from a side property line.

Chair Orenstein invited the applicant to speak.

Ben Oz, Applicant Contractor, stated the home is architecturally significant and passed around images of the home and shoreline to the Board members. He went on to discuss the front door, the walkway, and that it’s possible to move the deck however adding that it will interrupt the architectural design of the building.

Nelson mentioned the large square footage of the deck and asked what it was now with the changes. Applicant responded it’s 17’ wide and 40’ deep, 680 sq ft.
Carlson asked about the deck height and the applicant responded that the yard is a slope so the rear of the deck is on grade and the portion near the lake is about 4ft tall.

Commissioner Pockl asked the applicant why permits weren’t pulled especially considering the significance of the deck. The applicant stated the lack of permits was their error. Pockl noted the structure is existing and the applicant would need to remove and edit the deck to meet City criteria. Staff added notes from the building official and the permit process would start with demo and proceed as normal and include inspections.

Chair Orenstein opened the open forum at 7:19pm.
There were no in person commenters.
There were no callers.
Chair Orenstein closed the open forum at 7:22pm.

Chair Orenstein opened the Board Discussion.
Orenstein noted that the request doesn’t meet the variance criteria, the burden was caused by the homeowners, and isn’t sure if the deck changes the feel of the neighborhood, if it were granted he added he’s not sure it’s reasonable.
Carlson added that they’ve reviewed this request a few times and the applicants have been willing to compromise. He added that since the request was reduced and the side setbacks aren’t eliminated, he feels a deck on the lake is reasonable.
Pockl stated she doesn’t have the history with this applicant and initially agreed with staff recommendation as the determination needs to be consistent with statutory requirements. She added her main concern was adding impervious surface, creating runoff into the lake, is significant. This need for a variance is an issue caused by the applicant regardless of how desirable a deck may be.
Nelson noted that the original proposal did not meet the architectural standards of the home but feels the current request does. Adding that it’s also attractive from the lake view.

Chair Orenstein organized the group’s findings:
The property is being used in a reasonable matter, the problem of the deck may not be unique but there are unique circumstances of the plot that make the request tolerable, the deck in it’s current form/plan does not alter the characteristic of the property.
Nelson and Carlson echoed this statement.

A MOTION was made by Nelson and seconded by Carlson to approve the request for 6 feet off the required 15 feet to a distance of 9 feet for a deck from a side property subject to the plans submitted.
Aye: Carlson, Nelson, Orenstein
Nay: Commissioner Pockl
2. **Address: 2330 York**  
   **Applicant:** Josh Kunde  
   **Requests:** 4 feet off the required 15 feet to a total distance of 11 feet  
   § 113-88, *Single-Family Residential (R-1) Zoning District (e)(1)(c)(1) Principal Structure Side Setback*  

   **Myles Campbell, Planner,** reviewed the request that the applicant is seeking a variance to allow for a garage addition. **Campbell** noted the area is zoned R-1, the size of the lot, and that the lot currently has an attached single car garage.  
   The existing garage is 15’x25’, just over 20 ft. from the property line and the proposed garage would be 25’x30’, with a resulting side yard setback of 11’, compared to the required 15’.  

   **Practical Difficulties**  
   1. A two-car garage is common in Minnesota for indoor storage given winter conditions. At 25’ in width, the new garage is of a reasonable size, and at 11’ off the property line preserves the majority of the setback. **Staff believes the proposal as shown is reasonable.**  
   2. Mature trees in the rear yard mean that a detached garage or a deeper tandem style garage would likely require their removal. This leaves a variance as the only option to get more interior garage space without impacting the trees to the rear of the structure. **Staff believes the site does exhibit unique circumstances.**  
   3. The new garage will fall within the building envelope in terms of height, and will match the roofline and exterior finish of the home. **Staff believes the proposed use would not alter the essential character of the area.**  

   **Other Considerations**  
   **Staff assesses whether the variance represents the smallest feasible variance or if there are other options available:**  
   - Any two-car garage over 20’ in width would require some type of side yard setback given the existing setback.  

   **Recommendation**  
   **Staff recommends approval** of the variance for 4 feet off the required 15 feet to a total distance of 11 feet.  

   **Chair Orenstein** invited the applicant to speak.  
   The applicant noted the home hasn’t been updated since 1950 and the garage addition includes other curb appeal goals for the homeowner.  
   **Commissioner Pockl** asked if the driveway was going to be expanded and the applicant responded only a bit at the garage to make room for the apron.  

   **Chair Orenstein** opened the open forum at 7:41pm.  
   There were no in person commenters.  
   There were no callers.
Chair Orenstein closed the open forum at 7:43pm.

Chair Orenstein opened the Board Discussion. Nelson noted the request is reasonable and agrees with the recommendation to approve, following staff findings. Commissioner Pockl echoed this statement.

A MOTION was made by Pockl and seconded by Orenstein to follow staff recommendation and approve the variance for 4 feet off the required 15 feet to a total distance of 11 feet.

Motion passes.

3. **Address: 6300 Olson Memorial Highway**  
   **Applicant:** Connor McCarthy for United Properties  
   **Requests:** 25 feet off the required 35 feet to a distance of 10 feet  
   § 113-151, Off-Street Parking and Loading (b)(9)(a)(1) External Landscaping: Front Yard

Jason Zimmerman, Planning Manager, introduced the request and gave background that the address is a 28-acre site containing a 340,000 sq ft office building. It’s been vacant since 2016 and in early 2022 Council approved a new business center which means the existing building needs to be demoed so two new buildings may be constructed. The City required dedication of ROW east/west through the lot for a potential future road connection.

If the City wasn’t requiring the new ROW, there would only be an internal drive and no new front yards would be required and thus no variances needed. Reducing the area for parking and delivery truck access to the loading dock would impair the functionality of the site.

As proposed, the project already provides an improvement over the large surface parking lot through the creation of landscaped islands and defined drives, though technically public, the drive will continue to look and operate as a private drive.

**Practical Difficulties**

- Any light industrial development requires sufficient parking and a clear maneuverable area for deliveries by truck. As designed and proposed, there would be a sufficient amount of parking area to accommodate this activity. The introduction of the dedicated right-of-way, however, creates the need for the variances without changing how the property would be accessed or how operations would be carried out. Therefore, staff believes the applicant proposes to use the property in a reasonable manner.

- Without the City’s condition of approval that requires the right-of-way be dedicated for a future public street, new front yards would not be created and the need for the variances would be absent. The City’s careful long-term planning for possible future redevelopment is the sole contributing factor to the encroachment and not any action on the part of the landowner. In this case, the applicants’ problem (the need for the variances) is clearly due to circumstances.
that were caused by the City. Further, the dedication of right-of-way creates a southern lot with three front yards, resulting in a unique lot condition.

- The existing conditions consist of an extremely large surface parking lot (over 1,300 spaces) with minimal landscaping. The changes being proposed as part of the project would be an improvement over what is there today, even with the reduced landscaped area being requested. Properties in the surrounding area are also commercial or industrial in nature, with the property directly across Douglas Drive having a paved drive-thru only 20 feet from the front property line. Staff believes granting the variances would not alter the essential character of the locality.

Other Considerations
Staff assesses whether the request represents the smallest feasible variance or if there are other options available:
- Given the needs of a light industrial use, such as the one approved by the City Council in this instance, staff is challenged to find alternate layouts which would reduce or avoid the need for a variance while also meeting the aesthetic objectives of the Douglas Drive Corridor Study.

Recommendations
Based on the factors above, staff recommends approval of the variance requests for 25 feet off the required 35 feet to a distance of 10 feet for parking within a front yard landscaped area.

Members and staff discussed the road, maintenance, and stormwater preservation on site.

Chair Orenstein invited the applicant to speak.
The applicant thanked staff and noted the company will close on the site pending approvals and permits.

Chair Orenstein opened the open forum at 7:41pm.
Don Kovacovich
Golden Valley Country Club GM,
On behalf of the Club, we’re opposed to this, we’re opposed to the road. The club has existed for 108 years and don’t feel that the Club will leave or develop soon and the road option is present assuming one day that may happen. Its possible future City Councils may want to use eminent domain to connect the road. We made our position clear in front of staff, Planning Commission, and City Council.

The speaker and staff discussed the Light Industrial zoning of the area.

We are concerned that if the road is connected, the golf course will eventually be eliminated and many of our members are anxious about that. This action could impact us in another 100 years and we question the need for this road.
Nelson asked the speaker how the road would impact the golf course as it dead ends before the driving range. Staff pointed out that if the road were to become a full road, that it would need to cut through the driving range. However, the City would not be able to force the road conversion and eminent domain is only allowed for public purpose and the Club would need to be fully compensated.

