



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 # 21-320393
Fee Paid \$ 462.00
Received By / Date D. Eide - 11/11/2021
Tentative Hearing Date _____

APPELLANT

Name(s) Thomas P Schroeder
Address 1446 Summit Ave City St Paul State MN Zip 55105
Email schroetp@gmail.com Phone 612-246-6517

PROPERTY LOCATION

Project Name 1446 detached 3-car garage
Address / Location 1446 Summit Ave St. Paul, MN 55105

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 Nov 1, 20 21 File Number 21-310398

GROUND 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 Planning Commission or Board of Zoning Appeals. Attach additional sheets if necessary.

I am requesting a variance for a proposed detached garage. Variance application was submitted to St. Paul Dept of Safety and Inspections Zoning staff with understanding that the situation aligned with requirements for a variance per sec. 63.501.- Accessory Buildings and Uses.

Mac-Groveland Community Council was fully supportive of the request. City of St. Paul Zoning staff report found that my request met all findings:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
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.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The variance will not alter the essential character of the surrounding area.

During the panel review, a select few commissioners interpreted line item 4) above differently than St. Paul Zoning staff and thus my request for variance was denied. No other findings were contested by BZA.

The proposed garage is replacing a non-contributing garage. There is a separate historic structure designated as Contributing by St Paul Heritage Preservation Commission (and thus cannot be demolished) that was built many years prior to my ownership. The Contributing structure is too small (height and length) to be utilized as a garage or workshop.

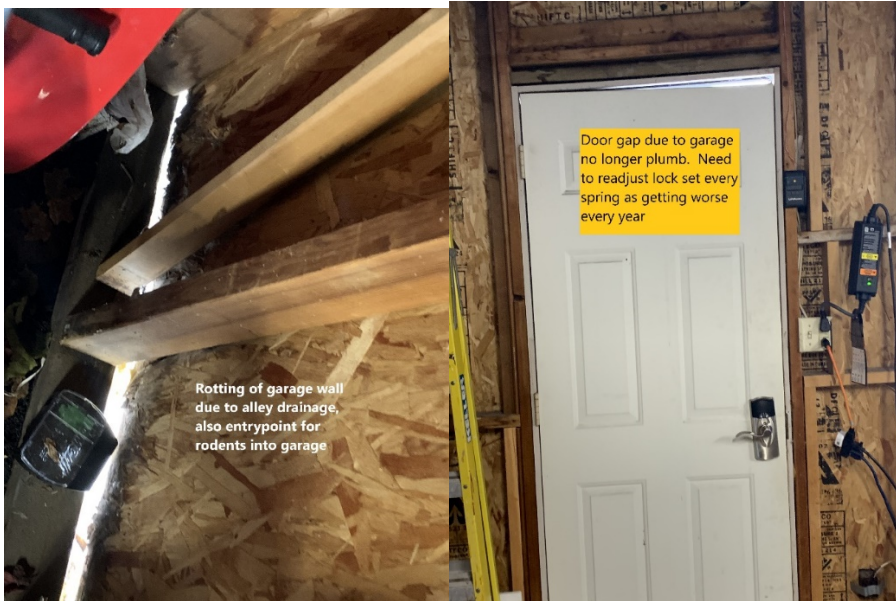
If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Appellant's Signature [Signature] Date 11/11/2021

1446 Summit Ave Variance Application Addendum

Existing garage proposed to be replaced is in dis-repair:

Circled area is where alley drainage flows into garage, which has led to siding and OSB rot. Since I moved into property in 2019, I have sandbags placed here to limit damage and minimize water that sits inside the garage. Due to rotting holes, squirrels and mice regularly nest inside.



Conditions for Variance

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

During the HPC review process, it was noted that the pre-existing secondary accessory structure on my property is a contributing outbuilding as it dates to the 1920s. This unique structure makes it difficult to comply with the ordinance as it reduces the size capacity for the new proposed garage. I am therefore requesting an increase in total accessory building square footage for the property.

