

FILE
14-332913

Summit Hill Association

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
www.summithillassociation.org
summithill@visi.com

December 5, 2014

Board of Zoning Appeals
YaYa Diatta, Staff
375 Jackson St., Suite 220
St. Paul, MN 55101

RE: Zoning File Number #14 - 332913

Dear Members of the Board:

The Zoning and Land Use Committee (ZLU) of the Summit Hill Association (SHA) - District 16 Planning Council held a local public hearing on Thursday, December 4, 2014 to review a major variance application submitted to the City of St. Paul by Rafic Chechouri, owner of the property at 945 Grand Avenue and the Gerber Jewelers store at this address. This is the second time that the ZLU has held a variance hearing on this application. At the prior hearing on October 7, 2014, the ZLU was not able to reach agreement on a motion - ending with a tie vote (1-1 with 2 abstentions). No recommendation on this application was sent to the BZA at that time.

At the Dec. 4th hearing, the ZLU once again reviewed the application in which Mr. Chechouri has asked for a variance to build a front addition to enlarge the existing retail store. A front-yard setback of 25 feet is required; a zero-foot setback is proposed for a variance of 25 feet.

During the hearing, the ZLU Committee discussed the application with Mr. Chechouri referencing the *City of St. Paul Zoning Code - Chap. 61.601 - Variances* in its deliberations. The Zoning and Land Use Committee had solicited input from the surrounding property owners and tenants within 350 feet. The ZLU received two email letters of support for this application prior to the hearing.

Mr. Chechouri once again stated that he was seeking the front-yard variance to increase visibility of his business signage and store to passing motorists. He asserts that his business is visually blocked by the neighboring businesses on the west located at 949 Grand. With the variance and front addition, he says he would be able to improve the handicapped-pedestrian access into the store from what it is currently.

Committee members established that Mr. Chechouri purchased the property knowing that the 949 Grand Avenue building extended out to the sidewalk whereas his building is set back 25 feet. A Committee member suggested that the size and color of his current signage could be changed to attract more customers. Other ideas raised were building out in back of the building or asking for less of a variance in front. In the end, there was still concern from some Committee members that approving the requested zero-foot front-yard setback would set a precedent that could allow similar applications to other BC properties on this block or other blocks on Grand Avenue - thus undercutting the intent of the BC zoning district.

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After sufficient discussion, a motion was made and seconded to recommend "denial" of the application as the variance would not be in harmony with the general purpose and intent of the zoning code, and that approving the variance would alter the essential character of the block as there would be no front yard space.

The ZLU Committee voted to deny the variance (2-1-1 abstention) and send this recommendation to the BZA for the upcoming Dec. 8th hearing.

According to SHA policies, as the next meeting of the full SHA Board would not be held until January 8, 2015, this Committee's recommendation is the recommendation of the Summit Hill Association. If you have any questions about the discussion or recommendation, you may contact me at (651) 222-1222.

Sincerely,

Jeff Roy, Executive Director
Summit Hill Association/District 16 Planning Council

cc: Rafic Chechouri
Councilmember Dave Thune

FILE

Summit Hill Association

November 6, 2014

Board of Zoning Appeals
Ya Ya Diatta, Staff
375 Jackson St., Suite 220
St. Paul, MN 55101

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
www.summithillassociation.org
summithill@vsl.com

RE: Zoning File Number #14 - 332913

Dear Members of the Board:

The Zoning and Land Use Committee (ZLU) of the Summit Hill Association (SHA) - District 16 Planning Council held a local public hearing on Tuesday, October 7, 2014 to review a double variance application submitted to the City of St. Paul by Rafic Chechouri, owner of the property at 945 Grand Avenue and the Gerber Jewelers store at this address.

The retail shop owner has applied for two variances to build an addition to enlarge the existing retail store. 1) A front-yard setback of 25 feet is required; a zero-foot setback is proposed for a variance of 25 feet. 2) A 4-foot side-yard setback is required; the addition would be in-line with current building, but existing setback is 3.5 feet from the west property line - requiring a .5 foot variance. (Note: At the time of our local hearing, there was no third variance for off-street parking listed in the application.)

During the hearing, the ZLU Committee discussed the application with Mr. Chechouri referencing the *City of St. Paul Zoning Code - Chap. 61.601 - Variances* in its deliberations. The Zoning and Land Use Committee had solicited input from the surrounding property owners and tenants within 350 feet. SHA received no comments prior to the hearing or at the hearing.

After a short discussion with Mr. Chechouri, the ZLU Committee could not agree on a recommendation to the BZA regarding this application. There was concern for how the requested zero-foot front-yard setback would set a precedent that could allow similar applications to other BC properties on this block. The Committee did acknowledge the issue brought forward by Mr. Chechouri regarding how the store and signage are currently visually blocked by the property at 949 Grand; and that potential customers driving east on Grand might not be able to see the business. But, then it was also pointed out that Mr. Chechouri knew this before purchasing the property.