No Callers
Chair Orenstein closed the open forum at 8:06pm.

Chair Orenstein opened the Board Discussion.

Orenstein agreed with staff recommendation and noted the excessive action needed by the City to put the road through the driving range. Commissioner Pockl noted the variance isn’t for the road and the ROW is a requirement for the project to move forward. Nelson noted that if it was a private road, this wouldn’t be necessary and agrees with staff recommendation. Carlson echoed Nelson’s statement.

A MOTION was made by Orenstein and seconded by Carlson to follow staff recommendation and approve the variance for 25 feet off the required 35 feet to a distance of 10 feet for parking within a front yard landscaped area.

Motion passes.

4. Address: 2234 Lee Ave N
Applicant: Amy and Miles Fiterman
Requests: 9.5 feet off the required 35 feet to a total distance of 25.5 feet
§ 113-88, Single-Family Residential (R-1) Zoning District (f)(1)(a) Principal Structure Front Setback

Chair Orenstein recused himself from this item due to a personal relationship with the applicant. Vice-Chair Carlson introduced himself and informed the applicant of the process.

Myles Campbell, Planner, introduced the address, discussed the zoning designation as R-1, and the irregular lot shape.

Staff laid out the four separate requests of the applicant:
- 14.5 feet off the required 35 feet for the front setback, to a total distance of 20.5 feet
- 5 feet off the required 15 feet for the east side setback, to a total distance of 10 feet
- Waive building envelope requirements from side yard setback for a portion of the new addition
- 4 feet over the maximum height of 28 feet as measured from the average grade of the home, to a total of 32 feet
Staff discussed the city code requirements for each item, the proposed items as part of the applicant’s addition, and displayed images of the home as it stands and as it would with the proposed addition.

Staff went into detail on the setback requirements and discussed how they related to the irregular shape of the lot.
Staff went on to discuss the building envelope and dissected the grade measurements to explain the envelope is calculated based on the average grade. **Campbell** displayed 5 grade points that were use to calculate and shared that the average grade of the first floor had an elevation of 854.84. This number shows the proposed addition is over the 28ft max for the building envelope.

**Practical Difficulties**

**Front Setback**
1. A 25’ setback from the street is in line with previous variance approvals, and the new garage location on the cul-de-sac is a traffic improvement even with this being a low intensity road. **This request is reasonable.** The deck shown off the main level could be reworked to fall within this setback, rather than the 20.5’ shown in plans.
2. The irregular frontage of the parcel creates unique challenges in designing for this lot. **Staff believes the site does exhibit unique circumstances.**
3. Given the existing 25’ setback, **staff believes the proposed use would not alter the essential character of the area.**

**Side Setback**
1. The existing home’s orientation puts it at an angle to the side yard lot line, creating difficulty in maintaining a side setback without increasing the front setback. While the setback here is reduced, the addition is of reasonable scale given the existing home.
2. The irregular lot shape creates unique challenges in designing for this lot, especially given the existing orientation of the home. **Staff believes the site does exhibit unique circumstances.**
3. The majority of the side setback is preserved in the plans as shown, and the alternative would be to increase further the setback encroachment towards the street, **staff believes the proposed use would not alter the essential character of the area.**

**Building Envelope**
1. Given the minimal encroachment into the envelope, and the fact that it would primarily be roof area that is intended to match the architectural finish of the home, **staff finds the request reasonable.**
2. The irregular lot shape creates unique challenges in designing for this lot. **Staff believes the site does exhibit unique circumstances.**
3. The rooflines as designed are intended to match the modern style of the existing home, as such, **staff believes the proposed use would not alter the essential character of the area.**
Maximum Height
1. While the lower average grade limits overall building height, the second floor addition is shown with a floor to ceiling distance of 13.5’, well above any minimums for habitable rooms under building code. A 4’ increase in maximum building height is also a significant departure from code. Staff does not find the request reasonable.
2. The irregular lot shape creates unique challenges in designing for this lot. Staff believes this constitutes unique circumstances. That said, the calculation of average grade is being applied here similar to any other property in Golden Valley that faces a public street on multiple sides. In addition, the applicant’s use of the site’s topography to allow for a tuck under garage and basement addition are also having the impact of lowering the average grade calculation.
3. While the applicant notes in their plans that the structure would only appear 25’ in height from the north and west, from the cul-de-sac it would instead be 34’ in height total. This height would be atypical for single-family zoning, and staff believes the proposed use would impact the essential character of the area.

Other Considerations
Staff assesses whether the variance represents the smallest feasible variance or if there are other options available:
- Scaling back the wrap-around deck would eliminate the need for any further reduction to the existing 25’ front setback
- Locating the bedrooms addition to the north of the home would avoid the need for a side setback variance while also potentially raising the average grade calculation due to the higher topography on the north side of the property
  - This would however mean the garage and curb cut would not be relocated to the cul-de-sac
- Adjusting the roofline and ceiling height of the main level addition may eliminate or reduce the building envelope variance, however this might impact the architectural fit with the existing home
- Reducing the floor-to-ceiling height of the second story addition would reduce or eliminate the maximum height variance. (9.5’ floor-to-ceiling would require no variance)

Recommendation
Staff recommends denial of the variance for 14.5 feet off the required 35 feet, to a total distance of 20.5 feet from the southeast front property line – but staff would recommend approval of a variance for 10 feet off the required 35 feet, to a total distance of 25 feet from the southeast front property line.

Staff recommends approval of the variance for 5 feet off the required 15 feet, to a total distance of 10 feet from the east side property line.
Staff recommends **denial** of the variance for 4 feet over the allowed maximum height of 28 feet to a total distance of 32 feet from average grade.

Staff recommends **approval** of the variance to waive the building envelope requirements for the portion of the garage/bedroom addition on the southeast side of the home. Staff recommends this building envelope approval be conditioned on the plans not being significantly altered prior to permitting.

Staff and members discussed the request, reviewed regulations and discussed similar requests that came before the board in the past.

**Vice-Chair Carlson** invited the applicant to speak.

**Ryan Thuftedal, Applicant Architect**, introduced himself and stated the applicants are looking to expand their home to accommodate their family size as well as aging members who may move in. The applicant stated that the angle of the road to the house causes headlights to flood the home and so the addition was designed to assist in creating privacy inside while offering space the family needs. He added moving the garage is to create a safer situation in the cul-de-sac for traffic and exiting the garage.

The applicant explained they created the design plans based on an average of points as if the home were on a regular lot. Additionally, the applicants like their high ceilings as the tall walls are used to display artwork and they would like to maintain the original open design of the home. The homeowner added that his work is in artwork collection management, the size and height of the walls is necessary for his business.

**Lauren Pockl, Planning Commissioner**, added that aesthetically the additional wall space seems unnecessary and asked what the impacts would be if the wall were 1-2 feet lower. The applicant responded that the main level would be below 14ft and it may feel out of character from the original design, additionally the homeowners need the wall space for artwork. **Carlson** asked about the deck size and setback encroachment. The applicant responded that the deck was built by the previous owners and the homeowner shared they decreased the size after storm damage. As part of the addition, they received support from the neighbors to increase its size.

**Vice-Chair Carlson** opened the public comment portion at 8:55pm.

**Campbell** reminded the group there was public comment in the packet, a number of neighbors voiced their support for the applicant’s proposal.

There were no in person comments.

There were no call-in comments.

**Vice-Chair Carlson** closed the public comment portion at 8:57pm.

**Pockl** started by voicing support for staff recommendation on the envelope requirements as well as the side yard setback. The front yard setback and height requests are a little less straightforward. **Carlson** and **Nelson** echoed these comments. **Nelson** asked the applicant if they were comfortable
asking for a smaller height variance. The applicant responded that the catalyst for this addition and remodel was to move their child’s bedroom out of the basement as they have sliding glass doors on three sides. They included her room in the main level floor plan for safety precautions. Additionally, the height request is to accommodate the homeowner’s business in art collection sales as well as their personal collection. Architecturally, the homeowner added he wanted to create a balance with the addition while maintaining the character of the home and neighborhood.

Pockl added that she doesn’t find satisfaction of all three practical difficulties when it comes to the height proposal, specifically that it’s satisfying a problem unique to the property. Carlson added that other height options are available and the lot isn’t unique in a way that requires a building height such as the one proposed. Nelson added the request doesn’t satisfy the practical difficulties parameters that the Board adheres to. The applicant added that a typical home uses 3 data points to find an average grade, however due to the home being on an irregular lot, they use 5 data points. The applicant stated that seems burdensome and unique to the lot.

