

**CITY OF SAINT PAUL**  
**BOARD OF ZONING APPEALS RESOLUTION**  
**ZONING FILE NUMBER: 19-062869**  
**DATE: August 12, 2019**

**Deadline for Action: 9/5/2019**

WHEREAS, Chad Haller of 10K Architecture, has applied for a variance from the strict application of the provisions of Section 63.207 of the Saint Paul Legislative Code pertaining to construction of a daycare facility. Based on the number of employees, the day care facility is required to provide 12 off street parking spaces; the proposed site plan indicates a total of 6 off-street parking spaces for a variance request of 6 off street parking spaces in the RT1 zoning district at 1886 Ford Pkwy PIN: 162823210089; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on August 12, 2019 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 proposing to demolish an existing duplex and a detached, two-car garage and construct a three-story daycare facility with a parking lot in the rear of the property. The off-street parking area would be accessed from the abutting alley.

The proposed daycare facility will have three age groups; infant, toddler, and preschool age children. Each age group is required to have a certain number of staff based on the number of children. The following ratios are required by the daycare facility and the approximate number of children in each group:

Infant (16) – 1:4 staff to child  
Toddler (28) – 1:7 staff to child  
Preschooler (40) – 1:10 staff to child

Based on the above ratios, each group will have four staffers for a total of 12. The zoning code requires 1 space per employee; the daycare facility will provide 6 off-street parking spaces in the rear of the property, resulting in the requested variance.

The RT1 two-family residential district is intended to provide for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district.

The proposed daycare facility fits within the context of the neighborhood and is in harmony with the general purposes and the above intent of the zoning code. This finding is met.

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

The Highland Park Small Area Plan, an addendum to the Comprehensive Plan, addresses the need to provide services that contribute to neighborhood self-sufficiency. This daycare facility is a service for residents within a reasonable proximity to their homes which lessens the burden on parents to find child care facilities outside of their neighborhoods. This proposal is consistent with the Comprehensive Plan. This finding is 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 footprint of the proposed building occupies roughly 35% of the lot area, leaving only a portion in the rear for off-street parking. The front and side yards will be used as play areas for the children. It is difficult to create additional parking on the site without compromising the facility's programming and outdoor play areas.

It was noted in the applicant's narrative that some of the daycare staffers commute to work via public transportation, walking, or by drop-off, which lessens the need to provide additional parking. Furthermore, this site is located on the Bus Rapid Transit (BRT) A Line and there is also ample on-street parking that is underutilized during the day care hours when the majority of residents on Ford Parkway are away at work. There is a sufficient amount of on-street parking and alternative modes of transportation in the area that allow for a reasonable variance request from the parking requirement. This finding is met.

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

This block has a mix of daycare facilities and residential dwellings on standard residential lots. Daycare facilities are an allowed use in this zoning district, and since these lots are more residential in nature and not necessarily conducive for off-street parking for businesses, this application presents a unique circumstance not created by the landowner. This finding is met.

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

A daycare facility is an allowed use in the RT1 one- and two-family residential zoning district. This finding is met.

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

There are a number of early childcare facilities on Ford Pkwy that do not have sufficient off-street parking. This request will not alter the character of the neighborhood. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.207 are hereby waived to allow 6 off street parking spaces for a variance request of 6 off street parking spaces subject to the following conditions: **1) Rear parking spaces are**

*for staff parking only. No child drop-off/pick-up or parental use of rear parking spaces allowed with the exception that a handicapped space may be used for handicapped child drop-off/pick-up only. 2) Snow must be removed from all rear parking spaces so that each parking space is always available at its full width during regular business hours. Snow may not be stored on any rear parking space at any time. Snow may not be plowed from any rear parking space and plowed onto any adjacent properties nor may snow be stored anywhere on the property. 3) Operator's use of the existing day care at 1882 Ford Parkway shall be discontinued upon opening of the new day care at 1886 Ford Parkway. 4) Because the alley forms the zoning boundary between a less intensive R4 zoning district and a more intensive RT1 zoning district, the applicant/operator should discourage parents from using the alley for any purpose including child drop-off/pick-up, on property located at 1886 Ford Parkway; and legally described as Lane's Highland Park Ex E 26 Ft Lot 15 All Of Lot 16 And E 1 Ft Of Lot 17 Blk 11; in accordance with the application for variance and the site plan on file with the Zoning Administrator.*

***IS HEREBY APPROVED***

**MOVED BY: Bogen**

**SECONDED BY: Swift**

**IN FAVOR: 4**

**AGAINST: 1**

**MAILED:**

File #: 19-062869  
Resolution

**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 August 12, 2019 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

**SAINT PAUL BOARD OF ZONING APPEALS**

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**Der Vue  
Secretary to the Board**