

**Appeal of Board of Zoning Appeals Decisions Related to**

# **United Village**

## **Restaurant Pavilions**

**Zoning File: #24-033509 (Appeal of Zoning file #24-023545)**  
**1566 University Ave W (Temporary Address)**

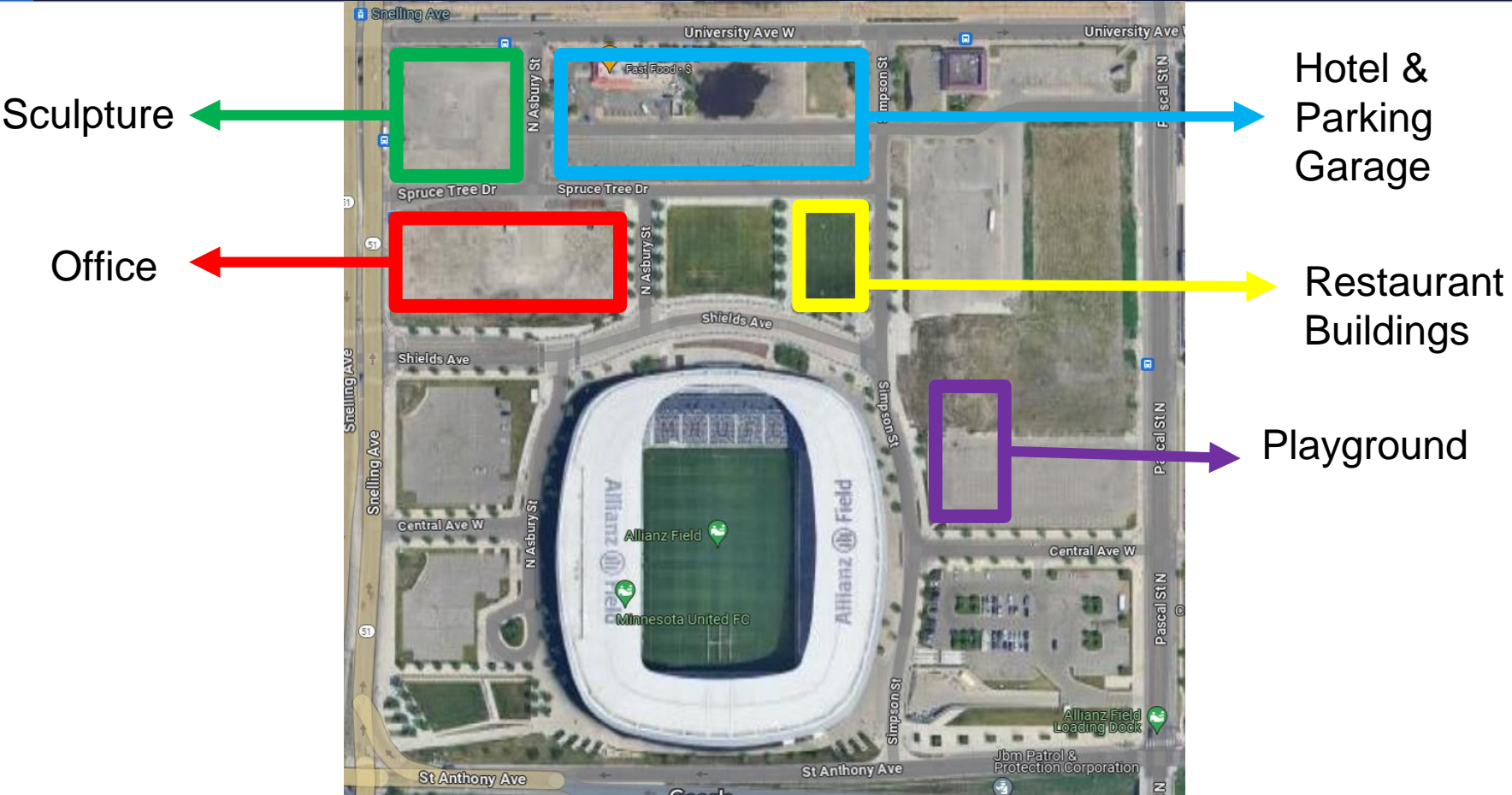


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# United Village Site Orientation





