

**AGENDA**  
**BOARD OF ZONING APPEALS PUBLIC HEARING**  
**JULY 7, 2014 3:00 P.M.**  
**ROOM 330 - CITY HALL**  
**ST. PAUL, MINNESOTA**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Board of Zoning Appeals will determine the order of the agenda at the beginning of its meeting.

I. APPROVAL OF MINUTES OF JUNE 23, 2014

II. APPROVAL OF RESOLUTIONS

14-199823 Kent Simon for David Hornig 269 Dayton Avenue for Approval

14-294084 Heather Ann Joyce 776 California Avenue West for Approval

III. NEW BUSINESS

A. Applicant - **WIRV 740 LLC** (#14-295340)  
Location - 740 Mississippi River Boulevard South  
Zoning - RM3; RC-4; Sign-Highland  
Purpose: MAJOR VARIANCE - Variances of the setback requirement in order to construct a new 8-space parking lot on the property along the western edge of the lot. A setback of 50 feet is required for both the front and side yard in the RM3 zoning district; a 14 foot-10 inch setback is proposed from the north property line and a 2 foot-5 inch setback is proposed from the west property line for setback variances of 35 feet-2 inches and 47 feet-7inches respectively.

B. Applicant - **Guadalupe Alternative Programs** (#14-295572)  
Location - 472 Concord Street  
Zoning - R4; RC-4  
Purpose: MAJOR VARIANCE - A variance of the setback requirement in order to construct a new single family dwelling. A side yard setback of 4 feet is required and 3 feet is proposed from the west property line for a variance of 1 foot.

- C. Applicant - **Charles Commerford** (#14-296196)  
Location - 84 Curtice Street East  
Zoning - RT1  
Purpose: MAJOR VARIANCE - The applicant is proposing to develop this vacant parcel in order to construct a duplex. 1) A lot area of 6,000 square feet is required, 5,634 square feet is existing for a variance of 366 square feet. 2) A side yard setback of 9 feet is required, 4 feet is proposed from the west property line for a variance of 5 feet.
- D. Applicant - **Evran Y. Ener** (#14-297019)  
Location - 2244 St. Anthony Avenue  
Zoning - R4  
Purpose: MINOR VARIANCE - Variances of the setback requirement in order to construct a four-season porch and a covered deck onto the west side of the house. A setback of 25 feet is required for both the front and rear yard in the R4 zoning district; a 14.7 foot setback is proposed from the front property line and a 7.1 foot setback is proposed from the rear property line for setback variances of 10.3 feet and 17.9 feet respectively.
- E. Applicant - **Kevin D. Schluender & Kristin Mellstrom** (#14-298551)  
Location - 2132 Niles Avenue  
Zoning - R4  
Purpose: MINOR VARIANCE - A variance of the side yard setback requirement in order to construct an addition to the back of the house. A side yard setback of 4 feet from the property line is required; the existing setback from the west property line is 3 feet; the addition would be in line with the existing house on the west side for a variance of 1 foot.

- F. Applicant - **Valerie A. Quinlan** (#14-298569)  
Location - 72 Hawthorne Avenue East  
Zoning - R4  
Purpose: MIINOR VARIANCE - A variance of the side yard setback requirement in order to construct a new, two-car detached garage in the rear yard at the same location as the previous garage but 9' deeper. A side yard setback of 3 feet from the property line is required; a zero foot setback is proposed from the east property line for a variance of 3 feet.
- G. Applicant - **James F. & Nancy Hiebert** (#14-298591)  
Location - 1563 Dunlap Street North  
Zoning - R4  
Purpose: MINOR VARIANCE - A variance of the side yard setback requirement in order to remove an existing one-car detached garage and carport and construct a new, one-car detached garage with a carport attached in the rear yard closer to the alley. A side yard setback of 3 feet from the property line is required; a zero foot setback from the north property line is proposed for a variance of 3 feet.

IV. ADJOURNMENT

Board of Zoning Appeal Members: Please call Yaya Diatta (266-9080) or Debbie Crippen (266-9144) if you are unable to attend the meeting.

**APPLICANT: You or your representative should attend this meeting to answer any questions the Board may have.**

## BOARD OF ZONING APPEALS STAFF REPORT

**TYPE OF APPLICATION:** Major Variance **FILE #**14-295572

**APPLICANT:** Kevin Odom for Guadalupe Alternative Programs

**HEARING DATE:** July 7, 2014

**LOCATION:** 472 CONCORD STREET

**LEGAL DESCRIPTION:** Trowbridges Addition Tothe C Ex Nwly 21 Ft Lot 6 And All Of Lot 7

**PLANNING DISTRICT:** 3

**PRESENT ZONING:** R4; RC-4

**ZONING CODE REFERENCE:** 66.231  
Westside Special Sign District

**REPORT DATE:** June 18, 2014 **BY:** Yaya Diatta

**DEADLINE FOR ACTION:** August 3, 2014

**DATE RECEIVED:** June 5, 2014

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A. **PURPOSE:** A variance of the setback requirement in order to construct a new single family dwelling. A side yard setback of 4 feet is required and 3 feet is proposed from the west property line for a variance of 1 foot.

B. **SITE AND AREA CONDITIONS:** This is a 29 by 90-foot lot with alley access. The proposed building project includes a two-car detached garage in the rear. The houses on the block are located about five feet higher than Concord Street.

Surrounding Land Use: Mainly single family dwellings on this block.

C. **BACKGROUND:** This property is owned by Guadalupe Alternative Programs, an alternative high school and adult training center serving at-risk youths in the neighborhood. The program provides students with academic skills giving them an opportunity to earn a high school diploma as well as job training that will lead to certification in NCCER (National Center for Construction Education and Research) through the rehabilitation of inner city housing. The applicant acquired this property in 2009 with the intent to remove the existing building and replace it with a new single family dwelling.

In 2011, the Board of Zoning Appeals granted three variances (File # 11-130256) in order to remove the building on the site and construct a new single family dwelling subject the following conditions: 1) There is no excavating of the front yard and retaining walls are installed in the front yard. 2) There is only one entry door in the front of the building facing Concord Street. The applicant appealed the approval to the City Council (Res 11-1299) which modified Condition No. 1 to allow the front yard to be excavated and a retaining wall constructed in the front yard but Condition No. 2 remained as approved by the BZA.

