

OCT 01 2020



ZONING APPEAL APPLICATION

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 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only	
File #	<u>20-080894</u>
Fee Paid \$	
Received By / Date	<u>10/01/2020 MG</u>
Tentative Hearing Date	<u>10/21/2020</u>

APPELLANT

Name(s) SUELLEN, MICHAEL BUELOW / SUEBUE LLC
 Address 1645 PALACE AVE. City ST. PAUL State MN Zip 55105
 Email RMBUELOW@EMAIL.COM Phone 651-260-5528

PROPERTY LOCATION

Project Name 1493 HIGHLAND PKY. ST. PAUL, MN 55116
 Address / Location 102823330150, HARKNESS SUNNYSLOPE LOT 34

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 _____, 20 _____ File Number _____

GROUNDS 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 -

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 *m. Buelow* Date 9.30.2020

1493 Highland Parkway, Saint Paul, MN 55116

Variance request;

1. Rear Yard setback 24 feet.
2. 40% Lot Area Coverage

The BZA member did not enter proper findings of fact when handing down an adverse decision. Based on item #3. Suggesting that, he walks in and out his back door with no difficulty and sometimes it's raining or snowing, that's Minnesota. So, he sees no reason why they should grant an attached garage variance.

We submit there are practical difficulties with the property as described below, Attaching the house and garage allows for an enclosed handicap entry that eliminates steps while shortening the daily access. (See: Home owner's Federal Disability notice, exhibit A.)

Although not sighted, another member brought up that we did not meet Required Finding #6. Suggesting the variance would alter the essential character of the surrounding area because there were no other houses set that far back.

We submit this variance will not alter the essential character of the surrounding area. As is clear to see on the attached ariel view of our block there are numerous homes set back deep in their lots on the block. Furthermore, our house is set as far forward as is allowed per the front yard setback requirement. (See: Block overview, exhibit B.)

We are selling our Saint Paul home of over 22 years to move to 1493 Highland Parkway. Our kids have grown up and moved out allowing us to downsize and to build a more user-friendly, accessible design, one story home.

This rear yard set-back variance was granted by the St. Paul Board of Zoning on February 25, 2019. Our plan, a Major Remodeling (removing existing walls and roof) and a (12' on the East and 5' on the West) Addition to the existing foundation. It was later determined that the existing foundation would not support the new home and needed to be replaced. We removed the existing foundation from the plan and submitted the new plans for Permit Plan Review. (See: Existing Foundation removed, exhibit C.)

We received Zoning approved, Building and Demo Permits and commenced with starting the new house. We Demoeed the existing House and Garage, ordered floor and roof trusses and windows, and Excavated a large 3000 + sq Ft hole. Two weeks into construction our building inspector, David Tank informed us we had to stop construction because although the new home Building Permit was approved, the Zoning approval we had received was not properly otherized now that we had removed the existing foundation. The Rear Set-Back variances we had received was for an addition, major remodeling and apparently, not for a new home (having removed the foundation). So, we needed to re-apply to the BZA for the Variance Request.

With our new foundation in plan (per our building permit) we slid the house 10" to the East eliminating the need for a side yard variance and enhanced the West elevation articulation eliminating that requested variance. We now meet the Front and Side yard setback requirements and articulation. We hope you will agree that accepting the attached garage, 24' rear set back is still appropriate and that our variance request, Required Findings have been met.

We are also requesting a variance of 17.8 Sq. Ft. (3/10 of 1%) to the 40% Lot Area Coverage zoning requirement. Our appeal is that this is a **single-story, universal design** concept home on a relatively narrow lot (47'). We hope you will agree that accepting the Lot Area Coverage variance of 17.8 Sq. Ft. is appropriate and that the variance request, Required Findings have been met.

The purpose of the rear yard setback variance is to allow the garage to be attached to the house. Attaching the house and garage allows for an enclosed handicap entry that eliminates steps while shortening the daily access. **(See: Cross Section – Accessibility, exhibit D.)**

This request is in keeping with the neighborhood. On our block there are other homes with attached garages and numerous garages within Two feet of the alleyway.

