

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, AUGUST 1, 2016

PRESENT: Mmes. Bogen, Maddox, and Trout-Oertel; Messrs. Saylor, Ward of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Katrice Albert*, Luis Rangel Morales*
*Excused

The meeting was chaired by Joyce Maddox, Chair.

Chris Carlson (#16-058086) 210 Victoria Street South: The applicant is requesting variances in order to construct a new, two-car garage attached to the front of the existing house. 1) The code requires that garages be set back from the front lot line at least as far as the house; the applicant is requesting a variance from this requirement. 2) A front yard setback of 30 feet is required from the front property line; a setback of 16 feet is proposed for a variance of 16 feet.

Mr. Diatta showed slides of the site and reviewed the staff report with a recommendation for approval, subject to the following conditions: 1) The garage is constructed as shown on the plans submitted with this application. 2) The garage complies with recommendations the HPC staff may make as to the necessity to undertake an environmental review. 3) Decorative garage windows and side lights are installed. 4) No second story addition or rooftop deck is constructed on the top of the garage.

Two letters were received opposing the variance request from neighbors at 863 Linwood Avenue which is across Victoria Street to the west and 859 Linwood Avenue which is the property immediately to the south of this property.

One letter was received from District 16 opposing the variance request.

Ms. Trout-Oertel asked if Mr. Diatta had any more photos of the houses at the north end of the block there are several garages that face the street. Mr. Diatta replied no. There are several garages that are closer to the street but they are rear yard garages from houses that face Osceola on the north side of the block, but their garages face Victoria Street. Ms. Trout-Oertel stated that this house is unusual because it faces Victoria Street. Mr. Diatta replied that there are only two houses on this block of Victoria that face Victoria the rest face Osceola. Ms. Trout-Oertel stated that the point is that there are several garages on this block that face Victoria.

Ms. Bogen asked if the neighboring home with the car is parked in the driveway in front of the garage is a legal parking space. Mr. Diatta replied that it is a legal parking space in that it has been grandfathered in.

The applicant **CHRIS CARLSON**, 210 Victoria Street South, was present with Bruce Carlson, 721 Cascade Drive, Chaska. Mr. Chris Carlson submitted a better photo of the proposed house. Ms. Maddox asked if he attended the meeting at the District Council. Mr. Bruce Carlson stated that he attended the meeting and there was one person opposed to it and one person on the fence about the variance. It seemed that they did not want to approve the variance in the fear that someone else might want to put in a garage and they would have to approve it if they approved this one. Mr. Chris Carlson stated that he spoke with the neighboring property owner to see if they would be willing to do a shared driveway so he could get to the back of his property to park, but they were unwilling to enter into any shared driveway agreement because it took up most of their back yard. He does not think that there is enough width for modern cars to get to the back yard between the homes.



Mr. Chris Carlson stated that during Grand Old Days he had to park three blocks away, his house is very close to the street and the door opens close to the street. He understands that the house has been there for 100 years and has not had a garage, however, times and things change and a lot of the homes along there have had garages. It is not like a garage on the lot would be out of character for the block. The garage will be similar to the house and will blend in to the neighborhood. It may change the site lines from some of the neighbors' windows; however, he looks out his windows at neighboring homes.

There was opposition present at the hearing.

Kevin Fenelon, 859 Linwood Avenue, stated that his main objection is the view. They spend a lot of time in their kitchen and their window is at eye level to where the garage will be placed. From the upstairs window it will also block the view down Victoria.

Mr. Ward asked if Mr. Fenelon saw the rendering of the proposed garage. Mr. Fenelon replied yes, he has seen it. Mr. Ward asked if Mr. Fenelon liked the rendering. Mr. Fenelon replied it looks ok. Mr. Ward asked if he would have a problem with this. Mr. Fenelon replied he would prefer not to have the garage there it would block their view. Mr. Ward asked if Mr. Fenelon had a garage. Mr. Fenelon replied yes. Mr. Ward asked where Mr. Carlson should park. Mr. Fenelon replied on the street. Mr. Ward asked if he is ok with that. Mr. Fenelon stated that the applicants are proposing a garage in the front yard and there has not been one and he prefers that their not be a garage there. Mr. Ward stated so there is no way the applicant could put a garage there that would satisfy Mr. Fenelon. Mr. Fenelon replied not at that height. Mr. Ward asked if it were shorter, only eight feet would that work. Mr. Fenelon replied he would have to see it he is not sure. Mr. Ward stated that is part of the City's comprehensive plan that everybody is allowed to improve their property to provide off-street parking. He continued that Mr. Fenelon has the benefit of a garage and can get his car off the street in inclement weather, however, Mr. Carlson does not have a garage. There are plenty of neighborhoods, particularly north of this location in the Hamline Area where they have a lot of properties with front facing garages, and what they do is put decks on top of the garages. The Board here is saying that they cannot add a structure with walls or a deck on top of the front facing garage. The Board is just allowing him to build a garage so he can get his car off the street.