The building has been removed but the 2011 variance approved by the BZA expired. The applicant is now applying for a variance of the side yard setback only because the new building meets all other zoning requirements that previously required variances.

**D. CODE CITATION:**

**Sec.66.231.** Residential District Dimensional Standards table requires a minimum side yard setback of 4 feet from the property line for a single family in the R4 zoning district.

**Sec. 66.233. Minimum building width.**

In residential districts, the building width on any side of one-family and two-family dwellings shall be at least twenty-two (22) feet, not including entryways or other appurtenances that do not run the full length of the building.

**E. FINDINGS:**

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

The proposed single family dwelling is consistent with a purpose and intent of the zoning code to provide housing choice and housing affordability. This finding is met.

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

This request is consistent with the West Side Community Plan of 2013, an addendum to the Saint Paul Comprehensive Plan, which focuses on providing housing choice, preserving the existing housing stock and creating additional housing opportunities. 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.*

This lot is only 29 feet wide. It is impossible to construct a building that meets the required minimum width of 22 feet and provide the required 4 foot side yard setback

from both side lot lines without a side yard setback variance. The narrow width of the lot is a practical difficulty justifying this request. This finding is met.

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

This is a buildable lot and has been a substandard sized parcel since the original house was built in 1894. In this case, the plight of the land owner is due to circumstances unique to the property and these were not created by the current property owner. This finding is met.

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

A single family dwelling is a use permitted in this zoning district. The requested variance if granted will not change the zoning classification of the property. This finding is met.

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

The front yard is currently excavated but the applicant has indicated that their new plan does not require the yard to be excavated. He intends to back fill the yard to its previous condition. This proposed house will not change the character of the area.

**F. DISTRICT COUNCIL RECOMMENDATION:** Staff has not received a recommendation from District 3.

**G. CORRESPONDENCE:** Staff has not received additional correspondence.

**H. STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommends approval of the variance.



**APPLICATION FOR ZONING VARIANCE**  
 Department of Safety and Inspections  
 375 Jackson Street  
 Suite 220  
 Saint Paul, MN 55101-1806  
 General: 651-266-9008  
 Fax: (651) 266-9099

RECEIVED IN D.S.I.

JUN 05 2014

Zoning office use only  
 File Number: 14-295572  
 Fee: \$ 520.00  
 Tentative Hearing Date: 7th June 2014  
 Section(s): 66.231  
 City agent: Y. DIAMTA

APPLICANT

Name: KEVIN ODOM Company: Guadalupe Alternative Programs  
 Address: 381 E. Robie Street (GAP) School  
 City: St. Paul St. MN Zip 55103 Daytime Phone: (404) 599 3667  
 Property Interest of Applicant (owner, contract purchaser, etc): OWNER  
 Name of Owner (if different): GAP School Phone: 651.222.0757

PROPERTY INFORMATION

Address / Location: 472 Concord Street, St Paul MN 55107  
 Legal Description: \_\_\_\_\_  
 (attach additional sheet if necessary)  
 Lot Size: \_\_\_\_\_ Present Zoning: R4 Present Use: VACANT LOT  
 Proposed Use: SFD

Variance[s] requested:

SIDE SETBACK

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Attachments as required:  Site Plan  Attachments  Pro Forma

Applicant's Signature: [Signature] Date: 24 JUN 14 36

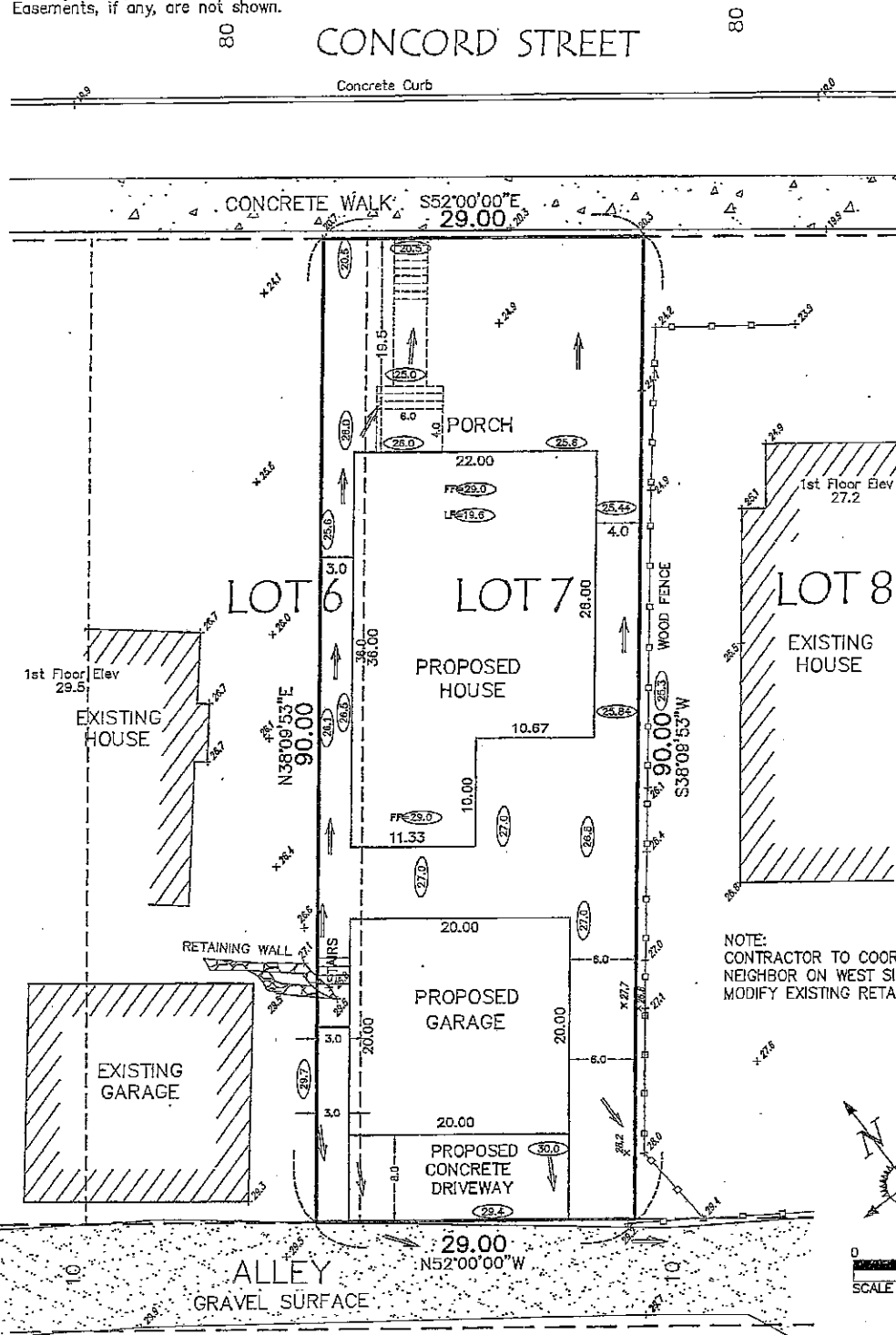
# SITE PLAN FOR GUADALUPE ALTERNATIVE PROGRAMS

