

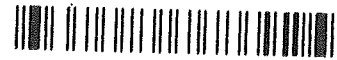
**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION**

ZONING FILE NUMBER: #04-144724

DATE: October 11, 2004

OFFICE CO. RECORDER
RAMSEY COUNTY MN

Fee Amount: \$19.50



WHEREAS, Pao F. Vang has applied for a variance from the strict application of the provisions of Section 63.501 of the Saint Paul Legislative Code pertaining to 1.) The maximum allowed height of an accessory structure, and 2.) To allow an accessory structure to be located in a required front yard in the R-4 zoning district at 930 Mound Street; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on October 11, 2004 pursuant to said application in accordance with the requirements of Section 64.203 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 property in question cannot be put to a reasonable use under the strict provisions of the code.*

This lot has a very steep slope and without a variance to allow a garage within a required front yard the applicant could not have any off-street parking. The applicant has poured the slab and erected the block walls for his garage but has not done any further work on the garage. He would now like to finish construction and add a second story to the garage for additional storage and to make it easier to access from the house. This is already going to be a large garage (24 by 30) and adding a second-story will make it look more like a second house on the lot rather than a garage. It is reasonable to reinstate the original variance to allow the applicant to complete the garage as planned, but the addition of a second story to an already large structure would not be consistent with plans approved with the Conditional Use Permit in 2001.

2. *The plight of the land owner is due to circumstances unique to this property, and these circumstances were not created by the land owner.*

The steep slope of the property and the lack of alley access are circumstances that prevent any off-street parking on he site without a variance. However, reasonable parking can be provided without the additional height variance.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

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A garage is a reasonable amenity for a single-family home. The garage, as originally proposed, would provide adequate parking and storage. The addition of a second story would create an imposing structure that would detract from the appearance of the house. Reinstating the original variance without the additional height variance is in keeping with the spirit and intent of the code.

- 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The garage as originally planned would be about 50% below grade and would not significantly affect the supply of light or air to adjacent properties.

A two-story structure this close to the street would not be consistent with the other homes on the block. The second-story would obscure the view of the house from the street and would leave the impression that the garage was the principal structure on the lot. This would not be in keeping with the character of the neighborhood and could have an adverse impact on surrounding properties.

- 5. The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

The proposed variances, if granted, would not change or alter the zoning classification of the property.

- 6. The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 63.501 to allow 1.) A maximum height of 17 feet-9 inches **IS HEREBY DENIED**,

Be it further resolved, by the Board of Zoning Appeals that the provisions of Section 63.501 be waived to allow 2.) An accessory structure in a required front yard, on property located at 930 Mound Street; and legally described as Rio Vista, St. Paul, Minnesota Lot 1; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

MOVED BY: Courtney
SECONDED BY: Faricy
IN FAVOR: 6
AGAINST: 0

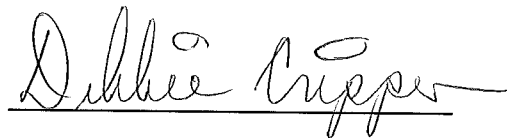
MAILED: October 12, 2004

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 October 11, 2004 and on record in the Office of License Inspection and Environmental Protection, 350 St. Peter Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Debbie Crippen
Secretary to the Board