

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

July 20, 2011

City Council President Lantry and Members of the City Council:

The Payne Phalen District Five Planning Council Community Planning & Economic Development Committee (CPED) and the District Five Board filed this appeal with strong objection to the BZA findings and decision to grant a major variance for a large deck and side entrance stairway at 674 Hawthorne.

As a neighborhood hard hit by foreclosures and vacancies - Payne Phalen holds high standards for redevelopment and housing investment. Granting this major variance threatens to lower the threshold and quality of housing in this neighborhood.

District Five contends that the BZA erred in establishing practical difficulty in granting this variance. A simple lack of space at a property should not be construed as practical difficulty or reason to grant this variance.

At issue: The Zoning Code provides a 9 foot setback to the adjacent property line. The applicant hopes to erect a large deck on the side of a duplex that will extend to 3 feet from the adjacent property line – a mere 3 feet setback. If granted, the deck will practically abut the neighbor's bedroom window. Imagine if you will - a hot summer night – and a full deck of folks – It is not hard to see how a full deck party may create disruption for the neighbors and neighborhood. The proposed stairway hugs the outer edge of the deck – also contributing noise and disturbance to the adjacent property as each person ascends or descends.

District Five contends that the BZA made errors of fact and findings in their decision. We offer alternative findings.

Finding 1 The BZA found that the variance is in harmony with the general purposes and intent of the zoning code.

District Five contends that the proposed stairway is not a requirement of the Code Compliance Inspection. The interior stairway is viable and options exist for construction in the back of the structure.

As yet- we've heard no reason given for the construction of the large deck. We can assume that this feature may increase income from future duplex tenancy.

We established that the proposed deck and exterior side entrance stairwell may adversely impinge on the enjoyment and use of the adjacent property.

The provision of the Code can be met by the owner with the building in its current footprint.

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Finding 2 - The BZA finds that the variance is consistent with the Comprehensive Plan.

District Five disagrees.

The neighbors do not wish to have this side stairway and deck constructed for reasons cited.

The physical housing pattern of the block is to have open side yards. This pattern is disrupted with this structure built in the side yard.

Any improvement to the property achieved by this variance is offset by adverse impact to the adjacent property. The real cost of this variance is being pushed off to the neighboring property.

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 along do not constitute practical difficulties.

There is no practical difficulty in meeting the provision of the code. The owner is not required to build this stairway or deck to be compliant with the code or any other ordinance.

A range of alternatives exist for the owner to improve the property without a major variance. The construction of the deck is not required by code nor required for any safety consideration.

We interpret that the construction of the deck as an economic enhancement of the property.

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

The landowner has created a solution to a problem of his own design. District Five contends that the building is not required to create a new stair way and that alternatives exist for creating a stairway. Even if a stairway were created with a small landing to the second floor –the proposed deck is neither necessary nor desirable for reasons other than economic enhancement of this rental property.

District Five finds that it is not incumbent upon the City nor the neighborhood to provide the means or supporting rationale for this owner to build a side deck on this duplex rental property.

District Five has many substandard sized lots in Payne Phalen. We hope that the City will not grant major variances at every substandard lot.

We respectfully ask the City Council to reject the BZA findings and to reject this major variance application.

Sincerely,



Leslie McMurray, Executive Director

On behalf of the Board of Directors and the Community Planning & Economic Development Committee (CPED)

City Council President Lantry and Members of the City Council

My name is Ed Davis and I live at 1169 Lane Place. I am a community organizer for E-Democracy.org. I also serve on the District Five land use committee.

You have previously heard alternative findings to the BZA decision. You have also heard how the staff recommendation and BZA's decision sets a bad precedent for all of St. Paul neighborhoods. I will address the impact on our neighborhood.

I walked the block and talked with the neighbors. These neighbors cited a history of the current owner to rent to disruptive tenants. They did not feel adding a large deck to the side of this house would improve the situation. They also thought that the green space that is created by homes not being centered on these smaller lots enhances this block and is characteristic of this neighborhood. A large deck and stairway will negate this neighborhood character. Here are two letters from the immediate neighbors.

Finally, this neighborhood like many areas on the Eastside is rocked by many changes including vacant buildings and transiency of residents. Now, more than ever we need to safeguard the quality of housing. This variance does not uphold this high threshold. Now is the time for the City and neighborhood Councils to look out for the well-being of the neighborhood – to inspire community commitment by longtime and future homeowners and long-term tenants.

The District Five Community Council respectfully ask the City Council to appeal the decision of the BZA based on this information presented today.

Thank you for your time.

674 E. Hawthorne

My husband and I feel that the stairway should be at the back of the house. If it was on the side it would take away the green space on the side.

The house has been completely renovated and there is no reason that the stairway can't be in the back.

As we understand it, the city does not require to have a second entrance.

Bette Revoin

Bob Revoin

To whom it may concern:

I do not support Dave Hartmans request for variance on his property at 674 Hawthorne Ave E. My first concern is that Mr Hartman has a history of having disruptive tenants. He has not been a good neighbor to those of us who are home owners. My second concern is that allowing the variance sets a precedent that is detrimental to our neighborhood. Houses built on this street in the early 1900's were placed off center of the lot to allow for a larger yard on one side of the house than the other. This is the pattern running the length of the block. If 674 is allowed to extend construction to its property line, it will "open the door" for others to do the same, disrupting our already limited space issues on our block. It is most important to keep in mind that when these homes were built and these streets were laid, they were all designed to be single family dwellings. There are homes that have been turned into multiple dwellings, and now Mr Hartman is requesting more space. I find this unacceptable.

Theresa Kulenkamp and Michael Rangitsch

Homeowners

680 E Hawthorne Ave