



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS

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Board of Zoning Appeals

Staff Report

TYPE OF APPLICATION: Major Variance **FILE #**18-035099

APPLICANT: Hupp Holdings III LLC

HEARING DATE: March 26, 2018

LOCATION: 617 Laurel Avenue

LEGAL DESCRIPTION: Woodland Park Addition to St The W 40 Ft Of Lot 12 Blk 6

PLANNING DISTRICT: 8

PRESENT ZONING: HPL-Hill

ZONING CODE REFERENCE: 66.231, 66.231(c), 66.231

REPORT DATE: March 19, 2018

DATE RECEIVED: March 5, 2018

DEADLINE FOR ACTION: May 3, 2018 **BY:** Jerome Benner II

A. **PURPOSE:** The applicant is proposing to construct a 6-unit row house development on a vacant lot in the RM2, multi-family residential zoning district and is requesting four variances: 1) This zoning district requires 1,500 square feet of lot area per unit. Based on the number of proposed units, a minimum lot area of 9,000 square feet is required; a lot area of 7,180 square feet is available, resulting in a variance request of 1,820 square feet. 2) The zoning code states that no multi-family dwellings can be built to create three or more dwelling units on a lot that is less than 9,000 square feet in area; the applicant is requesting a variance from this requirement. 3) A side yard setback of 9' is required; a setback of 3' is proposed for a variance request of 6'. 4) A setback of 9' is required for the off-street parking area; the applicant is proposing a setback of 1' on both the east and west sides of the parking lot for a variance request of 8'.

B. **SITE AND AREA CONDITIONS:** This is a 40' x 172.5' vacant lot with alley access on the north side of the property. This parcel is located in a local Heritage Preservation District.

Surrounding Land Use: This area is predominately a mixture of residential uses with commercial and mixed-use residential/office to the north on Selby Avenue.

C. BACKGROUND:

In January of 2017, the Board of Zoning Appeals approved the following variances for a 3-unit row house development:

Sec.66.231(c) Density Requirements. Lot size of at least 9,000 square feet in area is required; applicant proposed three units on a lot size of 7,204 square feet for a variance of 1,796.

Sec. 63.207 Parking Requirement by Use. Four off-street parking spaces were required based on the number of rooms in each unit. Applicant proposed three off-street parking spaces for a variance of one off-street space.

Sec. 66.231 Dimensional Requirements. Residential District Dimensional Standards table requires a minimum side yard setback of 9 feet for the apartment building; the applicant proposed a setback of two feet for a variance of seven feet.

63.501 (c). Accessory Buildings and Uses. On corner lots, buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure (in this case, 9').

In the early 1920s, there were three dwelling units and three businesses on this property consisting of a store on the front, a tin shop and a hardware store. The buildings were demolished in 1968, and the lot has been vacant ever since. On March 11, 2002, a variance was approved to allow a lot split from this property in order to construct a new single-family dwelling at what is now 613 Laurel Avenue.

D. ZONING CODE CITATIONS:

66.231. Density Requirements. This zoning district requires 1,500 square feet of lot area per unit. Based on the number of proposed units, a minimum lot area of 9,000 square feet is required; a lot area of 7,204 square feet is available, resulting in a variance request of 1,796 square feet.

66.231(c): Density Requirements. No multiple-family dwelling shall be built, nor shall additional dwelling units be added to an existing building to create three (3) or more dwelling units, on a lot that is less than nine thousand (9,000) square feet in area.

66.231. Dimensional Requirements. Residential District Dimensional Standards table requires for a minimum side yard setback of 9 feet.

63.501 (c). Accessory Buildings and Uses. On corner lots, buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure (in this case, 9').

E. FINDINGS:

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

The applicant is proposing to construct a row house multi-family development and a surface parking area for six vehicles on the north side of the property. The development will be comprised of three-two bedrooms units and three-one bedroom units, for a total of six.

In January of 2017, the applicant received variances in order to construct three three-bedroom units on this lot. While the number of units has increased to six, the bedroom configuration remains the same with a total of nine bedrooms for the development.