# United VILLAGE MASTERPLAN PHASE 1

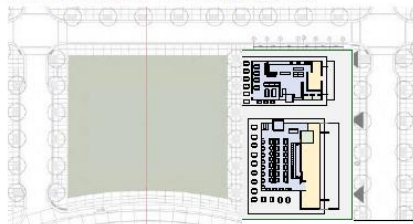
## BLOCK F1: RESTAURANT PAVILION MURALS



WEST ELEVATION

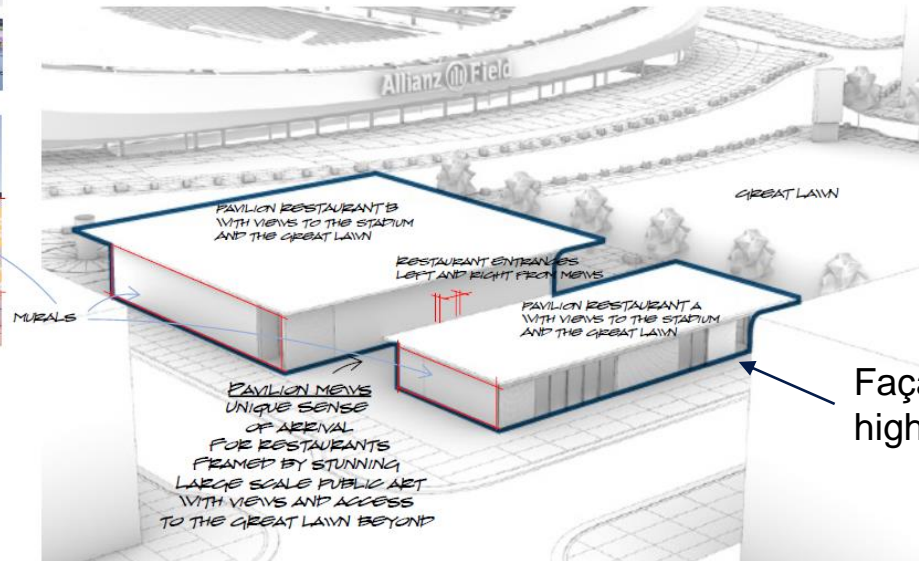


EAST ELEVATION - THE PAVILION MOVES

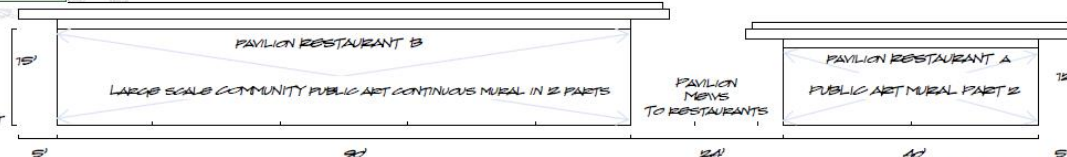


GREAT LAWN PLAN

EAST ELEVATION - SIMPSON STREET



Façade in question highlighted.





