

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 19-081671
DATE: October 07, 2019

Deadline for Action: November 1, 2019

WHEREAS, Dan Bustos has applied for variances from the strict application of the provisions of Section 63.501 of the Saint Paul Legislative Code pertaining to the height and the lot coverage requirements for accessory buildings in order to construct a two-story, three-car detached garage in the rear yard of an existing single-family dwelling. The following variances are being requested. 1) Accessory buildings must not cover more than 35% of the rear yard (3,021 square feet), or 1,000 square feet, whichever is less. There is an existing 120 square foot shed that would remain and the proposed accessory building footprint would be 1,120 square feet for a total of 1,240 square feet, for a variance request of 240 square feet. 2) Accessory structures with gable style roofs have a maximum building height of 15'. The applicant is proposing a building height of 16'-4", for a variance request of 1'-4". This property is located in the R3 zoning district at 1780 Goodrich Ave PIN: 042823430014; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on October 07, 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:

FINDINGS

- 1. The variance is in harmony with the general purposes and intent of the zoning code.*

The applicant is proposing to construct a two-story, 1,120 square foot detached garage with a workshop. The proposed garage height is 16'-4" to the midpoint of the gable roof. There is an existing 120 square foot shed that would remain. According to the applicant, two of the garage stalls would be used to park vehicles while the third garage stall would be used as a workshop. The second story of the detached garage would be used as space for a hobby and creative arts space.

The proposed garage combined with the existing shed is less than 35% of the rear yard, however, it exceeds 1,000-square feet, resulting in the requested variance.

The intent of the Section 60.103 of the zoning code is to promote the aesthetics and economic viability of the community. The structure would serve as an amenity to the property and would be relative in size to the large, single-family parcel. Provided that the garage complements the existing house, and is not used for commercial purposes or as a home occupation, this request is in harmony with the general purposes and intent of the zoning code to provide parking in order to lessen congestion in the public streets. This finding is met.

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

One goal of the city's Comprehensive Plan is to encourage property owners to reinvest in their properties by maintaining its vitality and preserving the neighborhood (Housing Strategy 2.1). 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 proposed garage is a reasonable use of the property due to the difficulties related to the impracticality of the house basement or attic to create a viable storage space for the applicant's delicate art equipment. This finding is met.

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

The lack of options to improve the applicant's home as an alternative to the proposed garage is a circumstance unique to the property not created by the applicant. 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.*

Accessory structures are allowed in all zoning districts. This finding is met.

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

There is a garage with a similar height located on the lot behind this property. Provided the proposed garage is not used as a home occupation or for commercial purposes, this request will not alter the character of the surrounding area. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.501 are waived to allow a lot coverage of 1,240 square feet for an existing shed and a new garage that would be 16'-4" in height subject to the condition that **the garage is not used as a home occupation or for commercial purposes** on property located at 1780 Goodrich Avenue; and legally described as Macalester Park E 61 5/10 Ft Of Lot 2 Blk 11; in accordance with the application for variance and the site plan on file with the Zoning Administrator. This request, **IS HEREBY APPROVED.**

MOVED BY: Morales

SECONDED BY: Clarksen

IN FAVOR: 5

AGAINST: 1

File #: 19-081671
Resolution

MAILED:

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 October 07, 2019 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Maxine Linston
Secretary to the Board