

**From:** [Amy Atkinson](#)  
**To:** [\\*CI-StPaul](#), [Contact-Council](#), [CouncilHearing \(CI-StPaul\)](#)  
**Subject:** Appellant Comment on 1841 Lincoln Ave. Case 22-106148  
**Date:** Tuesday, December 6, 2022 11:46:24 AM

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Please add this to public comments on Case 22-106148 immediately for review by the Council.

Dear members of the St. Paul City Council,

Thank you so much for your time and consideration the afternoon of November 16. During that meeting, it became so clear to us of the importance of approval of building a single-family home on our 40 foot wide by 150 foot deep lot in Macalester Groveland and the city of St. Paul.

As we mentioned in our presentation to each of you, what has transpired since our initial request to split these lots has been so important to all of the citizens of the city of St. Paul. This case presents you with the opportunity for leadership, to do the right thing for our community, and to set a clear direction that we are working hard to solve the housing crisis in our city.

While we have already provided the err on facts and procedure by the Board of Zoning and Appeals, we are responding to Council person Tolbert's request to address the findings on plight and practical difficulties as stated by the Board of Zoning and Appeals.

We want to first quote the findings by Mr Eide, which were approved by 4 of the 6 voting members at our meeting. 2 members did not vote to approve the findings:

"The applicants are currently able to enjoy this parcel with the 80' lot width. The parcel is suitable for the existing single-family dwelling and conforms to the lot width and size requirements. The applicant is creating their own difficulty by proposing to split the parcel in half, creating two lots of nonconforming width. This finding is not met for both requested variances".

"The property owners are proposing to split this parcel and are creating the need for the variances. Their plight is due to their request to split the parcel, not due to a circumstance unique to the property. This finding is not met for both requested variances."

Upon review of 4 previously approved lot split variances for width, this past year, it is clear that the Board of Zoning and Appeal's findings are arbitrary. In all cases there were no extraordinary circumstances that required them to split the lot / no proven hardship and they were able to enjoy the parcel as is. In fact, they too were creating plight and practical difficulty by proposing the lot split, as defined in the findings of the BZA in our case. In addition, it appears there was no concern or variance required for square footage requirements in some of the cases.

1303 Randolph, File 22-037915- MGCC denied recommendation for split. BZA approved split on 5/02/22. Owners not residing in property. Even though the Macalester Groveland Community Council recommended denial of the split, staff member David Eide recommended approval. "Like I said before, a lot width of 40 feet is required. The new lot is proposed to be 36.53 feet wide for variance request of 3.47 feet. Finding 3) the applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner...Theoretically they could split the lot evenly to meet the 40-foot lot width for both parcels. However, this lot would require a side yard setback variance for the existing home, because the existing home would be less than four feet from the newly created property line. A home less than five feet from the property line would require fireproofing and limits the number of windows permitted. Alternatively, the home could be moved over or shaved off to comply with the side setback requirement. These are not practical options to meeting the code. The existing home is already present at the location which creates a practical difficulty in complying with the provision. This finding is met. Finding 4) the plight of the landowner being due to circumstances unique to the property not created by the landowner. The existing homes placement on the lot 1.5 feet from the center of this 80.04 foot parcel is a circumstance into the property that was not created by the landowner. This finding is met".

During the first BZA meeting (where the variance didn't pass), Council chair Miller stated he lives on 35 foot wide lot and "Just in general, I voted in favor because I think in Macalester Groveland would be happy to have it, a lot 3 1/2 feet smaller than standard, I think. Like someone will be build on it and enjoy it. It's a popular area".

\*This case sets precedent in the Macalester Groveland area, as it allows a non-conforming lot of both width and square footage (even though the lot split was not necessary) and it is highly relevant, as it was a recent decision.

Furthermore, in all scenarios, the approved variance is for a lot width smaller than 40 feet. The lot split at 1303 Randolph is  $36.53 \times 123.06 = 4,495$  sq ft. The required square footage for R4 is 5000 square feet.

1317 Minnehaha Ave E, BZA approval on 12/27/22

2318 Standish St. BZA approval on 7/12/22

1255 Desoto Street, BZA approval on 5/16/22

How is it OK to allow a lot, which is non-conforming in it's zoning on width and square footage and not approve our lot that is 40 x 150, or 6000 square feet? The existing home at 1841 Lincoln is fully situated on lot 6, allowing for proper development on a 40 foot wide x 150 feet deep lot on Lot 7. A lot like ours at 1841 Lincoln Avenue, that doesn't have set back issues if the lot is split, meets the square footage requirements and is more than properly situated to be developed than all 4 previously approved lots, does not meet the Board of Zoning and Appeals requirements? There is clearly an err in finding on plight and practical difficulties in our case.

As previously noted, we commend the Macalaster Groveland community Council for their approval of this, we commend the two members of the BZA who also voted to approve this, and we ask that after seeing the err in findings and and precedent being set, to approve this project immediately.

Thank you so much for your consideration of our case, and with all of the information gathered, and history of this case, we feel it is the right thing to approve this.

Sincerely,

Amy and Kurt Atkinson