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**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 17-006710
DATE: February 27, 2017**

WHEREAS, Alan Hupp has applied for a variance from the strict application of the provisions of Section 63.207, 63.501, 66.231(c), 66.231 of the Saint Paul Legislative Code pertaining to the minimum required lot size, the required off-street parking and the required side yard setbacks for the apartment building and the garage. The applicant is requesting three variances in order to construct a new, three-unit row house development and a three-car detached garage onto this vacant lot. 1) A lot size of at least 9,000 square feet is required; a lot size of 7,204 square feet is existing for a variance 1,796 square feet. 2) Four off-street parking spaces are required; three spaces are proposed for a variance of one parking space. 3) A side yard setback of nine feet is required along Dale Street for the apartment building; a setback of two feet is proposed for a variance of seven feet. 4) A side yard setback of nine feet is required along Dale Street for the garage; a setback of three feet is proposed for a variance of six feet in the zoning district at 617 Laurel Avenue. PIN: 012823220296; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on February 27, 2017 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 RM2, medium-density multi-family residential district is intended to provide more extensive areas of multi-family residential developments and a variety of congregate living arrangements. The RM2 is intended to provide a balance of population concentration near major thoroughfares, transit, and related facilities.

The applicant is proposing to construct a 3-unit row house development with a 3-stall garage located off of the alley on the north side of the subject property. Two of the units will front Dale Street facing west, while the other unit will front Laurel Avenue facing south. The first floor of the units will be comprised of a kitchen, dining and living rooms, and a bathroom, and the second floor of the units will have three bedrooms. According to the applicant, the proposed development directly reflects the intended use of a property that is zoned RM2 because of its proximity near commercial nodes and related facilities.

The proposed set back variances requested for the row house development and the parking requirement will allow the applicant to create a dense development and preserve the remaining green space on the east side of the lot, staying in keeping with the intent of the RM2 zoning district.

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The 3-stall garage off of the alley will provide parking for each of the dwelling units which supports the city's goal to reduce the number of parking spaces needed within areas well-served by public transportation and mitigates parking congestion on the street that suffers from a lack of on-street parking due to the proximity to commercial uses. This finding is met for all variances.

2. *The variance is consistent with the comprehensive plan.*

This request would allow for a residential housing development on a vacant lot. According to the Saint Paul Comprehensive Plan, the city recognizes a need for infill development and to create greater housing density choices. The type of development that is being proposed for this property aligns with the city's goal of providing medium-density housing along corridors located in high amenity areas. This property is just south of the Dale and Selby commercial node which has mixed-use developments on each corner ranging from a variety of retail, offices, and medium-high density apartments. One of the strategies for promoting housing found in the Plan also supports creativity in the construction of neighborhood infill housing. The proposed development would stay in keeping with the above referenced strategy and continue to create housing options on properties that would more than likely remain vacant. This finding is met for all variances.

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.*

This property is located in a RM2 zoning district where multi-family developments are allowed. Given the size of this lot, the only residential building that could be constructed without a variance would be a single family dwelling. However, because this property is located near a commercial node with moderate to high levels of pedestrian and vehicular activity, and it fronts County Road 53 locally known as Dale Street, this property would not be an ideal location for a traditional single family dwelling. The proposed use is more in keeping with the intent of the RM2 zoning district given its density and its proximity to high a amenity area.

The parking required for this 3-unit row house is 4 spaces. The applicant is proposing to construct a 3-stall garage off of the alley on the north side of the property, one for each unit. The proposed garage would protect the residents' vehicles from the elements and help alleviate the need for on-street parking in an area where parking on the street is scarce due to the commercial uses located just north and west of the site. Although the zoning code does not count stacked parking as required spaces, there will be room on the driveway for a car in front of each of the garage stalls.

The proposed development requires side yard setbacks of 9 feet in the RM2 zoning district. The applicant is proposing a side yard setback of 2 feet from the west side property line for the main structure and 3 feet off of the west property line for the garage. Given the

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orientation of the lot, Dale Street is considered a side yard and Laurel Avenue has been designated the front yard. The applicant is proposing to have one of the dwelling units front Laurel Avenue, while the other two units would front Dale Street. According to applicant this will keep the visual aspect of the block aligned with the commercial buildings to the north and the residential buildings to the east. The Dale Street right-of-way extends about three feet east of the public sidewalk; the extra green space helps define the side yard and the applicant faces challenges in designing a development that would not require any setback variances. This finding is met for all of the variances.

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

This lot has been subdivided several times since 1968, which was the last time there were any structures on the property. Due to the changes in size of the lot based on previous uses and the aforementioned variance request from March of 2002, the applicant who applied for the most recent lot split created unique circumstances for any future developments other than a single family house which is a permitted use in a RM2 zoning district. This finding is met for all variances.

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

The proposed use of a 3-unit row house development is permitted in the RM2 zoning district. If granted, the variance request would not change the zoning classification of this property. This finding is met for all variances.