**DESCRIPTION: FROM TAX RECORDS**  
 Lot 6 except the Northwestery 21 feet and all of Lot 7,  
 Trowbridge's Addition to the City of St. Paul,  
 Ramsey County, Minnesota.  
 Easements, if any, are not shown.

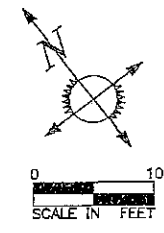
**PROPERTY ADDRESS:**  
 472 Concord Street  
 Saint Paul, Minnesota

**AREA:**  
 2810 Sq. Ft. or 0.05 Acres M.O.L.

14-245577



**NOTE:**  
 CONTRACTOR TO COORDINATE WITH  
 NEIGHBOR ON WEST SIDE OF LOT 10  
 MODIFY EXISTING RETAINING WALL



M:\projects\3105-133030-1\arch\3105-41 SITE.dwg 9/25/2003 3:47:03 PM ET

**LEGEND:**  
 29.9 x Denotes existing elevation  
 30.0 o Denotes proposed elevation  
 → Denotes direction of surface drainage  
 Bearings are on an assumed datum.

**PROPOSED ELEVATION:**  
 Lowest Floor = 19.6  
 Garage Opening = 30.0  
 Top of Foundation = 27.5  
 First Floor = 29.0

Elevations are on city datum.  
 Bench Mark = 40.87 Top of Hydrant  
 at Curtice St. and Concord St.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

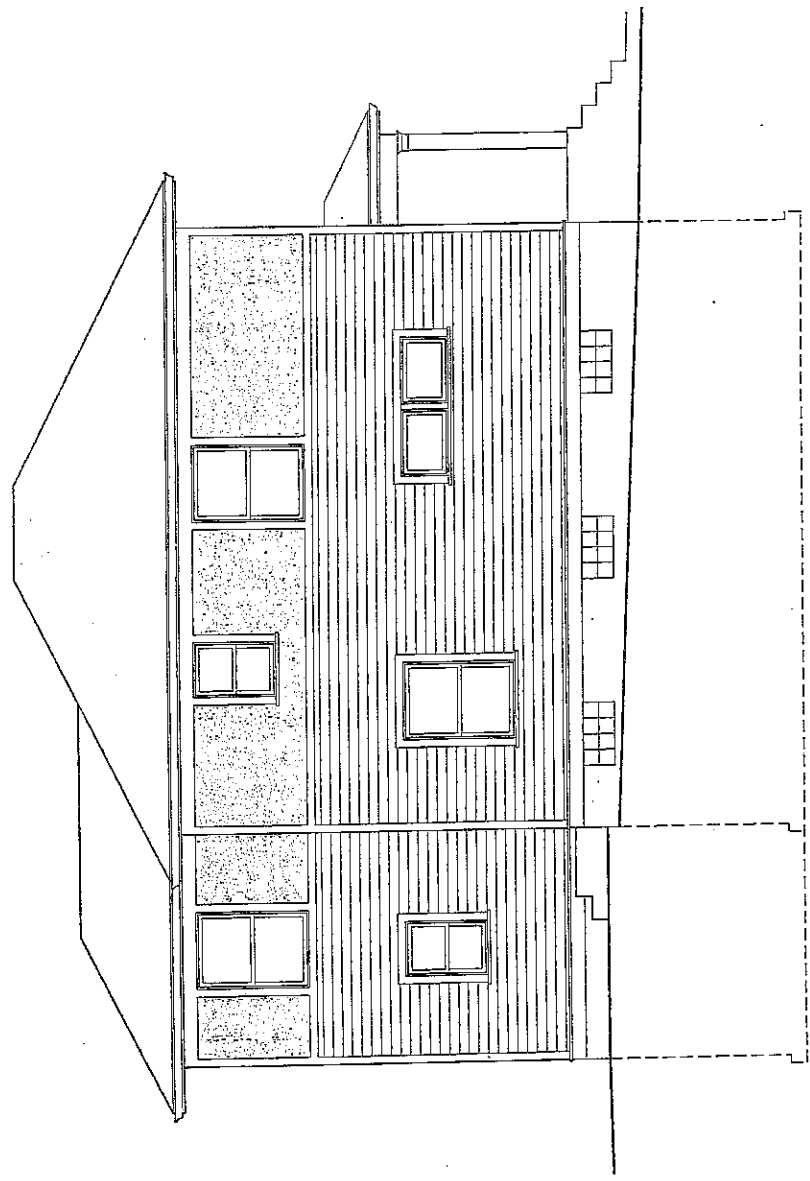
*Theresa K. Foster*  
 Theresa K. Foster  
 DATE 06/23/04 LIC. NO. MN 47223

**M&P** CONSULTING  
 1440 Arcade St. Suite 250  
 Saint Paul, MN 55106  
 Phone: 651-766-0112  
 Fax: 651-776-0208  
 E-mail: info@mpesso.com

