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**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 17-081644
DATE: October 23, 2017**

WHEREAS, Chuck Repke, has applied for a variance from the strict application of the provisions of Section 63.207(a) of the Saint Paul Legislative Code pertaining to parking requirement by use parking in the T2 zoning district at 1 Leech Street. PIN: 012823410185; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on October 23, 2017 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.*

A Commercial Development District was established at this property in order to convert the historic Hope Engine Firehouse into a wine bar and restaurant with full liquor service. The proposed bar will occupy the ground floor of the building and the second floor will be used as storage and office space for the staff of the bar. The firehouse building covers the lot and does not have any available space for off-street parking. Based on the total gross floor area (GFA) of the building, the proposed wine bar requires 17 off-street parking spaces which cannot be provided without the requested variance.

A hotel, The Residence Inn, is under construction on the abutting lots to the south and west of the subject property. The Residence Inn will provide 31 off-street parking spaces along the perimeter of the hotel building that will be reserved exclusively for guests of the hotel. There will be no restaurant or bar in the hotel and hotel guests using the Hope Engine House will not need additional parking.

Developing a vacant, historic building into a new business is in harmony with the general purposes and intent of the zoning code to promote the economic viability of the community. This finding is met.

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

One of the strategies of the West Seventh/ Fort Road District Area Plan, a component of the Saint Paul Comprehensive Plan, is to concentrate commercial activity at key nodes along West 7th, particularly at the intersection of West 7th and Grand Avenue. The proposed wine bar is located just one block west of the West 7th and Grand Avenue intersection. The use of the property as a wine bar and restaurant will contribute to the commercial vitality of the district.

This property is located in an area with a high concentration of commercial uses where it is a common practice for patrons to use alternative methods of traveling to their destination. The proposed wine bar is located a few blocks away from several restaurants and entertainment venues on West 7th; the Comprehensive Plan encourages the walkability of neighborhoods that are located in commercial districts. It is also common for bar and restaurant patrons to utilize ride-sharing car services in lieu of driving their own vehicles, reducing the need to provide off-street parking. The proposed use of the

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property as a wine bar is consistent with Strategy 1.46 and Comprehensive Plan. 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.*

This property was formerly used as a city firehouse and there was never off-street parking provided. The abutting lots will be occupied by a hotel which also eliminates the potential off-street parking opportunities for the wine bar next door. Since the wine bar is proposed to occupy the entire lot, there is no room to provide any parking on site. There are a number of on-street parking opportunities in the immediate area, both with meters and limited restrictions, that could serve the patrons of the wine bar. The bar will also attract pedestrians given the proximity to the hospitals, hotel, and other area commercial uses. This finding is met.

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

When this building was originally constructed between 1871 and 1872 there was no off-street parking provided. This is a circumstance unique to the property not created by the landowner. This finding is met.

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

This property is zoned T2, a traditional neighborhood zoning district. The use of the property as a wine bar and restaurant is a permitted use in this zoning district. This finding is met.

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

Given the commercial nature of this area and the walkability of the immediate neighborhood, there are several properties that do not provide off-street parking for its patrons. The re-use of this historic building will not change the character of the neighborhood. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.207(a) are hereby waived to allow 17 off-street parking spaces for the use of the property as a wine bar and restaurant on property located at 1 Leech Street; and legally described as Hotel Addition Lot 1 Blk 1; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED

MOVED BY: Trout-Oertel

SECONDED BY: Porter

IN FAVOR: 4

AGAINST: 0


MAILED: October 24, 2017

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 October 23, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS


Der Vuol
Acting Secretary to the Board





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BOARD OF ZONING APPEALS STAFF REPORT
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TYPE OF APPLICATION: Major Variance **FILE #17-081644**
APPLICANT: Chuck Repke
HEARING DATE: October 23, 2017
LOCATION: 1 Leech Street
LEGAL DESCRIPTION: Hotel Addition Lot 1 Blk 1
PLANNING DISTRICT: 9
PRESENT ZONING: T2
ZONING CODE REFERENCE: 63.207(a), 63.204, 63.206(c)
REPORT DATE: October 11, 2017 **BY: Jerome Benner II**
DEADLINE FOR ACTION: November 30, 2017 **DATE RECEIVED:** October 2, 2017

A. **PURPOSE:** The applicant is proposing to convert the historic Hope Engine Company Firehouse into a wine bar. The number of off-street parking spaces required is determined by the total Gross Floor Area (GFA) of the use. The number of off-street parking spaces required for a bar is 1 space per 150 square feet of GFA; the number of spaces required for the wine bar is 17 off-street parking spaces. The applicant is requesting a variance of 17 off-street parking spaces.

B. **SITE AND AREA CONDITIONS:** This is a 3,242-square foot lot with no alley access and is located on the southwest corner of Grand Avenue and Leech Street.

Surrounding Land Use: There is a mix of commercial and medium- to high-density residential uses to the south and east of the subject property. The firehouse is across the street from Children's and United Hospitals to the north. There is currently a hotel under construction immediately west of the site.

C. **BACKGROUND:** The Hope Engine Firehouse was constructed between 1871 and 1872. It functioned as a City firehouse until it was decommissioned in 1965. The building has been vacant since then.

In May 2017, a petition was submitted to the Department of Safety and Inspections to create a Commercial Development District for the Hope Engine House site to allow Hope Engine Company LLC to apply for an intoxicating liquor license. The Commercial Development District includes the entire former Hope Engine Firehouse site at 1 S. Leech Street, and no other properties. In July 2017, the Planning Commission recommended approval to the City Council to allow a Commercial Development District for the purpose of establishing a wine bar with full

liquor service at the Hope Engine House. The City Council adopted the Commercial Development District ordinance on September 13, 2017.

D. ZONING CODE CITATIONS:

Section 63.207(a) – Parking Requirement by use. Off-street parking minimum. The minimum number of off-street parking spaces by type of use shall be determined in accordance with table 63.207, minimum off-street parking by use.

Sec. 63.204. - Change in use within a structure. When any existing use within a structure changes to a new use which requires more off-street parking spaces than the existing use as determined by section 63.207, then the additional required off-street parking spaces must be provided. If fewer off-street parking spaces are required by the new use, excess parking spaces may remain. When a structure, or part of a structure, is vacant, the zoning administrator shall determine the previous existing use for purposes of calculating parking requirements using city records, land use surveys or directories.

Sec. 63.206(c). - Rules for computing required parking. In addition to the requirement of section 63.204, there shall be provided off-street parking spaces for all bars or premises licensed for entertainment class C as provided herein:

- (1) Issuance of a license to an existing structure not previously licensed for a bar or entertainment class C during the twenty-four (24) months preceding the application, off-street parking pursuant to section 63.207.

Table 63.207 Minimum Required Off-Street Parking by Use

Land Use	Minimum Number of Parking Spaces
Food and Beverages	
Bar	1 space per 150 sq. ft. GFA

E. FINDINGS:

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

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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.*

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- E. **DISTRICT COUNCIL RECOMMENDATION:** District 9 – The West Seventh/ Fort Road Federation submitted a letter in support of the parking variance.
- F. **CORRESPONDENCE:** Staff has not received any correspondence.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommends approval of the variance request to waive 17 off-street parking spaces for the use of the property as a wine bar and restaurant.