

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, JANUARY 4, 2017

PRESENT: Mmes. Albert, Bogen and Trout-Oertel; Messrs. Rangel Morales, Saylor and Ward of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Westenhofer, Ms. Lane and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Joyce Maddox*

*Excused

The meeting was chaired by Gloria Bogen, Co-Chair.

CMBR, LLC (#16-107288) 373 Ruth Street North: The applicant is requesting a variance of the minimum floor area ratio (FAR) in order to construct a new commercial building with three business spaces in the T2 Traditional Neighborhood zoning district. This zoning district requires a minimum FAR of .3 and a maximum FAR of 2.0. The FAR is the total floor area of the building divided by the area of the lot, meaning the gross square footage of the building area must be at least 30% of the size of the lot area and cannot exceed 2 times the size of the lot area. The applicant is proposing a one-story building that would have a FAR of .23, not meeting the minimum FAR. The variance is for the difference between the minimum FAR required and that being proposed for an FAR variance of .07.

Mr. Westenhofer showed slides of the site and reviewed the staff report with a recommendation for denial based on findings 1, 2, 3, 4 and 6.

No correspondence was received opposing the variance request.

One letter was received from District 1 opposing the variance request.

The applicant, **REMI ISELEWA**, 8414 Savanna Oaks Lane, Woodbury MN, property owner, was present with Steve Seide, CMBR, LLC, 7040 132st North, Hugo, MN is the general contractor for this project with Rick Storlien, RDF Architects, 14900 Highway 112, New Hope, MN. Mr. Seide stated that usually people are trying to build a larger building on the property than is allowed and this is the opposite. We have designed a nice building for the size of the lot. In 2015 the Traditional Neighborhood zone when into effect and they were caught off guard. This is an irregular lot and it has two retention ponds on it. He contended that for retail businesses some of them want 7-8 parking spaces for every 400 square feet of floor area. There are 34 parking spaces for 8200 square feet of building. This is not a huge parking lot for the 8200 square feet of building much less the additional 1300 square feet the city requires for this lot. He argued that it would be difficult to enlarge the building another 30%, there is still an old driveway going out to Old Hudson Road on the property they will also be removing one of the entrances from Ruth Street. The one by the stop sign will be removed and have an entrance up by the State Farm building. Ms. Iselewa stated that it took a while for them to get the loan for this project. Mr. Storlein stated that the bank would only finance up to \$169,000 for the building that was all they deemed would be equitable for that property. When we started the design process we did discuss a two story building but the financing was not there for that large of a building. Although economic reasons cannot be a reason for granting the variance here it is a driving force. If we cannot build a building with the funding we have it may not get built. Over 5,000 square feet of this building will be a laundry mat which generates parking, there is not a lot of foot traffic bringing in laundry baskets. We do not want to scrimp on parking spaces, which is why we are over the minimum requirement.

Ms. Trout-Oertel asked about the hash marking along the exterior of the building on page 30 of the

packet. Mr. Seide stated that is the roof overhang, the squares in the middle of that are the rooftop units, this is an ariel view of the top of the building. Ms. Trout-Oertel asked why there is sidewalk all the way around the building. Mr. Seide replied that it is required on two sides of the building because of the zoning, there has to be a sidewalk on the two street sides then we have parking on the other two sides. Ms. Trout-Oertel stated that the other two sides of the building do not really need the sidewalk. Mr. Storlien stated that they had to move the building and that created the need for sidewalk on all four sides of the building.

Mr. Ward and Mr. Storlien discussed the required square footage and options for adding to the building foot print to meet the required FAR within budget. Mr. Ward argued that this required FAR could be accomplished by using value engineering. He does not buy that they cannot do this. Mr. Storlien stated that they could do it there is the room but the additional \$300,000 is not available for this project.

There was no opposition present at the hearing.

Hearing no further testimony, Ms. Bogen closed the public portion of the meeting.

Mr. Ward moved to deny the variance and resolution based on findings 1, 2, 3, 4 and 6.

Mr. Rangel Morales seconded the motion, which passed on a roll call vote of 6-0.

Submitted by:

Approved by:

Sean Westenhofer

Thomas Saylor, Secretary