The group moved on to the front set-back and added the 25ft setback is consistent with other determinations made. They discussed the deck, size, and conditions.

MOTION made by Commissioner Pockl, seconded by Carlson to:
a) recommend approval of a variance for 14.5 off the required 35 feet, to a total distance of 20.5 feet from the southeast front property line for the deck with the condition plans are consistent with those submitted;
b) recommend approval of a variance for 10 feet off the required 35 feet, to a total distance of 25 feet from the southeast front property line.
Motion passes.

MOTION made by Nelson, seconded by Commissioner Pockl to recommends approval of the variance for 5 feet off the required 15 feet, to a total distance of 10 feet from the east side property line.
Motion passes.

MOTION made by Carlson, seconded by Nelson recommends denial of the variance for 4 feet over the allowed maximum height of 28 feet to a total distance of 32 feet from average grade.

MOTION made by Commissioner Pockl, seconded by Carlson recommends approval of the variance to waive the building envelope requirements for the portion of the garage/bedroom addition on the southeast side of the home with the condition the plans not being significantly altered prior to permitting.
Motion passes.

5. Adjournment
MOTION made by Carlson, seconded by Orenstein and the motion carried unanimously to adjourn the meeting at 9:23 pm.
Motion carried.

Richard Orenstein, Chair

__________________________________________
Amie Kolesar, Planning Assistant
Introduction
Rebekah and Ryan Bailey, the property owners, are seeking a variance from the City Code to build a fence at the above address. The applicant is seeking the following variances from City Code:

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<thead>
<tr>
<th>Variance Request</th>
<th>City Code Requirement</th>
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<tr>
<td>The applicant is requesting a variance of 1 foot over the maximum allowed height of 4 feet to a total height of 5 feet.</td>
<td>§ 113-152, Screening and Outdoor Storage, Subd. (c)(1) All Residential Zoning Districts (a)</td>
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<td>Fences in all front yards shall not exceed four feet in height.</td>
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<td>Fences in side and rear yards shall not exceed six feet in height.</td>
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Background
5901 Westbrook Rd. is the current address of a single-family home on the southeast corner of Westbrook Rd. and Zane Ave. N. Since the home is on a corner lot, the north and east property lines are street-facing meaning they are subject to zoning code pertaining to front yards. The homeowner is building an in-ground pool in the back yard which is required by Ordinance 103-7(a) to be enclosed by a 5 ft wall or fence. The backyard area of the property has existing elements for the homeowners to entertain with a fireplace, and therefore the applicants wish to enclose the entire backyard with a pool-conforming fence connecting the home from the east yard to the already existing 5 ft tall fence on their southern neighbor’s property. However, the requirement for pools to be enclosed by a 5 ft fence conflicts with the zoning code requirement for front yard fences to not exceed 4 ft in height.
Summary of Request
The applicant is requesting a variance on the front yard fence requirement of 1 foot, creating a total height of 5 ft. The variance request is due to the desire to enclose the entire backyard area in a single fence, rather than separating the elements of the backyard with a conforming fence closer to the pool. The applicant states that building the fence in such a way that a variance is not needed would hinder the family’s ability to use of the backyard, and that providing the variance would not be an upset to the quality and character of the neighborhood.

The applicant’s plans call for the fence to extend past the fireplace shown on their survey, which is located on the east property line. This means that an additional permit would be required in order to allow the fence to encroach slightly into the right-of-way. Engineering staff are aware of this and did not have any comment on the proposed fence. The fence would still be behind the existing vegetation, which would minimize the visual impact.

Analysis
In reviewing this application, staff has maintained the points of examination to the considerations outlined in Minnesota State Statute 462.357 – that the requested variance is in harmony with the general purposes and intent of the Zoning Chapter, that it is consistent with the City’s Comprehensive Plan, and that a property exhibit “practical difficulties” in order for a variance to be granted.

Staff finds that the variance is generally in line with both the purpose of the Zoning Code, as it does not impact or change the principal use of the lot as a single-family residence, nor does it allow for additional density of population.
In order to constitute practical difficulties:

1. **The property owner must propose to use the property in a reasonable manner.**
   The conflicting ordinances of § 113-152(c)(1) and § 103-7(a) make it difficult for the applicant to build the required fence enclosing her pool while maintaining the character of the property. Although the yard facing Zane Ave. is legally a front yard, staff finds that in practice it is a rear/side yard, since the front door and driveway of the house face Westbrook Rd. The north yard of the house facing Westbrook Rd. will remain visible which is in line with the purpose of the zoning code requiring that front yard fences not exceed 4 ft in height. Furthermore, a 5 ft fence enclosing the east side of the back yard facing Zane Ave. will not obstruct view of the intersection on the corner of the lot, as the fence will be set back with the northeast corner of the house. **Staff finds this request to be a reasonable use.**

2. **The landowners’ problem must be due to circumstances unique to the property that is not caused by the landowner.**
   While being a corner lot is typically not considered a unique circumstance when reviewing variances, this in combination with the existing site layout creates issues with following code requirements for fences. Building a five foot fence in a conforming location, behind the east face of the home, would cut the usable rear yard almost in half. The need for a variance is due to two conflicting ordinances rather than a desire to alter the property outside of the zoning code entirely. The need for the fence to be constructed in the proposed location is to connect with the already existing fence along the southern property line constructed by the applicants’ neighbor. **Staff finds that the circumstances are unique to the property and not caused by the landowner.**

3. **And the variance, if granted, must not alter the essential character of the locality**
   The request details a fence enclosing the backyard of the home that is one foot taller than the maximum allowed. The fence will be placed behind already existing trees and an arborvitae row, meaning that the nonconforming fence will not be easily visible from the street. The applicant states that the fence will not be a privacy fence and will therefore not hinder visibility into the backyard, although the fence itself will be hidden by the landscaping features. **Staff believes that the requested fence will not alter the essential character of the neighborhood.**

Additionally, staff assesses whether other options are available to meet the applicant’s needs without requiring a variance, or whether the proposal requests the smallest variance necessary to meet the applicant’s needs. The applicant did propose an alternative variance to §103-7(a) which would allow the pool to be enclosed by a 4 ft fence, but this presents a life safety issue for our building officials and would not be allowed. A conforming fence could be built behind the east face of the home; however, this would create a barrier through the middle of the backyard.
**Recommendation**

Staff recommends **approval** of the variance for 1 foot added to the required 4 foot maximum height of a front yard fence resulting in a total height of 5 feet.
Zoning Code Variance Application

Street address of property in this application:
5901 Westbrook Rd.

Applicant Information

Name (individual, or corporate entity)
Rebekah Bailey & Ryan Bailey

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<tr>
<th>Street address</th>
<th>Zip</th>
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<td>5901 Westbrook R.</td>
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<tr>
<td>(612) 597-6376</td>
<td><a href="mailto:rebekahbailey@gmail.com">rebekahbailey@gmail.com</a></td>
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Authorized Representative (if other than applicant)

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Site Information

Provide a detailed description of the variance(s) being requested:

To the extent that Ordinance 113-152(c)(1)(a), limiting the height of fences in front yards, applies to the side fence on a corner lot, homeowner seeks a variance, requesting this requirement be waived so that she may erect a five-foot tall fence on the east side of the lot on the corner of Zane and Westbrook in compliance with Ordinance 103-7(a).

In the alternative, to the extent that Ordinance 103-7(a) requires pools to be enclosed with a five-foot fence, homeowner requests a variance allowing her to reduce the fence height to four feet so that she may comply with Ordinance 113-152(c)(1)(a). (Homeowner reserves all rights to challenge this interpretation of section 113-152(c)(1)(a).)

Provide a detailed description of need for a variance from the Zoning Code, including description of building(s), description of proposed addition(s), and description of proposed alteration(s) to property:

The home in question is on a corner lot. Homeowner is installing an in-ground pool in the backyard. Relevant to this variance request, homeowner plans to enclose the backyard with an aluminum fence, with 2.5” X 8’ spacing. Homeowner desires for the fence to run from the side of the house out to the east property boundary and back to the south corner, encasing the many components of her backyard. Homeowner cannot accomplish this while simultaneously complying with Ordinance sections 113-152(c)(1)(a) and 103-7(a) because the minimum and maximum height requirements conflict.
Minnesota State Statue 462.357 requires that a property exhibit “practical difficulties” in order for a variance to be considered. Practical difficulties:
• result in a use that is reasonable
• are based on a problem that is unique to the property
• are not caused by the landowner
• do not alter the essential character of the locality

To demonstrate how your request will comply with Minnesota State Statute 462.357, please respond to the following questions.

