

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 23-025706
DATE: May 15, 2023

Deadline for Action: May 25, 2023

WHEREAS, Sandra Medina has applied for a variance from the strict application of the provisions of Section 65.705 & Section 63.314 of the Saint Paul Legislative Code pertaining to the lot size, landscape buffer requirement, and shade tree requirement in order to establish an auto repair station use on this property. In 2020, zoning variances were approved in order to establish an auto repair station on this property. The use was not established and the variances subsequently expired. A new applicant is proposing to establish a similar use as the previous applicant. The following variances are requested: 1.) Automotive repair facilities require a lot size of 15,000 square feet, 6,000 square feet is proposed, for a variance of 9,000 square feet. 2.) A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence. This property adjoins two residences located to the northwest and southeast of the property. A 4' buffer is proposed along the western property line, for a variance of 6' on that side. A 0' buffer is proposed along the eastern property line, for a variance of 10' on that side. 3.) To meet the tree planting requirement, a minimum of at least one (1) shade tree shall be planted for every five (5) parking spaces in a surface parking lot. The proposed eight (8) parking spaces require one (1) shade tree; no trees are proposed, for a variance of this requirement in the I1 zoning district at 475 Como Avenue PIN: 252923310091; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 17, 2023 and May 15, 2023 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.*

This property is located in an industrial district and the existing building was approved as a storage building by zoning. Although the building was mostly used for storage, the previous owner repaired their equipment within the building. The applicant is proposing to establish an auto repair facility open to the general public. Como Avenue in front of this property is a parkway. The approved site plan from 1993 shows a 25' landscape buffer on the southwest corner of the property. It appears that the property owner at some point paved directly up to the sidewalk and installed a sign in the public right-of-way. Provided that the previously approved front yard landscaping is installed as shown in the 1993 site plan, the business sign is removed from the public right-of-way, a poured concrete curb is constructed to prevent vehicles from encroaching in that required front yard, a sign stating "No backing into or out of Como" is installed as shown in 1993 site plan, and obscuring fences are maintained along the eastern and western property lines separating the parking facility from the residences for as long as the residential uses are present, the requested variances align the intent of Sec. 66.512 of the I1 – light industrial district to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way. **This finding is met for all requested variances.**

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

The requested variances will allow this building to be utilized as an auto repair location, which is compatible with the other industrial uses permitted in this district. This proposal is in alignment with LU-5 in the Saint Paul 2040 Comprehensive Plan, to encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities. In addition, it aligns with LU-6 by facilitating business creation, attraction, retention, and expansion.

Removal of the parkway encroachment aligns with Policy PR-43 by addressing physical park encroachments that impair use.

This finding is met for all 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.*

This property is only 50' wide and has single-family dwellings to the northwest and southeast of this property. This means that the applicant would have to install the required buffer area on both sides of this property, thereby reducing the functional width of the lot to only 30'. Installing the required landscaping between the residential properties and this one would cut off access to both repair bays, reduce the maneuvering lane to only 10' instead of the required 20', which would ultimately prohibit vehicular mobility in the parking lot. The applicant is proposing to install 4' of landscaping along the western property line, which is a reasonable amount of landscaping given the width of the lot. The narrow width of the lot is a practical difficulty in complying with the landscaping requirements.

The tree planting requirement states that shade trees must be planted in perimeter landscaping and in any required interior landscaping. There is a shade tree in the right-of-way and another tree near the property line on the adjacent lot to the northwest. Given that the required 25' front yard landscaping should give enough room for a shade tree, there are no practical difficulties in complying with this provision, as the room exists to install a shade tree.

This finding is met for all requested variances, except for the shade tree requirement.

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

The narrow width of the lot and the existing paving are circumstances unique to the property not created by the current landowner. **This finding is met for all requested variances.**

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

The requested variances will allow a property to be used for automotive repair on a lot that's smaller than required without the appropriate landscaping or a screening fence. No unallowed uses will be permitted with these variance requests. **This finding is met for all variance requests.**

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

The requested variances will not alter the essential character of the area as the proposed use is industrial in nature and matches other automotive repair facilities within the area. Provided that the required front yard landscaping is added, the public right-of-way encroachments are removed, and obscuring fences are maintained along the eastern and western property lines separating the parking facility from the residences for as long as the residential uses are present, this proposal will improve the general appearance of the property and will contribute to the aesthetic value of the two single-family dwellings that flank it. **This finding is met for all variance requests.**

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 65.705 in order to permit an auto repair station on a property of 6,000 square feet with a landscaped buffer of 4 feet on the western side and 0 feet on the eastern side on property located at 475 Como Avenue PIN: 252923310091; and legally described as Foundry Addition Ex Swly 1o Ft For Ave Lot 10 Blk 11; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY APPROVED, subject to the following conditions:** 1) **The previously approved front yard landscaping is installed as shown in the 1993 site plan.** 2) **The business sign is removed from the public right-of-way.** 3) **A poured concrete curb is constructed to prevent vehicles from encroaching in that required front yard.** 4) **A sign stating "No backing into or out of Como" is installed as shown in 1993 site plan.** 5) **Obscuring fences are maintained along the eastern and western property lines separating the parking facility from the residences for as long as the residential uses are present.**

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 63.314 in order to permit a parking lot with eight (8) parking spaces and no shade trees on property located at 475 Como Avenue PIN: 252923310091; and legally described as Foundry Addition Ex Swly 1o Ft For Ave Lot 10 Blk 11; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED.**

MOVED BY: Clarksen

SECONDED BY: Dayton

IN FAVOR: 5

AGAINST: 0

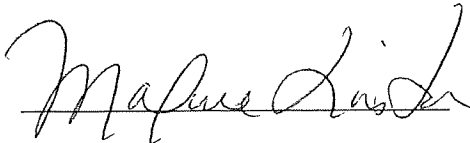
MAILED: May 19, 2023

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 April 17, 2023 and May 15, 2023 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