Sincerely,
Suellen & Michael Buelow

1493 Highland Parkway, Saint Paul, MN 55116

Variance Request, Required Findings are Met:

1. The variances are in harmony with the general purposes and intent of the R4 zoning code, because it maintains being a one family dwelling.
2. The variances are consistent with the comprehensive plan, maintaining compatibility with adjacent houses in scale, form, architectural design and placement to alley and street.
3. There are practical difficulties with the property as described below, this is a single-story, universal design concept home on a relatively narrow lot. Attaching the house and garage allows for an enclosed handicap entry that eliminates steps while shortening the daily access.
4. There are unique circumstances, The site is relatively long and narrow with a significant rise in elevation from front (South) of 100.0 up to the alley (North) of 108.4. Locating the house as far back towards the alley as practical will allow the main floor of this one-story house to be as close to the alley entrance Level as possible. **(See site plan / floor plan)**
5. This variance will not permit any use that is not allowed in the zoning district.
6. This variance will not alter the essential character of the surrounding area.

Attachments:

- a. Federal Disability notice
- b. Block Overview
- c. Existing Foundation removed
- d. Cross Section - Accessibility

EXHIBIT A.

Social Security Administration
Retirement, Survivors and Disability Insurance
Notice of Award

Office of Central Operations
1500 Woodlawn Drive
Baltimore, Maryland 21241-1500
Date: August 2, 2008
Claim Number: [REDACTED] HA

000616 MCSM77 N3 2.180

SUELLEN W BUELOW
1645 PALACE AVE
ST PAUL, MN 55105-2136



You are entitled to monthly disability benefits beginning May 2008.

What We Will Pay And When

- You will receive \$ [REDACTED] around August 8, 2008.
- This is the money you are due for May 2008 through July 2008.
- Your next payment of \$ [REDACTED], which is for August 2008, will be received on or about the third Wednesday of September 2008.
- After that you will receive \$ [REDACTED] on or about the third Wednesday of each month.
- These and any future payments will go to the financial institution you selected. Please let us know if you change your mailing address, so we can send you letters directly.

The day we make payments on this record is based on your date of birth.

Other Social Security Benefits

The benefit described in this letter is the only one you can receive from Social Security. If you think that you might qualify for another kind of Social Security benefit in the future, you will have to file another application.

Your Responsibilities

The decisions we made on your claim are based on information you gave us. If this information changes, it could affect your benefits. For this reason, it is important that you report changes to us right away.

Enclosure(s):
Pub 05-10153
Pub 70-10281

C

See Next Page

14000616 * 0201 AFOZD004238 * MCSA-FP-M7A-F02B-R080729-FIN

We have enclosed a pamphlet, "What You Need To Know When You Get Disability Benefits". It will tell you what must be reported and how to report. Please be sure to read the parts of the pamphlet which explain what to do if you go to work or if your health improves.

A provider of employment or vocational rehabilitation services may contact you about getting help to go to work. The provider may be a State vocational rehabilitation agency or a provider under contract with the Social Security Administration.

If you go to work, special rules allow us to continue your cash payments and health care coverage. For more information about how work and earnings affect disability benefits, call or visit any Social Security office and ask for the following publications:

- Social Security - Working While Disabled...How We Can Help (SSA Publication No. 05-10095).
- Social Security - If You Are Blind--How We Can Help (SSA Publication No. 05-10052).

Do You Disagree With The Decision?

This action results from reconsideration of your claim and replaces our previous determination.

If you think we are wrong, you have the right to request a hearing. At the hearing, a person who has not seen your case before will look at it. That person is an Administrative Law Judge. In the rest of our letter, we will call this person an ALJ. The ALJ will review those parts of the decision which you believe are wrong. The ALJ will look at any new facts you have and correct any mistakes. The ALJ may also review those parts which you believe are correct and may make them unfavorable or less favorable to you.