The purpose of the new garage is three-fold: 1) ability to store vehicles (including full-size truck) and trailer/boat and 2) ability to use the garage as a workshop to support the continual restoration to my historic home and property as well as woodworking hobby, 3) additional living space above the garage:

- The proposed design has a 28 ft depth for structure so that the stairs to the 2nd level are internal for harsh winter weather conditions and safety. Moving the staircase to the exterior of the building creates safety concerns in the winter, but also design complications as the garage elevation is 4 feet above the backyard elevation, restricting where an exterior staircase landing could be placed.
- Design is 40 ft width to enable usage of 3rd stall as a workshop and vehicle storage, while also allowing clearance to side of vehicle spaces to enter/exit vehicles.
- Shortening depth of structure would not allow clearance for vehicles from staircase to front of vehicle (4.5' width required for stairs).
- Moving staircase to west side of structure would not allow clearance between vehicle and staircase (based on current 40x28' footprint).
- Reducing depth and width of 3rd stall/workshop would make it unusable to fit vehicles or boat/trailer as well as the woodworking tools (lathe, table saw, miter box, drill press, bandsaw, planer) and needed space to utilize those tools
- Design requirements by HPC for new building to match Colonial/Classic Revival style of home. Reduction in 1/3 of the buildings footprint (attempt to reduce size to 1000 sq feet) has major ramifications on the esthetics of the exterior appearance, in addition to adding complications and cost due to changes in the roofline over that part of the building

2. The variance is consistent with the comprehensive plan.

The current two car structure is in dis-repair and has existing drainage problems from the alley. Building is increasingly unstable due to movement of footings and foundation and rotting of the sill plate and lower sections of the garage. The variance would allow a functional garage to be built that will maintain property value.

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 318 sq ft contributing structure, while it has an overhead single car garage door, is not usable for storing vehicle/boat & trailer due to low clearance of the door (< 6 ft). The current roofline will not allow for a normal size (80" height) access door to be added due to its roof line being less than 80". The contributing structure is limited to use as shed, due to its size limitations.

Potential remediation plans for the contributing structure have been explored, but no viable options exist to meet requirements to use as a garage. Remediation could entail lifting the contributing structure so a wood foundation floor can be placed over the buckled concrete and building can remain and made structurally sound, as replacement of the current concrete foundation with a new concrete pad will detrimentally impact a beautiful old growth maple tree and roots near its proximity.

Note that property lot is 80 ft in width. The total potential sq footage will be 19%, less than 35% maximum rear yard coverage allowed.

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

The property has an existing 318 sq foot structure (built prior to my ownership of the property) that is classified as contributing by HPC and therefore needs to remain.

The structure was built in an era prior to current day automobiles and is not sized to fit them.

Notwithstanding it being contributing, there is an inability to replace the structure due to its proximity to the old growth maple tree. The tree has impacted the building with its roots growing through the driveway and cracking the foundation. It is not usable for vehicle or boat & trailer storage and has relinquished its use more or less to a garden shed. Upon consulting with multiple contractors, I have been advised that replacing the structure would require removing the tree. It is our desire to save this tree.

Supporting photos of structure



Building out of plumb due to trees root system, causing so much movement it restricts garage door opening as the seasons change. Foundation below grade, causing wood wall and siding to accelerate rotting and decay



Old growth tree with root growing over driveway (and other roots under foundation causing foundation to buckle.



5. The variance will not permit any use that is not allowed in the zoning district in which the property is located:

Proposed garage will be used to store vehicles and personal items, including vehicles, trailer/boat and tools supporting home restoration and woodworking hobby. Upper level to be used for homeowner belongings and additional living space.

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

The proposed garage has met HPC requirements as being compatible with the look of other surrounding structures. The look and style of the structure will be in the Colonial/Classic Revival style to match house.

The density size of applicant lot is 19%, well below the 35% threshold.

The proposed garage size fits into surrounding area based on size of other nearby structures that exist in the alley. Across the alley (1445 Grand Ave) exists a 4-car garage (1400 sq ft) for multi-unit housing:



At the end of the alley (1397 Grand Ave) exists a multi-vehicle (5) garage (1326 sq ft) on 60 ft wide lot (exceeding density guidelines):



The size of proposed garage does not set a precedent. Some other garages near my property and within Mac-Groveland that either exceed 1000 ft limit and/or exceed 35% density requirement with narrower 60 or 50 ft wide lots include, but are not limited to:

- 1397 Grand Ave: 1452 sq ft with density of 43% of backyard as mentioned previously
- 833 Portland: 1128 sq ft 4 car garage @ 42% density
- 841 Portland: 1886 sq ft 4 car garage
- 675 Goodrich: 1440 sq ft 3+ garage

Respectfully submitted,
Thomas Schroeder