Explain the need for your variance request and how it will result in a reasonable use of the property.

It is practically difficult for me to comply with both 13-152(c)(1)(a) or 103-7(a) for the reasons stated above. This issue is unique to my property because my home rests on a corner lot. Golden Valley does not prohibit pools on corner lots, but these conflicting ordinances essentially do just that. This is a problem not caused by any actions of this landowner.

Failure to provide a variance would require her to segregate her backyard in an unreasonable and less usable way and would therefore degrade the character of the property (as explained below). Conversely, providing a variance would not degrade the quality of the neighborhood (see further explanation below). The only other option if the variance is not approved is for homeowner to cancel the pool, costing her significant sums in deposits and equipment purchases at this late stage, and denying her of full enjoyment of her property (work is scheduled to begin before the board meets on this request).

What is unique about your property and how do you feel that it necessitates a variance?

-This request relates to the side of my property, not the front. The front yard is perfectly visible to the public.
-This fence will not obstruct site to the intersection as it will be set far enough back.
-The lot is near to two neighbors who have five and six-foot privacy fences on their side yard.
-This request does not involve a privacy fence (see attached). The yard will be visible through the fence.
-The fence will be mostly obstructed by natural vegetation and largely hidden from street view (see attached).
-Our pool will have an automatic hard cover so children and/or animals cannot fall in when the cover is on.
-Homeowners configured the pool to run perpendicular to the house on the west-side of the backyard, allowing for the max amount of grass on the east-side. Failure to grant a variance will require her to run a fence in the middle of what is remaining of the grass portion of the backyard or in the middle of her house, dividing up the lot and obstructing views from the home.

As stated above, the need for a variance is the result of two ordinances, as interpreted and explained to me by the City of Golden Valley, which conflict when applied to properties found on a corner lot.

Homeowner should be permitted to place a pool, that otherwise meets zoning requirements, on her personal residential property, without having to divide up the remainder of her backyard. This is particularly true where, as in here, her immediate neighbors all have privacy fences that do not meet the standards that homeowner is presently being held to (see below). In fact, Homeowner is simply asking to connect her backyard/side yard fence to her southern neighbors backyard/side yard fence at the same height as that already existing fence.

Explain how, if granted, the proposed variance will not alter the essential character of your neighborhood and Golden Valley as a whole.

The variance requested is simply for a fence one-foot higher than what is allowed (or, a fence four-feet tall, which is lower than what is required to fence in a pool). As stated, the side yard is covered in lush vegetation. The fence will barely be noticeable from the side street, and anyone wishing to see in, can walk up to one of the small exposed areas and look in since this will not be a privacy fence.

Homeowner's neighbor to the south (5900 Westmore Way) has a 5-foot privacy fence on his side boundary, which is what homeowner requests. Further, her kitty-corner neighbor at 2300 Zane Ave, has a pool with a 6-foot privacy fence on its side lot. Homeowner's request is consistent with the character of the neighborhood (see photos).
The City requests that you consider all available project options permitted by the Zoning Code before requesting a variance. The Board of Zoning Appeals will discuss alternative options to seeking a variance with you at the public hearing. **Please describe alternate ways to do your project that do not require variances from the Zoning Code.**

The only alternatives I have is to forgo erecting a pool on my own property, which is not reasonable, or fence in a smaller portion of my backyard. This would cut off various portions of my backyard from one another. For example, I have a fireplace structure (this historic piece appears to have been at the property since sometime in the mid-century, as it is made out of granite cobblestones that originally paved the streets of Minneapolis), on the east-side of my backyard, as well as a patio off the east side of my house next to a side door. Both of these areas would fall outside my fence without a variance. Proceeding without a variance would require an awkward fence configuration. We are spending substantial money improving our landscape and installing a pool. Fencing in 75% of the backyard will impede the flow and diminish the usable space of my property. It will, for example, segregate the usable grassy area in the backyard so that my children will not be able to play sports and other games. They love to play soccer. It will also degrade the view of our yard from our home.

**Required Attachments**
- Current survey of your property, including proposed addition and new proposed building and structure setbacks (a copy of Golden Valley’s survey requirements is available upon request; application is considered incomplete without a current property survey)
- One current color photograph of the area affected by the proposed variance (attach a printed photograph to this application or email a digital image to planning@goldenvalleymn.gov; submit additional photographs as needed)
- Application fee: $200 for Single-Family Residential, $300 for all other Zoning Districts
- Legal description: Exact legal description of the land involved in this application (attach a separate sheet if necessary)

**Signatures**

To the best of my knowledge, the statements found in this application are true and correct. I also understand that unless construction of the action applicable to this variance request, if granted, is not taken within one year, the variance expires. I have considered all options afforded to me through the City’s Zoning Code and feel there is no alternate way to achieve my objective except to seek a variance to zoning rules and regulations. I give permission for Golden Valley staff, as well as members of the Board of Zoning Appeals, to enter my property before the public hearing to inspect the area affected by this request.

**Applicant**

Name (please print): **Rebekah L. Bailey**

Signature: [Signature] Date: 5/27/22

Authorized Representative (if other than applicant)

Name (please print): __________________________

Signature: [Signature] Date: _________________

Property Owner (if other than applicant)

Name (please print): __________________________

Signature: [Signature] Date: _________________

**Please note:** The City of Golden Valley will send notice of your variance request to all adjoining property owners as well as owners of properties directly across streets or alleys. Your neighbors have the right to address the Board of Zoning Appeals at your public hearing. You are advised to personally contact your neighbors and explain your project to them before the public hearing.
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Picture of 5200 Zane Ave North taken from side yard ......................... 18
Legal Description of:

5901 WESTBROOK ROAD
GOLDEN VALLEY, MINNESOTA 55422

Addition name: UNPLATTED 28 118 21
Lot: Block:
Approximate parcel size: 150 X 138
Metes & Bounds: N 168 FT OF E 180 FT OF N 1/4 OF SW
1/4 OF NW 1/4 EX ROADS
Abstract or Torrens: TORRENS
Dakota Unlimited proposes to furnish materials and labor for fence installation in accordance with the above specifications for the sum of $19,669.00 + $795.00 = $20,464.00

Customer assumes responsibility of reading contract terms and conditions listed on reverse side of contract. Current retail prices will apply to all additional material and/or labor furnished by Dakota Unlimited, Inc. resulting from customer changes to this agreement.

DEPOSIT: 1/3
Progress Payment: 1/3
Balance due upon completion: 1/3
Visa Card ☐ Master Card ☐ Discover Card ☐
Credit Card # CVV:

BALANCES OVER 15 DAYS WILL HAVE A FINANCE CHARGE OF 1.5% PER MONTH (18% ANNUAL) OR $2.00 MINIMUM CHARGE.

Acceptance of Proposal
The price and specifications are satisfactory and acceptable. I/we hereby authorize you to proceed with the work as specified. I/we agree to all terms as outlined.

Date X

Authorized by Rick Fischer
Representative

This proposal valid for 1-31-22 days.

BUYER AGREES THAT ALL WARRANTIES ARE VOID IF THE PAYMENT TERMS HEREIN ARE NOT MET.
Elegantly crafted, versatile, and durable; Alumi-Guard's maintenance-free, powder coated Ornamental Aluminum Fence and Estate Gates are the ideal choice to complement your home, pool, and landscape design - while offering boundary definition and security.
View of front side lot of 5901 Westbrook Rd on the corner of Westbrook and Zane. NE lot boundary stake depicted here. Fence should not be visible from this vantage point because of the hill and trees.
View of side yard from Zane. The fence would be on the inside of the vegetation, running through the three pine trees....
View of side yard from Zane. The fence would be on the inside of the vegetation, running through the three pine trees, and most visible in the clearing indicated by the horizontal arrow. Notice the five-foot privacy fence of my southern neighbor...
Photo depicting side of the house from Zane. Fence will run from the right of the side door out to eastern boundary (allowing that patio area to stay in the fenced area of my yard), then back to the southern corner. The fence will run under and through three pine trees. Arrow is an estimate.
View of the boundary line from the south-east most corner. Fence will run between the arborvitae and the fireplace, continuing on through the pine trees. Zane is to the right. Arrow is an estimate.
Photo depicting back yard to demonstrate just how much grass space will be segregated out of the yard if homeowner is required to start fence at edge of house. Blue lines represent where pool decking will be. Arrow and lines are estimates. Not pictured, the fireplace and patio to the right.
Photo depicting the side-door patio that will be placed outside the backyard fence should the fence begin at the corner of the house. Arrow is an estimate.
Photo depicting the east back boundary of lot. The fence would run between historic fireplace and arborvitae. The entire space depicted here would be outside our backyard if homeowner is required to set fence all the way back to the side of the house. (the play out under the pine trees is being removed).
View from homeowner’s lot from kiddy-corner neighbor at 5200 Zane Ave North, depicting a six-foot tall privacy fence on the corner side boundary. Backyard contains a pool (this is a picture from last month before the trees bloomed, sorry).
Date: June 28, 2022
To: Golden Valley Board of Zoning Appeals
From: Max Gort, Community Development Intern
Myles Campbell, Planner
Subject: 1109 Tyrol Trail
SKD Architects on behalf of Matt and Maddy Goeden, Applicant

