

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 22-086120
DATE: October 3, 2022

Deadline for Action: October 13, 2022

WHEREAS, Amy & Kurt Atkinson have applied for variances from the strict application of the provisions of Section 66.231 of the Saint Paul Legislative Code pertaining to the minimum lot width requirement. The applicants are proposing to split this parcel that contains an existing single-family dwelling in order to create a new lot that would be suitable for a new single-family dwelling. A lot width of 50' is required; both lots are proposed to be 40' wide, for a variance request of 10' each in the R3 zoning district at **1841 Lincoln Avenue** PIN: 042823310097; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on September 6, 2022 and October 3, 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 site currently consists of a single parcel that is 80' wide and 150' deep. The survey provided by the applicant labels the site as parcel "A" and "B". Parcel "A" is proposed to be 40 by 150 feet and would retain the existing home and detached garage. Parcel "B" is the proposed new lot that would eventually be the site of a future single-family dwelling, although staff have not seen plans for the exact structure.

The subdivision would result in two nonconforming parcels that would not comply with the lot width requirement of 50' in the R3 zoning district. The applicant is requesting a variance of the lot width requirement for both proposed new parcels.

The R3 one-family residential zoning district is intended to "provide for an environment of predominantly low-density, one-family dwellings." This request would allow creation of an infill lot that could be developed for a single-family dwelling. This request is consistent with the purpose and intent of Zoning Code Sec. 60.103 to provide for housing choice. **This finding is met for both requested variances.**

2. The variance is consistent with the comprehensive plan.

The requested variance to allow a new lot to be created where a single-family dwelling can be constructed in the future aligns with Policy H-46 in the Comprehensive Plan by supporting the development of new housing. **This finding is met for both 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 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.**

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

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.**

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

A single-family lot is permitted in this zoning district. No unallowed uses will be permitted under this application. **This finding is met for both requested variances.**

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

The request to create a new lot suitable for a new single-family dwelling will not alter the essential character of the surrounding area, given that 6 of the 12 lots on the north side of this block currently do not meet the 50' lot width requirement. **This finding is met for both requested variances.**

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.231 in order to split this parcel to create two 40' lots on property located at 1841 Lincoln Avenue PIN: 042823310097; and legally described as Kenna's Sub Lt53 B4 Rsd1 Pk Lots 6 And Lot 7; 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: Porter

IN FAVOR: 4

AGAINST: 2

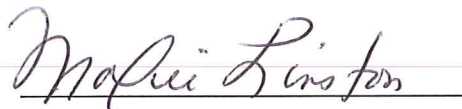
MAILED: October 6, 2022

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 September 6, 2022 and October 3, 2022 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Maxine Linston
Secretary to the Board

