



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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Board of Zoning Appeals Staff Report

TYPE OF APPLICATION: Minor Variance **FILE #: 19 081671**

APPLICANT: Dan Bustos

HEARING DATE: October 7, 2019

LOCATION: 1780 Goodrich Avenue

LEGAL DESCRIPTION: MACALESTER PARK E 61 5/10 FT OF LOT 2 BLK 11

PLANNING DISTRICT: 14

PRESENT ZONING: R3

ZONING CODE REFERENCE: Macalester-Groveland

REPORT DATE: September 30, 2019

DEADLINE FOR ACTION: November 1, 2019

DATE RECEIVED: September 3, 2019 BY: Matthew Graybar

- A. **PURPOSE:** The applicant is proposing to construct a two-story, three-car detached garage in the rear yard of an existing single-family dwelling. The following variances are being requested. 1) Accessory buildings must not cover more than 35% of the rear yard (3,021 square feet), or 1,000 square feet, whichever is less. There is an existing 120 square foot shed that would remain and the proposed accessory building footprint would be 1,120 square feet for a total of 1,240 square feet, for a variance request of 240 square feet. 2) Accessory structures with gable style roofs have a maximum building height of 15'. The applicant is proposing a building height of 16'-4", for a variance request of 1'-4".
- B. **SITE AND AREA CONDITIONS:** This is a 61' wide and 225' deep lot with alley access to a detached garage in the rear yard.
- Surrounding Land Use: This area consists predominately of single-family dwellings.
- C. **BACKGROUND:** This lot currently has no garage or off-street parking.
- D. **ZONING CODE CITATIONS:**

Sec. 63.501. - Accessory buildings and uses.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

(e) In RL—RM2 residential districts, accessory buildings on a zoning lot with residential use shall not exceed fifteen (15) feet in height;

(f) Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.

On zoning lots containing one- and two-family dwellings, there shall be a maximum of three (3) accessory buildings, the total of which shall not occupy more than one thousand (1,000) square feet of the zoning lot.

E. FINDINGS:

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

The applicant is proposing to construct a two-story, 1,120 square foot detached garage with a workshop. The proposed garage height is 16'-4" to the midpoint of the gable roof. There is an existing 120 square foot shed that would remain. According to the applicant, two of the garage stalls would be used to park vehicles while the third garage stall would be used as a workshop. The second story of the detached garage would be used as space for a hobby and creative arts space.

The proposed garage combined with the existing shed is less than 35% of the rear yard, however, it exceeds 1,000-square feet, resulting in the requested variance.

The intent of the Section 60.103 of the zoning code is to promote the aesthetics and economic viability of the community. The structure would serve as an amenity to the property and would be relative in size to the large, single-family parcel. Provided that the garage complements the existing house, and is not used for commercial purposes or as a home occupation, this request is in harmony with the general purposes and intent of the zoning code to provide parking in order to lessen congestion in the public streets. This finding is met.

2. The variance is consistent with the comprehensive plan.

One goal of the city's Comprehensive Plan is to encourage property owners to reinvest in their properties by maintaining its vitality and preserving the neighborhood (Housing Strategy 2.1). 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.

The proposed garage is 40' wide and 1,120 square feet in size while the house 32.8' wide and is 1,300 square feet in size. Although the lot is larger than a typical single family lot, the applicant has not demonstrated how a 1,000 square foot garage and a height of 15' that are allowed under the zoning code are impractical or unreasonable. There are no practical difficulties to justify the variance request. This finding is not met.

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

Other than the relatively large size of the property, there is nothing unique to the property to warrant such a garage. 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.

Accessory structures are allowed in all zoning districts. This finding is met.

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

There are no garages with similar size footprint as the proposed garage on this block although a garage with similar height is located on the lot behind this property. The proposed garage will alter the character of the surrounding area. This finding is not met.

- F. **DISTRICT COUNCIL RECOMMENDATION:** District 14 - Macalester-Groveland Community Council provided a letter recommending approval of the variance.
- G. **CORRESPONDENCE:** Staff received a letter recommending approval from the neighbor located at 132 Wheeler Street South.
- H. **STAFF RECOMMENDATION:** Based on findings 3, 4, and 6, staff recommends denial of the variance request.