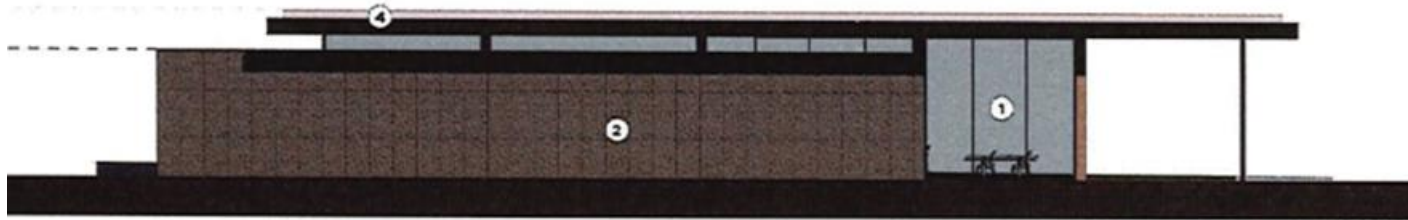
# Decisions being appealed

## One variance related to window/door opening requirement (30% Required)

1. 19.6% requested on north façade of north building; variance of 10.4% - Denied

## One variance related to primary pedestrian entrance requirement

2. No primary pedestrian entrance on north façade of north building – Denied













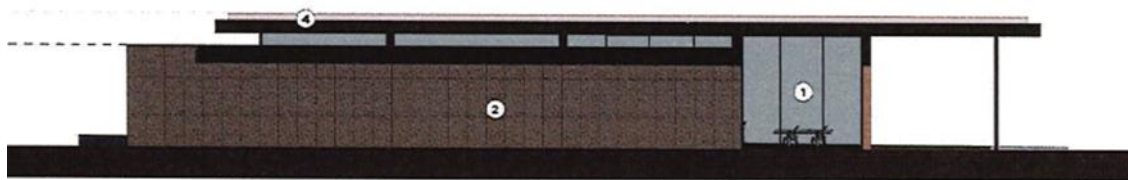


# Variance #1 – Above Grade Openings (North Façade, North Bldg)

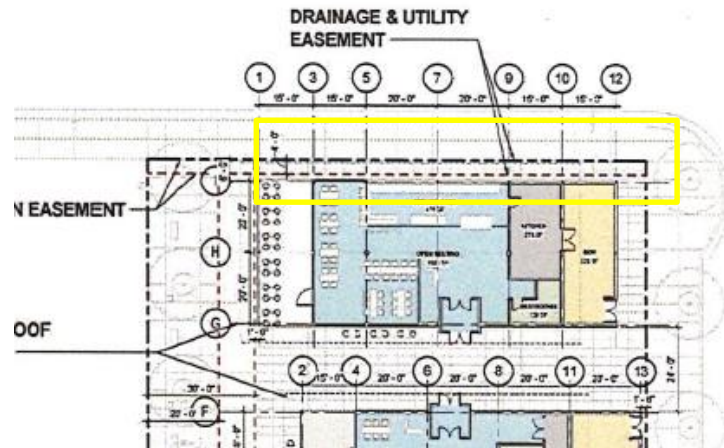
- City Council Resolution 23-1442 - 30 percent of the area along the ground floor along street facing facades required.

## Northern Building

- Northern Façade: 19.6%, 10.4% variance



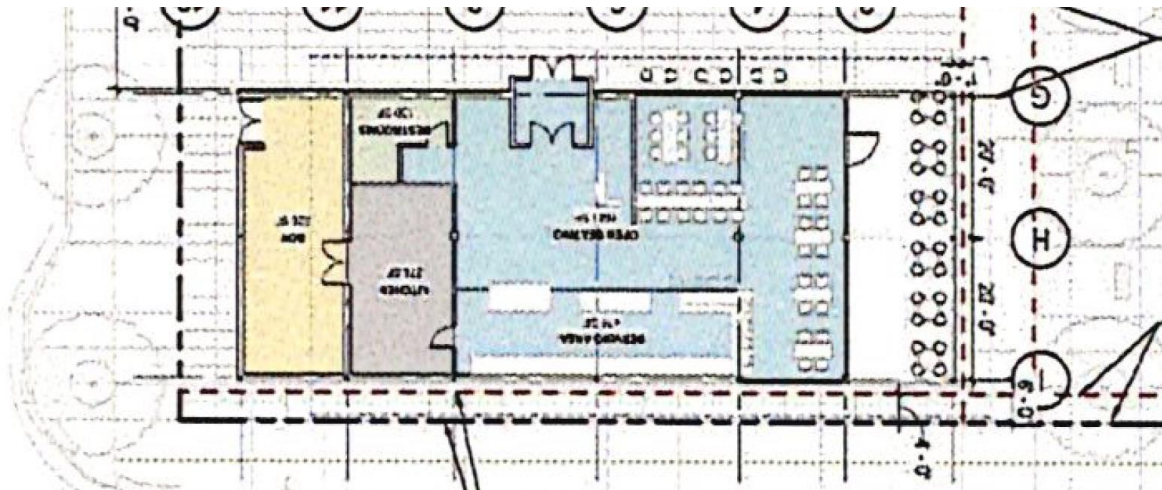
4 NORTH ELEVATION - F11  
3/16" = 1'





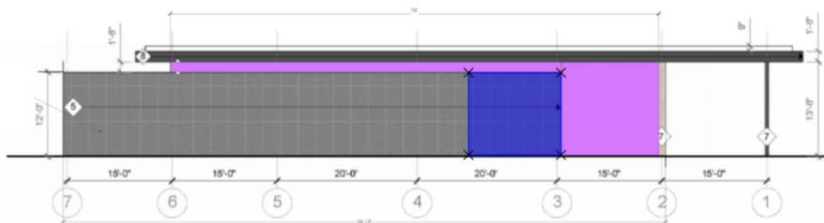


# Variance #1 – Above Grade Openings (North Façade, North Bldg)



## METHODS

1. 19.6%
2. 19.6%
3. 71%



F1 A - North Elevation

Dark blue box is about 153 square feet. (Size of shortage.)



