

FILE  
14-315255

# Summit Hill Association

District 16 Planning Council  
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Saint Paul, Minnesota 55105  
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October 13, 2014

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

**RE: Zoning File Number #14 - 315255**

Dear Members of the Board:

The Zoning and Land Use Committee (ZLU) of the Summit Hill Association (SHA) - District 16 Planning Council held a local public hearing on Tuesday, October 7, 2014 to review a double variance application submitted to the City of St. Paul by Steven and Jenny Virkus, owners of the property at 814 Grand Avenue. Prior attempts by SHA to schedule a hearing on this matter were not successful in that the SHA was not able to assemble of quorum of ZLU members within the time period required.

The application calls for two variances of the parking and setback requirements in order to legalize the use of the garage as a dwelling unit. (1) One of the three required off-street parking spaces was removed when the garage was converted into a dwelling unit by the previous property owner - without prior City approval. The applicants are requesting a variance because a replacement parking space cannot be provided. 2) In the T2 zoning district in which this property is located, a side yard setback of 6 feet is required for structures with windows facing a side yard, 3 feet is existing from the east property line and 4 feet is existing from the west property line for variances of 3 feet and 2 feet respectively.

During the hearing, the ZLU Committee discussed the application with Ms. Virkus and her attorney Mr. Joe Crosby referencing the *City of St. Paul Zoning Code - Chap. 61.601 - Variances* in its deliberations. The Committee also reviewed the August 11, 2014 BZA Staff Report by Mr. YaYa Diatta on this case.

The Zoning and Land Use Committee had solicited input from the surrounding property owners and tenants within 350 feet. SHA received several emails prior to the Oct. 7<sup>th</sup> hearing. All messages were opposed to both variances due to prior experience with vehicles associated with this proposed garage dwelling unit being parked illegally in the alley. They stated that with a parked vehicle(s), two-way traffic is difficult; and adequate winter snow plowing (paid for by residents along the alley) is not possible. These residents assert that not being able to adequately plow the alley also results in deep ruts being created by delivery trucks. Finally, they share a concern about reduced emergency vehicle access due to the narrowed alley.

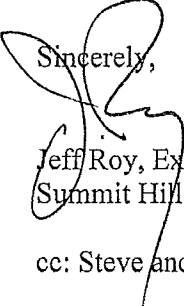
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After a short discussion with both Ms. Virkus and her lawyer, the ZLU Committee found that it agreed with the August 11<sup>th</sup> BZA Staff Report in that at least two variance findings were not met by this application. Finding #2: The proposed variances would be contrary to the Housing Density section of the Summit Hill/District 16 Neighborhood Plan which is an addendum to the City's Comprehensive Plan. And Finding #4: that the current owners had the responsibility to investigate the approved use of the property before purchasing, but apparently did not. On this basis, the ZLU Committee voted and with a 3-0 majority, recommends to the BZA that these variances be denied.

According to SHA policies, as the next meeting of the full SHA Board would not be held until November 13, 2014, this Committee's recommendation is the recommendation of the Summit Hill Association.

If you have any questions about the discussion or recommendation, you may contact me at (651) 222-1222.

Sincerely,



Jeff Roy, Executive Director  
Summit Hill Association/District 16 Planning Council

cc: Steve and Jenny Virkus

## Diatta, YaYa (CI-StPaul)

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**From:** Kay Willshire <kaywill47@gmail.com>  
**Sent:** Tuesday, August 26, 2014 10:37 AM  
**To:** Diatta, YaYa (CI-StPaul)  
**Cc:** Jeff Roy; Margaret Gadiant; Lucy Johnson; Jamine Ewine; Lange Kim; Val Cohn; Dunbar Elaine; Sharon Elmore  
**Subject:** File # 14 - 315255 Variance request from 814 Grand Ave

Regarding Public Hearing Notice - Board of Zoning Appeals  
File # 14 - 315255

I am responding to the request for two variances of the parking and setback requirements for the detached garage at 814 Grand Avenue.

I ask that the Board of Zoning Appeals deny the request for variances.

Relative to the excerpt of No. 2 in the BZA staff report, I believe that the variance would have a negative impact on traffic and parking in the alley between Avon St. on the east and Victoria St. on the west.

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

The Housing Density of the Summit Hill/District 16 Neighborhood Plan which is an addendum to the Comprehensive Plan is as follows: "Ensure that the impact of any increased density conforms to zoning and building requirements, and that the City considers the development's adverse impact on existing municipal services including, but not limited to, traffic and parking." The increased density created by adding a dwelling unit on this parcel and the removal of required parking are not in keeping with this vision or a goal of the Comprehensive Plan to lessen congestion in the public streets. This finding is not met for both variance requests.

Allowing the requested variances sets an unnecessary precedent and creates a safety hazard. The reasons for parking and space requirements are to maintain two-lane, two-way traffic through the alley and avoid building density. Another reason is safety - we need plenty of space for fire trucks and other emergency vehicles. I don't see parking into the alley right-of-way from the other businesses and multi-unit buildings because they provide parking space. Without rules there is potential for a one-lane alley crowded with illegal parking.

