

SUBDIVISION WITH VARIANCES STAFF REPORT

FILE NAME: Augustus Corner

FILES #24-076-175 and #24-095-838

TYPE OF APPLICATION: Final (Combined) Plat and Variances **HEARING DATE:** January 15, 2024

LOCATION: 1905-1913 Iglehart Avenue (northeast corner of Iglehart and Howell)

PIN AND LEGAL DESCRIPTION: 33.29.23.34.0143, 33.29.23.34.0144, 33.29.23.34.0146; see file for legal description

PLANNING DISTRICT: 13

PRESENT ZONING: H2

ZONING CODE REFERENCE: § 69.301; § 69.405; § 69.406; § 69.508; § 69.511; § 69.703

STAFF REPORT DATE: December 12, 2024

BY: Kady Dadlez

DATE RECEIVED: November 15, 2024 (Plat)

DEADLINE TO FORWARD: December 14, 2024

DATE RECEIVED: November 19, 2024 (Variance)

DEADLINE FOR ACTION: January 17, 2025

- A. **PURPOSE:** Final (combined) plat for Augustus Corner to create five H2 residential lots, and two variances related to the combined plat: 1) variance from the regulation that all interior lots designated for residential use must adjoin an alley when available (the variance would allow an interior lot to be created that does not adjoin an available alley); and 2) variance from the regulation requiring a 20-foot wide easement across a single lot for utility, pedestrian, and house numbers (the variance would allow the pedestrian easement to be 5 feet wide and be across two lots, and allow the house numbers easement to be 3 feet wide).
- B. **PARCEL SIZE:** The corner parcel has about 130 feet of frontage on Iglehart Avenue and about 150 feet of frontage on Howell Street for a total lot area of 19,494 square feet (0.448 acres).
- C. **EXISTING LAND USE:** The property is vacant, except for a brownstone retaining wall.
- D. **SURROUNDING LAND USE:** The property is surrounded by residential development with one to four dwelling units and the Historic Triune Masonic Temple (to the south) in an H2 zoning district.
- E. **ZONING CODE CITATION:** § 69.301 states that platting is required when a subdivision (1) creates five or more lots or parcels each of which is 2½ acres or less in size, or (2) requires paved streets, alleys and other public improvements, or (3) is previously unplatted land. § 69.405 provides for the process for combining preliminary and final plats. § 69.406 provides the criteria for review of subdivision applications; these criteria are covered below under "Required Findings." § 69.508 provides regulations for lots created by a plat. § 69.511 regulates parkland dedication. § 69.703 provides the required findings for variance of the subdivision regulations.
- F. **HISTORY/DISCUSSION:** There was a lot split of the property in 2018, Zoning File #18-083-638, to create four parcels. That process involved demolition of a house at 1911 Iglehart and relocation of the house at 1905 Iglehart to the easterly parcel, 1899 Iglehart. The three other parcels constitute the subject site for this application to create five lots
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Union Park District Council supports the combined plat request. No recommendation on the variances was received at the time of this staff report.

H. **REQUIRED FINDINGS:** § 69.406 of the Zoning Code states that all of the following findings shall be made prior to approval of a subdivision:

1. *All the applicable provisions of the Legislative Code are complied with.* City staff reviewed the proposed plat and determined that two variances from the subdivision ordinance are needed before a final plat can be approved. The variances are discussed below in this staff report. If the variances are approved by the City Council then this required finding is met.
2. *The proposed subdivision will not be detrimental to the present and potential surrounding land uses.* This finding is met. The plat is consistent with the present and potential land uses in the surrounding area. The plat will not be detrimental to present and potential surrounding land uses, which are primarily residential in nature.
3. *The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.* This finding is met. The area surrounding the proposed plat is fully developed, primarily with residential uses.
4. *The subdivision is in conformance with the comprehensive plan.* This finding is met. The subdivision is in conformance with the 2040 Comprehensive Plan. The Land Use Plan identifies this portion of Union Park as Urban Neighborhood. Urban Neighborhoods are described as "...primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods." Housing Plan Policy H-46 calls for supporting the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods. In addition, Housing Policy H-47 encourages high-quality urban design for residential development that is sensitive to context, but also allows for innovation and consideration of market needs. Land use objective LU1 in the Union Park Community Plan calls for supporting land uses that preserve Union Park as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human-scale streetscape.
5. *The subdivision preserves and incorporates the site's important existing natural features whenever possible.* This finding is met. The site is in a fully developed part of Saint Paul with no remaining natural features.
6. *All land intended for building sites can be used safely without endangering residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.* This finding is met. Building sites can be fully developed with no flooding or erosion. There are no known high water table or soil condition problems. The site is largely level, but raised 3 to 5 feet above the public right-of-way. There is an existing brownstone retaining wall that borders much of the property; the applicant desires to protect the retaining wall from impact.
7. *The subdivision can be economically served with public facilities and services.* This finding is met. The subdivision can be economically served with public facilities and services from existing improved streets. Sewer and water are only available from Iglehart Avenue.
8. Per Zoning Code § 69.508(b), *"All interior lots designated for residential use must adjoin an alley when available."* Based on the plat submitted, Lot 5 is an interior lot

