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Date: October 26, 2020

To Saint Paul City Council

Dear Council Member

I am writing in support of the Hargens and Thompson appeal for the variances given to 542 Portland for the construction of three townhouses (BZA file number (20-069819). I urge you to deny these variances. A project can be built here, but this one does not fit the limitations of the site and the St Paul Zoning ordinance.

The Process of obtaining a variance is daunting by design. It is necessary for the Board of Zoning Appeals to find each variance meets seven specific criteria. Staff and the board failed to make those findings for each of the six variances.

Staff obscured the variance findings by conflating them seemingly asserting if one of the seven findings could be said to apply to one variance, it must applied to all. They do not.

The Applicant never established "practical difficulties in complying..."* with the zoning ordinance other than it exists. Their desire to increase economic return forces more units on the site. It is the underlying reason for needing six variances. "Economic consideration,"* is not a valid reason for a variance.

The Applicants' decision that each townhouse have a garage with its door facing Portland is the reason variances are required to allow the odd location of the front doors. No code requires these garages. These are conditions created by the applicant, not the site. Nothing has been shown that is "unique to the property,"* that makes the garages and variances necessary. The "plight of the landowner"* is created by their actions. Staffs' finding that the site is the reason for the variances is not valid.

Staff mischaracterized the project which as a triplex. The project will construct three townhouses, each of which will require a front door and each of the front doors will require a variance for not being within the front third of the building.

Staff mischaracterized the existing building on the site as townhomes and not what it is, a three-unit apartment building. The definition of townhomes under the building code requires each unit to have two exterior walls that extend uninterrupted from foundation to sky. The existing structure because of configuration and use is an apartment building.

An RT-2 District is designed “for one, two, three or four residential units...”⁺ not six. It would seem that by granting these variances the project will not be “in harmony with the general purposes and intent of the zoning code.” This contradicts Staff’s finding in their report.

In addition to the errors made by City Staff in their support of the six variances they failed to see other items on the plan that will need a variance. Two variances will be required for side yard set back less than 7-0 on each side due to the bay windows with their foundations encroaching, not projecting into the side yard. There will need to be a variance for the required 7-0 wide landscaped yard at rear parking lot. And there are the additional variances for the front doors of the two side townhomes.

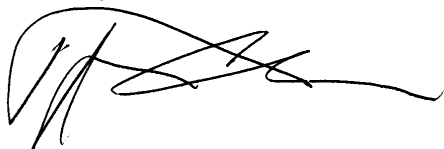
An accessible parking space is required by both Zoning and State Building Code. Including an accessible parking space on the site plan will reduce the number of parking spaces shown in the variance. Staff also gave credit for a parking spacer by providing bicycle stands. This credit is for commercial building not residential units. Applicant’s site plan and variances requested for parking are in error.

The zoning code is the law that governs the City and protects its citizens and their property interest. It should not be easy to violate or bend that agreement between its citizens. The Board of Zoning Appeals in granting the variances exceeded their authority for making what should be just minor deviation from the code.

Adding together the percentages of the six variances indicates over a 100% variance from the law. This is not within the scope of “variances from the strict enforcement...”^{*} of the code. Granting variances of this magnitude reaches the level of no enforcement of the code. Such deviations from the language of the code results in many believing that the City does not believe in or enforce the laws they have written.

I urge you to deny these variances. A project can be built here, but one that does should fit the limitations of the site and the St Paul Zoning ordinance.

Sincerely

A handwritten signature in black ink, appearing to read 'Peter Carlsen', with a long horizontal flourish extending to the right.

Peter Carlsen, AIA

* Quotes are from the language of Sec. 61.601. – *Variances* of the St. Paul Zoning Ordinance
+ See Sec. 66.214. - Intent, RT2 townhouse residential district