Mr. Larry Soderholm, 849 Linwood Avenue, stated that he is in attendance opposing this variance. He stated that he lives around the corner from Mr. Carlson and their back yards adjoin. He stated that two years ago he was in attendance opposing the neighboring front yard garage and he had recommended at that time that the two homes at 208 and 210 Victoria Street build a shared driveway so they could both get to their back yards and build garages where it would be desirable to do so. The Summit Hill District Council is opposed to front yard garages and they are not characteristic of the neighborhood. He stated that this depiction is much better than the neighboring garage that was denied last year. He thinks that the depiction is inaccurate as it shows a large yard with trees and landscaping and it is missing Mr. Fenelon's retaining wall. He thinks that if this is going to be approved there are a number of details that have not been worked out such as water runoff, drainage, Mr. Fenelon's retaining wall, it did not show any landscaping nor did it show where the trash receptacles are going to be placed. He thinks that those are details that the neighbors would like to know in case it is approved.

Mr. Ward stated that he did not hear that Mr. Soderholm is 100% opposed to this. Mr. Soderholm stated he is 70% opposed to this garage and he was 95% opposed to the previous proposal. Mr. Ward and Mr. Soderholm discussed what could be done to get his approval for the project. Keeping it back behind the front setback and lowering it might help; however, Mr. Soderholm is opposed to front yard garages.

Mr. Bruce Carlson stated it was not intentional to leave off Mr. Fenelon's retaining wall, the company it was sent to just does a rendering they do not have all the information. This will be a positive addition to the city keeping the street clear to allow traffic and emergency vehicles down the street, Victoria seems to be a major artery to Grand Avenue.

Hearing no further testimony, Ms. Maddox closed the public portion of the meeting.

Mr. Ward moved to approve the variance and resolution based on findings 1 through 6, subject to the following conditions: 1) The garage is constructed as shown on the plans submitted with this application. 2) The garage complies with recommendations the HPC staff may make as to the necessity to undertake an environmental review. 3) Decorative garage windows and side lights are installed. 4) No second story addition or rooftop deck is constructed on the top of the garage. Mr. Ward added conditions that landscaping, drainage and trash be added.

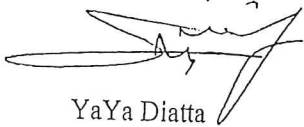
Ms. Trout-Oertel stated that she was opposed to this initially when she received the packet but after seeing the neighborhood and the block and seeing the garages facing Victoria it would fit. Ms. Bogen stated but they are not in the front yard. Ms. Trout-Oertel replied no but it is a completely different situation the houses that have their garages on Victoria may face Osceola but it creates an environment on Victoria where the garages face the street. It would not be the only garage on the block.

Ms. Trout-Oertel seconded the motion, which failed on a roll call vote of 3-2(Bogen, Maddox).

Ms. Bogen moved continue the hearing for two weeks when there are more Boardmembers in attendance.

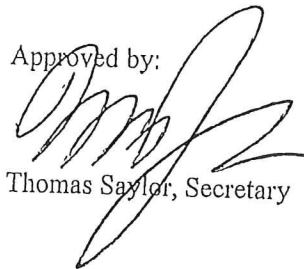
Ms. Trout-Oertel seconded the motion, which passed on a roll call vote of 5-0.

Submitted by:

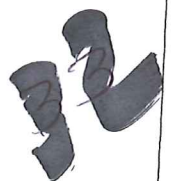


YaYa Diatta

Approved by:



Thomas Saylor, Secretary



MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, AUGUST 15, 2016

Continued from August 1, 2016

PRESENT: Mmes. Albert, Bogen and Trout-Oertel; Messrs. Rangel Morales, Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Joyce Maddox*, Daniel Ward*

*Excused

The meeting was chaired by Gloria Bogen, Co-Chair.

Chris Carlson (#16-058086) 210 Victoria Street South: The applicant is requesting variances in order to construct a new, two-car garage attached to the front of the existing house. 1) The code requires that garages be set back from the front lot line at least as far as the house; the applicant is requesting a variance from this requirement. 2) A front yard setback of 30 feet is required from the front property line; a setback of 16 feet is proposed for a variance of 14 feet.

Mr. Diatta reviewed the case history from the previous hearing with a recommendation for denial.

Two e-mails were received opposing the variance request one from Lawrence Soderholm and one from the next door neighbor Kevin Felon. Ms. Bogen stated that both the neighbors are still in opposition. Mr. Diatta stated that Mr. Soderholm had stated that he is opposed in principal.

No further correspondence was received from District 16 regarding the variance request.

The applicant **CHRIS CARLSON**, 210 Victoria Street South, was present.

There was opposition present at the hearing the District Council was in attendance.

The public portion of the hearing had been closed at the previous hearing.

Hearing no further testimony, Ms. Bogen closed the public portion of the meeting.

Mr. Saylor moved to approve the variance and resolution based on findings 1 through 6, subject to the following conditions: 1) The garage is constructed as shown on the plans submitted with this application. 2) The garage complies with recommendations the HPC staff may make as to the necessity to undertake an environmental review. 3) Decorative garage windows and side lights are installed. 4) No second story addition or rooftop deck is constructed on the top of the garage. 5) Landscaping and proper drainage be provided and the trash container be stored in the garage.

Ms. Trout-Oertel seconded the motion, which passed on a roll call vote of 4-1(Trout-Oertel).

Submitted by:

Approved by:

YaYa Diatta

Thomas Saylor, Secretary