that would not adjoin an available alley following the subdivision. Consequently, a variance of this provision, based on the required findings in Zoning Code § 69.703, is required before the final plat can be approved. Per Zoning Code § 69.508(j)(1), *“For back lots, an easement that is a minimum of twenty (20) feet wide across a single adjoining lot must be provided for pedestrian, water, sanitary sewer, and gas line connections to the nearest public street and for house numbers that can be clearly seen and read from the public street. As part of subdivision review, the minimum width may be increased or reduced further based on city and other applicable regulatory requirements related to emergency access, utilities, steep slopes or other site conditions and constraints. An easement reflecting all utilities, reciprocal pedestrian and vehicular access for pedestrians and any vehicles, and shared maintenance responsibilities must address regulatory requirements and be the responsibility of developer to record prior to receiving a certificate of occupancy or building permit.”* Based on the preliminary plat submitted the 20-foot wide easements for Lots 1, 2 and 3 across Lots 4 and 5 meet the requirement for utility access, but not for pedestrian access and house numbers that can be clearly seen and read from the public street. The pedestrian access easement to Lots 2 and 3 is 5-feet wide, not 20-feet, and across two lots, for Lot 3, not a single adjoining lot; the signage easement for house number addressing is 3-feet by 3-feet. Because the pedestrian access and house number easements are not 20-feet wide and cross a single adjoining lot as required by the provision, a variance based on the required findings in Zoning Code § 69.703 is required before a final plat can be approved.

9. The applicant submitted a detailed overview of the proposed subdivision and the anticipated development of the five lots created by the subdivision. The overview notes that the goal of the subdivision is to build single-family homes on smaller lots to increase homeownership opportunities in the city. The plan is for each house to have its own plot of land to avoid the need and expense of a homeowners association. It also explains the unique circumstances guiding site planning: 1) a large and deep development site with 130-feet of frontage on Iglehart and 150-feet on Howell, not a typical city residential lot that the subdivision standards are based upon that have 40 to 50 feet of street frontage and 5,000 to 6,000 square feet of lot area; 2) desire to protect from impacts an existing brownstone retaining wall that wraps much of the corner property; 3) dominant north-south development pattern of existing residential lots in the neighborhood; and 4) no public sewer and water available from Howell Street. The overview also describes how compliance with the subdivision regulations would create an unusual hardship to the development of the land. In so doing, the overview discusses the following unusual hardships: 1) overly prescriptive design standards for lots created by the subdivision that do not create enough flexibility to respond to unique site conditions without a variance; 2) a common interest community (CIC) model, as suggested by city staff, would increase the complexity and cost of homeownership by requiring more costly and complicated types of insurance and finance, larger down payments, perpetual burden on future owners of a home owners association and associated paperwork and annual tax filings; 3) incongruities between the City's land use policies, which support the increased density of this project, and State building and plumbing codes, which have driven the site planning and lot sizes for the subdivision; 4) four distinct lot classifications in the plat create an unusual hardship and practical difficulty in site planning as each lot type has different rules (corner lot, interior lot with Iglehart frontage, interior lot with Howell frontage, and two back lots abutting an alley). The applicant states that the proposed shared driveway

along Iglehart minimizes curb cuts and reduces impervious surface and functions as a private alley allowing for vehicle access to parking. Requiring Lot 5 to have alley access would require more impervious surface and be an inefficient use of land, redundant, and unnecessary. Further, the applicant states that requiring the pedestrian and house numbers easements to overlap with the utility easements is overly prescriptive, as is the requirement that such easements only cross a single parcel. The strict interpretation of these subdivision design standards creates a hardship. The applicant notes that both Public Works staff and fire protection engineer staff approved the applicant's plans for pedestrian access and house numbers visibility.