Without agreement, the ZLU Committee voted a tie (1-1 with one abstention) and therefore has no recommendation to the BZA.

According to SHA policies, as the next meeting of the full SHA Board would not be held until November 13, 2014, this Committee's recommendation is the recommendation of the Summit Hill Association. If you have any questions about the discussion or recommendation, you may contact me at (651) 222-1222.

Sincerely,

Jeff Roy, Executive Director
Summit Hill Association/District 16 Planning Council

cc: Rafic Chechouri
Councilmember Dave Thune

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MCCLAY · ALTON, P.L.L.P.
ATTORNEYS

FILE

14-332913

ROBERT M. MCCLAY
BRIAN D. ALTON*

951 GRAND AVENUE
ST. PAUL, MN 55105
FAX: 651-290-2502
651-290-0301

*Also Licensed in Wisconsin

October 10, 2014

BY U.S. MAIL and EMAIL

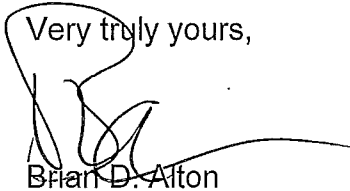
Yaya Diatta
Yaya.diatta@ci.stpaul.mn.us
City of St. Paul
Department of Safety and Inspections
375 Jackson St, Suite 220
St. Paul, MN 55101-1806

RE: 945 Grand Avenue
Board of Zoning Appeals File No.: 14 - 332913

Dear Mr. Diatta,

My partner, Bob McClay and I, are in full support of the variances requested by our neighbor, Rafic Chechouri.

Very truly yours,



Brian D. Alton

BDA: mjw

Enc.

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FILE
14-932913

From: Brian Alton
Sent: Monday, December 08, 2014 12:11 PM
To: 'Diatta, YaYa (CI-StPaul)'
Subject: 945 Grand Ave.

Ya Ya,

I am writing to express support for the approval of the setback variance request by the owner of Gerber Jewelers.

Bob McClay and I own the property at 951 Grand Ave., where our office is located. Between our office and Gerber Jewelers is the large structure, built out to the street, at 949 Grand Ave.

It is unfortunate that the building at 949 Grand was allowed to be rebuilt as it is after it was destroyed by fire some years ago. The structure that replaced the previous flower shop is inconsistent with the surrounding buildings. The original addition that was tacked onto the former house on that lot for, what was then, Puvogel Florist, was part of the impetus to create the BC zoning classification in the first place. The presence of the building at 949 Grand provides a significant challenge to the retail business at 945 Grand. Allowing Gerber Jewelers to remodel the building would help to alleviate the problem created by the adjacent building.

In addition, the steep grade and number of steps going up to the current entry of the building is another practical difficulty that was not created by the landowner. Allowing the building to be reconfigured to be better accessible is a reasonable request.

It is difficult for local retail businesses to succeed. Gerber Jewelers is the type of business that Grand Avenue needs to retain. Grand Avenue is a busy commercial street. For the most part, buildings originally built as single family homes have been converted to business uses. The variance will not alter the character of the neighborhood.

I do think that the BC zoning setback requirements should generally be upheld. However, this is a unique property and do not think it will set a precedent if approved.

Thank you for your consideration.

Regards,

Brian

Brian D. Alton

M^cCLAY·ALTON, P.L.L.P.

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St. Paul, MN 55105

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Diatta, YaYa (CI-StPaul)

FILE

From: Joanna Kirlin Mueller <joannakirlin@hotmail.com>
Sent: Friday, October 17, 2014 8:42 AM
To: Diatta, YaYa (CI-StPaul); summithill@visi.com
Subject: File #14-332913/ 945 Grand Ave/ Rafic Chechouri

14-332913

To whom it may concern,

I am writing in regards to an addition that Rafic Chechouri at 945 Grand Ave wants to add to his property. I am the home owner of 940 Grand Ave directly across the street from Rafic. My husband has owned 940 Grand for 20 years and I have resided in the home for the past 10 years. Before marrying Paul, I owned a property on Linwood Ave. I have also lived in this neighborhood for 20 years. Over the past 20 years we have watched the neighborhood grow and change in many positive ways. We have also watched the small businesses come and go. Small businesses are an important part of Grand Ave and I think it is very important that we do all we can to encourage their growth in our neighborhood.

I hope that you will grant the variance for Mr. Chechouri. Their property is beautiful and they are wonderful neighbors. I think they are an asset to our community. Stems and Vines was located next door to 945 Grand and they had a store front very similar to what Mr. Chechouri is proposing. It was beautiful and fit in with the neighborhood. I am sure the design for the remodel will be equally beautiful and a great fit for our neighborhood.

Please encourage small business growth and a strong neighborhood community by granting the variance. If you have any questions please do not hesitate to contact me.

Sincerely,
Joanna Kirlin Mueller
940 Grand Ave
joannakirlin@hotmail.com
651-331-1655