Introduction
Matt and Maddy Goeden, the property owners, are seeking a variance from the City Code to build a new home addition at the above address. The applicant is seeking the following variances from City Code:

<table>
<thead>
<tr>
<th>Variance Request</th>
<th>City Code Requirement</th>
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| The applicant is requesting a variance of 7 feet off the required 35 feet for a triangular portion of a garage addition on the west side property line, to a total distance of 28 feet. | § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (e)(1)(a) Principal Structure Front Setback
The required minimum front setback shall be 35 feet from any front lot line along a street right-of-way line. Decks and open front porches, with no screens, may be built to within 30 feet of a front lot line along a street right-of-way line. This requirement shall not reduce the building envelope on any corner lot to less than 27 feet in width. |
| The applicant is requesting a variance allowing for an increase of the 15-foot setback at a 2:1 ratio with encroachments height exceeding 15 feet, due to second story master bedroom height. | § 113-88, Single-Family Residential (R-1) Zoning District, Subd. (e)(1)(c)(1) Principal Structure Side Setback
In the case of lots having a width of 100 feet or greater, the side setbacks for any portion of a structure 15 feet or less in height shall be 15 feet. The side setbacks for any portion of a structure greater than 15 feet in height shall be measured to an inwardly sloping plane at a ratio of 2:1 beginning at a point 15 feet directly above the side setback line. |
The applicant is requesting a variance for an existing living space and garage wall encroaching 4.7 feet into the north side yard, reducing the setback from 15 feet to 10.3 feet.

§ 113-88, Single-Family Residential (R-1) Zoning District, Subd. (e)(1)(c)(1) Principal Structure Side Setback

In the case of lots having a width of 100 feet or greater, the side setbacks for any portion of a structure 15 feet or less in height shall be 15 feet.

The applicant is requesting a variance from the side wall articulation requirements for the existing garage and addition.

§ 113-88, Single-Family Residential (R-1) Zoning District, Subd. (e)(4) Side Wall Articulation

For any new construction, whether a new dwelling, addition, or replacement through a tear-down, any resulting side wall longer than 32 feet in length must be articulated, with a shift of at least two feet in depth, for at least eight feet in length, for every 32 feet of wall.

Background

1109 Tyrol Trail is the current address for a single-family home built in 1938. The lot is 24,912 sq. ft. with most of the eastern portion wooded, backing up to Theodore Wirth Park. The home is relatively small compared to other homes in the area, with 2 bedrooms and an oversized single stall garage. The garage setback from the north side property line is at 10.3 feet, which follows zoning code for single-family homes constructed prior to 1982 allowing for side yard setbacks at a minimum of 3 feet.

The applicant is seeking to build a set of additions on to the new home to increase its overall size and improve their use of the property. The additions include:

- Expand the garage to the west and south to accommodate 2 vehicles more reasonably and add a storage workshop space above
- Build a small master suite on the second level over the existing living room to be close to the children’s’ existing bedrooms

In their variance application the applicants mention that they are looking to expand their home due to the small size of the existing home, which does not create an ideal living situation for their family. Additional details as to the request can be found in the full variance application which has been attached with this memo.
Summary of Requests
The applicant is requesting four variances – two that relate to either the side setbacks of the property to allow for the new additions off the north and south sides of the home. Similarly, the third variance relates to the encroachment on the front setback requirement on the street-facing side of the house. Finally, a side wall articulation variance would be required due to the existing north side wall being over 32’ already and being expanded as part of the garage addition.

Beginning with the variances related to the garage addition, the applicants sought to avoid further encroaching on the north side yard property line, and so looked at expansion to the west and south, trading some living space with an existing mudroom for extra garage space. The new garage would be 25’2” in depth and 24’6” in width, allowing for two cars to be parked indoors. The southwest corner of the new garage would encroach on the required 35 ft front setback for R-1 Single-Family zoning districts by 7 ft, resulting in a setback of 28 ft. Additionally, the garage expansion would continue the existing setback of 10.3’ from the north property line, While the existing garage setback is legal, the addition would require a variance to maintain this setback. Similarly, the existing side wall on the north side of the home exceeds 32’ in length, and the addition would only increase this length. Therefore, a waiver from the side wall articulation requirements is necessary to move forward with the addition as shown on plans.

Along with these requests, the homeowners are also looking to add additional living space on the second level of the home and are requesting a pair of waivers from the building envelope requirements of zoning code to do so. City code establishes that for principal structures over 15’ in height, that portion of the structure must be set back further from the property line than the side setback, at a rate of 1 foot further in from the property line for every 2 feet of additional height. This creates a tent shape as you go up in height, and is intended to keep very tall structures offset further from adjacent properties.

The applicants are requesting a variance from this building envelope requirement on either side of the principal structure in order to allow for a set of second story additions, a workshop above the garage and north side of the home and a master bedroom off the rear/south side. The applicant notes in their materials that the variance would allow them to continue the gabled roof design of the existing home and that strictly following the envelope requirements for the master bedroom would result in harshly sloped walls.
Analysis
In reviewing this application, staff has maintained the points of examination to the considerations outlined in Minnesota State Statute 462.357 – that the requested variance is in harmony with the general purposes and intent of the Zoning Chapter, that it is consistent with the City’s Comprehensive Plan, and that a property exhibit “practical difficulties” in order for a variance to be granted.

Staff finds that the variance is generally in line with both the purpose of the Zoning Code, as it does not impact or change the principal use of the lot as a single-family residence, nor does it allow for additional density of population. Staff also finds the request reasonable in light of the 2040 Comprehensive Plan, which has as one of its goals to “support the rehabilitation and reinvestment of the housing stock as structures continue to age.”

In order to constitute practical difficulties:

1. **The property owner must propose to use the property in a reasonable manner.**
   - **Garage Front and Side Setbacks:** A larger garage allowing for both applicant-owned vehicles to be stored will protect the vehicles from exposure to weather and keep them out of sight from the street. At 24.5’ in width, the proposed design keeps the garage minimal in scale relative to the rest of the property and neighboring properties. With the encroachment on the north setback being flush with the existing garage wall, the impact on the northern neighbor will be minimal. The encroachment on the front setback remains a considerable distance from the street, which will not cause disruption to the use of the front yard or close encroachment on the west side property line. **Staff finds this request reasonable.**

   - **Building Envelope:** The master suite addition on the second floor is within similar scale to the rest of the existing home, with similar room sizes and ceiling heights. The addition brings the home from 2 bedrooms to 3 bedrooms, accommodating the needs of the homeowners’ family with children. The building envelope encroachment to the south would be minimal,
especially considering the existing gabled roof and chimney which will remain. The encroachment on the north side with the garage addition would be even smaller, and should have little impact on surrounding properties. Given that the encroachments will not disrupt the essential character of the home and neighborhood while allowing the homeowners to comfortably live in their home, staff finds this request reasonable.

Side Wall Articulation: Given that the existing wall is over 32’ in length and the home is already encroaching on the side setback, articulation would require more significant reconstruction of the home, and would further eat into the existing homes floor area by pushing the garage further south by at least 2 feet. Because of the roof gables on the second story, staff is not concerned with a flat wall “canyon effect” and finds this request reasonable.

2. The landowners’ problem must be due to circumstances unique to the property that is not caused by the landowner.
The home was constructed in 1938 in line with the building standards of the time, and with specific design elements that give the home a special character, such as the roof orientation. Since the existing garage footprint extends into the north setback, and essential living space exists behind the garage to the east, the applicants state that the only possible directions for expansion are to the west and south. Furthermore, the property is well buffered by trees with Theodore Wirth Park to the east, such that building outward on to the rest of the lot may necessitate more significant removals of vegetation. Staff believes the site exhibits unique circumstances.