10. Per Zoning Code § 69.703 the city council may grant a variance to the subdivision regulations when compliance would create an unusual hardship to the development of the land, based on findings that:
 - (1) *The intent of this chapter is met.* This finding is met. The subdivision as proposed will create five individual legal parcels in an established neighborhood, with access to utilities, services, and transit. Regarding the intent of Chapter 69: 1) the creation of buildable infill lots for housing protects and promotes the public welfare; 2) the creation of buildable infill lots for housing provides for the orderly, economic, and safe development of land; 3) the creation of buildable infill lots for housing will increase the supply of housing, promoting more options for affordable housing to persons and families at all income levels; 4) there are established public services for this property, which is located in an established Urban Neighborhood; 5) the property is not located on a steep slope nor in a floodplain or any area requiring conservation measures and is a level property located in an established Urban Neighborhood; and 6) site planning for these lots follows the dominate north-south pattern of the neighborhood, which provides for the protection and conservation of solar access.
 - (2) *The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.* This finding is met. The planned easements associated with the plat, despite not all being 20 feet wide and across a single lot, allow for access for pedestrian, water, sanitary sewer, and gas line connections to the nearest public street and for house numbers that can be clearly seen and read from the public street. While Lot 5 of the plat does not adjoin an available alley, Lot 5 will share a vehicular access drive with Lot 4, via an access easement, that gains access from a curb cut along Iglehart Avenue. The shared vehicle access limits the number of curb cuts along Iglehart Avenue and the amount of impervious surface on the property. Various city staff reviewed the proposed subdivision and have given their conditional approval for the plat, which includes all the described easement locations and specifications.
 - (3) *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are generally not applicable to other property.* This finding is met. Finding #9 in this staff report discusses the following conditions that are unique to the property: 1) the development site is a large and deep corner residential property with 130 feet of frontage on Iglehart and 150 feet on Howell (about 19,500 square feet), not a typical residential lot that the subdivision standards are based upon, which have 40 to 50 feet of street frontage and 5,000 to 6,000 square feet of lot area; 2) desire to protect from impact an

existing brownstone retaining wall on Iglehart Avenue; and 3) no public sewer and water available from Howell Street.

- (4) *The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.* This finding is met. The literal interpretation of the provisions would deny the applicant the right to create functional, buildable lots that are well within the allowed limits of the H2 District Dimensional Standards, a right commonly enjoyed by properties in the H2 district. Literal interpretation would also render less of the land buildable by requiring duplicate easements and requiring unnecessary alley access, the net affect being a reduction in the number of buildable parcels from five to four. Further, strict compliance with these provisions would deprive the lots of usable outdoor space, a common amenity enjoyed by single family dwellings. Many of the subdivision design standards were created based on the typical residential parcel size (5,000 to 6,000 square feet) and typical depth (120 feet deep) of parcels and, at 19,500 square feet and 150 feet deep, the project site is substantially larger and deeper than a typical lot; the vast majority of platted parcels in the city are 40' x 120'. The zoning and building standards do not account for different lot widths; meanwhile, the easement requirements for back lots and interior lots — contrary to the typical lot shape —heavily favor wider lots with less depth, a condition that is highly atypical in St. Paul. When those restrictions are imposed on a very large site that also happens to be deeper than it is wide, the relative development capacity of the site is significantly impaired. Instead of allowing an increase in density as supported by the comprehensive plan, the layers of regulations included in the zoning code push the project toward larger and larger lots and therefore lower density. The minimum lot size per unit for H2 is 1,000 square feet, a size not achievable when layered with building code and zoning code requirements.
- (5) *The special conditions and circumstances do not result from the actions of the applicant.* This finding is met. As discussed in finding #10(3) in this staff report, the conditions upon which the variance requests are based are unique to the property and have not been created by the applicant. These unique conditions include the development site's large size (about 19,500 square feet), its greater than typical depth (150 feet), the desire to protect from impact an existing brownstone retaining wall, and the location and availability of water and sewer infrastructure for the property (only from Iglehart, not Howell). Access to available water and sewer necessitated easements to the back lots that limited the creation of lots with frontage on Iglehart. Due to the need for water and sewer service, there cannot be three separate lots that front Iglehart. This is a condition caused by the placement of utilities, not by applicant.
- (6) *Because of the particular natural surroundings, shape or topographical conditions of the specific property involved, unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.* This finding is met. The development site, which is larger and deeper than typical nearby residential lots creates an unusual hardship because the subdivision design standards were created for typical residential lots with 40 to 50 feet of frontage and 5,000 to 6,000 square feet in area. The reduction in buildable area and reduction from five to only four parcels is an unusual hardship to the owner and not a mere inconvenience.

- I. **PARKLAND DEDICATION:** § 69.511 allows the City to require the dedication of parkland as part of the platting process. No land dedication is required for this plat. A parkland dedication fee will be due at the time of building.
- J. **STAFF RECOMMENDATION:** Based on findings 1 through 10 in the staff report, staff recommends approval of the Augustus Corner (combined) final plat at 1905-1913 Iglehart Avenue (northeast corner of Iglehart and Howell), to create five H2 residential lots and approval of variances from § 69.508(b) and § 69.508(j)(1), subject to the following conditions:
 1. Per zoning code § 69.405(6) the final plat shall be assigned a number by the city clerk and shall be filed by the applicant with the county recorder's office and/or registrar of titles within 60 days of the adoption of this resolution.
 2. All easement documents associated with this final plat are authorized by the council and shall be executed and filed with the office of the county recorder and/or registrar of titles of Ramsey County at the same time the final plat is recorded.