

Check 1823



Application for Appeal
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
General DSI Line: 651-266-9008

RECEIVED IN DEPT.

MAY 30 2018

Zoning office use only

File # 18-071096

Fee \$462-

Tentative hearing date:

JUN 20, 2018

Appellant

Name JOSEPH RITTMANN
 Address 599 LAUREL AV APT 4
 City ST PAUL St. MN Zip 55102 Daytime phone 218 769-9353
 Name of owner (if different) _____

Property Location

Address 617 LAUREL AVE ST. PAUL MN
 Zoning file name # 18-035099
 Legal description: _____

 (attach additional sheet if necessary)

Type of Appeal: Application is hereby made for an appeal to the:

- Planning Commission, under the provision of Chapter 61, Section 701, Paragraph C of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator
- City Council, under the provision of Chapter 61, Section 702, Paragraph A of the Zoning Code, of a Decision made by the Planning Commission
- Board of Zoning Appeals (BZA), under the provisions of Chapter 61, Section 701, Paragraph C, of the Zoning Code, to appeal a decision made by the BZA on 1/17/2018 File Number 18-035099
(date of decision)

Grounds of Appeal: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission, City Council, or BZA.

We submit there are gross errors in findings of the staff report that approval of a total of 275% variance from the code is a violation of the law and that project with variances places safety, quality, and environment at risk.

Appellant's signature

Joseph Rittman

Date

1/17/2018

City agent

[Signature]

May 30, 2018

Department of Safety and Inspections Zoning Section
375 Jackson Street, Suite 220
Saint Paul, MN 55101

Reference: BZA File #18-035099 on 617 Laurel Ave, St Paul, MN 55102

Dear Sirs and Madams,

I and others hereby apply to appeal the decision of the Board of Zoning Appeal to grant approval to the appeal for variances brought by Hupp Holdings in File #18-035099 on the property at 617 Laurel Avenue facing Dale Avenue.

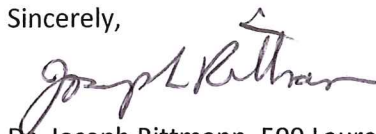
Please find also our payment of \$462.00 for this appeal.

At the public hearing on April 23, 2018, the Board voted 3 to 1 to not approve the appeal for variance. Subsequently, two missing Board members voted and the Board did not obtain the necessary four votes to not approve the variances on May 21. Since the two missing members were not present at the April 23 meeting, at which three members voted against the variance, there is sufficient reason to consider that these missing Board members did not hear or appreciate the objections raised by multiple persons to the variance.

The grounds for our appeal are that 1) there are gross errors in findings of the staff report, which we will present, 2) that approval of a total of 275% variance from the code indicates an egregious disregard of the code and rule of law, and 3) the project with variances places at risk the safety, quality of life, and environment of the community and city.

The members understand completely the attraction of increasing development of the reference lot. The decision to approve these variances completely ignores the zoning code that protects what current owners own and should not be permitted to stand.

Sincerely,



Dr. Joseph Rittmann, 599 Laurel Ave, Apt 4. joeritt@gmail.com tel: 218 760-9353

Joined with:

Mr. Peter Carlsen, 524 Selby Ave and Ramsey Hill Association. peterc@carlsenfrank.com, tel: 651 227-4756

Mr. Luis Vinholi, 593 Laurel Ave. vinholi@comcast.net tel: 612 281-7510

Mrs. Deri Vinholi, 593 Laurel Ave. dvinholi@comcast.net tel: 612 281-7510

Mrs. Claudia Brewington, 593 Laurel Ave. Claudia.Brewington@co.ramsey.mn.us tel: 651 245-5109

REALLY WANTS TO KNOW
WHEN DATE IS.

May 31, 2018

Department of Safety and Inspections Zoning Section
375 Jackson Street, Suite 220
Saint Paul, MN 55101

RECEIVED IN D.S.I.

MAY 31 2018

Subject: Addendum to Application for Appeal, dated May 30, 2018

Reference: Application for Appeal on BZA File #18-035099 on 617 Laurel Ave, St Paul, MN 55102

Dear Sirs and Madams,

This is an addendum to my application with payment on May 30, 2018 as requested by Mr. Jerome Benner, staff person at 930a on May 31, 2018 by telephone. Mr Benner indicated that without elaboration of 'gross errors' in my cover letter, that my application may not be accepted. Despite my efforts to explain that elaboration of gross errors is required in the application form, Mr. Benner insisted. Therefore, I submit this addendum under protest.

