

check @ front court  
# 5601



APPLICATION FOR APPEAL **RECEIVED**  
Department of Safety and Inspections  
375 Jackson Street, Suite 220 Dec 18 2014  
Saint Paul, MN 55101-1806  
651-266-9008 By: City of St Paul DSI

Zoning office use only  
File no. 14-355023  
Fee 440.00  
Tentative Hearing Date: 01-07-15

**APPLICANT**

Name Rafic Chehour  
Address 945 Grand Avenue  
City St. Paul State MN Zip 55105 Daytime Phone 651-222-8585  
Name of owner (if different) DGD, LLC

**PROPERTY LOCATION**

Address 945 Grand Avenue  
Legal Description: Lot 23, Block 27, Summit Park Addition  
  
(attach additional sheet if necessary)

**TYPE OF APPEAL:** Application is hereby made for an appeal to the:  
 Board of Zoning Appeals  City Council  
under the provisions of Chapter 61, Section 702, Paragraph a of the Zoning Code, to appeal a decision made by the Board of Zoning Appeals  
on December 8, 2014. File number: 14-332913  
(date of decision)

**GROUND FORS 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 Board of Zoning Appeals or the Planning Commission.  
  
See attachment.  
  
(attach additional sheet if necessary)

Applicant's signature Rafic Chehour Date: 12-18-14 City Agent [Signature]

**Attachment to Application for Appeal  
Property address: 945 Grand Avenue, St. Paul, MN**

Refic Chehouri, appeals the decision of the Board of Zoning Appeals on the following grounds:

**The Board of Zoning Appeals made an error in Findings 1, 3, and 4 in its decision to deny the setback variance.**

1. The variance is in harmony with the general purposes and intent of the zoning code.
  - o The BZA erred in not finding that the variance is in harmony with the zoning code.

Among the purposes of the zoning code are: To ensure convenience of access to property; conserve and improve property values; and promote and protect economic vitality of the community.

2. The BZA correctly found that the variance is consistent with the comprehensive plan.
3. The applicant 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.
  - o The BZA was wrong in concluding that there are not practical difficulties.

The staff report implies that there is only a 3 foot elevation change from the sidewalk to the front door of the retail store. In fact, there are 13 steps and several feet. This poses a substantial problem for access for customers. In addition, the building next door at 949 Grand provides a significant challenge to the Gerber Jewelers business. Allowing Gerber Jewelers to remodel the building would help to alleviate the problem created by the adjacent building.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - o The BZA incorrectly concluded there are not unique circumstances.

The presence of the large building next door with no setback, and the steep drop from the front door to the sidewalk are unique circumstances.

5. The BZA correctly found that the variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The BZA correctly found that essential character of the area would not be altered by the variance.