

269 Harrison Avenue

ABZA 25-6

David Eide – Department of Safety & Inspections, Zoning Section



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MINNESOTA

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Sec. 61.702. - Appeals to city council.

(a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.



Sober House

A dwelling unit occupied by more than six (6) persons, all of whom are in recovery from chemical dependency. Residents leave site for services.

Does not include facilities that receive operating revenue from governmental sources.

Property is currently approved as a 12-resident sober house.

Supportive housing is considered to be a higher intensity use than the existing sober house.



Supportive Housing

One (1) main building, or portion thereof, on one (1) zoning lot where persons with mental illness, chemical dependency, physical or mental handicaps, and/or persons who have experienced homelessness reside and wherein counseling, training, support groups, and/or similar services are provided to the residents.

Proposed to convert to 12-resident supportive housing facility.

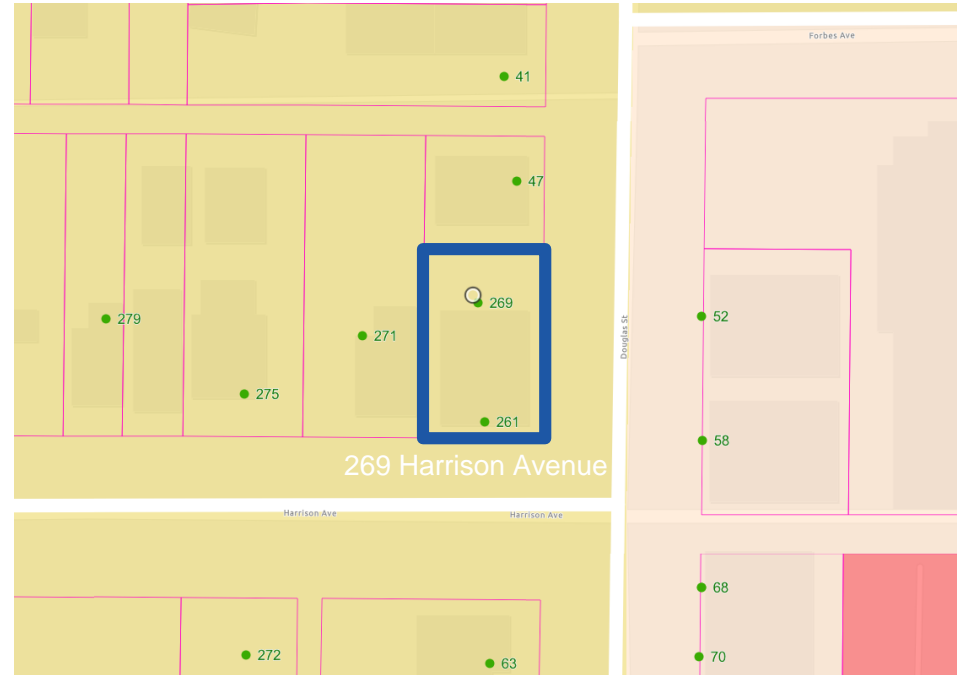


Zoning Variance Request

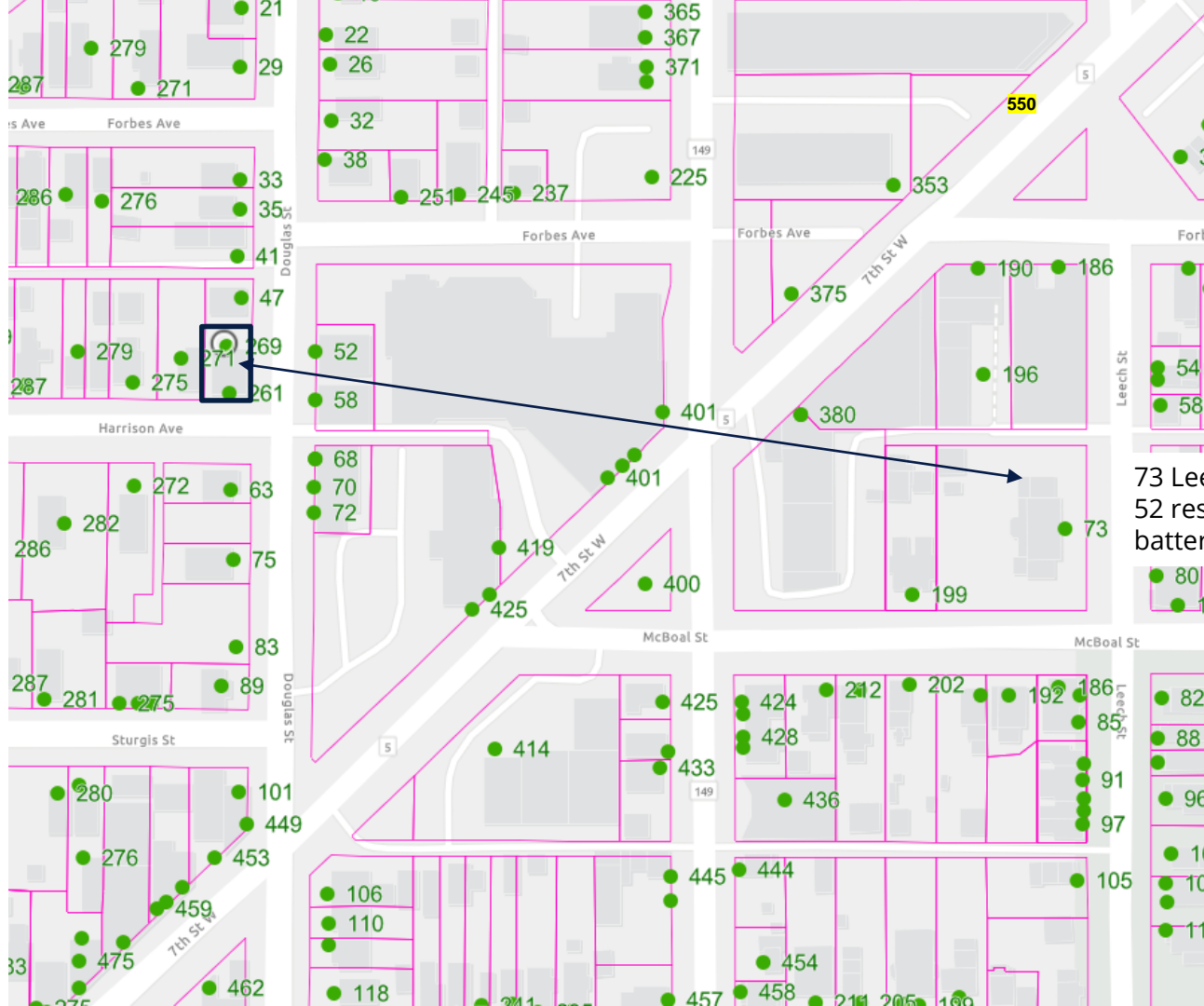
Existing 12-resident sober house

Application received May 9, 2025

The zoning code states that supportive housing facilities shall be a minimum distance of 1,320 feet from specified congregate living facilities with more than six (6) adult residents; this facility is 804 feet from a specified congregate living facility with more than six (6) adult residents, for a variance of 516 feet.



H2 – Residential District



73 Leech Street
52 residents – shelter for
battered persons (804 feet)



BZA Outcome

- Public hearing held on June 9, 2025
- Staff recommended denial of requested variances based on findings 1 (intent of code), 3 (practical difficulties), 4 (plight of the landowner) , and 6 (essential character)
 - **No recommendation from West 7th St / Fort Road Federation**
 - **Support: 0 people spoke, 4 letters received**
 - **Opposition: 0 people spoke, no letters received**
- Board denied based on findings 3 and 4
