



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND
INSPECTIONS

375 JACKSON STREET, SUITE 220
ST. PAUL, MINNESOTA 55101-1806
Phone: 651-266-8989 Fax: 651-266-9124

Board of Zoning Appeals

Staff Report

TYPE OF APPLICATION: Major Variance **FILE #**18-073086

APPLICANT: Jean E. Schroepfer

HEARING DATE: July 2, 2018

LOCATION: 1185 Dayton Avenue

LEGAL DESCRIPTION: Anna E Ramsey Add Lot 23 Blk 2

PLANNING DISTRICT: 13

PRESENT ZONING: RT1

ZONING CODE REFERENCE: 66.231

REPORT DATE: June 26, 2018 **BY:** Jerome Benner II

DEADLINE FOR ACTION: July 30, 2018

DATE RECEIVED: June 1, 2018

A. **PURPOSE:** The applicant is proposing to convert an existing single-family dwelling into a duplex. The following variances are being requested: 1) A minimum lot width of 50' is required for a duplex; the existing lot width is 39.6' for a variance request of 10.4' and 2) A side yard setback of 9' is required; the existing side setback is 3.8' on the west side for a variance request of 5.2'.

B. **SITE AND AREA CONDITIONS:** This is a 39.6' x 157.2' lot with alley access to a detached, three-stall garage.

Surrounding Land Use: This area consists predominately of single-family dwellings.

C. **BACKGROUND:** In 2009, the Board of Zoning Appeals denied a variance request to convert a single family into a duplex.

D. **ZONING CODE CITATION: Sec. 66.231.** Residential District Dimensional Standards require a minimum lot width of 50' and a side yard setback of 9'.

E. FINDINGS:

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

The applicant is proposing to convert an existing single-family dwelling into a duplex. The construction will take place solely on the interior of the structure and the footprint of the building will not be expanded. There is an existing detached, three-car garage located in the rear of the property that is accessed from the alley.

In 2009, the Board of Zoning Appeals denied a variance request of the minimum lot width requirement in order to allow the conversion of this structure into a duplex. The homeowner also obtained a building permit the same year to raise the roof of the structure and created a larger second floor for additional living space.

The proposed first floor would have two bedrooms, a den, kitchen, and an accessible bathroom. The second floor would consist of three bedrooms, bathroom, and a kitchen in a space that is currently being used as a laundry room.

The zoning code requires a minimum lot width of 50' and a side setback of 9' for a duplex. The existing lot width is 39.6' in the front and the west side of the structure is set back 3.8', resulting in the requested variances.

The RT1 two-family residential district provides for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

The proposal is in harmony with Sec. 60.103 of the zoning code which allows for the improvement of properties in order to conserve property values. This finding is met for all requested variances.

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

Strategy 2 found in the Housing Chapter of the Comprehensive Plan

encourages established city neighborhoods that are supported through the effective provision of infrastructure and services, and that the older housing stock is reinvigorated so neighborhoods remain desirable places to live. 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.*

The purpose of requiring a larger lot width and greater side setbacks for a duplex is to allow for more greenspace and to provide adequate light and air access to property. However, under this application, the additional unit would be constructed within the house, maintaining the existing footprint of the building, and not encroaching further into the setback area.

Given that there is no additional land available, it is difficult to create new housing that is suitable for the zoning district. However, this building was constructed as a single-family dwelling and operated that way for many years. The applicant has not demonstrated how the use of the property as a single-family is unreasonable and impractical. This finding is not met.

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

This structure was built as a single-family dwelling and has operated as such for several years. The conversion of this structure into a duplex is a circumstance that is self-created. This finding is not met.

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

This property is zoned RT1, one- and two-family residential district. The use of the property as a duplex is allowed. This finding is met for all requested variances.

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

This neighborhood has several multi-family structures, many of which are non-owner occupied. Allowing too many rental properties

in an area could deter homeownership and negatively impact the existing properties that are owner occupied. These variance requests could further exacerbate the influx of rental properties and alter the essential character of the neighborhood. This finding is not met.

- E. **DISTRICT COUNCIL RECOMMENDATION:** Union Park District Council has recommended denial of the variance request.
- F. **CORRESPONDENCE:** Staff has received letters from nearby property owners that are concerned about the number of rental properties in the immediate area.
- G. **STAFF RECOMMENDATION:** Based on findings 3, 4 and 6, staff recommends denial of the variance requests.