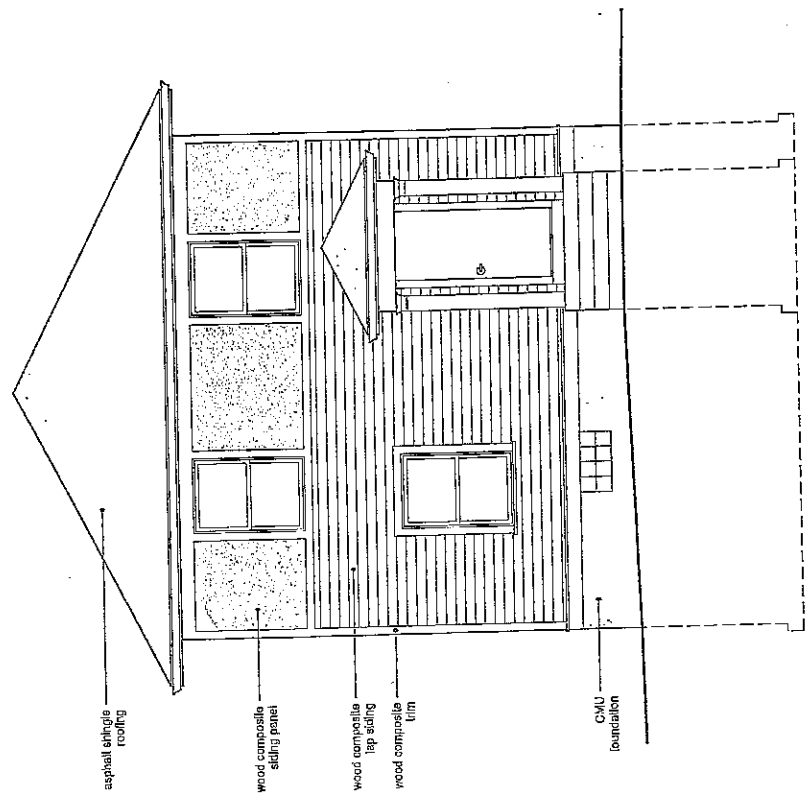
civil engineering land surveying site planning



FILE  
14-29557



Southeast Elevation  
Scale: 3/16" = 1'-0"

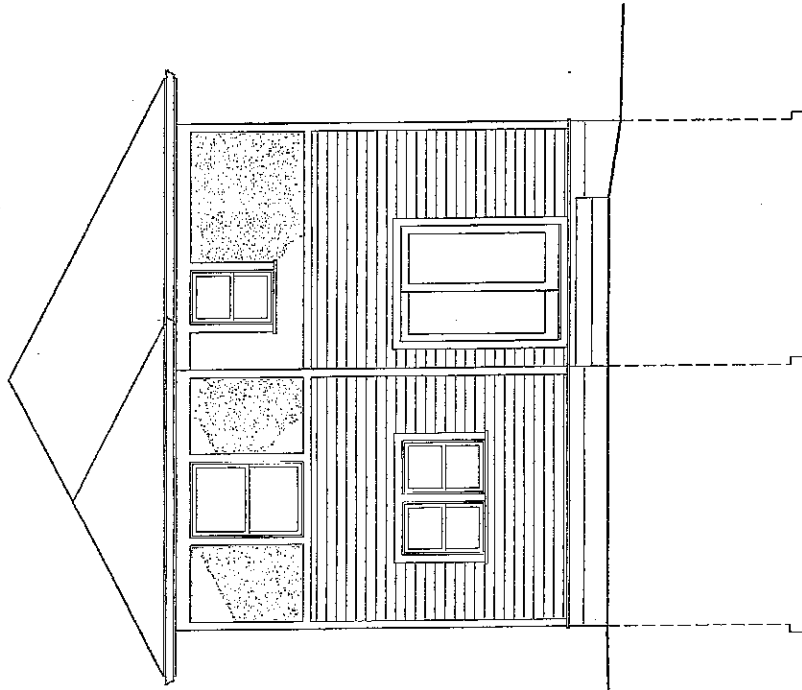


Street Elevation  
Scale: 3/16" = 1'-0"

472 Concord Street  
Single Family Home Design  
Paul Ormseth, Architect

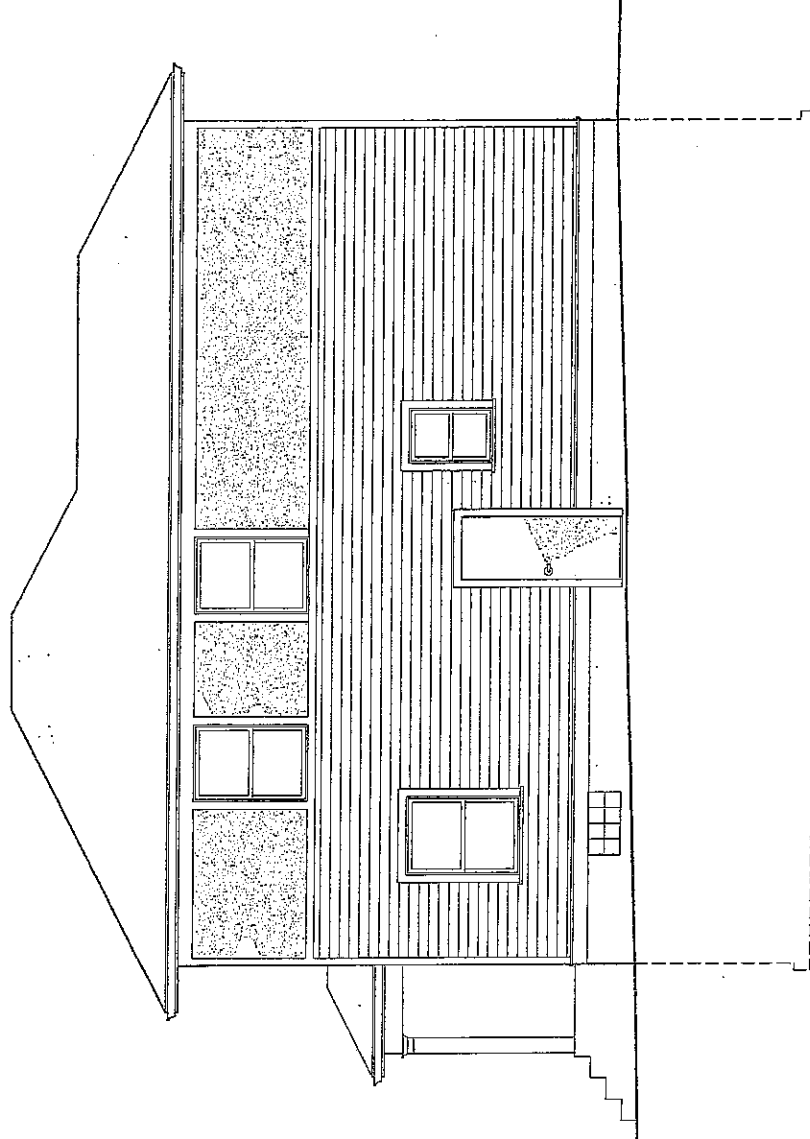
5/28/14

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Rear Elevation

Scale: 3/16" = 1'-0"



