

FILE

Judith Allsteel 13-249876
584 Lincoln Avenue
St. Paul, MN 55122
October 31, 2013

Dear Board Members:

Allan and I have lived at 584 Lincoln Avenue for about 35 years. During this time Tisha and Josh Colton have been the only couple living at 576 who have not moved on after a couple of years. I believe they have been at this property, one of St. Paul's oldest homes, for about 9 years. During these years they've renovated and updated the interior and recently had the exterior painted in a way that brings out architectural details I haven't noticed in 35 years. Every year or two they bring in an arborist to make sure ^{the} 100 year - plus - oak trees that border our properties are healthy.

They've been diligent caretakers of this historically significant property. I believe they'll show the same care and integrity while finishing the unused space above their garage - carriage house.

Sincerely,
Judith Allsteel

FILE
13-297826

Diatta, YaYa (CI-StPaul)

From: Kirsten Libby <kirsten@libbylawoffice.com>
Sent: Monday, November 04, 2013 4:48 PM
To: Diatta, YaYa (CI-StPaul)
Subject: FW: Letter of Support for Josh and Tisha Colton - 576 Lincoln

Yaya:

This e-mail is in support of the variance request submitted by Josh and Tisha Colton for the finishing of the carriage house/garage located on the alley behind 576 Lincoln Avenue. It is a beautiful structure, and we are thrilled that they are going to finish the space and make it usable for themselves.

We live across the alley from them, and our garage doors directly face each other, so I imagine we would be most impacted. My husband and I, Bill Strusinski, have no issue with this, and are very supportive of Josh and Tisha wanting to improve their property, and use their space to the fullest.

Kirsten Libby
Bill Strusinski
11 Crocus Hill
St. Paul, MN 55102

FILE
13-247876

Diatta, YaYa (CI-StPaul)

From: Ellen Morrow <ellenlmorrow@gmail.com>
Sent: Tuesday, November 12, 2013 7:31 AM
To: Diatta, YaYa (CI-StPaul)
Subject: File # 13-247876 576 Lincoln Ave

Subject: File # 13-247876 576 Lincoln Ave

We are the neighbors who own the home across the street from this property. We have no objection to the remodel being requested and in fact, think it will add to the value of the property and the neighborhood. We are in full support of this remodeling.

Chuck and Ellen Morrow
579 Lincoln Ave
St. Paul 55102
651-224-7224

Sent from my iPad

FILE
13-247876

Diatta, YaYa (CI-StPaul)

From: ebbie1952@aol.com
Sent: Wednesday, November 13, 2013 7:28 PM
To: Diatta, YaYa (CI-StPaul)
Subject: Hearing for 576 Lincoln Ave

I support the Colton's in their effort to convert their garage to include living quarters.

Thank You,

Libby Keefe
591 Lincoln Ave
St Paul, MN 55102
612-328-5150
ebbie1952@aol.com

FILE
13-247876

Diatta, YaYa (CI-StPaul)

From: bethjandrews@aol.com
Sent: Thursday, November 14, 2013 9:15 PM
To: Diatta, YaYa (CI-StPaul)
Cc: jrank@mngastro.com
Subject: 576 Lincoln-Variance Objection

Dear Mr. Diatta

I am writing in reference to file #13-247876 pertaining to the 576 Lincoln. My husband, Jeff Rank and I reside at 10 Crocus Hill, the property that is across the alley from the proposed project. We object to the variances requested. The variances requested are significant and run directly contrary to the purpose of the zoning code. If granted, there will be basically be someone living on the alley, directly overlooking our property at close range, with no place to park off-street.

As I recall, the structure was built in violation of the setback requirement for unoccupied garages (the apron is not as long as required). I do know for sure that the previous owners filed a similar application for a variance in order to provide separate housing for their nanny. They withdrew the application because strong objections were raised. Nothing has changed since then.

I have some initial questions and requests.

Please send me a copy of the documents filed with the application as an e-mail attachment. (I noticed that the applicant is not one of the owners of the property.) I also ask that you send me a copy of your report once it is issued.

Please send me a copy of the current code provision pertaining to the granting of variances. As I recall, the provision on the city's website is outdated.

Is this considered a minor or a major variance? Also, if a variance would result in an improvement to the applicant's property, is that the main criteria for granting the variance? In other words, if a neighboring property is adversely affected, is that even considered? (Our recent experience with the variance granted to our neighbors at 11 Crocus Hill strongly suggests that this is not a factor.) It is hard to understand why we have zoning ordinances if a balancing of competing interests is not involved.

Thank you.

