

**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 06-079138  
DATE: May 22, 2006**

**FILE**  
11-306845

WHEREAS, J. J. Haywood Palmer - Pizza Luce has applied for a variance from the strict application of the provisions of Section 65.207 of the Saint Paul Legislative Code pertaining to a variance of the off-street parking requirement in order to establish a new restaurant in the B2 zoning district at 1185 Selby Avenue; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on May 22, 2006 pursuant to said application in accordance with the requirements of Section 64.203 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 property in question cannot be put to a reasonable use under the strict provisions of the code.*

This building was formerly occupied by a photography store with the associated parking provided in the adjacent lot. The applicant is proposing to establish a Pizza Luce restaurant at this location. Pizza Luce is an upscale community oriented restaurant with dine-in and delivery service available to the surrounding area. The applicant states that approximately 50% of their sales derives from delivery and that the peak dine-in hours are from 5:30 to about 9 pm. A restaurant requires more parking than the previous retail use, however, the site is fully developed and there is no room to provide additional off-street parking. A restaurant is a permitted use in this district and this proposal is a reasonable use of the property that cannot be accomplished under the strict provisions of the code..

2. *The plight of the land owner is due to circumstances unique to this property, and these circumstances were not created by the land owner.*

The size of this existing building and the land available for parking restrict the uses that may be established without a variance. This is a circumstance that was not created by the current property owner.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*



This 3,000 square foot building has been vacant for several years and the building is in disrepair. The applicant is proposing to renovate the building and the adjacent parking lot, adding a small outdoor patio. Pizza Luce has three other restaurants in Minnesota, two in Minneapolis and one in Duluth. All have been successful and according to the applicant have an excellent track record with the communities that they serve. Renovating this vacant property and establishing a viable community oriented business is in keeping with the spirit and intent of the code. The requested variance will not adversely affect the health or welfare of nearby residents.

- 4. The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.*

The applicant is proposing to move the parking spaces away from the side property line and up against the building. The patio will also be located next to the building and trash storage will be within the building. The rearrangement of the parking lot will require Site Plan Review which will further ensure there is minimal impact on adjacent properties. The applicant has conducted an informal parking survey which indicates that there is adequate on-street parking in the immediate area to accommodate the shortfall of off-street parking for the restaurant. The two lots need to be combined as a single parcel under one property identification number in order to ensure that the parking for the restaurant is not separated without further review by the City. The requested variance will not change the character of the neighborhood. Renovating this property and establishing a vibrant business in this location will help revitalize the area and should have a positive impact on surrounding properties.

- 5. The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

The proposed variance, if granted would not change or alter the zoning classification of the property.

- 6. The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

The applicant's primary desire is to establish a viable neighborhood oriented business in this location.

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NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 65.207 are hereby waived to allow 8(eight) off-street parking spaces in the adjacent lot, *subject to the condition that the two lots are combined as a single parcel under one property identification number*, in order to establish a new restaurant on property located at 1185 Selby Avenue; and legally described as Anna E. Ramsey's Addition To The City Of St. Paul Ex Ave Lot 23 Blk 7; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

**MOVED BY:** Galles  
**SECONDED BY:** Morton  
**IN FAVOR:** 7  
**AGAINST:** 0

**MAILED:** May 23, 2006

**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 May 22, 2006 and on record in the Office of License Inspection and Environmental Protection, 8 Fourth St. E, Saint Paul, Minnesota.

**SAINT PAUL BOARD OF ZONING APPEALS**

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**Debbie Crippen  
Secretary to the Board**