Northwest Elevation

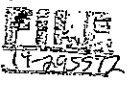
Scale: 3/16" = 1'-0"

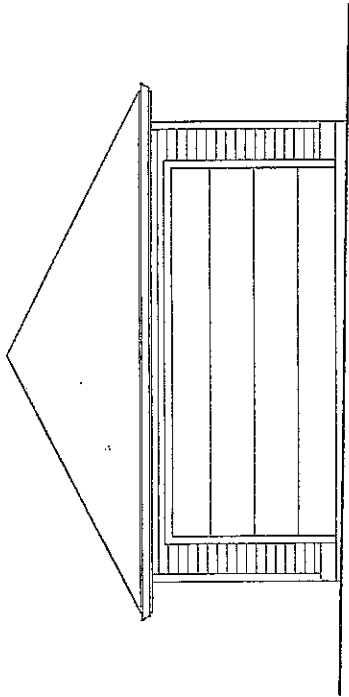
472 Concord Street  
Single Family Home Design

Paul Ormseth, Architect

5/20/14

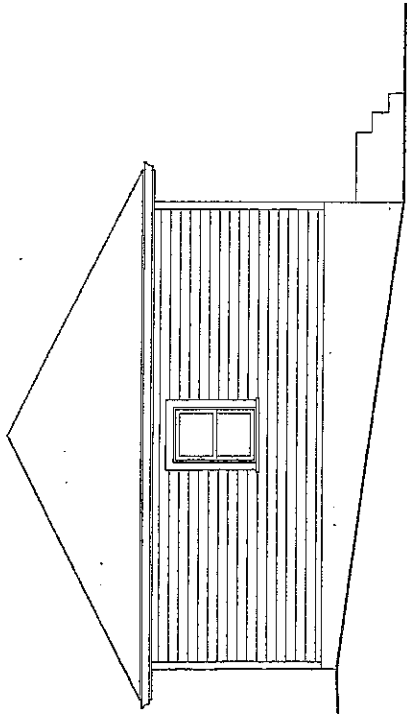
39





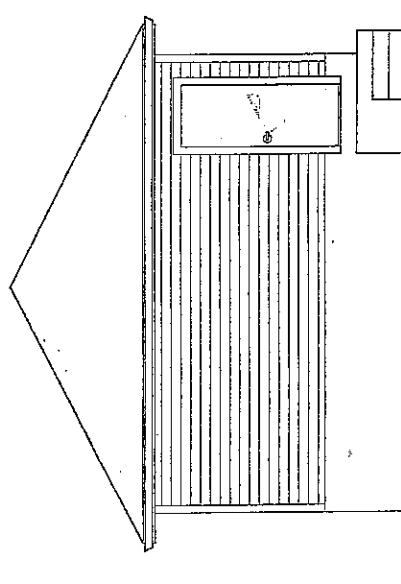
Garage Alley Elevation

Scale: 3/16" = 1'-0"



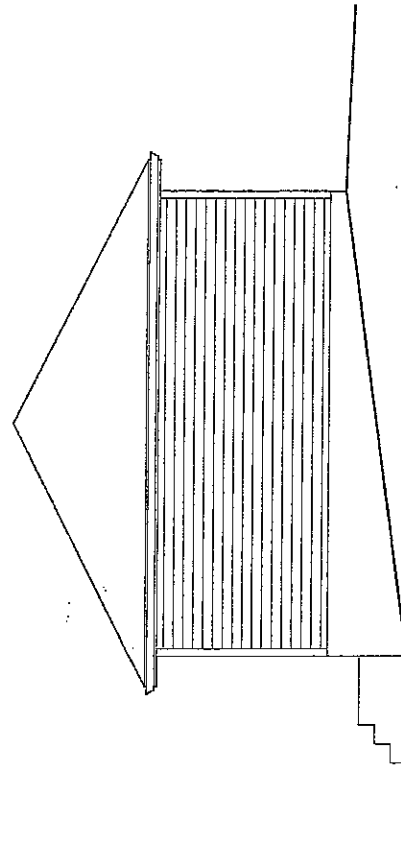
Garage Southeast Elevation

Scale: 3/16" = 1'-0"



Garage Northeast Elevation

Scale: 3/16" = 1'-0"



Garage Northwest Elevation

Scale: 3/16" = 1'-0"

FILE  
14-295572

**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 11-130256  
DATE: May 16, 2011**

WHEREAS, Guadalupe Alternative Programs has applied for a variance from the strict application of the provisions of Section 66.231 & 66.232 of the Saint Paul Legislative Code pertaining to three variances in order to build a new single family home: 1) A maximum lot coverage of 35% is allowed, 45% is proposed for a variance of 10%; 2) A northwest side yard setback of 4 feet is required, 3 feet is proposed for a variance of 1 foot; 3) A minimum rear yard setback of 25 feet is required, 14.5 feet is proposed for a variance of 10.5 feet; in the R4 zoning district at 472 Concord Street. PIN: 082822410017; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on May 31, 2011 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 property in question cannot be put to a reasonable use under the strict provisions of the code.*

Finding 1, which states that the property cannot be put to a reasonable use under the strict provision of the code is met. There is currently a one-story single family dwelling without a garage on this lot. The dwelling is currently listed as a Category 3 Vacant Building. The applicant was given until June 15, 2011 to complete the required repairs or the building may be demolished by the city. The applicant has instead decided to deconstruct the existing structure and will be replacing it with a new two-story single family dwelling with a walkout basement in the front and an attached garage in the back accessible from the alley. Building plans submitted by the applicant indicate that downspouts will be provided for the new building directing run-off away from the neighboring properties. The applicant proposes to cut into the 5 foot berm and build retaining walls on both sides of the lot in the front yard for the walkout basement.

