



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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Board of Zoning Appeals

Staff Report

TYPE OF APPLICATION: Major Variance **FILE #:** 25-033888

APPLICANT: Stronger Sober House

HEARING DATE: June 9, 2025

LOCATION: 269 Harrison Avenue

LEGAL DESCRIPTION: WHITACRE BRISBINE & MULLENS SU EX N 46 2/10 FT LOT 96

PLANNING DISTRICT: 9

PRESENT ZONING: H2

ZONING CODE REFERENCE: § 65.162

DATE RECEIVED: May 9, 2025

REPORT DATE: June 6, 2025

DEADLINE FOR ACTION: July 7, 2025 **BY:** David Eide

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- A. **PURPOSE:** The applicant is proposing to establish a 12-resident supportive housing facility. The zoning code states that supportive housing facilities shall be a minimum distance of 1,320 feet from specified congregate living facilities with more than six (6) adult residents; this facility is 804 feet from a specified congregate living facility with more than six (6) adult residents, for a variance of 516 feet.
- B. **SITE AND AREA CONDITIONS:** This is a 0.09-acre property on the northwestern corner of Harrison Avenue and Douglas Street. A single-family dwelling that has been functioning as a 12-resident sober house is present on the property.
- Surrounding Land Use:
North, West, South: Low Density Residential (H2)
East: Residential (T1)
- C. **ZONING CODE CITATION:**
Sec. 65.162. - Supportive housing facility.
One (1) main building, or portion thereof, on one (1) zoning lot where persons with mental illness, chemical dependency, physical or mental handicaps, and/or persons who have experienced homelessness reside and wherein counseling, training, support groups, and/or

similar services are provided to the residents.

This definition does not include:

- (1) Foster homes as defined in this Code;
- (2) Residential treatment programs physically located on hospital grounds;
- (3) Regional treatment centers operated by the commissioner of human services;
- (4) Licensed semi-independent living services for persons with mental retardation or related conditions or mental illness, if the license holder is not providing, in any manner, direct or indirect, the housing used by persons receiving the service.
- (5) Community residential facilities, licensed correctional, as defined in this Code.

Standards and conditions:

- (a) The facility must be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than six (6) adult residents, except in B4-B5 business districts where it must be at least six hundred (600) feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.
- (b) In RL-H2 residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility must serve sixteen (16) or fewer facility residents.
- (c) In RM1-RM3 residential, T1 traditional neighborhood and F1 Ford districts, a conditional use permit is required for facilities serving more than sixteen (16) facility residents.
- (d) In T2-T4 traditional neighborhood districts, the density is regulated as for multifamily uses.

D. FINDINGS:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

The existing building is a single-family dwelling approved as a 12-resident sober house. The applicant is proposing to establish a 12-resident supportive housing facility to replace the exiting use. The zoning code states that supportive housing facilities shall be a minimum distance of 1,320 feet from specified congregate living facilities with more than six (6) adult residents; this facility is 804 feet from a specified congregate living facility with more than six (6) adult residents, for a variance of 516 feet.

The intent of the zoning code requirement to space supportive housing facilities with more than six (6) adult residents at least a quarter mile from supportive housing facilities, licensed correctional community residential facilities, emergency housing facilities shelters for battered persons, or overnight shelters with more than six adult facility residents is to ensure that residents of these facilities are able to live in a non-institutional environment. Permitting the establishment of a supportive housing facility with more than six facility residents at this location within a quarter mile of another specified congregate living facility would create a cluster of facilities, which could create an institutional type environment for the residents within, which is contrary to the purpose and intent of the zoning code in Section 60.103 to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community, to prevent the overcrowding of land and undue congestion of population, and to fix reasonable standards to which buildings, structures and uses shall conform. **This finding is not met.**

2. The variance is consistent with the comprehensive plan.

The proposed facility supports Policy H-15 of the Saint Paul Comprehensive Plan, which encourages the development of a diverse range of culturally appropriate housing types across the city to serve residents at all life stages and levels of ability. **This finding is met.**

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.

The zoning code requires a 1,320-foot separation between specified congregate living facilities with more than six (6) adult residents to ensure their integration into the broader community and to avoid the creation of institutional clusters. The proposed facility would be located 804 feet from a specified congregate living facility.

The applicant has not met the practical difficulties standard for the following reasons:

- The applicant could house up to six individuals at this property by right without meeting the required separation;
- the fact that this property is within 1,320 feet of another specified facility is not a practical difficulty, but rather due to the owner's choice to pursue this use at this location; and
- it is owner's decision to pursue supportive housing rather than other available housing options; and
- the difficulty is the result of the owner's decision to pursue supportive housing at the proposed resident number;
- the owner has not demonstrated that there are practical difficulties to open a supportive housing facility at the number allowed by-right by the ordinance;
- there are other locations that the applicant could pursue within the City of Saint Paul;
- there are other available uses for the property that would not require a variance;
- the difficulty is of the applicant's making.

This finding is not met.

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

The property could house up to six residents without triggering the need for a variance of the separation requirement. The requested variance arises not from unique circumstances of the land but from the applicant's desire to exceed the permitted number of residents within the required separation distance. Other properties within 1,320 feet of the specified congregate living facility are in compliance with this standard. Given that the separation requirement affects other properties within the 1,320 feet proximity to the specified congregate living facility, the plight is not unique to the landowner, but general to the surrounding area. **This finding is not met.**

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

A supportive housing facility is a permitted use in the H2 zoning district. Granting the variance would not allow a use otherwise prohibited in this zoning district. **This finding is met.**

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

Granting the variance request would result in the establishment of a supportive housing facility within a quarter mile of a specified congregate living facility, creating a cluster of congregate living environments. This could undermine the goal of community integration and contribute to an institutional character that is inconsistent with the surrounding residential area. **This finding is not met.**

- E. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this report, staff have not received a recommendation from District 9 - West 7th/Fort Road Federation.
- F. **CORRESPONDENCE:** Staff received four letters of support from residents at this property.
- G. **STAFF RECOMMENDATION:** Based on findings 1, 3, 4, and 6, staff recommend denial of the request.