The alley is just wide enough for two-way traffic, but I have noticed (while walking our dogs 4 times a day) that there is usually a car parked in front of the garage during the day and all night. I assume that is the dwelling-unit renter. If a car is parked in front of the garage, there is no room for two-way traffic and someone driving from either direction has to stop and allow the oncoming vehicle to pass. This happens in the summer. During the winter this crowded situation is going to be even worse.

Three buildings on the north side of the alley do not allow for any extra space other than alley truck and car traffic. Those are the Cafe Latte building on the Victoria St. end, the Avon Place Condominium building 63 Avon on the Avon St. end and the 814 Grand garage next to the Avon Place Condominium garages. The cycle of winter snowplowing and snow dumping narrows the alley, and the ruts from daily semi truck traffic in the snow makes the alley almost impassable.

Thank you for your consideration of neighborhood safety in this variance request.

My husband Michael Carroll and I live at 803 Lincoln, which is at the Avon St. end of the alley.

Kay Willshire  
803 Lincoln Ave.

651-224-9906

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## Diatta, YaYa (CI-StPaul)

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**From:** Margaret Gadiant <margaretgadiant@gmail.com>  
**Sent:** Monday, August 25, 2014 8:22 PM  
**To:** Diatta, YaYa (CI-StPaul)  
**Cc:** #CI-StPaul\_Ward2  
**Subject:** File # 14-315255 814 Grand Ave, St. Paul, MN

This is regarding File # 14-315255, address: 814 Grand Avenue, which houses New Life Construction company and an apartment.

We received a hearing notice for the request of two variances 1) for one off-street parking space (of three spaces actually required for 814 Grand Avenue. and 2) for the variance of the T2 zoning district, in which this property is located, requiring a side yard setback of 6 feet for structures with windows facing a side yard.

In many respects this is a problem building. There is no space on either side of the building for parking. The end of the building is closer to the alleyway than the garages next to it, and the owners/renters park behind the building using part of the alley for their parking. In the winter the snow plow has trouble plowing around the parked cars.

The trucks and cars going down the alley create ruts, and it is particularly bad behind 814 Grand Ave. Parking should not be allowed behind the building.

The owner is asking for a variance for the third space, which was one of three spaces originally provided by the garage, since the apartment has taken up the third space. What the owner has not indicated is that the two parking spaces in the garage are not being used for parking - they are being used to store construction supplies. The variance should be for all three parking spaces which are required, but are not being provided.

I live at 809 Lincoln Avenue and I respectfully request denial of the parking variance.

Thank you,  
Margaret Gadiant



FILE  
14-315255

**Diatta, YaYa (CI-StPaul)**

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**From:** Sue Hunter <sthkrakow@gmail.com>  
**Sent:** Friday, August 15, 2014 11:40 AM  
**To:** Diatta, YaYa (CI-StPaul); summithill@visi.com  
**Subject:** Variance application File # 14-315255

Dear Yaya Diatta and Summit Hill Association,

We live in the Avon Place Condominiums that back up to the above property. We are reluctant to endorse this variance application for the following reasons:

- 1) In the winter, the vehicles parked behind this garage make it very difficult to drive through the alley when there are snowbanks or any delivery vehicles in the area.
- 2) The people who inhabit this property walk through our alley area all the time to access Grand Ave. This is a private resident-only space. They often stop in the area and smoke.
- 3) Sometimes, they temporarily park their trucks in our alley area, making it difficult to access our garages.

We feel that if the garage is made into a dwelling unit it will just make the situation worse and would like to ask you not to approve this variance.

Sincerely,  
Residents at 57 Avon St. S.  
St Paul

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**Diatta, YaYa (CI-StPaul)**

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**From:** Lucy Johnson <lucyhjohnson@msn.com>  
**Sent:** Wednesday, August 27, 2014 7:20 PM  
**To:** Jeff Roy; Diatta, YaYa (CI-StPaul)  
**Subject:** 814 Grand Ave Variance request zoning BZA Staff Report

Yaya Diatta,

I am writing to oppose allowing a variance of the parking and setback requirements for 814 Grand Avenue. As neighbors living at 845 Lincoln Avenue in St. Paul, we received a public hearing notice; file# 14-315255.

Currently, a vehicle is parked in the alley by this property and is frankly, a hazard when cars are trying to get through. I've never understood how that can be a "legal" parking spot. Not only, am I not in favor of granting the variance, but I think the "grandfathered in" situation needs to be addressed.

In the winter, the plows cannot clear the alley because a car or cars are parked in the alley in front of 814 Grand. This results in ruts and unsafe conditions. Emergency vehicles would have a very difficult time getting through.

Even today, there were cars parked and left unattended on both sides of the alley in front of this "garage/dwelling unit" which made it very difficult for my small car to get through.

Please don't allow the variance. I wish someone would look into the current situation and reverse it. The current situation where a car is parking in the alley is not safe and creates hazards. We are unable to have a completely plowed alley in the winter. Only the neighbors contribute to the cost of plowing the alley. None of the businesses on Grand contribute yet they use the alley and cause unsafe conditions for others.

Please feel free to contact me if needed.

Lucy Johnson  
651-224-7102

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