

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 16-109677
DATE: January 18, 2017

Deadline for Action: 02-19-17

WHEREAS, Wayne Fischer has applied for a variance from the strict application of the provisions of Section 63.501(f) of the Saint Paul Legislative Code pertaining to the maximum allowed size of an accessory structure. The applicant is requesting a variance of the accessory building requirement in order to remove the existing two-car detached garage and construct a new, three-car detached garage in the rear yard. Accessory buildings cannot exceed 1,000 square feet in size; the applicant is proposing to construct a 1,251 square foot garage, requiring a variance of 251 square feet in the R4 zoning district at 1560 Lincoln Avenue. PIN: 032823320111; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on January 18, 2017 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 building on this parcel is a legal nonconforming duplex with a two-car detached garage and surface parking next to the detached garage in the rear yard. The applicant is proposing to remove the existing garage and construct a new 1,251 square foot, three-car garage that would include space for storage. The proposed accessory structure would be located in the rear yard, with the garage doors facing south and would meet the three-foot setback requirement from the east and west property lines. However, it would be 251 square feet over the maximum 1,000 square feet is allowed under the zoning code for accessory buildings, hence the requested variance.

According to the applicant, the new accessory structure would be used for parking and storage, but it would have no heating, plumbing or amenities that would make it more easily converted for commercial purposes. Furthermore, the applicant has indicated that it will not be used for commercial purposes. The proposed accessory structure would be constructed to complement the existing house. Provided the proposed new attached garage matches the exterior finish of the house, provided gutters and downspouts are installed on the east and west side of the new attached garage to direct water runoff away from the adjacent properties and provided the new attached garage is constructed as shown on the plans submitted with this application, the proposed garage would be an improvement of the property consistent with the purpose and intent of the zoning code to conserve and improve property values. This finding is met.

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

The requested variance is consistent with the goals of the Comprehensive Plan by allowing the existing property owner in a “stable and affluent neighborhood” to reinvest in their property by maintaining its vitality, preserving and promoting an established neighborhood (Strategy 2.1 of the Housing Plan) and to provide off-street parking in order to lessen congestion in the public streets. 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.*

According to the applicant, there are two challenges in providing parking elsewhere. The first is that there is a two-hour parking restriction on both sides of Lincoln Avenue. The second is the existence of a boulevard bump-out in front of the house.

However, this property is a duplex, only three off-street parking spaces are required. Two spaces are available in the existing detached garage and a third space in the rear yard next to the garage. Therefore, there is no practical difficulty to support this finding. This finding is not met.

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

Building a larger accessory building is a choice not a circumstance unique to the property. 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.*

An accessory structure is a use permitted in all zoning districts. The requested variance if granted would not change the zoning classification of this property. This finding is met.

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

The majority of properties on the block have two-car garages; two properties have three-car garages at 1539 Lincoln Avenue and 1545 Goodrich Avenue. A three-car garage would not change or alter the character of the surrounding area and this finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 63.501(f) to allow construction of a 1,251 square foot new three-car detached garage on property located at 1560 Lincoln Avenue; and legally described as Summit View Lot 8 Blk 6; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY DENIED.

MOVED BY:
SECONDED BY:
IN FAVOR:
AGAINST:

MAILED: January 19, 2017

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 January 18, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Debbie M. Crippen
Secretary to the Board

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 16-109677
DATE: January 30, 2017**

WHEREAS, Wayne Fischer has applied for a variance from the strict application of the provisions of Section 63.501(f) of the Saint Paul Legislative Code pertaining to the maximum allowed size of an accessory structure. The applicant is requesting a variance of the accessory building requirement in order to remove the existing two-car detached garage and construct a new, three-car detached garage in the rear yard. Accessory buildings cannot exceed 1,000 square feet in size; the applicant is proposing to construct a 1,251 square foot garage, requiring a variance of 251 square feet in the R4 zoning district at 1560 Lincoln Avenue. PIN: 032823320111; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on January 30, 2017 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 building on this parcel is a legal nonconforming duplex with a two-car detached garage and surface parking next to the detached garage in the rear yard. The applicant is proposing to remove the existing garage and construct a new 1,251 square foot, three-car garage that would include space for storage. The proposed accessory structure would be located in the rear yard, with the garage doors facing south and would meet the three-foot setback requirement from the east and west property lines. However, it would be 251 square feet over the maximum 1,000 square feet is allowed under the zoning code for accessory buildings, hence the requested variance.

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

The requested variance is consistent with the goals of the Comprehensive Plan by allowing the existing property owner in a “stable and affluent neighborhood” to reinvest in their property by maintaining its vitality, preserving and promoting an established neighborhood (Strategy 2.1 of the Housing Plan) and to provide off-street parking in order to lessen congestion in the public streets. 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.*

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IS HEREBY DENIED.

MOVED BY: Maddox
SECONDED BY: Miller
IN FAVOR: 5
AGAINST: 1

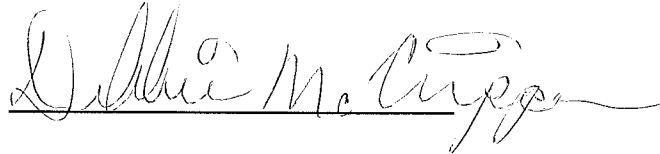
MAILED: March 14, 2017

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 January 30, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Debbie M. Crippen
Secretary to the Board