

CITY OF SAINT PAUL Deadline for Action: October 29, 2020
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 20-069819
DATE: October 5, 2020

WHEREAS, Sullivan Property Investments II, LLC has applied for a variance from the strict application of the provisions of Sections 60.207, 60.217, 63.110, 63.207, 63.210, 66.231, 66.232, 66.241 of the Saint Paul Legislative Code pertaining to lot size, lot width, lot coverage, density, off-street parking, and building design requirements in order to construct a triplex as a second principal building on a lot that has an existing triplex. The following variances are required: 1.) A primary entrance of principal structures shall be located within the front third of the structure. The applicant is proposing the main entrance to be in the rear of the building, for a variance of this requirement. 2.) 10 off-street parking spaces are required, 8 spaces are proposed including one bicycle rack, for a variance of 2 parking spaces. 3.) In residential districts, principal buildings shall not cover more than 35% of any zoning lot, 38.39% is proposed, for a lot coverage variance of 3.39%. 4.) This property is located in the RT2 zoning district and requires 2,500 square feet of lot size per unit. A lot size of 15,000 square feet is required for 6 units, 12,493 square feet is available, for a lot size variance of 2,507 square feet. 5.) A minimum lot width of 20' per unit is required in this zoning district. The existing lot width is nonconforming at 46.08' wide, the new triplex requires an additional 60' of lot width, for a variance of 60' of lot width. 6.) A minimum rear yard setback of 25' is required, 15' is proposed, for a variance of 10'. This property is located in the RT2 zoning district at 542 Portland Ave. PIN: 012823230226; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on October 5, 2020 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:

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

The applicant is proposing to construct a triplex as a second principal building on a lot that has an existing triplex. The following variances are required:

1.) A primary entrance of principal structures shall be located within the front third of the structure. The applicant is proposing the main entrance to be in the rear of the building, for a variance of this requirement.

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- 2.) 10 off-street parking spaces are required, 8 spaces are proposed including one bicycle rack, for a variance of 2 parking spaces.
- 3.) In residential districts, principal buildings shall not cover more than 35% of any zoning lot, 38.39% is proposed, for a lot coverage variance of 3.39%.
- 4.) This property is located in the RT2 zoning district and requires 2,500 square feet of lot size per unit. A lot size of 15,000 square feet is required for 6 units, 12,493 square feet is available, for a lot size variance of 2,507 square feet.
- 5.) A minimum lot width of 20' per unit is required in this zoning district. The existing lot width is nonconforming at 46.08' wide, the new triplex requires an additional 60' of lot width, for a variance of 60' of lot width.
- 6.) A minimum rear yard setback of 25' is required, 15' is proposed, for a variance of 10'.

The requested variances, if approved, will allow a second triplex to be constructed, thereby creating additional housing in the city. The applicant is working with the Historic Preservation Commission (HPC) to ensure the aesthetics and design of the proposed triplex will meet their design standards to ensure the proposed house blends in with the surrounding properties on Summit Ave.

A triplex could be constructed without a covered front porch to meet the allowed maximum lot coverage of 35%. However, the porch is a requirement of the HPC design standards and must be incorporated, which causes the lot coverage to be exceeded.

Provided HPC approves the applicant's proposal and the hydraulic lifts are installed as indicated on the plans submitted with this variance application, the requested variances align with Sec. 60.103 of the Zoning Code to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community, to provide housing choice, and to conserve and improve property values. This finding is met for all variance requests.

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2. The variance is consistent with the comprehensive plan.

The requested variances will allow the applicant to construct additional housing on a lot that is similar in size compared to several of the adjacent lots that have an equal amount of density. These requests are consistent with the intent of policy 1.40, which aims to “promote the development of housing that provides choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors.” It is also consistent with the Comprehensive Plan Policy 3.4 which supports infill housing that fit within the context of existing neighborhoods and compatible with the prevailing pattern of development. This finding is met for all variance requests.

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 lot cannot be expanded in size or width to create the additional 2,507 square feet of lot size or 60’ of lot width required under the current zoning code to accommodate the proposed triplex. This is a practical difficulty in complying with the provisions of the Zoning Code.