# Variance #1 Findings – Above Grade Openings (North Facade)

## North Façade – Above Grade Openings– BZA/Staff Findings in Denying Variance

1. Spruce Tree Ave is partially lined with a patio, which adds vibrancy at street level to mitigate the effects of fewer windows on this facade. **Finding is met.**
2. This property is unique in that it is centered around the Great Lawn, with pedestrian walkways running along the western side and through the site between the two buildings. **Finding is met.**
3. There are opportunities to increase the window percentage to meet the requirement on the northern façade, given that the uses along the northern façade are primarily the dining room and serving area. **This finding is not met for the 19.6% request for the northern façade.**
4. The request for a variance of the window and door percentage on the northern façade seems to be self-created, as the zoning code does not prohibit windows in serving areas. **This finding is not met for the 19.6% request for the northern façade.**
5. Restaurants are permitted in the T4M zoning district. **This finding is met.**
6. One-story buildings were contemplated in master plan in this area. **This finding is met.**

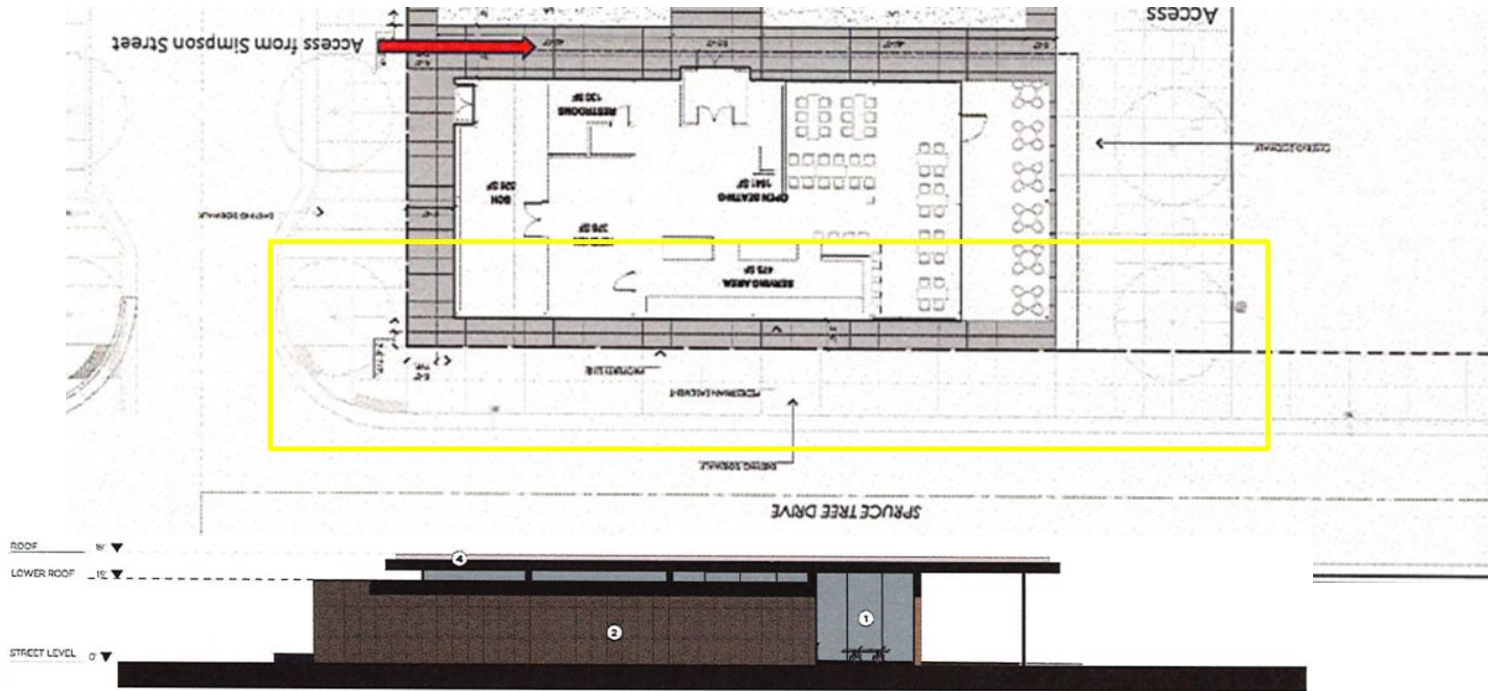
**BZA denied the northern façade variance request (19.6% proposed) based upon finding 3 & 4.**



# Variance #2: Primary Pedestrian Entrance

## RES 23-1442

3. All new buildings within the master plan boundary must have a primary pedestrian entrance on arterial, collector, and/or local streets.