3. And the variance, if granted, must not alter the essential character of the locality
The applicants have stated that the plans to expand the capacity of their home was done with careful intent to preserve the character and scale of the home. Exterior finishes and roof orientation are being taken into consideration to this end. The visual impacts of the variances are minimal, with encroachments onto various setback lines kept within a few feet. The applicants also highlight that Tyrol Trail is a dead-end road, and therefore impacts on traffic will be kept to a greater than usual minimum. Staff believes that the requested variances will not alter the essential character of the neighborhood and city.

Additionally, staff assesses whether other options are available to meet the applicant’s needs without requiring a variance, or whether the proposal requests the smallest variance necessary to meet the applicant’s needs.

Front and Side Setback Variances: With the existing garage already extending into the north setback line by 4.7 ft and essential living space to the east, there are no existing options for expansion of the garage but to the south and west, encroaching on the front setback. Staff met with the architects from SKD and agreed that this approach was the most viable option, finding no other options that were reasonable to the applicants’ needs and not requiring a variance from zoning code.
Side Setback Variance: Building the additional master bedroom suite above the living room is the only reasonable location, as there is no additional space on the second level or the main level that would meet the applicants’ needs without incurring significant cost. Building the master bedroom above the living room while being in line with the required 2:1 setback ratio with make the bedroom much smaller and require a hip roof and breaking the character of the home. Staff believes that this proposal is the best option to meet the applicants’ needs and that options that don’t require a variance are not available.

Recommendations

Staff recommends approval of a variance of 7 feet off the required 35 feet for a triangular portion of a garage addition on the west side property line, to a total distance of 28 feet.

Staff recommends approval of a variance for an existing living space and garage wall encroaching 4.7 feet into the north side yard, reducing the setback from 15 feet to 10.3 feet.

Staff recommends approval of a variance waiving the building envelope requirements for a portion of the garage and master bedroom additions, subject to consistency with the plans as submitted.

Staff recommends approval of a variance waiving the side wall articulation requirements for the north side wall.
LEGAL DESCRIPTION:
Lot 10, Block 8, WEST TRYL HILLS, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Existing building dimensions and setbacks measured on or outside of these lines.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than those shown herein.
7. It should be noted that this survey was completed with significant snow coverage on site. We cannot be certain that all items were observed and located during the process of conducting the survey due to the snow cover. If this uncertainty is something you would like to remove, please expose all improvements and we can return to locate said items, if needed.

STANDARD SYMBOLS & CONVENTIONS:
- "*" Denotes iron survey marker, found, unless otherwise noted.

BENCHMARK:
BE NOT RELENTANT @ INTERSECTION OF MAP AND TYROL TRL
ELEV. = 922.83

SKD ARCHITECTS
1109 TYROL TRL
GOLDEN VALLEY, MN

Advance
Surveying & Engineering, Inc.
2101 106th Street W
Machinist, Minnesota 55131
Phone: 952-474-3784
Fax: 952-474-3785

DATE SURVEYED: DECEMBER 30, 2021
DATE DRAFTED: JANUARY 4, 2022
DRAWING NUMBER: 212497 BH

SHEET NO. S1
**Zoning Code Variance Application**

**Applicant Information**

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<tr>
<th>Name (individual, or corporate entity)</th>
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<tbody>
<tr>
<td>11140 Highway 55, Suite A (SKD Offices)</td>
<td>55441</td>
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<tr>
<td>763-591-6115</td>
<td><a href="mailto:kleineman@skdarchitects.com">kleineman@skdarchitects.com</a></td>
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<tr>
<td>Steven Kleineman for SKD Architects, Inc.</td>
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<tr>
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<tr>
<td>612-801-2480</td>
<td><a href="mailto:matthew.goeden@gmail.com">matthew.goeden@gmail.com</a></td>
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**Site Information**

Provide a detailed description of the variance(s) being requested:
See the Supplement Response Attachment, Item #1.

Provide a detailed description of need for a variance from the Zoning Code, including description of building(s), description of proposed addition(s), and description of proposed alteration(s) to property:
See the Supplement Response Attachment, Item #2.

→ continued
Zoning Code Variance

Minnesota State Statue 462.357 requires that a property exhibit “practical difficulties” in order for a variance to be considered. Practical difficulties:
- result in a use that is reasonable
- are based on a problem that is unique to the property
- are not caused by the landowner
- do not alter the essential character of the locality

To demonstrate how your request will comply with Minnesota State Statute 462.357, please respond to the following questions.

Explain the need for your variance request and how it will result in a reasonable use of the property.
See the Supplement Response Attachment, Item #3.

What is unique about your property and how do you feel that it necessitates a variance?
See the Supplement Response Attachment, Item #4.

Explain how the need for a variance is based on circumstances that are not a result of a landowner action.
See the Supplement Response Attachment, Item #5.

Explain how, if granted, the proposed variance will not alter the essential character of your neighborhood and Golden Valley as a whole.
See the Supplement Response Attachment, Item #6.

→ continued
The City requests that you consider all available project options permitted by the Zoning Code before requesting a variance. The Board of Zoning Appeals will discuss alternative options to seeking a variance with you at the public hearing. Please describe alternate ways to do your project that do not require variances from the Zoning Code.

See the Supplement Response Attachment, Item #7.

## Required Attachments

- **Current survey** of your property, including proposed addition and new proposed building and structure setbacks (a copy of Golden Valley's survey requirements is available upon request; application is considered incomplete without a current property survey)
- **One current color photograph** of the area affected by the proposed variance (attach a printed photograph to this application or email a digital image to planning@goldenvalleymn.gov; submit additional photographs as needed)
- **Application fee**: $200 for Single-Family Residential, $300 for all other Zoning Districts
- **Legal description**: Exact legal description of the land involved in this application (attach a separate sheet if necessary)

## Signatures

To the best of my knowledge, the statements found in this application are true and correct. I also understand that unless construction of the action applicable to this variance request, if granted, is not taken within one year; the variance expires. I have considered all options afforded to me through the City’s Zoning Code and feel there is no alternate way to achieve my objective except to seek a variance to zoning rules and regulations. I give permission for Golden Valley staff, as well as members of the Board of Zoning Appeals, to enter my property before the public hearing to inspect the area affected by this request.

**Applicant**

Name (please print): Steven Kleineman (on behalf of SKD Architects, Inc.)

Signature: [Signature]

Date: 6/1/22

**Authorized Representative (if other than applicant)**

Name (please print): [Name]

Signature: [Signature]

Date: [Date]

**Property Owner (if other than applicant)**

Name (please print): Matthew Goeden

Signature: [Signature]

Date: 6/1/22

**Please note**: The City of Golden Valley will send notice of your variance request to all adjoining property owners as well as owners of properties directly across streets or alleys. Your neighbors have the right to address the Board of Zoning Appeals at your public hearing. You are advised to personally contact your neighbors and explain your project to them before the public hearing.
1109 Tyrol Trail Variance Request

Supplemental Responses to the Application Questions

Site Information

#1 Provide a detailed description of the variance(s) being requested:

The homeowner is requesting 2 new variances for proposed new construction, and a third for an existing addition completed many years ago which the current Owner had nothing to do with.

First new variance is a reduction of the front setback from 35' to 28' for a triangular portion of a garage addition. It also includes a small north setback intrusion where the existing wall line of the garage is extended.

The second request is to allow for a small portion of the 2nd floor master bedroom addition on the south side yard where the 15' setback increases at a 2:1 ratio with encroachments height exceeding 15'.

The 3rd request is for an existing addition of family room living space and garage wall that encroaches 4.7' into the north side yard. Reducing the setback from 15' to 10.3'.

Additional detail is provided in question #2.

#2 Provide a detailed description of need for a variance from the Zoning Code, including description of building(s), description of proposed addition(s), and description of proposed alteration(s) to property:

Matt and Maddy Goeden, the homeowners, purchased the residence at 1109 Tyrol Trail, in fall of 2021. They loved the charm of this small 1938 residence, which is lower ceilings, gabled roofs with dormers, mostly brick and with some wood siding. The beautiful wooded property is just over 100' wide. The house is a walkout to the rear with a multilevel deck across a portion of the back. The house backs up to the wooded Theodore Wirth Parkway to the east. It is also one property away from the north sound and privacy wall of I394. There is a neighbor to the north, and nothing to the south now, but we understand there is a new home planned for construction to the south. There are neighbors across the street to the west, one visible, but set back from the street. Tyrol Trail is a dead end, so there is little traffic in the area.

