

File

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APPLICATION FOR APPEAL

APR 20 2016

Department of Safety and Inspections
375 Jackson Street, Suite 220 By: City of St Paul DSI
Saint Paul, MN 55101
651-266-9008

Zoning office use only
File no. 16-035023
Fee
Tentative hearing date: 05/18/16

APPLICANT Name: Dayton's Bluff Neighborhood Housing Services
Address: 823 E 7th Street
City: St. Paul St. MN Zip: 55106 Daytime phone: 651-774-2704
Name of owner (if different)

PROPERTY LOCATION Address: 427 Mount Ida Street
Legal description: Swanstorms Re L10 11 B8 Warner Lots
(attach additional sheet if necessary)

TYPE OF APPEAL: Application is hereby made for an appeal to the:
 Board of Zoning Appeals City Council
under the provisions of Chapter 61, Section 702, Paragraph a of the Zoning Code, to appeal a decision
made by the Board of Zoning Appeals
on April 11th, 2016. File number: 16-021085
(date of decision)

GROUNDS FOR APPEAL: Explain why you feel there has been an error in any requirement, permit,
decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the
Board of Zoning Appeals or the Planning Commission. see attached narrative

(attach additional sheet if necessary)

Applicant's signature: J. Euhl Date: 4-20-16 City agent
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Dayton's Bluff Neighborhood Housing Services (DBNHS) is appealing the Board of Zoning Appeals (BZA) denial of the DBNHS variance requests for a single-family home at 427 Mt. Ida Street.

The lot is currently vacant. It is 32' wide x 99' long and is owned by the Saint Paul HRA. The HRA is seeking to have a house built on the lot. The previous structure on the lot was a duplex. It was demolished a number of years ago.

The house as designed is 22' wide (City minimum width for a house) and it has a garage door and a primary entrance facing the street. The lot cannot accommodate a wider house and still meet other City requirements.

- The primary entrance facing the street provides direct access into the house through the garage. There also is a side entrance.
- The primary entrance facing the street is delineated by a front porch that extends over the door.
- The door is framed by two columns that support the porch.

The garage door is 14' wide, or 63,6% of the width of the house, exceeding the maximum width as defined in the Code (60% of width of the house) by 10". A normal double garage door is 16' wide, but this door will be special ordered, to get us closer to the allowed width and still allow satisfactory ingress and egress.

The variances were denied because City staff and the BZA felt that the door facing the street was not a primary entrance. They also felt the garage door was too wide for the width of the house. For these two reasons, they determined the proposed variances did not meet the intent of the Zoning code.

Our appeal is based on design related issues and procedural issues. The design related issues are as follows.

1. The intent of the zoning code is broad and it includes nearly 20 items specific to the design and construction of buildings in the City. Two overriding principles, regarding the intent of the zoning code, in particular, stand out as pertinent to our appeal.
 - a. **To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;**
 - i. **To provide housing choice and housing affordability.**

Our plan as presented in our variance requests, very clearly meets these two intents of the Code. It creates housing on a site that has considerable challenges and increases the choice and affordability of housing in the neighborhood.

2. A number of suggestions were made by the BZA regarding changes in the design. We added the front door based on their suggestion and we reduced the width of the garage door. Some of their other suggestions would require different variances, and/or they were impractical and would reduce the overall livability of the house. In fact, DBNHS and its architects looked at many of these ideas prior to coming up with our design.
3. The house as designed, in the opinion of DBNHS, our architect, the Railroad Island Task Force and District 5 Planning Council, best meets the intent of the Zoning Code while minimizing the cost and maximizing the value and marketability of the house.
 - There will be a construction gap approaching \$150,000 between the cost of building the house and the amount for which it can be sold.
 - In DBNHS' experience, the proposed BZA design changes would decrease the house's value and therefore increase this gap and make the house less marketable and out of compliance with the Inspiring Communities construction gap financing guidelines.
4. DBNHS has a different interpretation of the design standards that govern the placement of the door. The language from the code is below.
 1. a. **A primary entrance of principal structures shall be located within the front third of the structure; be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street. In addition, for one- and two-family dwellings, a primary entrance shall either: 1) face an improved abutting street; or 2) be located off of a front porch, foyer, courtyard, or similar architectural feature, and set back at least eight (8) feet from the side lot line.**

Our entrance faces an improved abutting street, is delineated by a roof overhang, is framed by architectural columns and is in the front third of the house, all of which are required design standards. While it is true the door goes into the garage and then into the house, nowhere in the code does this prevent our door from being considered a primary entrance.

5. Finally, DBNHS feels the width of the garage door is so close to the design standard that, practically speaking, such a minor variance won't be noticeable. We are using a special order 14' wide garage door so we can nearly meet the 60% width design requirement (our garage door is 63% of the width of the house).
 - The BZA found that we could build a single car garage. This would require us to have a 22' foot long entrance hall from the front door through the garage to the interior of the house which would be a waste of interior space and in our opinion, a very poor design in terms of the overall livability of the house. Additionally buyers in this market need a two-car garage,



especially on a lot like this with very little outdoor space available to build a storage shed.

- Also, it is incumbent on DBNHS to provide as much value in the house as possible for appraisal and other reasons and a single-car garage has significantly less value than a double-car garage.

The second reason for our appeal is procedural. This is not as important as the design issues above, but we feel it is important to note the issues. In January, 2016 DBNHS first filed for the variance and has since paid \$1,509 in variance application fees. In one instance, we weren't even informed we were on the BZA agenda. We never received a zoning report from staff prior to any of the hearings. Instead, we were provided copies by the District 5 Planning Council.

Throughout our long history of housing development in St. Paul, DBNHS has gone out of its way to avoid requesting variances and we have never appealed a BZA decision. In this case at 427 Mt. Ida, we feel we have to push for these variances to properly build a house on the site.