

16-067062

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION (FINAL)
ZONING FILE NUMBER: 16-047761
DATE: August 1, 2016**

WHEREAS, Shannon Ingham has applied for variances from the strict application of the provisions of Section 66.231 & 66.233 of the Saint Paul Legislative Code pertaining to the required front, side and rear yard setbacks and the required width of a single family dwelling. The applicant is proposing to construct a new single family dwelling on this vacant parcel on the southeast corner of Bay and Randolph and is requesting three variances: 1) A setback of 4 feet is required from side lot lines; a 2.5 foot setback is proposed from the west property line and a one foot setback is proposed from the east property line for variances of 1.5 feet and 3 feet respectively. 2) The zoning code requires that any side of single-family dwelling be at least 22 feet wide; the proposed house would be 20.2 feet wide for a building width variance of 1.8 feet in the RM1 zoning district at 492 Bay Street. PIN: 112823410039; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on August 1, 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.

The applicant is proposing to construct a new, two-story single family dwelling and a two-car attached garage accessed from Bay Street on this vacant lot. This is a legal nonconforming lot that had a house that appears to have been built in 1888 but has been vacant since 2007 when the house was removed. For zoning purposes, Randolph is the front yard.

This property has 25.7' of lot frontage on Randolph Avenue and 119.7' of frontage on Bay Street. All of the residential lots on this block face, between Bay Street and Osceola Avenue to the east, are at least 40 feet wide.

The zoning code requires that a single family dwelling in this zoning district be set back at least 4' from the side lot lines, and also specifies that any side of a single-family dwelling be at least 22' wide.

The proposed house would be set back 2.5' from the west property line, 1' from the east property line and would be 20.2' wide, hence the requested variances.

The proposed house meets the required front yard setback on Randolph Avenue. There is a tool shed under construction on the property, which the applicant intends to finish if the requested variances are approved. The requested variances would allow a new house and a

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two-car garage to be constructed, consistent with a purpose and intent of Sec. 60.103 of the zoning code to provide housing opportunities and off-street parking in order to lessen congestion in the public streets. This finding is met for both variance requests.

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

The West 7th Street/Fort Road District 9 Area Plan, adopted by the City Council on 7/17/13 as part of the Comprehensive Plan includes strategies to:

Maintain a diversity of households in regard to income, age, and race/ethnicity and maintain existing housing stock while developing new housing.

This request is consistent with the District Plan and also with Strategy 1.1 of the Comprehensive Plan to increase housing choices across the city to support economically diverse neighborhoods. 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.*

There is no other way to construct a single family dwelling on this lot. With a lot width of 25.7' and with a 4' side setback on each side, only 17.7' is available for the width of the house. The minimum house width requirement is 22'. In order to build a house on this property, either the side setbacks or the house width, or both, must be reduced. In this case, the applicant is requesting that both the side setbacks and building width be varied. This is a practical difficulty preventing the construction of a reasonable single family dwelling without the requested variances. This finding is met for both variance requests.

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

This is an existing lot of record and its relatively narrow size is a circumstance unique to the property not created by the applicant. This finding is met for both variances requests.

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

A single family dwelling is a use permitted in this zoning district. The requested variances if granted will not change the zoning classification of the property. 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.*

Because there was a house on this property for over a hundred years, a new house will not alter the essential character of the area. This finding 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 Section 66.231 & 66.233 to allow a 2.5' setback from the west property line, a 1' setback from the east property line and a building width of 20.2' on property located at 492 Bay Street and legally described as Scheffers Addition W 2 Ft Of Lot 7 And All Of Lot 8 Blk 2; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVE, subject to the condition that the exterior finish of the existing tool shed matches the exterior finish of the house.

MOVED BY: Ward

SECONDED BY: Saylor

IN FAVOR: 4

AGAINST: 2

MAILED: August 2, 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.

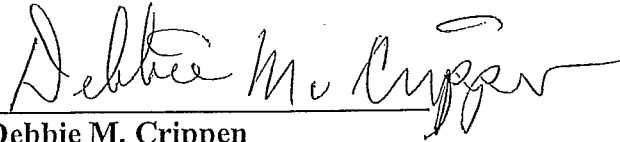
APPEAL: Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

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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 August 1, 2016 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