

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, AUGUST 1, 2016

PRESENT: Mmes. Bogen, Maddox, and Trout-Oertel; Messrs. Saylor, Ward of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Katrice Albert*, Luis Rangel Morales*

*Excused

The meeting was chaired by Joyce Maddox, Chair.

Amy Her (#16-056641) 360 Wheelock Parkway East: A variance in conjunction with the Wheelock Parkway Street Vitality Project in order to legalize an existing parking space within the required front yard.

Mr. Benner showed slides of the site and reviewed the staff report with a recommendation for denial, based on findings 1(b) (c), 3 & 6.

No correspondence was received opposing the variance request.

No correspondence was received from District 5 regarding the variance request.

Mr. Ward asked Mr. Benner if the applicant paves the lower parking space on Edgemont Street they would not need a variance and could park in the rear of the property. Mr. Benner replied that is correct, they would not be a need a variance for parking.

The applicant **AMY HER**, 360 Wheelock Parkway East, was present with Mr. Her, her father, 2560 Lowrey, Hastings, MN. Ms. Her stated that one of the reasons that she purchased the house is because of the extra living space, she had not been aware that the conversion of the garage was done without a permit. She stated that the parking space mentioned in the rear of the property is down a 10 foot slope from the front of the house, they always use the front door of the home. Ms. Her stated that the three neighbors next to her all park in the front yard and if they remove her front yard parking it will not blend in with the neighborhood. She submitted six signatures from neighbors stating that they did not have an issue with the parking in the front yard.

Ms. Maddox stated that the parking spaces leading to a garage is a legal parking space, but Ms. Her's front yard parking does not lead to a garage so they cannot park in the front yard. She continued that Mr. Ward had suggested that they pave the rear area and park there then they would not need the parking variance. They cannot park in the front yard because it does not lead to a garage. Ms. Her stated that she would be fine with putting in a garage door. They enter into the home from the front entrance and that is where they want to park. In the rear of the property there is a 10 foot slope down from the front of the house and 50 feet from the house.

Mr. Ward stated that Ms. Her purchased the house because she liked the house and she wants everything to stay the way it was when she purchased the home. Is that correct? Ms. Her replied yes. Mr. Ward asked Ms. Her if she wants to put in a garage door or does she want to keep the additional living space? Ms. Her stated that she would like to keep the additional living space, but if she is required to put a garage door on the front to keep the front parking space she is willing to do that. Mr. Her stated that at the moment they are asking for a variance to allow them to keep the front yard parking space and they want to keep the additional living space provided by the converted garage. He stated because the house faces

Wheelock Parkway there should be a driveway off of Wheelock. Mr. Ward stated that when the home was built it had a legal parking space in the garage and the driveway came off of Wheelock. In order for driveway to be used as a parking space it has to lead to a garage to be a legal parking space. Since the garage was converted to living space Ms. Her no longer has a driveway that leads to a garage. Mr. Ward stated that the rear is already being used for parking. Mr. Her stated that that parking space is 50 feet from the house and it is on a 10 foot slope up to the front door. The tenant in the lower unit uses the parking off of Edgemont Street. Mr. Ward stated that if Ms. Her paves the rear yard parking space and adds one more parking space they would not need a variance nor would they have to lose their extra living space provided by the converted garage. He continued that if they need a garage to park in she should build a garage in the rear yard and then they can all park in the garage. Mr. Ward explained that there are three options here. With just a little money they can pave the rear yard adding one more parking space and they can park there. If they can spend more money they could build a garage in the rear yard. Or they can reconvert the garage back into a garage and then they could use the front yard parking. Mr. Her stated that there is no easy way to get from the lower rear parking to the front of the house. Mr. Ward suggested putting in a stairs from the lower level parking up to the front door. Mr. Her stated that the garage that was converted to living space was a single car garage. Mr. Ward stated that he is hearing that they are willing to put in a garage door and pave two spaces in the rear yard for the other two spaces needed. Mr. Her replied if they have no other choice.

Ms. Bogen asked Mr. Benner whether Ms. Her could just put a garage door on a living space but that does not make it a garage, is that correct. Mr. Benner replied that is correct, they cannot just put a garage door on the living space they also have to convert the living space into garage space to allow the front yard parking. Ms. Saylor stated it has to be a real garage. Mr. Benner replied yes.

Ms. Bogen asked that Ms. Her pass around the signatures from her neighbors, she will need signatures from two-thirds of her neighbors supporting the front yard parking space. If she does not meet the parking findings a-d the Board would not be able to grant the variance request. Ms. Bogen noted that the address for one of the signatures is not listed; they have to list their address so the Board knows they are located within 100 feet of her property.

Ms. Maddox asked Mr. Benner if the code allows two driveways on a property. Mr. Benner stated that typically Public Works does not like having two curb cuts on one property. It is unusual that a property has two curb cuts leading into a property. Mr. Ward asked if the curb cut in the rear yard is existing. Mr. Benner replied yes.

Ms. Bogen discussed that Ms. Her needs signatures from property owners within 100 feet of her property. She noted that there are two out of the six signatures she has are within 100 feet of her property. 357, 379 Wheelock and 373, 345 Wheelock which she thinks are out of the 100 feet. Taking from 345 to 379 Wheelock on the opposite side of the street and the two houses next door that is 8 signatures she needs to get. Ms. Her already has signatures from three of the eight houses affected by the variance to get the two-thirds of the property owners.

Chou Lee, 360 Wheelock Parkway East, stated that he recently married Ms. Her. He stated that they went to all the neighbors surrounding the property and one of the neighbors brought their notification letter and signed it saying they did not have a problem with the parking variance. The only neighbor that he did not talk to is right next door as they were not home when Mr. Lee knocked on their door. There is an apartment complex to the right of this property and the street parking is heavily used on Edgemont Street by the apartment residents. He stated that the parking space that Mr. Ward suggested be paved to use for parking is right in front of their tenants door in the rear and the tenants park there.

There was no opposition present at the hearing.

Mr. Ward stated that the applicants seem to be ok with putting the garage door in and losing the living space. Ms. Maddox stated that the property owners would have to remodel the living space into a garage. Mr. Ward stated that they mentioned that they were ok with reconverting the living space back into a garage. Ms. Maddox stated that she did not hear that. Ms. Bogen stated that she heard that they were going to put a garage door on the front of the house. Ms. Maddox stated that they thought that would work but it does not. Ms. Bogen stated that the applicant has not met finding 1c of the guidelines that this Board has passed in order to pass the variance. The Board cannot really grant the applicant a variance if they do not meet the guidelines.

Hearing no further testimony, Ms. Maddox closed the public portion of the meeting.

Mr. Warner stated that perhaps the applicants' may not have had enough time to set down with staff to flesh-out the details of what they could do and what their options might be in terms of complying with the city ordinances. They have a lot of things that are unusual on this lot and he does not know if they have had a chance to sit down with someone from Plan Review to help them figure out what all their options are. If the Board wants to lay this over there is time to allow them to sit down with the city staff and figure it out.

Ms. Bogen suggested that they maybe could get more signatures or addresses attached to the signatures that they already have.

Mr. Saylor moved to continue the matter for two weeks until August 15, 2016.

Mr. Ward seconded the motion, which passed on a voice vote of 5-0.

Submitted by:

Approved by:

YaYa Diatta

Thomas Saylor, Secretary