

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 18-035099
DATE: APRIL 23, 2018**

WHEREAS, Hupp Holdings III LLC has applied for a variance from the strict application of the provisions of Section 66.231, 66.231(c), 66.231 of the Saint Paul Legislative Code pertaining to construction of a 6-unit multi-family development. The applicant is proposing to construct a 6-unit row house development on a vacant lot in the RM2, multi-family residential zoning district and is requesting four variances: 1) This zoning district requires 1,500 square feet of lot area per unit. Based on the number of proposed units, a minimum lot area of 9,000 square feet is required; a lot area of 7,180 square feet is available, resulting in a variance request of 1,820 square feet. 2) The zoning code states that no multi-family dwellings can be built to create three or more dwelling units on a lot that is less than 9,000 square feet in area; the applicant is requesting a variance from this requirement. 3) A side yard setback of 9' is required; a setback of 3' is proposed for a variance request of 6'. 4) A setback of 9' is required for the off-street parking area; the applicant is proposing a setback of 1' on both the east and west sides of the parking lot for a variance request of 8' in the HPL-Hill zoning district at 617 Laurel Avenue. PIN: 012823220296; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 23, 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. The variance is in harmony with the general purposes and intent of the zoning code.

The applicant is proposing to construct a row house multi-family development and a surface parking area for six vehicles on the north side of the property. The development will be comprised of three-two bedrooms units and three-one-bedroom units, for a total of six.

In January of 2017, the applicant received variances in order to construct three three-bedroom units on this lot. While the number of units has increased to six, the bedroom configuration remains the same with a total of nine bedrooms for the development.

Two of the row houses will front Dale Street facing west, while the other will front Laurel Avenue facing south. The two-bedroom units would occupy the ground level and the lower level (basement). The ground level will consist of a kitchen, dining and living rooms, and a bathroom. The lower level of the units would have bedrooms and full bathrooms. The one-bedroom units will be on the second floor of the row houses and be accessed via a staircase from Dale Street.

The zoning code require 1,500 square feet of lot area per dwelling unit. A lot area of 9,000 square feet is required for six dwelling units, resulting in the variance request of 1,796 square feet. Additionally, this zoning district requires at least 9,000 square feet of lot area in order to create three or more dwelling units on a property. This lot is 7,204 square feet in area, resulting in the need of the requested variance.

Parking that is located on a corner lot must be set back from the street a distance equal to that of the principle building, in this case, the required side setbacks for the surface parking area is 9' and the applicant is proposing a setback of 1', for a variance request of 8'. Providing off-street parking is consistent with the city's goal to lessen congestion in the public streets as described in Sec. 60.103 of the zoning code.

The RM2, medium-density multi-family residential district is intended to provide for more extensive areas of multi-family residential developments and a variety of congregate living arrangements. The RM2 is intended to provide a balance of population concentration near major thoroughfares, transit, and related facilities. This property is within close proximity to transit and Dale Street is classified as County Rd. 53; a major thoroughfare that connects to I-94. The proposed development is in harmony with the zoning code and the intent of the RM2 zoning district. This finding is met for all requested variances.

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

This request would allow for an in-fill housing development on a vacant lot. The Housing Chapter of the Comprehensive Plan addresses the need for infill development and to create greater housing density choices. The type of development that is being proposed for this property aligns with the city's goal of providing medium-density housing along corridors located in high amenity areas. This property is just south of the Dale and Selby commercial node which has mixed-use developments on each corner ranging from a variety of retail, offices, and medium-high density apartments.

One of the strategies for promoting housing found in the Comprehensive Plan is Strategy 2.17 which also supports creativity in the construction of neighborhood infill housing. The plans submitted with the application show three market rate apartments along with three affordable, one-bedroom units, meeting the 60-80% of Average Median Income (AMI). The proposed development would be in keeping with the above referenced strategy and continue to create housing options in the city. This finding is met for all requested variances.

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.*

This property is located in a RM2 zoning district where multi-family developments are allowed. There is a 17 unit-apartment building on the southwest corner of Dale and Laurel. Given the size of this lot, only a single-family dwelling or a duplex could be constructed on this property without variances. However, because this property is located near a commercial

node with moderate to high levels of pedestrian and vehicular activity, and it fronts County Road 53 locally known as Dale Street, it would not be an ideal location for a lower-density residential development.

In January of 2017, the applicant was granted a side yard setback variance of 3 feet from the west property line for the three-unit row house development and a detached, three-stall garage. Given the greater number of units, the applicant is proposing a surface parking area of six spaces, one of which will be ADA accessible.

Generally, surface parking areas in a rear yard require a setback of 4'. However, the zoning code requires a setback equal to the distance of the side yard setback. In this case, a 9' setback is required. The purpose of the greater setback for a parking area on corner lot is to accommodate sight lines. Under this application, the alley would be used as access into the parking area, which should help reduce conflicts with vehicles traveling on Dale Street. Alternatively, vehicles could also travel east toward Kent Street to avoid higher traffic volumes on Dale.

The location of the property at a corner is a practical difficulty making it challenging to construct the proposed development and off-street parking without the requested variances. This finding is met for all requested variances.

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

This lot has been subdivided several times since 1968, which was the last time there were any structures on the property. These subsequent changes in the lot size and the lot split from March of 2002 are unique circumstances affecting any future developments other than a single-family dwelling or a duplex. This finding is met for all requested variances.

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

The proposed development is a permitted use in the RM2 zoning district. If granted, the requested variances will not change the zoning classification of this property. This finding is met for all requested variances.

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

There are several multi-family developments located within close proximity of the subject property, including a 17-unit apartment building located just west of this site. The proposed development with surface off-street parking will not alter the essential character of the surrounding area. This finding is met for all requested variances.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 66.231, 66.231(c), 66.231 are hereby waived to allow 1) A lot area of 7,180 square feet is available, resulting in a variance request of 1,820 square feet. 2) A lot that is

less than 9,000 square feet in area; the applicant is requesting a variance from this requirement. 3) A setback of 3' is proposed for a variance request of 6'. 4) A setback of 1' on both the east and west sides of the parking lot for a variance request of 8' on property located at 617 Laurel Avenue; and legally described as Woodland Park Addition to St The W 40 Ft Of Lot 12 Blk 6; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED.

MOVED BY: Rangel Morales

SECONDED BY: Saylor

IN FAVOR: 4

AGAINST: 3

MAILED: May 22, 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 April 23, 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