



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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Board of Zoning Appeals

Staff Report

TYPE OF APPLICATION: Major Variance **FILE #:** 22-086120

APPLICANT: Amy & Kurt Atkinson

HEARING DATE: September 6, 2022

LOCATION: 1841 Lincoln Avenue

LEGAL DESCRIPTION: KENNA'S SUB LT53 B4 RSDL PK LOTS 6 AND LOT 7

PLANNING DISTRICT: 14

PRESENT ZONING: R3

ZONING CODE REFERENCE: § 66.231

DATE RECEIVED: August 15, 2022

REPORT DATE: August 26, 2022

DEADLINE FOR ACTION: October 13, 2022 **BY:** David Eide

A. **PURPOSE:** 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.

B. **SITE AND AREA CONDITIONS:** This is an 80' x 150' lot on the north side of Lincoln Avenue between Howell Street South and Fairview Avenue South. An alleyway abuts the property to the North.

Surrounding Land Use: Primarily single-family dwellings to the East, West, and South. Residential land commercial uses to the north.

C. **ZONING CODE CITATION:**

Sec. 66.231. - Density and dimensional standards table.

Table 66.231, residential district dimensional standards, sets forth density and dimensional standards that are specific to residential districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.231. Residential District Dimensional Standards

Zoning District	Lot Size Minimum (per unit)		Building Height Maximum		Yard Setbacks Minimum (feet)		
	Area (sq. feet)	Width (feet)	Stories	Feet	Front	Side	Rear
RL one-family large lot	21,780 (b)	80	3	30	30 (f)	10	25
R1 one-family	9,600 (c)	80	3	30 (l)	30 (f)	10	25
R2 one-family	7,200	60	3	30 (l)	25 (f)	8 (g)	25
R3 one-family	6,000	50	3	30 (l)	25 (f)	6 (g)	25
R4 one-family	5,000	40	3	30 (l)	25 (f)	4 (g)	25

D. FINDINGS:

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.**

- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter from District 14 – Macalester Groveland Community Council recommending approval of the requested variances.
- F. **CORRESPONDENCE:** Staff received three letters from residents opposing this variance request, one of which was from the property owner directly abutting this property at 1833 Lincoln Avenue.
- G. **STAFF RECOMMENDATION:** Based on finding 3 and 4, staff recommend denial of the requested variances.