- You have 60 days to ask for a hearing.
- The 60 days start the day after you receive this letter.
- You must have a good reason if you wait more than 60 days to ask for a hearing.
- You have to ask for a hearing in writing. If you want to make a request, please contact one of our offices. We can help you complete the required form.

Please read the enclosed pamphlet, "Your Right to an Administrative Law Judge Hearing and Appeals Council Review of Your Social Security Case." It contains more information about the hearing.

Things To Remember For The Future

Doctors and other trained staff decided that you are disabled under our rules. However, we must review all disability cases. Therefore, we will review your case in 5 to 7 years. We will send you a letter before we start the review. Based on that review, your benefits will continue if you are still disabled, but will end if you are no longer disabled.

If You Want Help With Your Appeal

You can have a friend, lawyer or someone else help you. There are groups that can help you find a lawyer or give you free legal services if you qualify. There are also lawyers who do not charge unless you win your appeal. Your local Social Security office has a list of groups that can help you with your appeal.

If you get someone to help you, you should let us know. If you hire someone, we must approve the fee before he or she can collect it. And if you hire a lawyer, we will withhold up to 25 percent of any past due benefits to pay toward the fee.

If You Have Any Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-651-290-0054. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
190 5TH ST E STE 800
ST PAUL, MN 55101

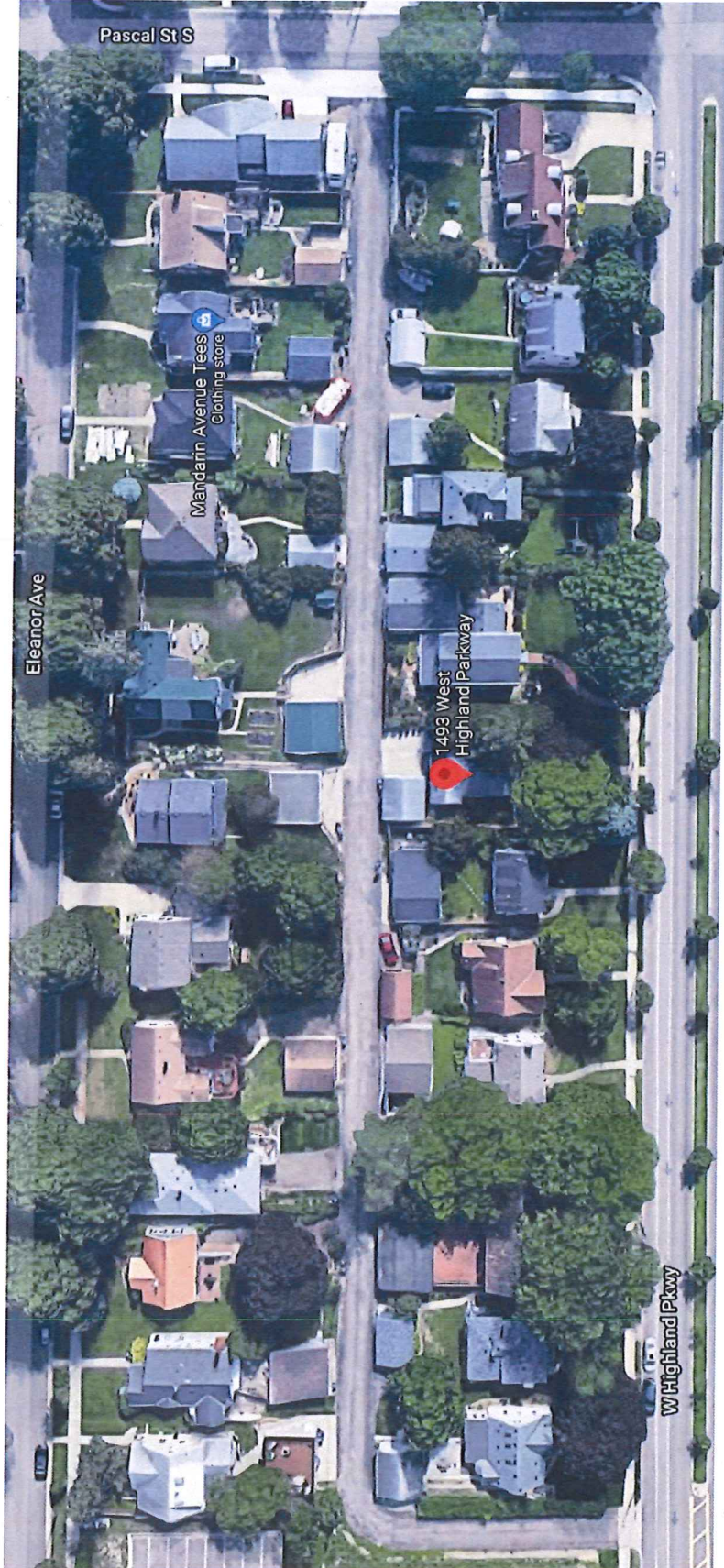
If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.



