

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION NO. COA 22-**

**RESOLUTION MEMORIALIZING THE FINDINGS OF FACT AND  
REASONS FOR APPROVAL RELATING TO THE VARIANCE  
APPLICATION TO EXCEED THE MAXIMUM ALLOWABLE  
FENCE HEIGHT IN THE REAR YARD  
AT 1264 STRYKER AVENUE**

**WHEREAS**, Brooklyn Petrich is the joint owner of certain real property located at 1264 Stryker Avenue, legally described as follows:

N 43.34 FT OF LOT 20 BLK 2 EX N 15.33 FT OF LOT 21, BLOCK 2 OF GRETSFELD AND KOPP ADDITION NO. 3

(the “Property”);

**WHEREAS**, Brooklyn Petrich has applied for a two-foot variance to allow for the construction of an eight-foot fence, which exceeds the maximum allowable height of six-feet in the rear yard;

**WHEREAS**, a public hearing concerning the variance application was held by the West St. Paul Committee of Adjustments on April 19, 2022, at which meeting the Committee of Adjustments voted \_\_\_\_ to \_\_\_\_ to approve the variance request to allow an eight-foot tall fence in the rear yard of the Property; and

**WHEREAS**, contemporaneously with the votes on the motions, the Committee of Adjustments members voting to approve the request made the following findings of fact:

**FINDINGS OF FACT**

1. The variance request is in harmony with the general intent of the zoning ordinance,
2. The terms of the variance are consistent with the Comprehensive Plan,
3. The property owner established that there are practical difficulties in complying with the zoning code because:
  - a. The adjacent property has a retaining wall abutting this property’s rear property line. The result is that a 6 foot fence installed on this property would only cover 2-3 feet above the retaining wall. Additionally, the adjacent neighbor installed a 6 foot fence on their property, it would have the effect of a 9-10 foot fence on this property.
4. The plight of the property owner is due to circumstances unique to the property that were not created by the property owner because:
  - a. The retaining wall is not on their property.

**NOW, THEREFORE, BE IT RESOLVED** by the West St. Paul Committee of Adjustments that the variance to exceed the maximum allowable fence height in a rear yard is hereby approved, per the reasons and findings of fact stated above and is subject to the following conditions,

1. The variance for the eight-foot fence shall only apply to the section of the property that abuts the adjacent retaining wall, after which the fence shall taper down to no taller than the six-feet allowed by code, and
2. The fence shall be constructed two to three feet back from the retaining wall to allow the adjacent property owner room to perform maintenance and/or reconstruction of the retaining wall as necessary.

Passed this 19<sup>th</sup> day of April, 2022.

Attest:

---

Morgan Kavanaugh,  
Committee of Adjustments Chair

---

Sharon Hatfield,  
Recording Secretary