Beth Andrews
10 Crocus Hill
St. Paul, MN 55102

I am writing in reference to file #13-247876 pertaining to the 576 Lincoln. My husband, Jeff Rank and I reside at 10 Crocus Hill, the property that is across the alley from the proposed project. We object to the variances requested. The variances requested are significant and run directly contrary to the purpose of the zoning code. If granted, there will be basically be someone living on the alley, directly overlooking our property at close range, with no place to park off-street.

FILE
13-247876

As I recall, the structure was built in violation of the setback requirement for unoccupied garages (the apron is not as long as required). I do know for sure that the previous owners filed a similar application for a variance in order to provide separate housing for their nanny. They withdrew the application because strong objections were raised. Nothing has changed since then.

I have some initial questions and requests.

Please send me a copy of the documents filed with the application as an e-mail attachment. (I noticed that the applicant is not one of the owners of the property.) I also ask that you send me a copy of your report once it is issued.

Please send me a copy of the current code provision pertaining to the granting of variances. As I recall, the provision on the city's website is outdated.

Is this considered a minor or a major variance? **This is a major variance.** Also, if a variance would result in an improvement to the applicant's property, is that the main criteria for granting the variance? In other words, if a neighboring property is adversely affected, is that even considered? **(All 6 findings must be met).** (Our recent experience with the variance granted to our neighbors at 11 Crocus Hill strongly suggests that this is not a factor.) It is hard to understand why we have zoning ordinances if a balancing of competing interests is not involved.

Thank you.

Beth Andrews
10 Crocus Hill
St. Paul, MN 55102

<576 Lincoln Avenue request.pdf>

FILE
13-247576

Diatta, YaYa (CI-StPaul)

From: Glenn Karwoski <g.karwoski@creativepr.com>
Sent: Friday, November 15, 2013 1:35 PM
To: Diatta, YaYa (CI-StPaul); summithill@visi.com
Subject: Zoning Appeals - 576 Lincoln Avenue

My wife, Patricia McGovern, and I reside at 577 Lincoln Avenue, St. Paul, MN 55102. We are writing in regard to the variances requested for 576 Lincoln Avenue, scheduled to be discussed on Monday, November 25, 2013.

We are OPPOSED to the variances requested for the following reason:

The parking situation on the portion of Lincoln Avenue between Dale and Grand, where the property requesting the variance is located, is very problematic as it is and granting a variance for an additional space will only make a bad situation worse. There are many multiple family residences on the block and on-street parking is currently next to impossible in the evenings. During the winter months with snow emergencies the problem is severe. With a large main house at 576 Lincoln, adding another dwelling at the same location will create the potential for upwards of five or six automobiles - many more than can be accommodated by a two-car garage. For that reason we are opposed to granting a parking variance. With permit parking due to congestion already in the Crocus Hill neighborhood, the last thing we need to do is to add more automobiles fighting for on-street parking.

I see that the applicant for the variance has a Minneapolis address, thus he may not be very aware of the parking problems we residents of this particular block of Lincoln Avenue have to deal with, particularly in the evenings and during the winter months.

On behalf of my wife and I, thank you for taking our concerns into account in your decision.

Best regards,

Glenn Karwoski and Patricia McGovern
577 Lincoln Avenue
St. Paul, MN 55102

Glenn Karwoski
Karwoski and Courage
SVP, Managing Director
g.karwoski@creativepr.com
60 S 6th St - Suite 2800
Minneapolis, MN 55402
Tel: 612-342-9649
Fax: 612-342-9700
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FILE
13247576

Diatta, YaYa (CI-StPaul)

From: bethjandrews@aol.com
Sent: Monday, November 18, 2013 11:35 AM
To: Diatta, YaYa (CI-StPaul)
Cc: jrank@mngastro.com
Subject: Re: 576 Lincoln-Variance Objection

Dear Mr. Diatta:

Thank you for the information.

How does a major variance differ from a minor variance? I ask because the evaluative factors are the same.

The application refers to the structure as a carriage house. It is **not** a carriage house. It is a two story garage which sits almost directly on the alley.

The applicant states that the previous owners rebuilt the garage in 2000 with the intent of using it for residential space, installing door cutouts, heat, electrical, and plumbing. This intent is completely irrelevant. Using the second story of this garage as living quarters violated the zoning code then, as it does now. The current owners of the property knew this when they bought the property. As purchasers, they stepped into the shoes of the previous landowner who created the "plight" described in Section A. 4 of the code. Moreover, there is nothing unique about this property that would differentiate it from any other garage structure in the city. To grant a variance in this case would be to establish a precedent for any person in the area with a second story on a detached garage to also qualify for a variance.

