

**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 17-215020  
DATE: January 17, 2018**

WHEREAS, Kyle Coglitore has applied for an Administrative Review under the strict application of the provisions of Section 67.708 of the Saint Paul Legislative Code pertaining to the Student Dwelling ordinance. This property was a registered Student Dwelling as defined in Sec.67.702. of the Zoning Code. However, its status was revoked after being found in violation of the Student Dwelling ordinance due to over occupancy. The applicant is appealing the revocation under Sec.67.708, which allows a revocation of a student dwelling status to be appealed to the Board of Zoning Appeals in the R3 zoning district at 2083 Marshall Avenue. PIN: 322923440130; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on January 17, 2018 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. *Background of Student Dwelling Ordinance.***

The appellant purchased this property in June of 2013 as an established student dwelling as defined in Section 67.702 of the zoning code. A student dwelling is a one- or two-family dwelling requiring a Fire Certificate of Occupancy in which at least one (1) unit is occupied by three (3) or four (4) students. For the purposes of this provision, a student is an individual who is enrolled in or has been accepted to an undergraduate degree program at a university, college, community college, technical college, trade school or similar and is enrolled during the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution. The Student Overlay District is bounded by I-94 on the north, Snelling Avenue on the east, St. Clair Avenue on the south, and Mississippi River Boulevard to the west.

**2. *History of over occupancy.***

On March 16, 2016, DSI – Fire Inspection received a citizen complaint stating that this property may be over-occupied. The inspector responded to the complaint and found that six (6) to eight (8) students were residing in this single-family dwelling. City records indicate that the property owner admitted to the fire inspector that the residents that were not on the lease were storing their belongings in the garage in order to evade enforcement action from the city.

On September 13, 2017, DSI received another citizen complaint regarding a potential over-

occupancy at this property. On September 14, 2017, a fire inspector went to the property and found that it was occupied by nine (9) students. The fire inspector contacted the property owner to inform him of the over occupancy complaint and made arrangements to meet the owner on site on September 15, 2017, to discuss those issues among other property maintenance problems. The inspector found the property to be in compliance as the four (4) students who were living in the house were also listed on the lease. Additionally, the over occupied rooms were vacated. The fire inspector gave a verbal warning to the appellant stating that any more complaints regarding over-occupancy may result in the revocation of his Student Housing Certificate of Occupancy.

### 3. *Applicant's Claim*

As stated above, the DSI fire inspector met with the appellant at the property on September 15, 2017. According to the appellant, after the fire inspector left the house, the tenants on the lease told him that the additional residents rented a moving truck to store their belongings and planned on moving back into the house after the inspector left the property. The property owner became worried that he would lose his Student Housing Certificate of Occupancy, so he had his girlfriend file an anonymous complaint on his property as a good faith effort to demonstrate transparency and being a responsible landlord.

The fire inspector sent a Correction Notice to the appellant on September 18, 2017, stating that his Student Housing Certificate of Occupancy has been revoked due to over occupancy. The appellant claims that since his girlfriend called in the complaint on his behalf, the certificate of occupancy to rent to students should not have been revoked. The applicant submitted a photo illustrating the time of the call to the City complaint line, however, he did not indicate whom his girlfriend had spoken to at the city.

Although the appellant has lost his privilege to rent the property to three (3) or more undergraduate students as defined in Section 67.702 of the zoning code, he still has the ability to rent to four (4) unrelated adults or a family as defined in Sec.65.111 of the zoning code.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the Fire Inspector did not error in the decision to revoke the Student Housing Certificate of Occupancy due to over occupancy per the provisions of Section 67.708 on property located at 2083 Marshall Avenue; and legally described as Roblyn Park Additionst Paul Lot 20 Blk 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

BE IT FURTHER RESOLVED; that the appeal is hereby denied.

**MOVED BY:** Miller

**SECONDED BY:** Maddox

**IN FAVOR: 4**  
**AGAINST: 0**

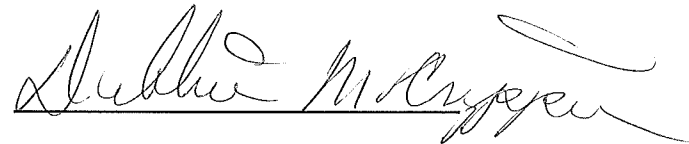
**MAILED:** January 31, 2018

**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 17, 2018 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