

← 15<sup>th</sup> ACS



**ZONING APPEAL APPLICATION**

OCT 15 2019

To/From Board of Zoning Appeals  
Dept. of Safety & Inspections  
Zoning Section  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806  
(651) 266-9008

To / From Planning Commission  
Dept. of Planning & Econ. Devt.  
Zoning Section  
1400 City Hall Annex, 25 W 4<sup>th</sup> St.  
Saint Paul, MN 55102-1634  
(651) 266-6583

Zoning Office Use Only	
File #	<u>19-093472</u>
Fee Paid \$	<u>                    </u>
Received By / Date	<u>                    10-15-19</u>
Tentative Hearing Date	<u>11-06-19</u>

**APPELLANT**

Name(s) Daniel Carlson, Barbbara Pilling  
 Address 141 S. Wheeler St. City St. Paul State MN Zip 55105  
 Email DANCARLSON2929@GMAIL.COM Phone 651 247 4548

**PROPERTY LOCATION**

Project Name DAN BUSTOS ACCESSORY BUILDING VARIANCE  
 Address / Location 1780 GOODRICH AVE, ST PAUL

**TYPE OF APPEAL:** Application is hereby made for an appeal to the:

- Board of Zoning Appeals**, under provisions of Zoning Code § 61.701(c), of a decision made by the Zoning Administrator.
- Planning Commission**, under provisions of Zoning Code § 61.701(c), of a decision made by the Planning Administrator or Zoning Administrator.
- City Council**, under provisions of Zoning Code § 61.702(a), of a decision made by the Board of Zoning Appeals or the Planning Commission.

Date of decision October 7, 20 19 File Number 19 081671

**GROUND FOR APPEAL:** Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission or Board of Zoning Appeals. Attach additional sheets if necessary.

PLEASE SEE ATTACHED APPEAL  
TO CITY COUNCIL LABELED  
ADDENDUM TO ZONING APPEAL  
APPLICATION.

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Appellant's Signature Daniel W. Carlson, Barbbara Pilling Date 10/14/2019

October 12, 2019

City Council  
City of Saint Paul  
15 Kellogg Blvd, 310 City Hall  
Saint Paul, MN 55102

Re: Addendum to Zoning Appeal Application  
Zoning File Number: 19-081671

Dear City Council Members,

My wife and I are appealing the variance for height and area approved by the Board of Zoning and Appeals for our neighbor, Dan Bustos' property at 1780 Goodrich Avenue, referenced by zoning file # 19-081671. Our main objections to the approval are below, followed by a line by line disputation of the BZA findings.

- Due to clerical problems at the Department of Safety and Inspections, our objections to the proposed variance were never heard at the BZA public hearing dated Monday, October 7th, 2019, 3:00pm.
- We believe the project to be Out of Scale for our neighborhood.
- There are more objections to the variance by neighborhood howeowners than was evidenced at the BZA hearing. (See supporters on last page)

Our desire, and our neighbors' desires, are that the applicant conform to existing building code.

#### FINDINGS

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

We disagree with the Dept of Safety and Inspections and the Board of Zoning Appeals findings. Our position is that the project is out of scale to the neighborhood. The proposed garage has more square footage than our home. There are no three car garages on our alley way. The only two-story structure, across the alley, is a 110-year-old garage, with a 288sq.ft footprint, that was most probably "grand fathered in" prior to current code being established. We the neighbors have rights that should be protected by the zoning code. We ask that the project be limited to the current zoning code limitations of height and area.

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

We do not have enough information about the comprehensive plan to comment on this point.

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 the provision. Economic considerations alone do not constitute practical difficulties.*

We agree with the Dept of Safety and Inspections and disagree with the Board of Zoning Appeals. We do not object to a garage for this property. We object to the proposed size, meant to accommodate art endeavors, that could occur in a remodeled basement.

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

We agree with the Dept of Safety and Inspections and disagree with the Board of Zoning Appeals. Again, we are unsure why the homeowner cannot abide by existing code. The homeowner has communicated that the reason he can't remodel his basement is due to asbestos. I would think that asbestos abatement would be an important consideration of the homeowner and the city. We feel the homeowner's basement, or a conforming garage would be sufficient.

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

We do not object to a garage on this property, we object to it's proposed size.