The lot size, at 2,755 square feet is exceptionally small and the 10-foot wide alley is exceptionally narrow. An attached garage allows more space for access off of the alley. A house with an attached garage of 1,232 square feet is a reasonable size for this property that cannot be accomplished without lot coverage and rear yard setback variances. With a lot width of 29 feet, a minimum required width house of 22' cannot be built on this site without a side yard setback variance.

2. *The plight of the land owner is due to circumstances unique to this property and these*

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14-295572

File # 11-130256  
Resolution

*circumstances were not created by the land owner.*

Finding 2, which states that the request for a variance is due to unique circumstances not created by the landowner is met. This is a buildable lot and has been a substandard sized since the house was built in 1894. In this case, the plight of the land owner is due to circumstances unique to the property and these were not created by the current property owner.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

Finding 3, which states that the variance is in keeping with the spirit and intent of the code and is consistent with the health and welfare of the inhabitants of the city is met.

Constructing new housing units is consistent with the goals of the Comprehensive Plan. The proposed house is a single family dwelling and is consistent with the development of uses in the area. Provided gutters and downspouts are constructed to drain water away from adjoining properties as planned, the proposed variances are in keeping with the spirit and intent of the code and are consistent with the health, safety and comfort with the inhabitants of the City of St. Paul.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

Finding 4, which states that the variance will not impair the supply of light and air to adjacent property, nor will it alter the character of the neighborhood is met. The design submitted by the applicant shows the front yard excavated with retaining walls along the sides. There would be two front doors, one at the basement level and one at the first floor accessed by an exterior stairway. The basement level would also have a large window facing the front. There are no other buildings with a similar design in the neighborhood and all of the houses on the block have unexcavated front yards. The floor plan does not identify the use of the basement area and there does not appear to be a reason why both the basement and first floor levels need access directly to the front yard. The new house would be a positive addition to the area if designed in a way that matches other houses on this block. Provided the front yard is not excavated, there is only one door facing the street and no retaining walls are installed in the front, the proposed variances will not alter the character of the neighborhood.

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

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**FILE**  
14-249972

File # 11-130256  
Resolution

Finding 5, which states that no variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located is met. Single family homes are permitted in all residential zoning districts. The proposed variances, if granted, would not change or alter the zoning classification of the property.

- 6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

Finding 6, which states that the variances are not requested for financial gain is met. The applicant's primary desire is to build a single family dwelling on an existing lot and not to increase the value or income potential of the parcel of land.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.231 & 66.232 to allow 1) A maximum lot coverage of 45% or 1,232 square feet. 2) A northwest side yard setback of 3 feet. 3) A rear yard setback of 14.5 feet, in order to construct a new single family home on property located at 472 Concord Street; and legally described as Trowbridges Addition Tothe C Ex Nwly 21 Ft Lot 6 And All Of Lot 7; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS APPROVED** subject to the conditions that: 1) There is no excavating of the front yard and no retaining walls are installed in the front yard. 2) There is only one entry door in the front of the building facing Concord Street.

**MOVED BY:** Linden  
**SECONDED BY:** Courtney  
**IN FAVOR:** 5  
**AGAINST:** 0

MAILED: June 1, 2011

**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,

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**FILE**  
14-245272

File # 11-130256  
Resolution

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 May 31, 2011 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

**SAINT PAUL BOARD OF ZONING APPEALS**

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**Debbie M. Crippen**  
Secretary to the Board

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FILE  
14-29557



# City of Saint Paul

## Signature Copy

Resolution: RES 11-1299

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

File Number: RES 11-1299

Memorializing City Council action taken on June 15, 2011, upholding the decision of the BZA in this matter granting the requested variances with modified conditions for the purposes of building a new single-family home at 472 Concord Street in Saint Paul.

WHEREAS, the Guadalupe Alternative Programs ("GAP") located at 381 Robie St. East, did under BZA File No. 11-130256 on April 15, 2011, make application for three variances from the strict provisions of Leg. Code §§ 66.231 and 66.232 for the purpose of building a new single-family home at 472 Concord Street [PIN No. 082822410017] and legally described as: Trowbridges Addition To the C Ex Nwly 21 Ft Lot 6 And All Of Lot 7; and

WHEREAS, The variances sought by the GAP are: (1) A maximum lot coverage of 35% is allowed, 45% is proposed for a variance of 10%; (2) A northwest side yard setback of 4 feet is required, 3 feet is proposed for a variance of 1 foot; and, (3) A minimum rear yard setback of 25 feet is required, 14.5 feet is proposed for a variance of 10.5 feet; in the R4 zoning district; and

WHEREAS, on May 16, 2011, the Board of Zoning Appeals ("BZA") duly conducted a public hearing pursuant Leg. Code § 61.601 where all persons interested were afforded an opportunity to be heard; and

WHEREAS, the BZA, despite the fact that GAP did not appear at the May 16, 2011 public hearing, and despite the fact that the staff report recommended denial of the requested variances, the BZA, duly moved, as substantially reflected in its hearing minutes which shall be incorporated herein by reference, to grant the variance applications subject to the following conditions: (1) that there is no excavating of the front yard and no retaining walls are installed in the front yard; and (2) that there is only one entry door in the front of the building facing Concord Street, based upon the following findings of facts stated in BZA Resolution No. 11-130256:

1. *The property in question cannot be put to a reasonable use under the strict provisions of the code.*

Finding 1, which states that the property cannot be put to a reasonable use under the strict provision of the code is met. There is currently a one-story single family dwelling without a garage on this lot. The dwelling is currently listed as a Category 3 Vacant Building. The applicant was given until June 15, 2011 to complete the required repairs or the building may be demolished by the city. The applicant has instead decided to deconstruct the existing structure and will be replacing it with a new two-story single family dwelling with a walkout basement in the front and an attached garage in the back accessible from the alley. Building plans submitted by the applicant indicate that downspouts will be provided for the new building directing run-off away from the neighboring properties. The applicant proposes to cut into the 5 foot berm and build retaining walls on both sides of the lot in the front yard for the walkout basement.

The lot size, at 2,755 square feet is exceptionally small and the 10-foot wide alley is exceptionally

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FILE  
14-245572

narrow. An attached garage allows more space for access off of the alley. A house with an attached garage of 1,232 square feet is a reasonable size for this property that cannot be accomplished without lot coverage and rear yard setback variances. With a lot width of 29 feet, a minimum required width house of 22' cannot be built on this site without a side yard setback variance.

