



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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Board of Zoning Appeals Staff Report

TYPE OF APPLICATION: Minor Variance **FILE #:** 21-310398

APPLICANT: Thomas Schroeder

HEARING DATE: November 1, 2021

LOCATION: 1446 Summit Avenue

LEGAL DESCRIPTION: WANN'S ADDITON TO,ST. PAUL SUBJ TO ST LOTS 12 AND LOT 13 BLK 4

PLANNING DISTRICT: 14

PRESENT ZONING: R2

ZONING CODE REFERENCE: §63.501

DATE RECEIVED: October 11, 2021

REPORT DATE: October 25, 2021

DEADLINE FOR ACTION: December 9, 2021 **BY:** David Eide

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- A. **PURPOSE:** This property has two existing detached garages totaling 908 square feet in size. The applicant is proposing to demolish one garage and construct a new garage, resulting in a total of 1,438 square feet of accessory structures. The zoning code limits the footprint of accessory structures to 1,000 square feet, for a variance of 438 square feet.
- B. **SITE AND AREA CONDITIONS:** This is an 80' x 200' lot located on the south side of Summit Avenue between Pascal Street South and Albert Street South. The property has two detached garages on the southern side of the parcel that are accessed via an alley. The one-stall clapboard sided garage is contributing to the historic district and is proposed to remain.

Surrounding Land Use:

North: Single-Family Dwellings (R2)
East: Single-Family Dwelling (R2)
South: Multi-Family Dwelling & Duplex (RM2 & OS)
West: Single-Family Dwelling (R2)

C. ZONING CODE CITATION:

Sec. 63.501. - Accessory buildings and uses.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

(f) Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.

On zoning lots containing one- and two-family dwellings, there shall be a maximum of three (3) accessory buildings, the total of which shall not occupy more than one thousand (1,000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district.

D. FINDINGS:

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

There are two existing garages in the rear yard at this property; a 318 square foot garage, which is contributing (to the historic district) that cannot be removed, and a two-stall, 590 square foot noncontributing garage. The applicant states that the existing garages are too small to meet their parking and personal storage needs. As a result, they are proposing to remove the existing two-stall garage and construct a new three-car detached garage with potential for a future accessory dwelling unit (ADU) on the second story. The applicant is proposing this larger new three-stall garage to accommodate their vehicles, trailer, and woodworking and home restoration hobby. The new garage would not be easily visible from the street. The zoning code prohibits a Home Occupation in an accessory building or garage. Provided the garage is not used for commercial purposes or as a Home Occupation, this request aligns with Section 30.103 of the Zoning Code to conserve and improve property values. **This finding is met.**

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

The proposed garage will be more usable to the applicant than the existing garages. The plan entails keeping an existing contributing garage on the property. Granting this zoning variance would allow the applicant to construct a more functional garage and is consistent with policy LU-4 in the comprehensive plan which encourages flexible building design to ensure ongoing functionality and viability. **This finding is met.**

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.*

According to the applicant, the existing garage that is contributing to the historic district is not usable for storage of a vehicle, boat, or trailer due to the low clearance of the overhead door and the relatively short depth. Since the contributing 318 square foot garage is required to remain, it decreases the total potential size of a new garage that can be built on the property. The rear yard is relatively large and the proposed size of the accessory structure after completion of the project and the remaining garage would occupy less than the 35% maximum rear yard lot coverage allowed. In order to accommodate the interior stairway and provide needed depth for the applicant's pickup truck and personal belongings, a larger garage is needed. These conditions are practical difficulties in complying with the provision. **This finding is met.**

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

The existing contributing garage that must remain and contributes towards the square footage of the accessory structures was not constructed by the applicant and is a circumstance unique to the property that was not created by the landowner. **This finding is met.**

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

A garage is an accessory building permitted in all zoning districts. **This finding is met.**

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

The proposed garage would be located to the rear of the lot near the alleyway. The proposal was reviewed and approved by HPC and there are similar structures near the alleyway. This structure would not alter the essential character of the surrounding area. **This finding is met.**

- E. **DISTRICT COUNCIL RECOMMENDATION:** District 14 (Macalester Groveland Community Council) sent a letter recommending approval of this variance request dated October 28, 2021.
- F. **CORRESPONDENCE:** Staff have not received any correspondence regarding this project.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommend approval of the requested variance subject to the condition that the garage is not used for commercial purposes or as a Home Occupation.