



# CITY OF SAINT PAUL

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## Board of Zoning Appeals Staff Report

**TYPE OF APPLICATION:** Major Variance **FILE #:** 20-069819

**APPLICANT:** Sullivan Property Investments II, LLC

**HEARING DATE:** October 5, 2020

**LOCATION:** 542 Portland Ave.

**LEGAL DESCRIPTION:** AUDITOR'S SUBDIVISION NO. 11 THE N 32 FT OF LOT 13 & EX E 4 FT; LOT 8 BLK 22

**PLANNING DISTRICT:** 8

**PRESENT ZONING:** RT2

**ZONING CODE REFERENCES:** 60.207, 60.217, 63.110, 63.207, 63.210, 66.231, 66.232, 66.241

**DATE RECEIVED:** August 31, 2020

**REPORT DATE:** October 1, 2020

**DEADLINE FOR ACTION:** October 29, 2020 **BY:** Matthew Graybar

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- A. **PURPOSE:** The applicant is proposing to construct a triplex as a second principal building on a lot that has an existing triplex. The following variances are required:
- 1.) A primary entrance of principal structures shall be located within the front third of the structure. The applicant is proposing the main entrance to be in the rear of the building, for a variance of this requirement.
  - 2.) 10 off-street parking spaces are required, 8 spaces are proposed including one bicycle rack, for a variance of 2 parking spaces.
  - 3.) In residential districts, principal buildings shall not cover more than 35% of any zoning lot, 38.39% is proposed, for a lot coverage variance of 3.39%.
  - 4.) This property is located in the RT2 zoning district and requires 2,500 square feet of lot size per unit. A lot size of 15,000 square feet is required for 6 units, 12,493 square feet is available, for a lot size variance of 2,507 square feet.

5.) A minimum lot width of 20' per unit is required in this zoning district. The existing lot width is nonconforming at 46.08' wide, the new triplex requires an additional 60' of lot width, for a variance of 60' of lot width.

6.) A minimum rear yard setback of 25' is required, 15' is proposed, for a variance of 10'.

- B. **SITE AND AREA CONDITIONS:** This is an 11,593 square foot sized lot with access to the existing surface parking from Portland Ave.

This variance application involves two lots; one to the north (closest to Portland Ave.) where there is an existing triplex and an adjoining smaller lot to the south where the unimproved parking lot is located. The applicant, Sullivan Property Investments II, LLC, who is also the owner of record of both parcels, has submitted a request for a lot combination to Ramsey County.

According to the applicant, there are seven off-street parking spaces provided on the unimproved gravel surface in the smaller parcel to the south of the existing triplex. There is an easement for the driveway between 542 Portland Ave. and 536 Portland Ave. as evidenced in the variance application packet.

This property is also located within the local heritage preservation district and is subject to their design requirements. HPC has reviewed their application and will hold a final meeting regarding this application on October 5, 2020 at 3:30pm.

The existing triplex on the northern parcel fronts on Portland Ave. The smaller parcel is currently landlocked and has no street frontage. However, now that the two parcels are being combined, Portland will serve as street frontage for this property serving both structures.

Surrounding Land Use: There is a six-unit dwelling to the west, a single-family dwelling to the north across Portland Ave., a single-family dwelling to the east, and a five-unit dwelling (three dwelling units in main house and two in carriage house located in rear yard) to the south.

- C. **BACKGROUND:** This lot is only 46.08' wide with an existing triplex which was built in 1908. This lot is considered legally nonconforming as a triplex under the current zoning code, which requires 60' of lot width.

**D. ZONING CODE CITATIONS:**

**Sec. 60.207. - F.**

Front setback line. A line which is parallel to the front lot line which establishes the minimum front yard depth of a zoning lot. The location of such front setback line shall be determined by the required depth of the front yard as prescribed in the dimensional standards of this code (chapter 66).

**Sec. 60.217. - P.**

Parking space. An area of definite length and width designed for parking of motor vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

**Sec. 63.110. - Building design standards.**

(a) A primary entrance of principal structures shall be located within the front third of the structure; be delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features; and have a direct pedestrian connection to the street.