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

We agree with the Dept of Safety and Inspections and disagree with the Board of Zoning Appeals. The homeowner cites the Conservation District's overlay efforts for Tangletown, designed to preserve our neighborhood's character. Part of the Conservation District overlay effort was to preserve trees. We think it disingenuous of the homeowner to say that this project is in keeping with that effort after having cut down nearly all (10) of the mature trees in his backyard. After the removal of most of the mature trees from the homeowner's backyard, we as neighbors have lost noise and light absorbency of the trees, as well as their beauty. With the construction of a garage, we will now have a mostly unimpeded view of this structure and our neighbor's activities. Our home is the closest residence to this garage. In fact, there are four residences closer to this proposed garage than the homeowner himself. (See the map attached). This garage will have more square footage than our three-bedroom home. Due to the nature of how our neighborhood lots are aligned, we anticipate more lights, more noise and more activity clearly viewable from our collective backyards.

#### DISTRICT COUNCIL RECOMMENDATION

THE Macalester- Groveland Community Council has recommended approval of this project. We disagree with the Macalester -Groveland Council. We were never invited, nor notified, nor appraised, nor asked to review the council's intentions in this matter.

#### CORRESPONDENCE

We believe that greater weight should be considered to neighbors who are adjacent to the homeowner's property, and less consideration for neighbors who live on the other side of Wheeler Street. While the neighbors at 132-Wheeler have approved this project, they can neither see, nor hear the activities of the homeowner's backyard. Nor will they have a permanent large structure installed for perpetual viewing.

In conclusion, we ask that the City Council rescind the approval of the Board of Zoning and Appeals in this matter. We ask that the City Council follow the staff recommendations of the Department of Safety and Inspections to deny this variance request. We sympathize with the homeowner's desire to build a garage but would ask that

they remain within code. As 38-year residents of our property, we want to limit the scale of this project and continue to receive as much quiet enjoyment of our backyard as possible.

Respectfully Submitted,

*[Handwritten signatures of Dan Carlson and Barbara Pilling]*

Dan Carlson  
Barbara Pilling  
141 S. Wheeler Street  
St. Paul, MN 55105

Attachments: neighborhood map

We the undersigned, request that the City Council rescind approval of the Board of Zoning Appeals resolution in favor of our neighbor's variance to existing city building code concerning zoning file #19-081671.

*Martha Krohn*  
*Richard M Berowski*  
Signature  
*1789 Princeton Ave*  
Address

*MARTHA KROHN*  
*Richard M Berowski*  
Print Name  
*bethebike@gmail.com*  
Email

*10/13/19*  
Date

*Henry S. Jerome*  
*Catherine S Lay*  
Signature  
*145 Wheeler St So.*  
Address

*HENRY S. JEROME*  
*CATHERINE S LAY*  
Print Name  
*Henry.Jerome@spps.org*  
Email

*13 Oct 2019*  
Date

*[Signature]*  
Signature  
*135 Wheeler St. So*  
Address

*Dave Sorenson*  
Print Name  
*DAN E. SORENSEN@gmail.com*  
Email

*10/14/19*  
Date

*Karen R Lanegan*  
Signature  
*140 So. Wheeler*  
Address

*Karen Lanegan*  
Print Name  
*knargenal@ad.com*  
Email

*10/14/19*  
Date

*John Rademacher*  
Signature  
*1797 Princeton Ave*  
Address

*John Rademacher*  
Print Name  
Email

*10/14/19*  
Date

**AREA CALCULATIONS:**

LOT	= 13,938.2sf
PRIMARY BUILDING	= 1,300sf
EXISTING ACCESSORY	= 120sf
PROPOSED ACCESSORY	= 1,120sf
PERCENTAGE OF LOT COVERAGE EXISTING	= 10.2%
PERCENTAGE OF LOT COVERAGE PROPOSED	= 18.2%



129 Wheeler St.

137 Wheeler St.

141 Wheeler St.

145 Wheeler St.

Proposed garage



**SITE PLAN**  
Scale: 1" = 40'

VARIANCE APPLICATION  
JULY 10, 2017

**BUSTOS GARAGE**  
1780 Goodrich Avenue, St. Paul  
Contact: Dan Bustos - 651.592.4168

**A010**

1793 Princeton

1789 Princeton