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**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 18-027443  
DATE: February 26, 2018**

WHEREAS, David Schreiner – PROBITS LLC has applied for a variance from the strict application of the provisions of Section 68.233(b) of the Saint Paul Legislative Code pertaining to expansion of the existing commercial use on a property that is not located on the landward side of the bluffline. The applicant, Carver Auto Sales, is proposing to expand the outdoor sales display area of an existing used car lot by creating an additional 12,178 square feet of parking on the east side of the property. The RC3 Urban Open District, located within the River Corridor Overlay District, does not allow the expansion of existing commercial uses unless they are landward of the blufflines. The applicant is requesting a variance from this standard in the B3 zoning district at 1328 Point Douglas Road South. PIN: 232822140012; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on February 26, 2018 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.*

Carver Auto Sales is a small, commercial use that has been operating at this location since 2012. The applicant is proposing to pave 12, 178 square feet of land in the rear portion of the property in order to increase the outdoor sales display area. The property is located on the riverward side of the bluffline; the RC3 Urban Open District does not allow the expansion of existing commercial uses unless they are landward of the bluffline, resulting in the requested variance. The proposed expansion would create approximately 50 new parking spaces on the property.

This applicant’s request for the outdoor sales display area conforms to the provisions of Section 68.601, the findings necessary for variances in the River Corridor because the proposed paved area is designed to drain water away from the bluff area; it will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment.

Furthermore, one of the overall intents of the River Corridor Overlay District is to maintain the river corridor’s value and utility for residential, commercial, and industrial purposes. Provided that the expansion is completed according to the plans submitted with this application, it is within the general purposes and intent of the zoning code. This finding is met.

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

One of the economic strategies found in the Comprehensive Plan includes creating a trend conducive to economic self-sufficiency and growth by fostering economic development activities and retaining existing businesses. This request would allow a business that has been in operation since 2012 to continue growing by expanding an existing unused portion of the lot. 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.*

Generally, commercial uses along major thoroughfares, such as Highway 61, are encouraged, however, this property is located within the River Corridor Overlay District, which has additional provisions that must be met. The intent of prohibiting the expansion of commercial uses on the river side of the bluff is to preserve the visual aesthetics of the river and mitigate any potential negative effects on the surrounding area.

The business is situated at a higher elevation than the river, which is buffered by dense vegetation, railroad tracks, and Highway 61. Furthermore, any commercial development on this parcel would require a variance due the business being located on the river side of the bluff, creating challenges for an existing business to grow and expand. This is a practical difficulty to meet the zoning requirement. This finding is met.

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

The location of the Carver Auto Sales in the River Corridor Overlay District and on the river side of the bluff are unique circumstances 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.*

Auto sales is a permitted use in the B3, general business district. If granted, this variance will not allow a use that is otherwise not permitted. This finding is met.

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

There has been a variety of auto-oriented uses on this parcel for many years. The proposed expansion will not alter the essential character of this neighborhood. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 68.233(b) are hereby waived to allow expansion of the outdoor sales display area of the existing used car lot by creating an additional 12,178 square feet of parking

on the east side of the property, *subject to the condition that the expansion is completed according to the plans submitted with this application*, on property located at 1328 Point Douglas Road South; and legally described as John R Dunn 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:** Rangel Morales

**SECONDED BY:** Porter

**IN FAVOR:** 4

**AGAINST:** 0

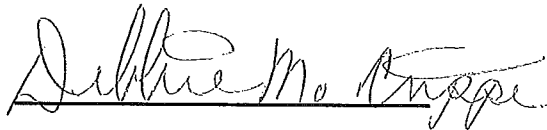
**MAILED:** March 6, 2018

**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.

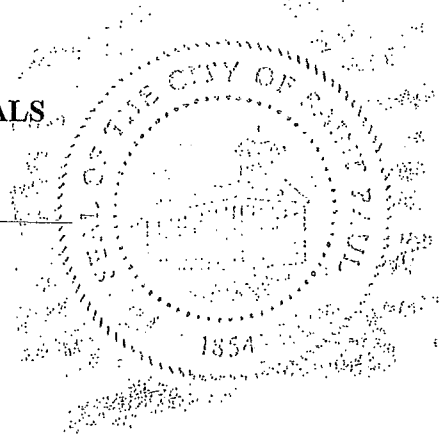
**APPEAL:** Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are 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 February 26, 2018 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





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Certified, filed and/or recorded on  
Apr 25, 2018 10:50 AM

Office of the County Recorder  
Ramsey County, Minnesota  
Susan R Roth, County Recorder  
Christopher A. Samuel, County Auditor and Treasurer

Deputy 406

Pkg ID 1242949M

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