2. *The plight of the land owner is due to circumstances unique to this property and these circumstances were not created by the land owner.*

Finding 2, which states that the request for a variance is due to unique circumstances not created by the landowner is met. This is a buildable lot and has been a substandard sized since the house was built in 1894. In this case, the plight of the land owner is due to circumstances unique to the property and these were not created by the current property owner.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

Finding 3, which states that the variance is in keeping with the spirit and intent of the code and is consistent with the health and welfare of the inhabitants of the city is met. Constructing new housing units is consistent with the goals of the Comprehensive Plan. The proposed house is a single family dwelling and is consistent with the development of uses in the area. Provided gutters and downspouts are constructed to drain water away from adjoining properties as planned, the proposed variances are in keeping with the spirit and intent of the code and are consistent with the health, safety and comfort with the inhabitants of the City of St. Paul.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

Finding 4, which states that the variance will not impair the supply of light and air to adjacent property, nor will it alter the character of the neighborhood is met. The design submitted by the applicant shows the front yard excavated with retaining walls along the sides. There would be two front doors, one at the basement level and one at the first floor accessed by an exterior stairway. The basement level would also have a large window facing the front. There are no other buildings with a similar design in the neighborhood and all of the houses on the block have unexcavated front yards. The floor plan does not identify the use of the basement area and there does not appear to be a reason why both the basement and first floor levels need access directly to the front yard. The new house would be a positive addition to the area if designed in a way that matches other houses on this block. Provided the front yard is not excavated, there is only one door facing the street and no retaining walls are installed in the front, the proposed variances will not alter the character of the neighborhood.

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

Finding 5, which states that no variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located is met. Single family homes are permitted in all residential zoning districts. The proposed variances, if granted, would not change or alter the zoning classification of the property.

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FILE  
14-295512

File Number: RES 11-1299

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

Finding 6, which states that the variances are not requested for financial gain is met. The applicant's primary desire is to build a single family dwelling on an existing lot and not to increase the value or income potential of the parcel of land.

WHEREAS, on May 27, 2011, pursuant to Leg. Code § 61.702(a), GAP, under BZA File No. 11-148768, duly filed with the City Clerk an appeal from the conditions imposed by the BZA on the variance approvals and requested a hearing before the City Council for the purpose of considering the actions taken by the BZA; and

WHEREAS, On June 15, 2011, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, the City Council duly conducted a public hearing where all interested parties were given an opportunity to be heard; and

WHEREAS, The City Council, having heard the statements made by the applicant and having considered the variance application, the report of staff, the record, minutes, and the resolution of the BZA, does hereby;

RESOLVE, That the Council of the City of Saint Paul upholds the decision of the BZA in this matter to grant the requested variances and, accordingly, adopts the findings of the BZA, as set forth in BZA Resolution No. 11-130256 as its own and

BE IT FURTHER RESOLVED, that the Council, pursuant to Leg. Code § 61.702 and acting as the BZA, hereby modifies Condition No. 1 imposed by the BZA so as to permit GAP to excavate the front yard area and to erect retaining walls in the front yard area provided that the home is constructed with only one entry way into the home from the required front yard area based upon the representation of GAP at the public hearing; and

BE IT FURTHER RESOLVED, That the appeal of Guadalupe Alternative Programs be and is hereby denied subject to the modification of the variance conditions noted in the preceding paragraph; and, be it

FINALLY RESOLVED, That the City Clerk shall mail a copy of this resolution to Guadalupe Alternative Programs, the Zoning Administrator, the Planning Commission and the BZA.

At a meeting of the City Council on 7/20/2011, this Resolution was Passed.

Yea: 5 Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, and City Council President Lantry