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

There are several multi-family developments located within close proximity of the subject property, including a 17-unit apartment building located just west of this site. This finding is met for all variances.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.207, 63.501, 66.231(c), 66.231 are hereby waived to allow: 1) A lot size of 7,204 square feet for a variance 1,796 square feet. 2) Three spaces off-street parking spaces for a variance of one parking space. 3) A side yard setback along Dale Street of two feet for the apartment building; for a variance of seven feet. 4) A side yard setback along Dale Street for the garage of three feet; for a variance of six feet, **subject to the condition that the project receives HPC staff approval before any construction begins**, on property located at 617 Laurel Avenue; and legally described as Woodland Park Addition to St The W 40 Ft Of Lot 12 Blk 6; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

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MOVED BY: Rangel Morales
SECONDED BY: Younkin Viswanathan
IN FAVOR: 5
AGAINST: 1

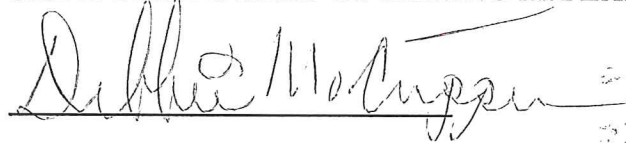
MAILED: March 14, 2017

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 February 27, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

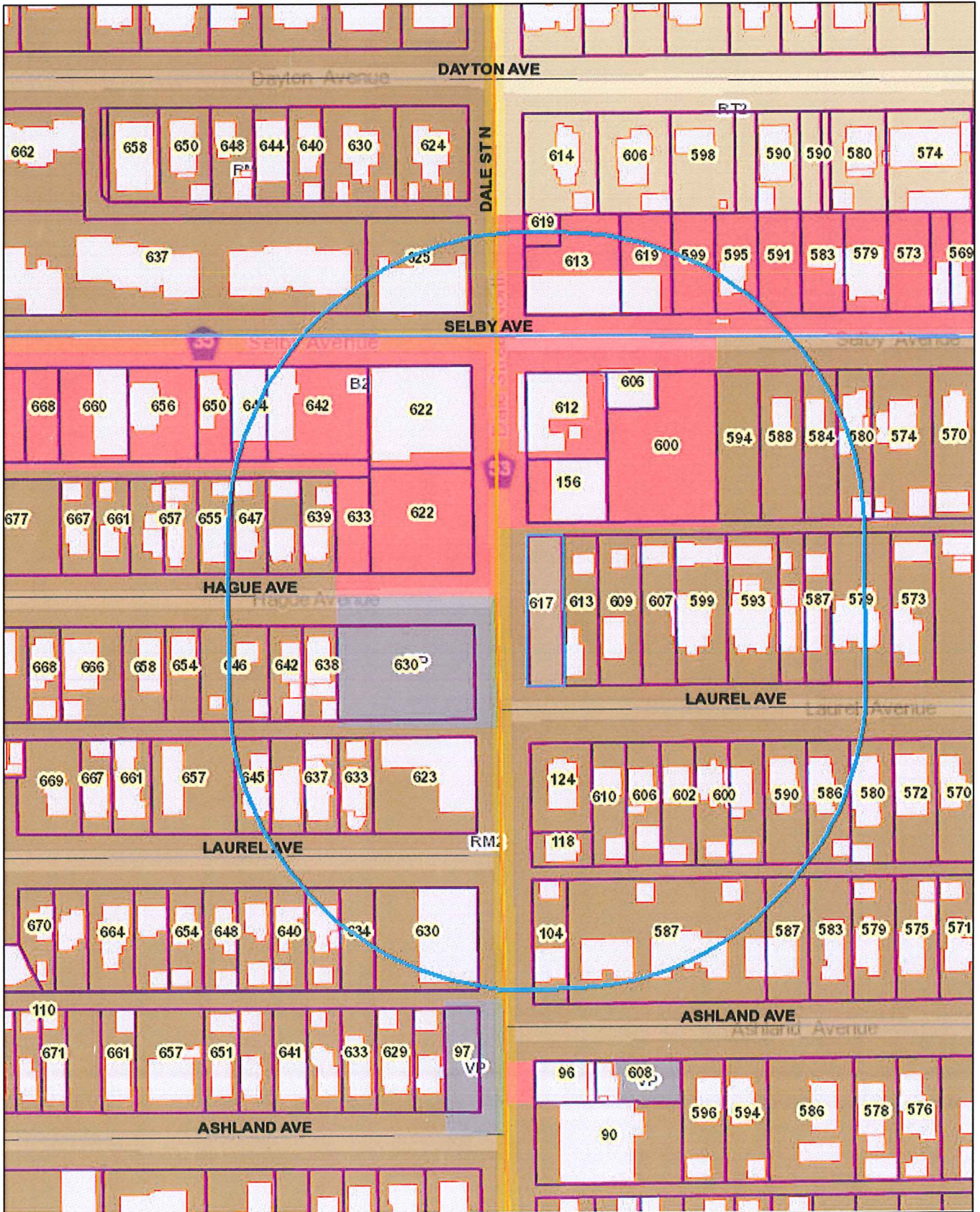
SAINT PAUL BOARD OF ZONING APPEALS



Debbie M. Crippen
Secretary to the Board



617 Laurel Avenue 18-035099



0.00000056015 Miles

Date: 3/7/2018 Time: 2:54:43 PM

Service Layer Credits: OTC GIS

The City of Saint Paul Office of Technology cannot accept any responsibility for errors, omissions, or positional inaccuracy in this map.

