

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 21-310398
DATE: November 1, 2021

Deadline for Action: December 9, 2021

WHEREAS, Thomas Schroeder has applied for a variance from the strict application of the provisions of Section 63.501 of the Saint Paul Legislative Code pertaining to the footprint of accessory structures in order to construct a new garage in the rear yard of this property. 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 in the R2 zoning district at 1446 Summit Ave PIN: 032823310084; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on November 1, 2021 pursuant to said application in accordance with the requirements of Section 61.601 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:

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.*

Although this property has a large rear yard area, this is not a circumstance unique to the property in and of itself that supports constructing a garage with a lot coverage footprint larger than that permitted under the code. The footprint of the proposed garage is a circumstance created by the landowner and is not a circumstance unique to the property. **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.*

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

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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.**

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 the construction of a three-stall garage in the rear of the property for a total of 1,438 square feet of accessory structures at 1446 Summit Avenue PIN: 032823310084; and legally described as Wann'S Additon To,St. Paul Subj To St Lots 12 And Lot 13 Blk 4; 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: Rangel Morales
IN FAVOR: 4
AGAINST: 2

MAILED: November 16, 2021

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 November 1, 2021 and November 15, 2021 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**