**Sec. 63.207. - Parking requirements by use.**

Land Use	Minimum Number of Parking Spaces
Multiple-family dwelling unit	1 space per 1—2 room unit, 1.5 spaces per 3—4 room unit, and 2 spaces per unit with 5 or more rooms.  For the purpose of this requirement: efficiency unit = 1 room, one bedroom unit = 2 rooms, two bedroom unit = 3 rooms, three bedroom unit = 4 rooms, four bedroom unit = 5 rooms, and so on. A den, library, or other extra room shall count as a room; kitchen, dining and sanitary facilities shall not

**Sec. 63.210. - Bicycle parking.**

(b) Substitution for required motor vehicle parking. Bicycle parking may be substituted for up to ten (10) percent of minimum off-street parking requirements. For the purpose of calculating a substitution, two (2) secure bicycle lockers are the equivalent of one (1) parking space; four (4) spaces in a secure bicycle rack are the equivalent of one (1) parking space.

**Sec. 66.231. - Density and dimensional standards table.**

Zoning District	Lot Size Minimum (per unit)		Height Maximum		Yard Setbacks Minimum (feet)		
	Area (sq. ft.)(b)	Width (feet)	Stories	Feet	Front	Side	Rear
RT2 townhouse (a)	2,500 (c),(f)	20	3	40	25 (g)	9 (i)	25

In calculating the area of a lot for the purpose of applying the minimum lot area per unit requirement, the lot area figure may be increased by three hundred (300) square feet for each parking space (up to two (2) parking spaces per unit) within a multiple-family structure or otherwise completely underground. Parking spaces within an above-ground parking structure, except for the top level, may also be used for this lot area bonus.

**Sec. 66.232. - Maximum lot coverage.**

In residential districts, principal buildings shall not cover more than thirty-five (35) percent of any zoning lot.

**Sec. 66.241. - Number of main (principal) buildings.**

RT2—RM3 residential districts allow multiple residential buildings on a zoning lot.

**E. FINDINGS:**

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

The applicant is proposing to construct a triplex as a second principal building on a lot that has an existing triplex. The following variances are required:

- 1.) A primary entrance of principal structures shall be located within the front third of the structure. The applicant is proposing the main entrance to be in the rear of the building, for a variance of this requirement.
- 2.) 10 off-street parking spaces are required, 8 spaces are proposed including one bicycle rack, for a variance of 2 parking spaces.
- 3.) In residential districts, principal buildings shall not cover more than 35% of any zoning lot, 38.39% is proposed, for a lot coverage variance of 3.39%.

4.) This property is located in the RT2 zoning district and requires 2,500 square feet of lot size per unit. A lot size of 15,000 square feet is required for 6 units, 12,493 square feet is available, for a lot size variance of 2,507 square feet.

5.) A minimum lot width of 20' per unit is required in this zoning district. The existing lot width is nonconforming at 46.08' wide, the new triplex requires an additional 60' of lot width, for a variance of 60' of lot width.

6.) A minimum rear yard setback of 25' is required, 15' is proposed, for a variance of 10'.

The requested variances, if approved, will allow a second triplex to be constructed, thereby creating additional housing in the city. The applicant is working with the Historic Preservation Commission (HPC) to ensure the aesthetics and design of the proposed triplex will meet their design standards to ensure the proposed house blends in with the surrounding properties on Summit Ave.

A triplex could be constructed without a covered front porch to meet the allowed maximum lot coverage of 35%. However, the porch is a requirement of the HPC design standards and must be incorporated, which causes the lot coverage to be exceeded.

Provided HPC approves the applicant's proposal, the requested variances align with Sec. 60.103 of the Zoning Code to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community, to provide housing choice, and to conserve and improve property values. **This finding is met for all variance requests.**

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

The requested variances will allow the applicant to construct additional housing on a lot that is similar in size compared to several of the adjacent lots that have an equal amount of density. These requests are consistent with the intent of policy 1.40, which aims to "promote the development of housing that provides choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors." It is also consistent with the Comprehensive Plan Policy 3.4 which supports infill housing that fit within the context of existing neighborhoods and compatible with the prevailing pattern of development. **This finding is met for all variance requests.**

- 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 lot cannot be expanded in size or width to create the additional 2,507 square feet of lot size or 60' of lot width required under the current zoning code to accommodate the proposed triplex. This is a practical difficulty in complying with the provisions of the Zoning Code.