The boulevard from the property line to the street is over 16"" seven", which is often about 6' 10". This is meaningful because the home visually is comfortably setback from the street.

The garage is currently an oversized single car, or you could say an undersized 2 car garage if you had 2 VW Beetles. Both the depth and width are not up to current standards adequate for a double car garage. Most of the homes in the area are built with 2 or 3 car garages. The Owner wants to comfortably shelter 2 cars in the garage.

Inside the home has 2 small bedrooms on the upper level and a single bath. The owners have 2 children. The children took the 2 bedrooms, while the owners use the living room as their master with the powder room as their bath.

They planned to add a small master bedroom suite to the house, preferably on the upper level with the other 2 children's bedrooms. The most logical place to expand the upper level is to build over the living room. It
groups the bedrooms off of one common hall. Their desire is to bring the house up to current standards making it a 3 bedroom home with a small master suite.

Additionally, they want to open up the main living level, between the kitchen and family room, improve the kitchen, and add a small office on the main floor. The owner will work from home at times and needs a space to work. That can be added to the rear, without issue.

The current existing small garage as built is already encroaching into the north side yard 15’ building setback by almost 5’. There is no further opportunity to expand to the north. A family room is directly behind the garage. The only reasonable direction is to remove a small mudroom area within the living space and expand to the south and west by projecting into the front setback. Additionally, with a growing family, there is a need for storage. The plan proposes using space over the garage for storage. A stair in the garage allows for better access, but a little extra depth is needed.

First, we are requesting a variance to reduce the front setback from 35’ to 28’. Because the front property line is angled to the east, and not square to the front of the house, the encroachment varies from about a foot to 7” at the furthest point, a triangular shape. Also, because the existing garage wall is already into the side yard setback, when the wall is extended forward there is a small portion of the of side yard setback encroached.

The second variance need is created by adding on a 2nd story master bedroom addition over the living room. The current house is at the 15’ setback. The stacked master bedroom then is also 15’, but above 15’ in height, the setback increases at a 2:1 ratio, and a small portion of the addition encroaches on the 2:1 building envelope, of which most is the roof. Actually, the upper tip of the existing roof and chimney also projected into that setback, too. Right now, there is nothing built to the south, just vegetation.

Second, we are requesting a small south side yard variance at the 2:1 slope to allow for the master bedroom expansion with gabled roof, consistent with the rest of the house.

The proposed design and expansions are sensitive to the character of the existing home. Scale and style are important. The proposed structures match details and building material to a reasonable extent, such as brick and siding, roof details, etc. The design includes dormers and gables to preserve the feel of the smaller home.

These variances are graphically shown on the survey and on the exterior building elevations.

Zoning Code Variance

#3 Explain the need for your variance request and how it will result in a reasonable use of the property.

Both variances are reasonable requests.

A reasonable sized 2 car garage will allow both of the owners vehicles to be protected from weather and keep vehicles out of sight. The proposed design works to keep the scale of the garage down in size, yet provides enough usable space needed for a young family with toys, bikes and gear, etc. The impact to the north neighbor and really only neighbor affected, is minimal, and with the larger front boulevard, the encroachment will not feel close to the street, or really closer than the northern neighbor.

With the expansion of the master bedroom, the home becomes 3 bedrooms with 2 bathrooms on the upper level. The room sizes are in character with the scale of the home, and with similar ceiling heights. This makes the home far more suitable for a family. Again, the slight encroachment of the building envelope to
the south is minimal. The current gabled roof and chimney to remain already exist. The addition is in line with the current south wall of the home.

The office addition is in the rear to the east and has no impact on any neighbors.

All of these additions are consistent with the current home design, and the improvements bring the house up to reasonable current standards for this neighborhood.

#4 What is unique about your property and how do you feel that it necessitates a variance?

This smaller home was built in 1938, with much different building standards of that time, but with great character. The existing garage currently is into the north setback already, eliminating the option of growing the garage to the north. There is living space behind the garage, so there is no other reasonable option for expansion to the east. The only real option is to the front (west) and south eliminating some existing interior living space.

The home backs up to Theodore Wirth Parkway and is protected by a reasonable amount of vegetation, to the east, north and south. It makes the rear yard very private. Also, the view of the house from the northern and closest neighbor is filtered by trees. The south side is not built on yet. Much of the house is buffered by trees.

Visually, the front road looks square to the front of the garage in part because there is a large boulevard between the street and property line allowing for a lot of space between the street and the house. The main body of the house is set back further from the street than property setback numbers show. In reality, the front property line angles to the east and as the garage extends to the south, the encroachment increases. Standing on site this is not visible. You don’t notice the angle so much, but it affects the encroachment distance. On a city street like this you would expect the property line to be straighter along the front. The actual impact is less than dimensions would indicate.

#5 Explain how the need for a variance is based on circumstances that are not a result of a landowner action.

The proposed variances are based on a reasonable ways to expand the garage and make the size suitable for 2 cars, and for a reasonable and sensible way to add a third bedroom on the upper level. The added level pretty much works within the root height of the existing main gabled from entry wall and does not alter the front elevation significantly.

No previous action by the homeowner has created the circumstances to require these variances. They are just trying to make the home livable for their family. The proposed design changes react to the existing conditions and limitations, both of the home and the configuration of the property.

#6 Explain how, if granted, the proposed variance will not alter the essential character of your neighborhood and Golden Valley as a whole.
The intent of this remodel and expansion is to maintain the character and scale of the existing home. The style and choice of matching building materials, show the attention to detail which makes the blend into its environment. The variances are relatively small. There should be little or no visual impact to the neighbors or the functionality of the home. There is also little traffic on this dead-end road.

Again, impact is minimal. There should be an increase in value to the neighborhood, in that the home will be brought up to current residential building standards.

#7 The City requests that you consider all available project options permitted by the Zoning Code before requesting a variance. The Board of Zoning Appeals will discuss alternative options to seeking a variance with you at the public hearing. Please describe alternate ways to do your project that do not require variances from the Zoning Code.

There are no ways to expand the garage without encroaching on either the side or front yard setback. The garage already encroaches on the setback to the north almost 5'. Going more does not make sense. The proposed garage expands to the south, which trades interior living space for garage space and also, into the front setback. This is the best option with the least impact to any neighboring property. The extra deep front boulevard keeps the garage from looking like it is close to the street.

SKD reviewed the plans with the planning department staff prior to submitting this application, and they agreed with this approach.

There is no way to add a master bedroom onto the upper level or even reasonably on the main level, without significant impact to the current home layout and without significant extra cost. The master bedroom works closely within the height of the existing roof elements. To avoid the vertical 2:1 sloped side setback, the master bedroom would have to get small, and the roof would have to transition to a hip, which is out of character with the style of this home.
Hi Jason,

I am Matt and Made's neighbor to the north at 1101 Tyrol Trail. Matt has shared the plans with me and I have no objections to the plans and the needed variance. I am supportive of the project.

Best Regards,

Michael Cavanaugh
1101 Tyrol Trail, Golden Valley, MN

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Michael Cavanaugh
City of Golden Valley
Board and Commission
Member Orientation
Agenda

- Commitment to Community
- City of Golden Valley Structure
- City Boards and Commissions Structure
- Board and Commission Member Roles & Responsibilities
Commitment to Community
All Are Welcome

The City of Golden Valley believes in and stands for the values of social equity, inclusion, and justice.

We embrace diversity and recognize the rights of individuals to live their lives with dignity, free of discrimination, fear, violence, and hate.

We welcome individuals to Golden Valley regardless of race, color, creed, religion, national origin, immigration status, gender, gender identity, marital status, age, disability, economic status, sexual orientation, familial status, or cultural background.

We strive to provide fair and unbiased services and programs, giving opportunities for all.

We are dedicated to being a supportive and united community, strengthened by the diversity of our residents and visitors.
Vision & Mission

Vision
Golden Valley strives to creatively connect people and places, preserve and enhance community resources, and nurture opportunities for all.

Mission
The City of Golden Valley delivers high-quality, responsive services to ensure the community remains a vibrant and welcoming environment in which to live, work, and play.
Our Values

Why And How We Work

Communication  Respect
Community      Innovation
Inclusion      Courage
Integrity      Accountability
Golden Valley Commitment to Equity

- Provides free legal and title services to help property owners find discriminatory covenants and discharge them from their property titles.
- Provides education opportunities to help communities acknowledge this racist history and pursue reconciliation and anti-racist solutions.
- Take action to dismantle the racist systems that deny opportunities to communities of color, and by investing in solutions that create equity.

