

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 22-034676
DATE: March 21, 2022

Deadline for Action: April 28, 2022

WHEREAS, Muna Ali has applied for a variance from the strict application of the provisions of Section 63.105 and 63.106 of the Saint Paul Legislative Code pertaining to the permitted size of an enclosed entry and permitted projection of an open covered porch. The applicant is proposing an enclosed front entry addition and to modify front porch stairs to project into the required front setback. Two variances are requested: 1) Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard; a 68 square foot enclosed entrance is proposed, for a variance of 48 square feet. 2) An open, covered porch may project up to six (6) feet into a required front yard; the proposed porch projects 6' into the required front yard and the stairs project an additional 8.3' into the front setback, for a variance of 8.3' in the R4 zoning district at 664 Blair Avenue PIN: 352923110122; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on March 21, 2022 pursuant to said application in accordance with the requirements of Section 61.303 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. The variance is in harmony with the general purposes and intent of the zoning code.

The applicant is proposing to add an enclosed entry addition onto the front of this home. Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard; a 68 square foot enclosed entrance is proposed, for a variance of 48 square feet. The applicant is proposing to also add front-facing stairs onto the existing 6 foot deep open covered porch. An open, covered porch may project up to six (6) feet into a required front yard and the proposed stairs project an additional 8.3' into the front setback, for a variance of 8.3' from that requirement.

The proposed entryway is intended to function as a mudroom to support the home daycare services provided at this residence. According to the applicant, it will provide a location to place outdoor toys, coats, boots, and strollers. Given the location of the proposed enclosed entry, the applicant is proposing to re-route the stairs straight towards the sidewalk to allow access to the open-covered porch.

Provided that the proposed entry complements the existing house, this request would be consistent with the purpose and intent of Section 60.103 of the Zoning Code to:

- a) Promote and protect the public health and safety, the aesthetics and economic viability of the community.
- b) To conserve and improve property values.

This finding is met for both of the requested variances.

2. *The variance is consistent with the comprehensive plan.*

The proposed addition would be designed to complement the existing house and will match the addition that was just constructed. It would be an improvement to the property, which is consistent with Policy H-2 of the 2040 Comprehensive Plan to “address housing deficiencies and encourage reinvestment in residential properties. . .” **This finding is met for both of the requested variances.**

3. *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

The required front yard setback is 15’, which is the existing setback of the house, leaving no room for any addition to the front of the house without a variance. This is a reasonable request given the lack of available front yard space to construct a usable enclosed front entry. With the front entry occupying the space where the stairs were formerly planned, it is reasonable to also grant a variance for the stairway. **This finding is met for both of the requested variances.**

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

The homeowner constructed the new addition directly up to the 15’ required front yard setback. They did so without accounting for the enclosed entry. It is unclear why the applicant did not plan for this circumstance when originally designing this addition. This variance is self-created, as the owner had plenty of space prior to the construction of this addition to place a front enclosed entry that would meet the code. **This finding is not met for both requested variances.**

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

A family day care (no more than 10 children) and a group family day care (no more than 14 children) are permitted in the R4 zoning district. This enclosed entry and the revised location of the steps would not permit a use that is not allowed in the zoning district. **This finding is met for both of the requested variances.**

6. *The variance will not alter the essential character of the surrounding area.*

There are properties on the block with both enclosed entries and porches and stairs leading directly towards the sidewalk. This request will not alter the character of the neighborhood.

File #: 22-034676
Resolution

This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 63.105 and 63.106 to allow a 68 square foot enclosed entrance and stairs projecting an additional 8.3' into the required front yard setback on property located at 664 Blair Avenue PIN: 352923110122; and legally described as Syndicate No. 3 Addition Lot 12 Blk 1; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED.**

MOVED BY: Saylor

SECONDED BY: Trout-Oertel

IN FAVOR: 4

AGAINST: 1

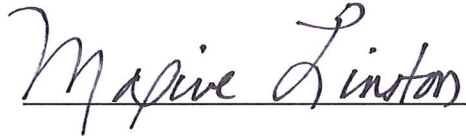
MAILED: March 30, 2022

TIME LIMIT: No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

APPEAL: Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

CERTIFICATION: I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on March 21, 2022 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Maxine Linton
Secretary to the Board