The applicant can place the required primary entrance in the front third of the building and construct the proposed triplex with 34.92% lot coverage without the covered porch on the rear of the building facing Summit Ave. This would then alleviate the need for the rear yard setback variance request, because the proposed triplex would meet the minimum 25' setback requirement from the rear property line. However, since this property is located in the local historic preservation district, it is subject to HPC's design requirements. These requirements are necessary for the HPC to approve any project within its purview. This is a practical difficulty in meeting the Zoning Code requirements for the primary entrance location, lot coverage, and rear yard setback requirement.

The two triplexes require 10 off-street parking spaces. The applicant is providing 8 spaces for the future tenants to park, with 4 spaces in the surface parking lot between both triplexes and 3 parking spaces in the new triplex. Additionally, the applicant is providing a bicycle rack that can accommodate up to five bicycles, which can substitute for 1 off-street parking space.

Each unit will have its own garage stall with one parking space that will have its own hydraulic lift. The lift allows for two cars to be parked in one parking space, thereby creating 3 additional parking spaces, which cannot be counted towards the parking requirement due to the Zoning Code's definition of a parking space. This definition does not account for garages that have hydraulic lifts. This is a practical difficulty in meeting the zoning code requirements for off-street parking and the applicant's proposal is a reasonable solution to the parking shortfall.

**This finding is met for all variance requests.**

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

The lot size, which directly correlates to housing density, and legally nonconforming lot width are unique circumstances to the property not created by the landowner.

The applicant must include HPC's design requirements such as the primary entrance location facing Summit Ave. and the covered porch on the rear of the building, which results in the property exceeding the 35% maximum lot coverage permitted and brings the house further within the required rear yard setback. This is due to the property being located within the local historic preservation district. The location of the property in the local historic preservation district is a unique circumstance to the property not created by the landowner.

In order for the applicant to provide the required number of off-street parking spaces, an additional variance for either parking in the front yard or parking within 4' of the west property line in the rear yard adjacent to the proposed triplex would be required. There is no room left on the lot to provide the two-parking space shortfall without a variance. This is a unique circumstance to the property not created by the landowner.

**This finding is met for all variance requests.**

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

The requested variances will allow another triplex to be constructed on a lot with an existing triplex. This property is located in the RT2 zoning district, which allows two principal buildings. No unpermitted uses will be allowed with the requested variances. **This finding is met for all variance requests.**

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

If this property was not located in a local historic district and not held to HPC design requirements, the applicant would be able to meet the primary entrance location, minimum rear yard setback, and lot coverage requirements. The requested variances will allow the applicant to meet the design standards for properties located in the local historic district that HPC requires. This will make the proposed triplex blend in with the character of the surrounding area.

The off-street parking variance request will not alter the character of the surrounding area by adding to the already congested levels of on-street parking since the applicant is proposing to install hydraulic lifts in each garage, which will allow each tenant in the new triplex to park two cars in one parking space in the provided tuck-under garage. This will reduce the potential of any additional cars from parking on the street.

The requested variances from the required lot area and lot width will not alter the essential character of the area since the proposed triplex will have a functional front entrance facing Summit Ave. and it will be comparable in size to 545 Summit Ave. and 533 Summit Ave., which are the adjacent properties that face Summit Ave. These requested will also not affect the character of the area for the properties along Portland Ave. as the proposed triplex will be setback into the existing lot approximately 161' from Portland Ave.

**This finding is met for all variance requests.**

- F. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter of support from Dist. 8.
- G. **CORRESPONDENCE:** The applicant submitted 17 letters of support with the variance application. Eight letters in opposition were received.
- H. **STAFF RECOMMENDATION:** Staff recommends approval of the requested variances based on findings 1 through 6, subject to the condition that final approval from HPC is obtained.