The gross errors include the following, but are not limited, to these:

1. The grounds for our appeal as stated in the cover letter are that 1) there are gross errors in findings of the staff report, which we are presented here, 2) that approval of a total of 275% variance from the code indicates an egregious disregard of the code and rule of law, and 3) the project with variances places at risk the safety, quality of life, and environment of the community and city.
2. The Board of Zoning Appeals did not provide or seek adequate justifications for the findings that are required for a variance.
3. The Board of Zoning Appeals granted variances that so far exceed "strict enforcement of the provisions of this code as to render the code meaningless.
4. The Board of Zoning Appeals has placed much weight on staff's report that often offers circular, misleading and false statements to conclude the required findings are met.
5. Perhaps the board is making another variance to the code by ignoring unproven findings. If so they should say so and approve a variance to 61.601 Variances.
6. Staff and applicant failed to file for a variance for Landscape required under 63.314. Although the Board and staff may say it is obvious this requirement could not be met, it should be listed and observed, otherwise the provision should be dropped from the code.
7. The code states that (a) The variance is in harmony with the general purposes and intent of the zoning code. A combined variance of 275% from the code does not meet any normal sense of harmony. It is a complete change of the code.
 - Staff makes an error in referring to the project as a "row house." A row house is synonymous with a "town house." The building is classified by code as an apartment building. Using the

gentler description of “row house,” is not an accurate description of what the project is. It is deceptive and the City should not put itself in the position of misleading the public.

- Continues with misleading description of project talking about “row house” orientation in lieu of “Unit orientation.” A townhouse or row house can not have a unit above it.
- Although staff list the variance for the parking set back from Dale they fail to note that a 4-0 setback is required from the residential use to the east.
- The conclusion that the project “is in harmony with the zoning code” can not be true if it also requires four to six variances.

8. The codes states that (b) The variance is consistent with the comprehensive plan. A combined variance of 275% does not meet any normal sense of consistency. It is a complete change of code.
9. The code states that (c) 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 reason given to change the 2017 approved project were verbally expressed in the March 26 meeting by the applicant and seen in the minutes by the applicant was it is “better to go to market”, indicating the primacy of economic considerations in the appeal for variance.
10. The code states (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner. These have been objected to in writing in the letters and in the minutes. The plight of the landowner is due to circumstances unique to the property not create by the landowner. No evidence is given that there is anything unique about the property. Simply having been subdivided leaving a 40-0 lot from street to alley is typical of lots in the area. Staff simply restates that the lot is appropriate for its intended purpose of having a single family or duplex house. The desire to put 6 housing units where two are intended is a plight created by the applicant. There are no circumstances unique to the property. Staff is in error in asserting the finding is met for all requested variances. There is nothing unique about this lot.
11. The code states (e) The variance will not permit any use that is not allowed in the zoning district where the affected land is located. The code permits 3 family dwelling and the variance is for 6. The total amount of variance approved was 275% indicating that the approved variance does allow false use of the land.
12. The code states (f) The variance will not alter the essential character of the surrounding area. The extensive list of written objections clearly demonstrates that many persons in the surrounding area object strenuously that the project will alter the character, as well as, risk the quality of the environment, quality of life, safety, and traffic. Today, I found that a vehicle serving the businesses at Dale and Selby was in the alleyway and thereby blocked completely the main access of the 12 cars in the project to the alley and Dale St, which have only one exit in the plan. This eventuality is not discussed in the findings, which focuses on static, rather than dynamic conditions that will be adversely impacted by the project.

13. The findings state 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 provisions. Economic considerations alone do not constitute practical difficulties.*

- 1st paragraph of the property being in a RM2 zoning district does not constitute a practical difficulty. Nor does its nearness to commercial nodes. The size is only an issue because it too small to do what the Owner wants to do. The applicant had previously been granted variance to construct a 3 unit project. A six unit project is probably only desired because of cash flow. Economic considerations are not allowed.
- 2nd paragraph of finding 3. Refers to a garage. Appears to have been left from the earlier application or doesn't account for the final revisions made by the applicant to have a parking facility in lieu of garages.
- 3rd paragraph, gives the intent for having parking facilities set back further from the lot and concludes that the alley makes the set back a moot issue. There fore there is no practical difficulty.
- 4th paragraph concludes that a corner lot is a practical difficulty making it a challenge to develop the property. It may be a difficulty for a setback variance, but it is difficult to understand how it is a difficulty for density, other than the lot is not big enough to do what the applicant wants.

14. Over 30 specific objections to the 4 variances submitted for approval were given in writing to the BZA and the staff report offers 6 findings, leading to the inevitable conclusion that many of the global objections related to green space, safety, congestion, overdensity of the location, and so on, were not answered in the staff report and nor answered in the findings.

I submit that these sufficiently elaborate the "gross errors" in my cover letter submitted as grounds for appeal.

Sincerely,



Dr. Joseph Rittmann, 599 Laurel Ave, Apt 4. joeritt@gmail.com tel: 218 760-9353

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