We are the homeowners most directly affected by this variance request. The variance should be denied because it does not meet the required criteria. The variance is neither in harmony with the general intent of the code nor is it consistent with the comprehensive plan, both of which balance competing interests of neighboring properties by imposing a rear setback requirement, and parking requirements.

Beth Andrews

On Nov 18, 2013, at 7:58 AM, "Diatta, YaYa (CI-StPaul)" <yaya.diatta@ci.stpaul.mn.us> wrote:

Thank you for your input. I have attached the requested information (Variance findings and application materials) and provided answers to your questions below in bold. Once the staff report is available, I will send it. If you have any questions, give me a call at 651-266-9080.

Have a good day.

From: bethjandrews@aol.com [<mailto:bethjandrews@aol.com>]
Sent: Thursday, November 14, 2013 9:15 PM
To: Diatta, YaYa (CI-StPaul)
Cc: jrank@mngastro.com
Subject: 576 Lincoln-Variance Objection

Dear Mr. Diatta

FILE
13-247876

Summit Hill Association

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
Fax 651-222-1558
www.summithillassociation.org
e-mail: summithill@visi.com

November 22, 2013

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

RE: Zoning File Number #13- 247876

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 Thursday, November 21, 2013 to review an major variance application submitted to the City of St. Paul by Bill Bergmann, representative for the owners of the property at 576 Lincoln Ave. – Joshua and Tisha Colton.

The applicant wants to remodel the attic space of the existing two-car detached garage in the rear yard into a dwelling unit which would result in two principal single family buildings on the property. The zoning code allows a second dwelling on a lot in a multiple family residential zoning district providing it meets a 4' side yard setback, is at least 12' from the main house and has a 25' setback from the rear property line. Additionally, two dwelling units on one lot require a total of 3 off-street parking spaces. The side setback and separation from the house are met, but the applicant is requesting two zoning variances: 1) The rear yard setback is 4 feet requiring a variance of 21 feet. 2) Two off-street parking spaces are available within the garage for a variance of one parking space.

The Zoning and Land Use Committee had solicited input from the surrounding property owners and tenants within 350 feet. SHA received four email comments – two in opposition and two in support of this application including a support letter from the property owner immediately west of the property in question. There were several nearby property owners at the hearing in support of the application.

During the hearing, the ZLU Committee discussed the application with both Mr. Bergmann and the Coltons; and referenced the *City of St. Paul Zoning Code - Chap. 61.601 – Variances* in its deliberations. The Committee also reviewed the November 6, 2013 BZA Staff Report by YaYa Diatta on this case.

The Committee heard a brief presentation from Mr. Bergmann regarding his application. He noted that the current garage had been built in 2000 and that the upstairs space would be perfect for an additional dwelling for their elderly parents when they visit. One of the parents will eventually move out of her present home and the Coltons would like to provide living space for her in this proposed new dwelling when necessary. Some mention was made to a previous owner applying for a similar variance to construct a dwelling above the garage in that year, but that the application at that time was withdrawn for some unknown reason according to city records. Mr. Bergmann went on to explain that the only remodeling necessary on the outside of the garage would be creating an outside staircase and entrance door on the east side. In terms of off-street parking, the Coltons noted that neither set of parent drive when they come to visit.

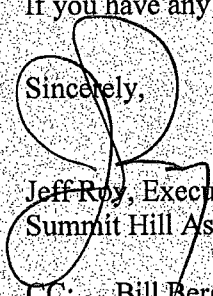
One ZLU Committee member was concerned that if the variances were approved and the new dwelling created, the variances would stay with the property no matter who owned it or who lived in the new dwelling in terms of future parking issues or even in terms of the new dwelling being rented out. In response to the BZA Staff report indicating that Variance Findings #1, 4 and 6 were not met as per *Sec. 61.601* of the City's zoning code; testimony taken during the Nov. 21st hearing noted that the proposed second dwelling would be in keeping with the general character of the local neighborhood; that the need for more and varied housing options outweighs the concerns about "non-conformity"; and that parking will not be an issue given the parents will not be driving and on-street parking is typically available anyway.

In light of this discussion and testimony from the applicant, owners and surrounding neighbors, a motion was made and seconded to recommend approval of the variance based on the ZLU Committees interpretation of *Sec. 61.601*.

The vote was called, and the motion to recommend approval to the BZA was passed on a vote of 3 ayes, 0 nays and 1 abstention. According to SHA policies, as an SHA Board meeting does not occur prior to the Nov. 25, 2013 BZA hearing, the Committee's recommendation serves as the recommendation of the Summit Hill Association/District 16 Planning Council.

If you have any questions about this recommendation, please contact me at 651-222-1222.

Sincerely,

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

CC: Bill Bergmann
Josh and Tisha Colton
Councilmember Dave Thune