- Vote result: 5 of 5 members in attendance voted to deny
- Applicant submitted appeal application on June 20, 2025
 - Minnesota Statutes § 15.99 120-day deadline: September 5, 2025



Six Findings Necessary to Grant Variance

- In harmony with the general purposes and intent of the zoning code
- Consistent with the comprehensive plan
- **Practical difficulties in complying with the provision (Economic considerations alone do not constitute practical difficulties)**
- **Plight is due to circumstances unique to the property, not created by the landowner**
- Will not permit unallowed use
- Will not alter the essential character of the surrounding area



Finding 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.*

Intent of this finding is that the hardship is not self-created and the landowner cannot utilize the property in a reasonable way due to ordinance.

This request is financially driven, as their testimony primarily focused on the funding stream. The property is zoned H2, which permits multiple units. **This finding is not met.**



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

This finding requires that the request be due to a hardship related to the property itself. The requested variance arises not from unique circumstances of the land but from the applicant's desire to establish a 12-resident supportive housing facility within the required separation distance.

The separation requirement affects other properties within 1,320 feet of the other congregate living facility in question. The plight is not unique to this property, rather, it is general to the surrounding area. **This finding is not met.**



Next Steps

The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.

Request to vary Section 65.162 to allow a 12-resident supportive housing facility within 1,320 feet from a specified congregate living facility 804 feet away.

- Grant the appeal: Property owner can establish 12-resident supportive housing facility.
- Deny the appeal: Property owner cannot establish 12-resident supportive housing facility. Sober house use may continue.

Minnesota Statutes § 15.99 120-day deadline: September 5, 2025