



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 # 24-087437
Fee Paid \$ 462.00
Received By / Date D. Eide - 10/10/2024
Tentative Hearing Date 11/13/2024

APPELLANT

Name(s) GB REALTY ACQUISITIONS, LLC c/o McClay-Alton, PLLP
Address ATTN: Brian D. Alton 951 Grand Ave. City St. Paul State MN Zip 55105
Email brian@mcclay-alton.com Phone _____

PROPERTY LOCATION

Project Name _____
Address / Location 287 East 6th Street

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 September 30, 20 24 File Number 24-077286

GROUND FORS 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.

1. The Board of Zoning Appeals (BZA) erred in finding the variance is in not harmony with the general purposes and intent of the zoning code. **It is in harmony.**
2. The BZA erred in finding the variance not consistent with the comprehensive plan. **It is consistent.**
3. The BZA erred in finding the applicant has not 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. **There are practical difficulties and the property owner proposes to use the property in a reasonable manner not permitted by the provision.**
4. The BZA erred is finding that the plight of the landowner is not due to circumstances unique to the property not created by the landowner. **The plight is is due to unique circumstances not created by the landowner.**

See attachment.

☐ 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

Joseph Z...

Date October 8, 2024

MCCLAY • ALTON, P.L.L.P.
ATTORNEYS

ROBERT M. MCCLAY
BRIAN D. ALTON*

951 GRAND AVENUE
ST. PAUL, MN 55105
FAX: 651-290-2502
651-290-0301

*Also Licensed in Wisconsin

October 10, 2024

HAND DELIVERED
Department of Safety and Inspections
Zoning Section
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

RE: 287 E. 6th Street
File NO. 24-077286

Dear Madam or Sir:

On behalf of Global CRES, please find enclosed a Zoning Appeal Application for the appeal of the decision of the Board of Zoning Appeals. Also enclosed is Attachment to Appeal and \$462.00 appeal fee.

Please process this application in the usual manner. Please contact our office if you need any additional information. Thank you for your consideration.

Very truly yours,



Brian D. Alton
brian@mcclay-alton.com

Enc.

cc: David Eide, DSI via email
Bernardo Simões via email

ATTACHMENT TO APPEAL OF BZA DECISION
File #: 24-077286

The Board of Zoning Appeals erred in its findings. The BZA should correctly have made findings in the following ways:

1. The variance **is** in harmony with the general purposes and intent of the zoning code.
The B5 area is intended to provide services. There is no mention that it is intended for housing.

- The use for storage is a permitted use in a B5 zoning district.
- Zoning Code Sec. 66.417. The central business-service district is **intended to provide necessary services** for the population area...
- Zoning Code Sec. 60.103. The purposes of the zoning code include:
 - **To promote and to protect** the public health, safety, morals, aesthetics, **economic viability** and general welfare of the community.
 - To encourage a compatible **mix of land uses**.
 - To **conserve and improve property values**.
 - To provide for the **adaptive reuse** of nonconforming buildings.

2. The variance **is** consistent with the comprehensive plan.
The Comprehensive Plan supports use of the property for storage.

2040 Saint Paul Comprehensive Plan, Land Use Chapter.

- Policy LU-7. Use land use and zoning flexibility to **respond to social, economic, technological, market and environmental changes, conditions and opportunities**.
- Policy LU-8. Ensure that zoning and infrastructure support environmentally and **economically efficient, resilient land use development**.
- Policy LU-22. Continue to invest in Downtown and promote a **broad mix of uses**...
- Policy LU-25. Continue to strengthen Downtown as a residential neighborhood that provides **services and amenities for people of all ages**.

Saint Paul Downtown Development Strategy.

- Strategy 4.5. Increase the amount of life-cycle housing downtown through new development and rehabilitation/conversion of existing buildings, including vacant office buildings **as appropriate**. [287 E 6th is **NOT APPROPRIATE** for housing]
- Strategy 4.17. **Support opportunities for additional neighborhood-serving retail and services** in close proximity to concentrations of housing...
- Strategy 4.28. Ensure adequate provision of **parking for new residents**...[287 E 6th has a very small parking lot, with terribly **INADEQUATE PARKING** for residents].

Greater Lowertown Master Plan Summary.

- Strategy 3.1. Prioritize **building rehabilitation**...
- Objective 7.3. [I]nvesting in the amenities... that sustain values for all residents.

- Objective 9.2. Promote the reuse of existing building stock...
- Goals 9.5. Welcome and celebrate changes and investments in Lowertown.

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.
Using up to 85% of the building for storage is a reasonable use that will provide an amenity to the growing residential population in downtown.

- The building was built for grocery storage and is not setup to be office or residential.
- The building has a very high vacancy rate and there is very little interest for potential new tenants.
- Limiting the storage facility to 15% of the building would prevent the conversion and adaptive reuse of this property.
- The building is located in the Lowertown Historic District which prevents alteration of the façade.
- The windows are higher than a standard office/residential building and are a significant deterrent to renting.
- There are no windows on one side of the building.
- There are two freight elevators and a loading area/dock.
- The floor plates are too deep and large for modern office or residential uses.
- There are very few parking spaces.
- It is impossible with the present market conditions to use the building in a way *“that would create vibrancy.”*
- There are no other buildings downtown that have the same qualities that make this building amenable for storage, and it is not likely that other buildings will be converted to storage.

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

The location and configuration of the building and the existing market conditions that do not support other uses are unique circumstances, not created by the landowner.

Brian D. Alton
 McClay-Alton, PLLP
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 St. Paul, MN 55105
 651-290-0301
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