The applicant can place the required primary entrance in the front third of the building and construct the proposed triplex with 34.92% lot coverage without the covered porch on the rear of the building facing Summit Ave. This would then alleviate the need for the rear yard setback variance request, because the proposed triplex would meet the minimum 25’ setback requirement from the rear property line. However, since this property is located in the local historic preservation district, it is subject to HPC’s design requirements. These requirements are necessary for the HPC to approve any project within its purview. This is a practical difficulty in meeting the Zoning Code requirements for the primary entrance location, lot coverage, and rear yard setback requirement.

The two triplexes require 10 off-street parking spaces. The applicant is providing 8 spaces for the future tenants to park, with 4 spaces in the surface parking lot between both triplexes and 3 parking spaces in the new triplex. Additionally, the applicant is providing a bicycle rack that can accommodate up to five bicycles, which can substitute for 1 off-street parking space.

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Each unit will have its own garage stall with one parking space that will have its own hydraulic lift. The lift allows for two cars to be parked in one parking space, thereby creating 3 additional parking spaces, which cannot be counted towards the parking requirement due to the Zoning Code's definition of a parking space. This definition does not account for garages that have hydraulic lifts. This is a practical difficulty in meeting the zoning code requirements for off-street parking and the applicant's proposal is a reasonable solution to the parking shortfall.

This finding is met for all variance requests.

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

The lot size, which directly correlates to housing density, and legally nonconforming lot width are unique circumstances to the property not created by the landowner.

The applicant must include HPC's design requirements such as the primary entrance location facing Summit Ave. and the covered porch on the rear of the building, which results in the property exceeding the 35% maximum lot coverage permitted and brings the house further within the required rear yard setback. This is due to the property being located within the local historic preservation district. The location of the property in the local historic preservation district is a unique circumstance to the property not created by the landowner.

In order for the applicant to provide the required number of off-street parking spaces, an additional variance for either parking in the front yard or parking within 4' of the west property line in the rear yard adjacent to the proposed triplex would be required. There is no room left on the lot to provide the two-parking space shortfall without a variance. This is a unique circumstance to the property not created by the landowner.

This finding is met for all variance requests.

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

The requested variances will allow another triplex to be constructed on a lot with an existing triplex. This property is located in the RT2 zoning district, which allows two principal buildings. No unpermitted uses will be allowed with the requested variances. This finding is met for all variance requests.

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

If this property was not located in a local historic district and not held to HPC design requirements, the applicant would be able to meet the primary entrance location, minimum rear yard setback, and lot coverage requirements. The requested variances will allow the applicant to meet the design standards for properties located in the local historic district that HPC requires. This will make the proposed triplex blend in with the character of the surrounding area.

The off-street parking variance request will not alter the character of the surrounding area by adding to the already congested levels of on-street parking since the applicant is proposing to install hydraulic lifts in each garage, which will allow each tenant in the new triplex to park two cars in one parking space in the provided tuck-under garage. This will reduce the potential of any additional cars from parking on the street.

The requested variances from the required lot area and lot width will not alter the essential character of the area since the proposed triplex will have a functional front entrance facing Summit Ave. and it will be comparable in size to 545 Summit Ave. and 533 Summit Ave., which are the adjacent properties that face Summit Ave. These requested will also not affect the character of the area for the properties along Portland Ave. as the proposed triplex will be setback into the existing lot approximately 161' from Portland Ave.

This finding is met for all variance requests.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Sections 60.207, 60.217, 63.110, 63.207, 63.210, 66.231, 66.232, 66.241 pertaining to lot size, lot width, lot coverage, density, off-street parking, and building design requirements in order to construct a triplex as a second principal building on a lot that has an existing triplex on property located at 542 Portland Ave.; and legally described as Auditor's Subdivision No. 11 The N 32 Ft Of Lot 13 & Ex E 4 Ft; Lot 8 Blk 22; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS HEREBY APPROVED, subject to the condition that final approval from HPC is obtained and hydraulic lifts are installed according to the plans submitted with this variance application.**

MOVED BY: Miller

SECONDED BY: Clarksen

IN FAVOR: 6

AGAINST: 0

MAILED: October 16, 2020

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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 5, 2020 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**