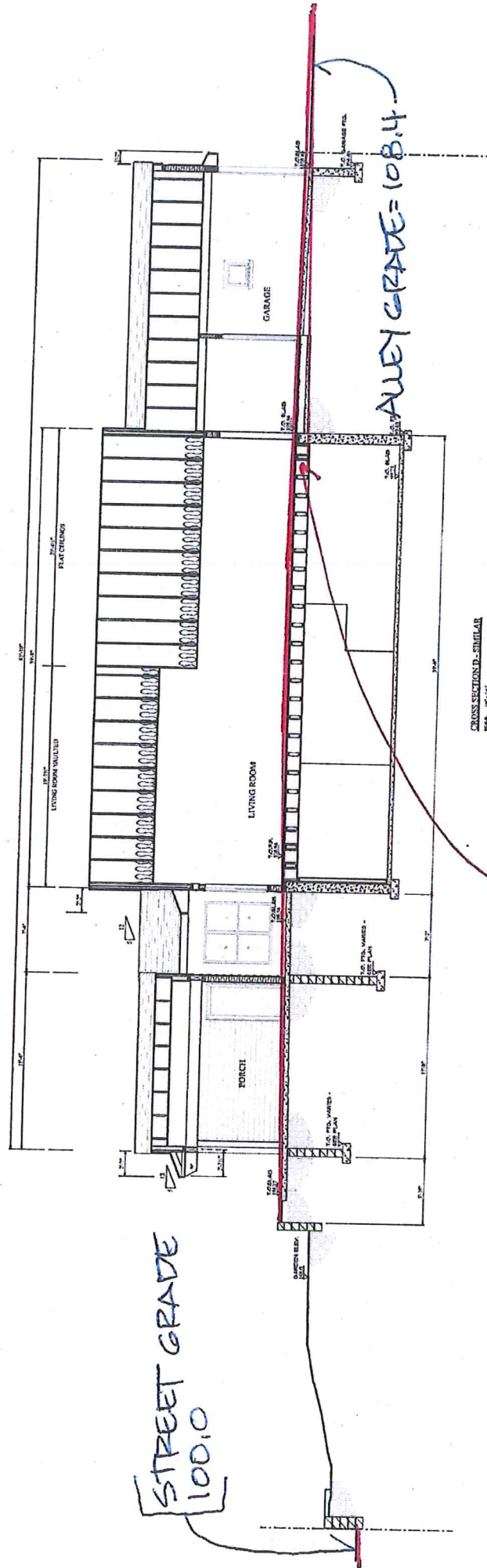
Michael J. Astrue
Commissioner
of Social Security

Exhibit B. Block Overview

North



South



STREET GRADE
100.0

AUDEY GRADE = 108.4

AUDEY TO T.O. F.F. = 2.2° SLOPE
(TOP OF FINISH FLOOR)

SITE CROSS SECTION

1493 HIGHLAND PARKWAY
9-30-2020