

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 16-107288
DATE: January 4, 2017**

WHEREAS, McKenna Skrypek CMBR, LLC representing 1 Sunray Properties LLC has applied for a variance from the strict application of the provisions of Section 66.331 of the Saint Paul Legislative Code pertaining to the minimum required FAR(Floor Area Ratio) to construct a new commercial building. The applicant is requesting a variance of the minimum floor area ratio (FAR) in order to construct a new commercial building with three business spaces in the T2 Traditional Neighborhood zoning district. This zoning district requires a minimum FAR of .3 and a maximum FAR of 2.0. The FAR is the total floor area of the building divided by the area of the lot, meaning the gross square footage of the building area must be at least 30% of the size of the lot area and cannot exceed 2 times the size of the lot area. The applicant is proposing a one-story building that would have a FAR of .23, not meeting the minimum FAR. The variance is for the difference between the minimum FAR required and that being proposed for an FAR variance of .07 in the T2 zoning district at 373 Ruth Street North. PIN: 352922310048; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on January 4, 2017 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 variance is in harmony with the general purposes and intent of the zoning code.*

The applicant is planning a new development that includes the construction of a new commercial building with three business spaces and 34 surface parking spaces accessible from the street. The property is located in a T2 traditional neighborhood zoning district. Plans for the new commercial building have not been approved through the site plan review process. This T2 zoning district requires that the building have a minimum floor area ratio (FAR) of .3. The FAR is the total floor area of the building divided by the area of the lot, meaning the building floor area must be at least .3 times the size of the lot. The proposed FAR would be .23 (building size of 8,250 square feet divided by lot size of 35,283 square feet) and the applicant is requesting a variance of .07 below the minimum FAR, hence the requested variance.

The intent of the T2 district is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage and one of the intents of the zoning code is “to encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul’s existing traditional neighborhoods”. The proposed commercial building would be built at a smaller FAR than the minimum FAR and would not be in keeping with the scale of commercial

buildings intended for the T2 neighborhood. This request is not in keeping with the purposes and intent of the T2 district. This finding is not met.

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

The Land Use chapter of the Comprehensive Plan calls for denser developments along transit corridors that make those corridors more pedestrian and transit friendly, and a part of this is an increase in the FAR. The applicant's request to build a new commercial building under the minimum FAR for this zoning district is inconsistent with the Comprehensive Plan. This finding is not 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.*

The applicant is concerned that a building with a larger footprint would cause a need for more off-street parking spaces. The minimum number of on-site parking spaces is 21 (one for every 400 square feet of usable floor area) and the maximum number of spaces is 36 in a traditional zoning district (70% of the minimum). The proposed 34 spaces would be sufficient for a building of 13,600 square feet which would allow for a larger footprint with no more additional parking spaces. At this time, the applicant has not demonstrated any difficulties in complying with meeting the minimum FAR requirement for this T2 zoning district. This finding is not met.

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

Building a smaller building is a choice not a circumstance. This finding is not met.

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

A commercial building 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.*

A smaller commercial building on a corner lot in this T2 zoning district could alter the character of the surrounding area. This finding is not met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.331 to allow a FAR of .23 in order to construct a new commercial one-story building on property located at 373 Ruth Street North; and legally described as Hudson Road Gardens Subj To St And Ex W 100 Ft Lot 4 And Ex W 100 Ft The S

40 Ft Of Lot 3 Also Subj To Hwy And Ex W 100 Ft Lot 5 Blk 8; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY DENIED.

MOVED BY: Ward

SECONDED BY: Rangel Morales

IN FAVOR: 6

AGAINST: 0

MAILED: January 5, 2017

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, 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 January 4, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

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