

CITY OF SAINT PAUL Deadline for Action: October 29, 2020
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 20-069826
DATE: September 21, 2020

WHEREAS, Suebue LLC has applied for a variance from the strict application of the provisions of Sections 66.231 and 66.232 of the Saint Paul Legislative Code pertaining to rear yard setback and maximum lot coverage requirements in order to construct a one-story single-family dwelling with an attached garage requires the following variances: 1) A rear yard setback of 25' is required; a setback of 1' is proposed for a variance of 24'. 2) This property is located in Planning Dist. 15. For R1—R4 residential districts in this planning district, the total lot coverage of all buildings, including accessory buildings, shall not exceed 40%. The applicant is proposing a lot coverage of 40.2%, for a variance of 0.2% (17.8 square feet). This property is located in the R4 zoning district at 1493 Highland Pkwy. PIN: 102823330150; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on September 21, 2020 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 requested variances to allow the proposed one-story, single-family dwelling that will be setback 1' from the rear property line with a lot coverage that is 0.2% larger than allowed will create a building that will have matching aesthetics with several other properties on this block. The previous house on the lot required variances of the sidewall articulation and side yard setback requirements in order to construct the proposed addition. The new house conforms more to the zoning code than the previous house did since it incorporates the required sidewall articulation and meets the side yard setback without the need for a variance. The reconstruction also improves the economic viability of the neighborhood and the city and aligns with Sec. 60.103 of the Zoning Code to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community and to conserve and improve property values. This finding is met for both variance requests.

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2. The variance is consistent with the comprehensive plan.

The reconstruction of this single-family dwelling is an improvement to the property, which is consistent with Strategy 2 of the Housing Plan in the 2030 Comprehensive Plan that aims to reinvest and develop properties in order to maintain desirability. This finding is met for both variance requests.

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.

The applicant elected to remove the foundation of the building on the site when the applicant chose to demolish the building entirely. Accordingly, there no longer is a practical difficulty in constructing the newly proposed building in a manner that meets required setbacks. Avoiding inclement weather when entering or leaving a property is not a practical difficulty. This finding is not met for both variance requests.

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

Towards the sound end of the property (which is the front of the house), the grade slopes downward towards the front property line, with an approximate 9.4% change in grade. The change in grade towards the front of the property coupled with the homeowner's need for an accessible entryway, house, and garage with covered entry are unique circumstances to the property not created by the landowner. This finding is met for both variance requests.

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

Single-family dwellings with an attached garage are a permitted use in this zoning district. The requested variances will allow a slightly larger house to be constructed closer to the rear property line than allowed. No unpermitted uses will be created with the requested variances. This finding is met for both variance requests.

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

The applicant's proposal will alter the essential character of the neighborhood: no other home in the area surrounding the proposed house has a garage with a 1-foot setback. This finding is not met for both variance requests.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Sections 66.231 and 66.232 of the Saint Paul Legislative Code pertaining to rear yard setback and lot coverage requirements in order to construct a single-family dwelling with an attached garage on property located at 1493 Highland Pkwy.; and legally described as Harkness Sunnyslope Lot 34; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS HEREBY DENIED.**

MOVED BY: Clarksen
SECONDED BY: Maddox
IN FAVOR: 4
AGAINST: 3

MAILED:

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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 September 21, 2020 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

**Maxine Linston
Secretary to the Board**