**GOLDEN VALLEY JUST DEEDS**

- City Council meeting & Planning Commission meeting minutes show a requirement for racially restrictive covenants
- 1,604 Golden Valley properties have racially restrictive covenants

**33 YEARS OF RACIALLY RESTRICTIVE COVENANTS IN GOLDEN VALLEY**

| Disparities that exist today: household income, school funding, access to health care, police, green spaces and neighborhood parks, public transportation, convenient & affordable grocery stores and other retail, and nearby jobs that pay living wages.
| City-owned properties with racially restrictive covenants | 61
| Homes with Racially Restrictive Covenants | Higher value

**Equity and Inclusion Manager**

- Directs and develops initiatives in policy, practice and community engagement to develop equitable outcomes internally and externally;
- Develops and facilitates staff training and professional development;
- Manages and updates the City’s Equity Plan;
- Collaborates with staff in all departments; and
- Staff Liaison to the Diversity, Equity and Inclusion Commission.

**Community Connection and Outreach Specialist**

- Build partnerships within the Community to increase engagement and connections.
- Building trust and establishing collaborative relationships with underrepresented communities
- Assist with data collection to improve outreach and education
- Assist with developing and implementing civic engagement strategies to increase participation among diverse populations
- Staff Liaison for the Police Employment, Accountability, and Community Engagement Commission in collaboration with the Police Department.
City Structure
City Demographics

- Population – 22,552
- Location – 10.5 square miles, located five miles west of downtown Minneapolis
- Median Age – 45.6

- Race – White 80%, Persons of Color 20%
- Median Household Income - $98,100
- Plan B form of Government
Current City Council

Shep Harris
Mayor (2023)

Kimberly Sanberg
Council Member (2023)

Denise La Mere-Anderson
Council Member (2025)

Maurice Harris
Council Member (2023)

Gillian Rosenquist
Council Member (2025)
City Staff Leadership Team

- City Council point-of-contact
- Administers City business – including hiring and directing City staff
- Assists Council with developing policies
- Implements policies and directives of the Council

Tim Cruikshank
City Manager

Kirsten Santelices
Deputy City Manager/Human Resources Director

Maria Cisneros
City Attorney

Cheryl Weiler
Communications Director

Rick Birno
Parks and Recreation Director

Sue Virnig
Finance Director

Tim Kieffer
Public Works Director

Marc Nevinski
Physical Development Director

Virgil Green
Chief of Police

John Crelly
Fire Chief
Organizational Priorities

- Strategic Development & Redevelopment
- Effective Governance
- Infrastructure Maintenance & Enhancement
- Financial Wellness
- Community Affairs
How Everyone Works Together

**Community Role**
- Elect Council and Mayor
- Participate in community input – which may include Board/Commission and Task Force initiatives

**Mayor and Council Role**
- Make decisions based on provided input
- Process includes discussions and debates; and may result in split votes, and dialogue is open and respectful.

**Board/Commission/Task Force Role**
- Study issues and provide input to City Council
- Council makes final decisions that may or may not reflect the recommendations of the advisory body.

**Staff Role**
- Study issues and provide professional recommendations to the Council and Boards, Commissions, and Task Forces
- Carry out policy and directives from City Council
Board and Commission Structure

Ordinance
- Laws passed by the City Council creating and setting rules for City commissions

Bylaws
- Commission governing document – approved by Council

Quorum
- Majority of seated members required to vote on business items
- Meetings can be held without a quorum, but cannot conduct business by taking votes on motions.

Roberts Rules
- Procedure used to run Commission meetings

Officers
- Chair (1 year)
- Vice Chair (1 year)
- Max 2 consecutive years and Chair and Vice Chair

Types of Meetings
- Regular
- Special

Meeting Packet
- Agenda
- Minutes
- Additional Supporting Documents
## Work Flow Calendar

<table>
<thead>
<tr>
<th>Month</th>
<th>Events</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January</strong></td>
<td>- New member recruitment begins</td>
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<tr>
<td></td>
<td>- City Council hosts annual strategy session</td>
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<tr>
<td><strong>February</strong></td>
<td>- Joint Board, Commission, and City Council Meeting</td>
</tr>
<tr>
<td><strong>March-April</strong></td>
<td>- Boards/Commissions begin submitting annual work plans to Council (Example)</td>
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<tr>
<td></td>
<td>- Reappointment Process Begins</td>
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<td></td>
<td>- City Manager’s Office reviews attendance for the previous year (April-March)</td>
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<tr>
<td><strong>May</strong></td>
<td>- Reappointments and new member appointments effective May 1</td>
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<tr>
<td></td>
<td>- Review Commission bylaws (first meeting in May)</td>
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<tr>
<td></td>
<td>- Annual Board/Commission Appreciation Dinner</td>
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<tr>
<td><strong>June – December</strong></td>
<td>- Boards/Commissions conduct ongoing regular business</td>
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<tr>
<td></td>
<td>- Policies and initiatives that were not included in the Council’s action steps or Board and Commission annual work plan become recommendations for Council consideration at the next annual strategy session.</td>
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<td></td>
<td>- Other initiatives may take priority as the Council and Commissions work to be responsive to community needs.</td>
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</table>
# Current City Board and Commissions

<table>
<thead>
<tr>
<th>Board of Zoning Appeals</th>
<th>Diversity, Equity and Inclusion Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meet to hear requests for variances from the zoning code (which is the City’s main form of land use regulation).</td>
<td>Advises, recommends, and assists Council in matters relating to diversity, equity, inclusion, and human rights. The mission of the Golden Valley DEIC is to promote and nurture a safe and welcoming community dedicated to the values of social equity, inclusion, and justice.</td>
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<tr>
<th>Environmental Commission</th>
<th>Human Services Commission</th>
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<tbody>
<tr>
<td>Advises and makes recommendations to the Council in matters that affect the environment.</td>
<td>Plans and holds fundraisers and events to help raise money to meet previously identified human service needs in the community. Advises City Council on allocation of funds.</td>
</tr>
</tbody>
</table>
Help the Golden Valley Police Department innovate and transform its provision of public safety services based on community input and needs, and to assure that the department provides inclusive, community-centered service.

Advises, recommends, and assists Council in matters relating to planning and growth of the City, including issues relating to the social, economic, and physical environment.

Advises, recommends, and assists Council in policies and plans relating to open space needs, parks and recreation programs, trail systems, and Brookview Golf Course.
Board and Commission Members
Roles and Responsibilities
# Board/Commission Roles

<table>
<thead>
<tr>
<th>Role of Board/Commission</th>
<th>Not Role of Board/Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discuss matters within the scope of the board/commission, as</td>
<td>Boards/Commissions do not direct the work of City staff.</td>
</tr>
<tr>
<td>defined by Council-approved work plan, bylaws and City Code,</td>
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<tr>
<td>or as directed by City Council.</td>
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<tr>
<td>Conduct research, including gathering community input and</td>
<td>Cannot direct the use of City funds</td>
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<tr>
<td>subject matter expert advice.</td>
<td>With the exception of Board/Commission’s Council-approved budget.</td>
</tr>
<tr>
<td>Advise the Council on topics within the scope of the Board/</td>
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<tr>
<td>Commission’s work, and submit recommendations as voted upon by</td>
<td></td>
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<tr>
<td>the Board/Commission.</td>
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</table>

We will not always agree, but we share the same end goals:

- Provide Council with the best information possible
- Result in smart outcomes for the City!
Member Expectations

• **Prepare** by reading agenda and previous meeting minutes prior to meeting
• **Attend** meetings & events
• **Participate** during meetings and planned events
• **Monitor** emails on a regular basis.
• **Communicate** with staff liaison
• **Respect** all
• **Follow** the Guidelines and Guiding Principles

¡OJO!
• Members are expected to attend all meetings & the joint meeting
• Staff liaisons track attendance at each meeting
• Virtual attendance is allowed in limited circumstances under virtual attendance policy
This law pertains to emailing, phone calls, social media and texting!
Written Records and Communication Methods

- How Council Gets Board/Commission Updates:
  - Meeting Minutes
  - Staff Report (written by Staff)
  - Annual Report/Work Plan
  - Joint Council, Board, and Commission meeting

- Official City Communications – City Staff and Council
  - Media Requests
  - T.V. Spots
  - Social Media
  - City Website
  - Marketing and Graphics
Thank you for your service!