View from Spruce Tree





# Variance #2 Findings – Primary Pedestrian Entrance

## North Façade – Primary Pedestrian Entrance Findings – BZA/Staff Findings in Denying Variance

1. Door openings help break up building façades and add transparency, visual interest, and vibrancy at street level to enhance the pedestrian environment and experience. Patio on this façade. **Finding is met.**
2. This is a unique development, as it is oriented towards the Great Lawn. A pedestrian-only path allows access to the two buildings between them, and a pedestrian-only path lines the buildings to the west. The overall nature of the development is consistent with the comprehensive plan. **Finding is met.**
3. Staff believe that it is possible to add a primary pedestrian entrance on the northern façade of the northern restaurant building, similar to the door on the southern entrance of the southern building into the dining room. Staff do not believe that there are practical difficulties in complying with the provision for this request. **This finding is not met for the request to omit a primary pedestrian entrance along Spruce Tree Avenue.**
4. Staff believe that the plight is self-created for the primary pedestrian entrance along Spruce Tree Avenue, as the dining room abuts this side of the building, where an entrance could be included. **This finding was not met for omission of a northern primary pedestrian entrance along Spruce Tree Avenue.**
5. Restaurants are permitted in the T4M zoning district. **This finding is met.**
6. One-story buildings were contemplated in master plan in this area. **This finding is met.**

**BZA denied request to omit a primary pedestrian entrance on the northern façade based upon finding 3 & 4.**



# District Council Recommendations and Letters

- **Union Park District Council**
  - opposes requests pertaining to window/door opening percentage requirement
  - supports requests pertaining to primary pedestrian entrance requirement
- **Letters in support:** Staff received a letter from the Midway Chamber of Commerce supporting the project generally and a letter from the St. Paul Area Chamber supporting the requested variances.
- **Letters in opposition:** None



# City Council Options

## **Grant the Appeal**

Appellant could proceed with project as proposed.

Council must lay out error in fact, finding, or procedure.  
(BZA denied based upon finding 3 [practical difficulties] & 4 [plight due to circumstances unique to the property].)

## **Deny the Appeal**

Appellant would need to revise plans to comply with code.

Council agrees with BZA's denial.





# Variance Findings from Zoning Code Sec. – 61.601

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.

# Questions

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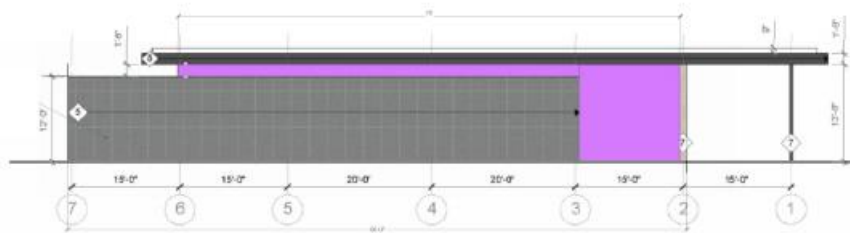
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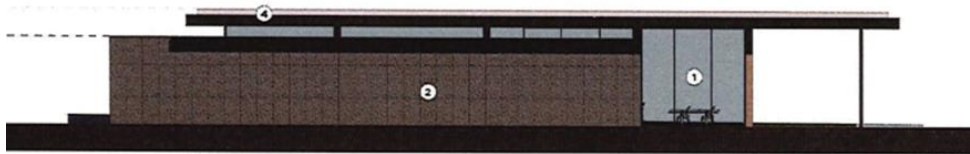
# Variance #1 – Window/Door Openings

## METHODS

1. 19.6%
2. 19.6%
3. 71%



F1 A - North Elevation



4 NORTH ELEVATION - F1A  
3/10/2017

## North Building North Facade

NORTH	
SF	

Base Façade 1462

Base Glazed 286

proportion glazed 19.6%

439 Required  
153 Shortfall





# Decisions being appealed (Highlighted)

## **Three variances related to window/door opening requirement (30% Required)**

1. 19.6% requested on north façade of north building; variance of 10.4% - Denied
2. 22.3% requested on east façade of north building; variance of 7.7% - Approved w/ condition
3. 15.1% requested on east façade of south building; variance of 14.9% - Approved w/condition

## **Three variances related to primary pedestrian entrance requirement**

4. No primary pedestrian entrance on north façade of north building – Denied
5. No primary pedestrian entrance on east façade of north building – Approved w/condition
6. No primary pedestrian entrance on east façade of south building – Approved w/condition

Decision made on April 29, 2024. Appealed by applicant on May 2, 2024.

15.99 Deadline: May 23, 2024. Could be extended 60 additional days administratively.



# Zoned T4M Traditional Neighborhood Master Plan

