

MINUTES  
BOARD OF ZONING APPEALS  
CITY COUNCIL CHAMBERS, 330 CITY HALL  
ST PAUL, MINNESOTA, AUGUST 12, 2019

PRESENT: Mmes. Bogen, Swift, and Trout-Oertel; Messrs. Rangel Morales, Miller and Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Benner II and Ms. Vue of the Department of Safety and Inspections.

ABSENT: Robert Clarksen \*Excused

The meeting was chaired by Thomas Saylor, Chair

**10K Architecture (#19 062869) 1886 Ford Pkwy:** The applicant is proposing to demolish an existing duplex and construct a daycare facility. Based on the number of employees, the daycare facility is required to provide 12 off-street parking spaces; the proposed site plan indicates a total of 6 off-street parking spaces for a variance request of 6 off-street parking spaces.

Mr. Benner states that based on the previous hearing, he met with Public Works staff regarding the possibility of designated parking area(s) in front of the property for pick-up and drop-off; although Public Works supports the drop-off and pick up on Ford Parkway, they department has requested that a demand be in place in order to move forward. Mr. Benner shared the following recommendations that he worked on with City Attorney Peter Warner.

1. Rear parking spaces for staff parking only. No child drop-off/pick-up or parental use of rear parking spaces allowed. Exception: The rear parking space designated on the approved site plan as "handicapped" space may be used by parents of handicapped children only for drop-off/pick-up purposes.
2. Snow must be removed from all rear parking spaces so that each parking space is always available at its full width during regular business hours. Snow may not be stored on any rear parking space at any time. Snow may not be plowed from any rear parking space and plowed onto any adjacent property nor may snow be stored anywhere on the property.
3. All use of existing day care at 1882 Ford Parkway by the day care Applicant/Operator must be discontinued upon opening of the new day care at 1886 Ford Parkway.
4. Because the alley forms the zoning boundary between a less intensive R4 zoning district and a more intensive RT1 zoning district, the Applicant/Operator should discourage parents from using the alley for any purpose including child drop-off/pick-up.

Miss. Bogen asked staff for clarification regarding the recommendation of 1 and 4. Miss. Bogen points out that in the first recommendation, it states no child drop-off/pick-up but in the fourth condition, it states discourage. Mr. Warner explained that the language was written to leave it open for the board members. Miss. Bogen also asked about the word adjacent as used in recommendation 1, as she explained that it typically means next to. Mr. Benner explained that for zoning purposes, adjacent is defined as nearby.

Mr. Saylor states that he closed the public hearing previously, the board members may discuss among themselves regarding the recommendations. Miss. Bogen states that as additional correspondence was received in support of the variance, would this change the public portion. Mr. Benner explained that the support letter from District 15 was modified to reflect the conditions he proposed.

Mr. Miller asked if the applicants were made aware of the recommendations. Mr. Benner explained that

they were not notified previous to the hearing but are present. He also states if the board would like to hear from the applicant, they could reopen the public portion of the hearing.

Miss. Trout-Oertel states that in one of the correspondence letter, received in support of the variance, suggests locking the rear alleyway door during drop-off/pick-up and asked why this was not part of the conditions. Mr. Benner explained that he did not find it to be appropriate and may be problematic to have an egress locked during business-hours and addition, the rear entrance is handicap accessible. Miss. Trout-Oertel states the rear entrance has steps according to the site plan and the handicap ramp is in the front, and wraps to the rear entrance.


Miss. Bogen adds that there is a sidewalk, from Ford Parkway, to leads to the rear entrance, but confirms that the rear entrance has two steps per the site plant. Mr. Benner explained this will be addressed with Site Plan Review.

Miss. Bogen points out that having a locked entry/egress during business hours would not be appropriate in case of a fire or emergency, unless the door can be opened from the interior. Miss. Trout-Oertel explained that there is hardware for such a purpose. Mr. Warner explained that this topic would be a building and safety code. Miss. Trout-Oertel states that if the rear entrance was locked this would discourage parents from utilizing the alleyway as a drop-off/pick-up area.

Mr. Miller states he did not fully agree with findings four of the resolution. Mr. Benner explained that he felt it was appropriate due to the multiple different zoning areas directly in the surrounding area, and although it is residential, a day-care facility is allowed. Whereas in commercially zoned areas, access to the site, space, and setbacks tend to be more generous which is why he found this property to be unique.

Mr. Benner explained that staff recommends approval based on findings 1 through 6 subject to the conditions he added. Miss. Bogen moved to approve the variance request based on staff finding subject to the conditions. Miss. Trout-Oertel seconded the motion with the added the condition that the rear doors are locked. Miss. Bogen states she will not accept that condition. Miss. Trout-Oertel withdrew her motion. Miss. Swift seconded the motion moved by Miss. Bogen which passed on a roll call of 4 to 1.

Submitted by:

  
Jerome Benner II

Approved by:

  
Daniel Miller