

FILE
11-282158

Debbie Crippen - Zoning file no. 11-282158

From: "Brian Alton" <Brian@mcclay-alton.com>
To: "Corinne Tilley" <Corinne.Tilley@ci.stpaul.mn.us>, "Debbie Crippen" <deb...>
Date: 12/9/2011 10:43 AM
Subject: Zoning file no. 11-282158
CC: "Bob McClay" <Bob@mcclay-alton.com>
Attachments: 2011.12.08 Letter to BZA re 949 Grand.pdf

Attached is a letter regarding the property at 949 Grand Avenue in opposition to the variance. I understand this matter is on the agenda for the Board of Zoning Appeals on December 12, 2011. Please see that this letter is distributed to the Board. Thank you.

Brian D. Alton

M^cCLAY • ALTON, P.L.L.P.

951 Grand Ave
 St. Paul, MN 55105
 FAX 651-290-2502
 651-290-0301
brian@mcclay-alton.com

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From: Brian Alton
Sent: Thursday, December 08, 2011 10:40 AM
To: 'Corinne Tilley'
Cc: Bob McClay
Subject: 949 Grand

Corinne,

I am one of the owners of the property at 951 Grand Avenue where my office is located. 949 Grand is next door. I am opposed to the request for a parking variance. Since the building at 949 Grand was rebuilt, we have experienced regular parking problems in our parking lot associated with employees and customers at 949 Grand. The problems will only get worse if the variance is granted to allow a beer and wine license for the planned restaurant.

I will follow up this email with a letter.

Thank you for your consideration.

Sincerely,

Brian D. Alton
M^cCLAY • ALTON, P.L.L.P.
 951 Grand Ave
 St. Paul, MN 55105
 FAX 651-290-2502
 651-290-0301

MCCLAY • ALTON, P.L.L.P.
ATTORNEYS

Robert M. McClay
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*Also Licensed in Wisconsin

December 8, 2011

Joyce Maddox, Chair
Board of Zoning Appeals
CITY OF SAINT PAUL
375 Jackson St., Suite 220
St. Paul, MN 55101-1806

Re: File no. 11-282158

Dear Ms. Maddox:

As the owners of the property located at 951 Grand Avenue, we are writing to express our opposition to the request for a parking variance for the building at 949 Grand. We have experienced regular parking problems in our parking lot associated with employees and customers at 949 Grand. These problems will be aggravated if the variance is granted to allow a beer and wine license for a restaurant.

The Findings in the staff report make it clear that the variance should be denied. The variance is not consistent with the Comprehensive Plan and the District 16 neighborhood Plan. There are no unique circumstances that justify the granting of the variance. Once granted, the variance for the proposed new use, and other potential future uses, would alter the essential character of the surrounding area.

Thank you for your consideration.

Very truly yours,
McClay•Alton, PLLP



Brian D. Alton
brian@mcclay-alton.com

BDA:mm

Corinne Tilley - 949 Grand

FILE
11-282158

From: "Brian Alton" <Brian@mcclay-alton.com>
To: "Corinne Tilley" <corinne.tilley@ci.stpaul.mn.us>
Date: Thursday, December 08, 2011 11:22 AM
Subject: 949 Grand
CC: "Bob McClay" <Bob@mcclay-alton.com>

Corinne,

I am one of the owners of the property at 951 Grand Avenue where my office is located. 949 Grand is next door. I am opposed to the request for a parking variance. Since the building at 949 Grand was rebuilt, we have experienced regular parking problems in our parking lot associated with employees and customers at 949 Grand. The problems will only get worse if the variance is granted to allow a beer and wine license for the planned restaurant.

I will follow up this email with a letter.

Thank you for your consideration.

Sincerely,

Brian D. Alton

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951 Grand Ave

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Summit Hill Association

October 14, 2011

Board of Zoning Appeals
Yaya Diatta, Staff
375 Jackson St., Suite 220
St. Paul, MN 55101

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
Fax 651-222-1558
www.summithillassociation.org
e-mail: summithill@visi.com

RE: Zoning File Number #11-282158

Dear Members of the Board:

The Zoning and Land Use Committee (ZLU) of the Summit Hill Association (SHA) - District 16 Planning Council held a neighborhood public hearing on October 12, 2011 regarding an application submitted to the City of St. Paul by Mr. Kevin Vanderaa requesting a variance of the off-street parking requirements in order to obtain a wine and beer license for Cup Cake Restaurant. The previous retail use required 3 off-street parking spaces, the new use requires 10 off-street parking spaces for a variance of 7 parking spaces

The Zoning and Land Use Committee had solicited input from the surrounding property owners and tenants within 350 feet. In response, SHA received one email message opposing the variance application; in addition to the one business owner who attended the Oct. 12th hearing and who was also opposed.

At the Oct. 12th hearing, the ZLU Committee discussed the application with Mr. Vanderaa referring to *City of St. Paul Zoning Code - Chap. 61.601 - Variances* as a guideline for their deliberations. The Committee had also received a copy of the October 11, 2011 BZA Staff Report which further informed the discussion.

The Committee heard a brief presentation from Mr. Vanderaa about his request for a variance. The applicant noted that he had signed a lease to rent the west portion of the commercial building at 949 Grand Avenue (a former retail space of 1,240 square feet), but later understood that a parking variance of 7 spaces would be required in order to have a wine and beer license for his new business. The property at 949 Grand had already been granted a parking variance of two spaces back in May 2009 and at that time, the request had been supported by SHA District 16.

In opening the hearing for community input, the single email sent to SHA was read into the record. It indicated that the property owner living within the 350 foot area strongly believed that the magnitude of the variance request "defeats the purpose of the rules that were developed to allow commercial and residential property to coexist".

In addition, Mr. Robert McClay, co-owner of the law firm just west of 949 Grand Ave. attended the hearing and shared his concerns. He was not only concerned about the size of the variance; but has been frustrated about the current situation in which he asserts that his off-street parking spaces behind his building have been repeatedly used by either employees or customers of the businesses located at 949 Grand Ave. - even when they have been asked not to park there. Mr. McClay noted

that having a parking problem on Grand is in some ways a "good thing" (i.e. showing the vibrancy of the area), but that a seven space variance would put too much pressure on his own business parking.

In the ensuing discussion with the ZLU Committee members, suggestions were made to the applicant regarding the option of finding additional "shared" parking with another business or with a property owner in order to meet the 7- space deficit. The Committee also indicated their general support for Cupcake and how it would be an asset on Grand; but found, in agreement with the BZA Staff Report, that the applicant had not met the necessary requirements for a variance.

The Committee, erroneously believing that whatever recommendation coming out of this hearing on Oct. 12th, would be reviewed and voted on at the subsequent SHA – District 16 Annual Meeting the next day Oct. 13th, encouraged Mr. Vanderaa to contact several city staff on the Oct. 13th to determine if the Committee's suggestions for "shared parking" might make it possible for Cupcake to avoid the need for a variance. It was later determined that by SHA bylaws, the vote by the ZLU Committee on Oct. 12, 2011 represents the opinion of the full SHA. This was later communicated to the applicant by the ZLU Committee Chair on Oct. 13th.

After a full discussion, a motion was made and seconded to recommend denying the variance application, as presently drafted, in light of the Committee's agreement with the BZA staff report of Oct. 11, 2011 and due to the comments from nearby residents and business owners. The motion to deny was passed on a vote of 6 -1.

If you have any questions about this recommendation, please contact Jeff Roy, SHA Executive Director, at 651-222-1222.

Sincerely,



Mark Berhow, Chair
Zoning and Land Use Committee
Summit Hill Association/District 16 Planning Council