Two of the row houses will front Dale Street facing west, while the other will front Laurel Avenue facing south. The two bedroom units would occupy the ground level and the lower level (basement). The ground level will consist of a kitchen, dining and living rooms, and a bathroom. The lower level of the units would have bedrooms and full bathrooms. The one bedroom units will be on the second floor of the row houses and be accessed via a staircase from Dale Street.

The zoning code require 1,500 square feet of lot area per dwelling unit. A lot area of 9,000 square feet is required for six dwelling units, resulting in the variance request of 1,796 square feet. Additionally, this zoning district requires at least 9,000 square feet of lot area in order to create three or more dwelling units on a property. This lot is 7,204 square feet in area, resulting in the need of the requested variance.

Parking that is located on a corner lot must be set back from the street a distance equal to that of the principle building, in this case, the required side setbacks for the surface parking area is 9' and the applicant is proposing a setback of 1', for a variance request of 8'. Providing off-street parking is consistent with the city's goal to lessen congestion in the public streets as described in Sec. 60.103 of the zoning code.

The RM2, medium-density multi-family residential district is intended to provide for more extensive areas of multi-family residential developments and a variety of congregate living arrangements. The RM2 is intended to provide a balance of population concentration near major thoroughfares, transit, and related facilities. This property is within close proximity to transit and Dale Street is classified as County Rd. 53; a major thoroughfare that connects to I-94. The proposed development is in harmony with the zoning code and the intent of the RM2 zoning district. This finding is met for all requested variances.

2. The variance is consistent with the comprehensive plan.

This request would allow for an in-fill housing development on a vacant lot. The Housing Chapter of the Comprehensive Plan addresses the need for infill

development and to create greater housing density choices. The type of development that is being proposed for this property aligns with the city's goal of providing medium-density housing along corridors located in high amenity areas. This property is just south of the Dale and Selby commercial node which has mixed-use developments on each corner ranging from a variety of retail, offices, and medium-high density apartments.

One of the strategies for promoting housing found in the Comprehensive Plan is Strategy 2.17 which also supports creativity in the construction of neighborhood infill housing. The plans submitted with the application show three market rate apartments along with three affordable, one bedroom units, meeting the 60-80% of Average Median Income (AMI). The proposed development would be in keeping with the above referenced strategy and continue to create housing options in the city. This finding is met for all requested variances.

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 property is located in a RM2 zoning district where multi-family developments are allowed and is adjacent to a 17 unit-apartment building on the southwest corner of Dale and Laurel. Given the size of this lot, only a single family dwelling or a duplex could be constructed on this property without variances. However, because this property is located near a commercial node with moderate to high levels of pedestrian and vehicular activity, and it fronts County Road 53 locally known as Dale Street, it would not be an ideal location for a lower-density residential development.

In January of 2017, the applicant was granted a side yard setback variance of 3 feet from the west property line for the three-unit row house development. In order to expand the parking and allow for more storage room, the applicant is requesting a variance on the east side of the garage. Generally, detached garages located in the rear yard along an alley need a setback of only 3', however, since this is a corner lot a 9' setback is required.

The intent of the greater setback for parking on corner lots is to address sight line issues. The alley would be used as access into the parking area, which will help reduce potential conflicts with vehicles traveling on Dale Street.

The location of the property at a corner is a practical difficulty making it challenging to construct the proposed development without the requested variances. This finding is met for all requested variances.

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

This lot has been subdivided several times since 1968, which was the last time there were any structures on the property. These subsequent changes in the lot size and the lot split from March of 2002 are unique circumstances affecting any future developments other than a single-family dwelling or a duplex. This finding is met for all requested variances.

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

The proposed development is a permitted use in the RM2 zoning district. If granted, the requested variances will not change the zoning classification of this property. This finding is met for all requested variances.

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

There are several multi-family developments located within close proximity of the subject property, including a 17-unit apartment building located just west of this site. The proposed development with surface off-street parking will not alter the essential character of the surrounding area. This finding is met for all requested variances.

- F. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this report, District 8 – Summit University Planning Council has provided a letter of support.
- G. **CORRESPONDENCE:** Staff has received one letter of support from the manager at Mississippi Market Co-op and seven letters of opposition from owners at the following addresses: 271 Summit, 157 Kent, 580 Laurel, 599 Laurel, 661 Hague (2), 623 Laurel, owner of multi-family building on Holly.
- H. **STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommends approval of the requested variances.