Nay: 0

Absent: 2 Councilmember Thune, and Councilmember Stark

Vote Attested by Trudy Moloney  
Council Secretary Trudy Moloney

Date 7/20/2011

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**FILE**  
14-209572

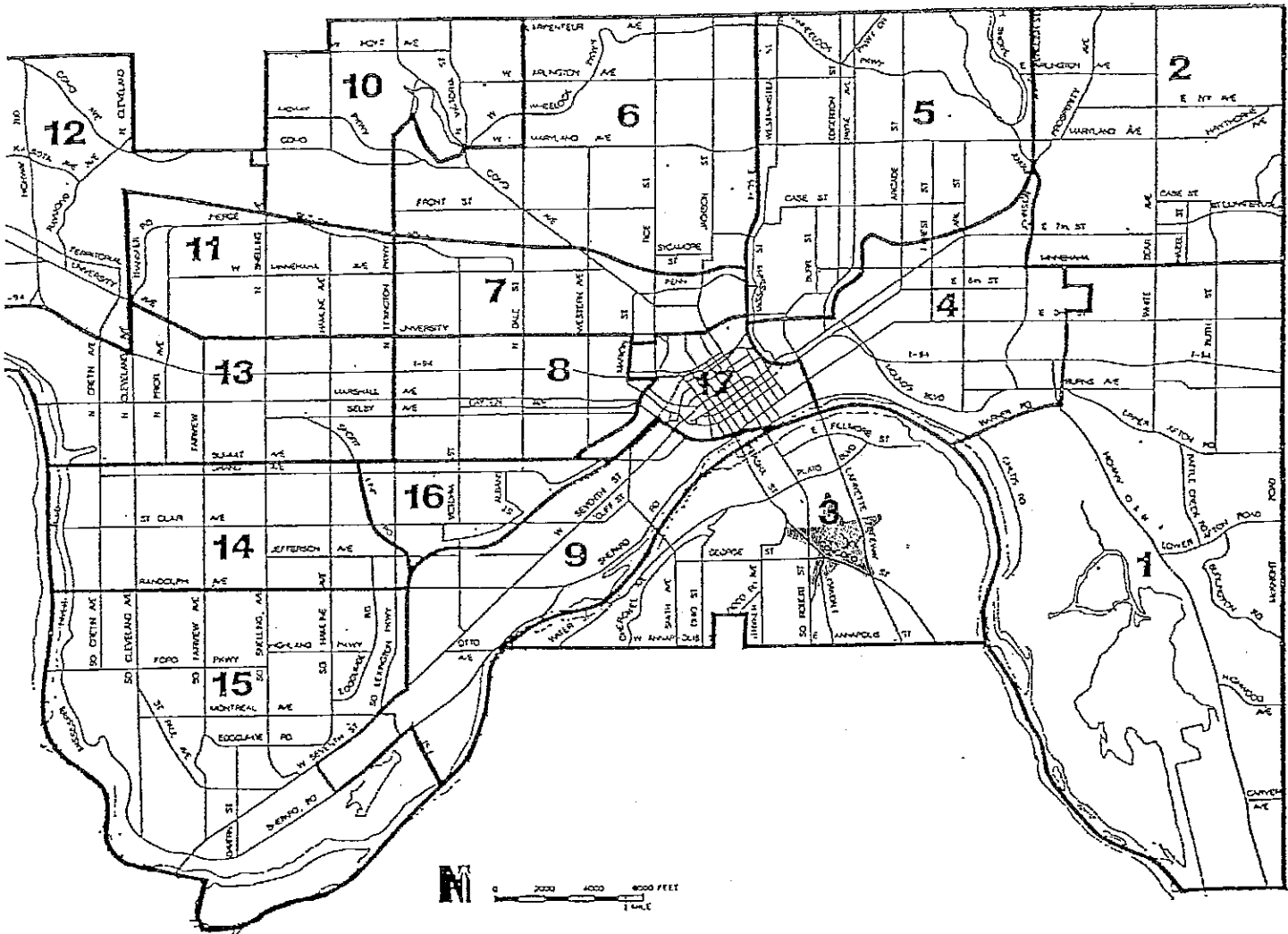
File Number: RES 11-1299

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Approved by the Mayor Chris D. Coleman  
Chris Coleman

Date 7/22/2011

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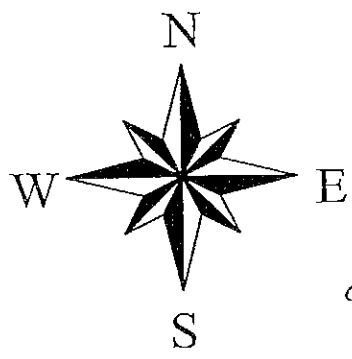
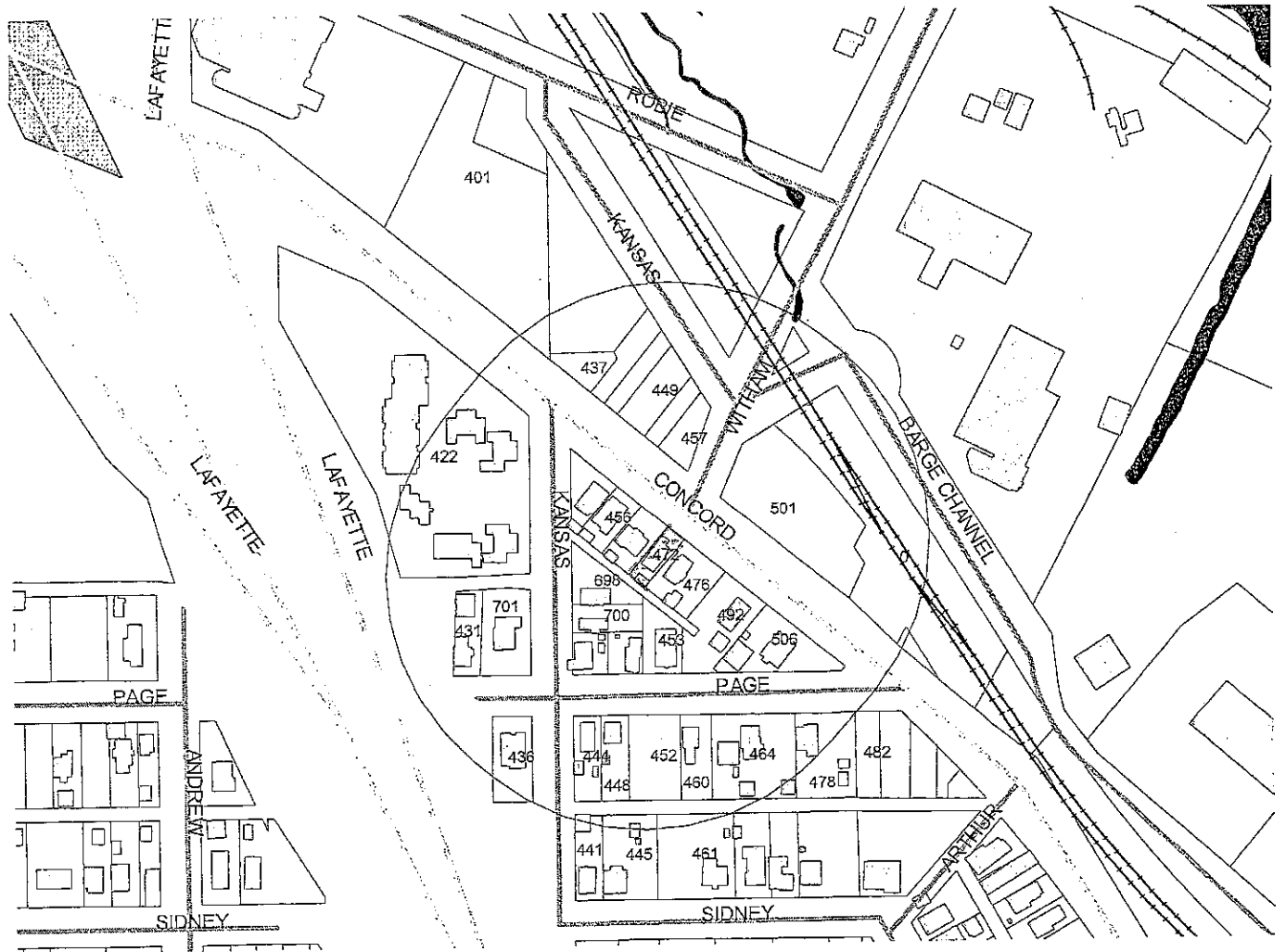
CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. HAZEL PARK HADEN-PROSPERITY HILLCREST
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY PARK
13. MERRIAM PARK-LEXINGTON HAMLINE-SNELLING HAMLINE
14. MACALESTER GROVELAND
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

ZONING FILE 14-295572

14-295572

# PROPERTY WITHIN 350 FEET OF PARCEL: 472 CONCORD STREET



CREATED BY: DSI

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