

**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 16-021085  
DATE: April 11, 2016**

WHEREAS, Gary Findell & Jim Erchul have applied for variances from the strict application of the provisions of Section 66.110 & 63.501 of the Saint Paul Legislative Code pertaining to the design standards and the maximum garage door width allowed in order to construct a new single family dwelling on this vacant lot. 1) The zoning code requires that a primary entrance be located within the front third of the house, be off of a front porch, foyer, courtyard or similar architectural feature, and be set back at least 8 feet from the side lot line. The proposed primary entry would be located in the middle of the west side facade, beyond the front third of the house, would not have any architectural element distinguishing the door and would be setback 5 feet from the side lot line, requiring an entryway variance. 2) The zoning code limits the width of a garage door facing a public street to no more than 60% of the width of the house. The house is 22 feet wide, the proposed first floor attached two-car garage door would be 14 feet wide which is 64% of the width of the house, requiring a variance of 4 % in the RT1 zoning district at 427 Mount Ida Street. PIN: 322922220018; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 11, 2016 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.*

There was a duplex previously located on this parcel but it was removed in 1994 and the lot has remained vacant since then. The applicants intend to purchase the parcel and construct a new single family dwelling with a two-car attached garage accessed from the street.

The zoning code requires a single family dwelling to have a primary entrance within the front third of the house; be off of a front porch, foyer, courtyard or similar architectural feature and be set back at least 8 feet from the side lot line. The plans submitted with this revised application show two doors (one door, which is flush with the front of the garage door and one door on the west side of the house). None of these doors meet the standards for an entry door. The front door is a service door to the garage. The door on the west side would be located in the middle of the west side facade, beyond the front third of the house, would not have any architectural elements distinguishing the door and would be setback 5 feet from the side lot line, all requiring an entryway variance.

The zoning code also specifies that a garage cannot exceed 60% of the width of the house. The house is 22 feet wide, the proposed first floor attached two-car garage would be 14 feet

wide which is 64% of the width of the house, requiring a garage width variance of 4%.

A purpose of the design guidelines regarding the primary entrance is to maintain the neighborhood character and quality of life. The proposed house with the primary entrance located about half way down the side does not meet the intent of the zoning code. Similarly, the purpose of limiting the width of the garage to no more than 60% the width of the house is to prevent a garage from overpowering the principal structure. This lot is only 32 feet wide and a 14 foot wide garage door would certainly overpower the house; it does not meet the intent of the design requirement. This finding is not met for both requested variances.

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

The Housing Chapter of the Comprehensive Plan Strategy 3.4 encourages the creation of housing units on infill lots in order to provide housing choice and housing opportunity. However, the Comprehensive Plan also states: Infill housing should meet "... design standards so that infill housing fits within the context of existing neighborhoods and is compatible with the prevailing pattern of development." This would be the only house on the block without a primary entrance within the front third of the building and a garage door that occupies a significant portion of the width of the house. This finding is not met for both requested 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 32 foot wide lot can accommodate a single family dwelling with a one-car attached garage and a front entrance that meets the design standards without a variance. The applicant has not demonstrated that this request is due to any practical difficulty making it impractical or unreasonable to construct a building that meets all design standards. This finding is not met for both requested variances.

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

Although this lot is narrower than a typical 40-foot city lot, there are no unique circumstances that prevent the construction of a building that meets the design standards without the requested variances. This finding is not met for both requested variances.

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

The requested variances if granted would not change the zoning classification of the property. This finding is met for both requested variances.

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

Although the proposed building would not have a front entry that goes directly into the house and would not have a garage door width that meets the zoning requirements, it would not alter the character of the area. This finding is met for both requested variances.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Sections 66.110 & 63.501 to allow the primary entry to be located in the middle of the west side facade, beyond the front third of the house, to not have any architectural element distinguishing the door and to be set back 5 feet from the side lot line and to allow a 14-foot wide garage door on property located at 427 Mount Ida Street and legally described as Swanstroms Re L10 11 B8 Warren Lot 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

***IS HEREBY DENIED.***

**MOVED BY:** Bogen  
**SECONDED BY:** Trout-Oertel  
**IN FAVOR:** 4  
**AGAINST:** 1

**MAILED:** April 12, 2016

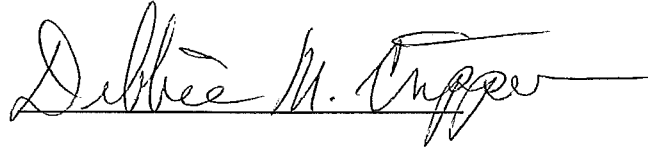
**TIME LIMIT:** No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period 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 April 11, 2016 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.**

**SAINT PAUL BOARD OF ZONING APPEALS**

A handwritten signature in cursive script, reading "Debbie M. Crippen", written over a horizontal line.

**Debbie M. Crippen  
Secretary to the Board**