

**Appendix B—208 Victoria Street S. Findings and
Recommendations**

AB(1)



BOARD OF ZONING APPEALS INFORMATION COVER SHEET

Type of Application: Minor Variance File #12-208275

Hearing Date: November 26, 2012

Location: 208 VICTORIA STREET SOUTH

Purpose: The applicant is requesting two variances in order to construct a new, two-car detached garage in the front yard in front of the existing house. 1) The code requires that garages be set back from the front lot line at least as far as the house. The applicant proposes to construct the garage in front of the house for a variance of that requirement. 2) A side yard setback of 3 feet from the property line is required, one foot is proposed from the south property line for a variance of 2 feet.

Applicant/Representative: CHRISTOPHER BARRON
208 Victoria Street South
St Paul MN 55105-3218

Telephone: (661) 220-9079

Property Owner: CHRISTOPHER BARRON
208 Victoria Street South
St Paul MN 55105-3218

Telephone: (661) 220-9079

Legal Description: Nobles Rearrangement Of lots Lot 4

Date Received: November 5, 2012

Notification Sent: November 9, 2012

Land Use Map: Panel 21

Present Zoning: R4

Planning District: 16

Staff Person Assigned: Yaya Diatta

19

MEMO

DATE: November 16, 2012
TO: ZLU Committee Members
FROM: Jeff Roy, Executive Director, Summit Hill Association

RE: Notice of SHA Zoning and Land Use Committee Hearing

Following this page is the agenda for the next meeting of the Summit Hill Association's Zoning and Land Use Committee. **The hearing will be held at 7 p.m. on Tuesday, Nov. 20, 2012 in the Linwood Community Center – Senior Lounge, 860 St. Clair Avenue.**

This hearing has been called in response to the following application submitted to City's Board of Zoning Appeals:

208 S. Victoria St. The applicant is requesting two variances in order to construct a new, two-car detached garage in the front yard in front of the existing house. 1) The code requires that garages be set back from the front lot line at least as far as the house. The applicant proposes to construct the garage in front of the house for a variance of that requirement. 2) A side yard setback of 3 feet from the property line is required, one foot is proposed from the south property line for a variance of 2 feet.

Applicable City of St. Paul Zoning Codes:

Sec. 61.601 – Variances Requests

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provisions 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.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The variance will not alter the essential character of the surrounding area.

In granting a variance, the board shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in finding (3) above.

Relevant D16 Neighborhood Plan Guiding Strategy:

HOUSING VISION STATEMENT

The Summit Hill neighborhood is notable for the uniquely historic character of its housing stock, defined by the assembly of compatible buildings in context with their surroundings and the rich tree-lined urban environment. The preservation of that character is of paramount importance to those who live and visit here. To continue to improve the ambience and the livability of the neighborhood, there must be better

50

enforcement of current zoning and building guidelines, development and implementation of design and beautification guidelines, and education of residents on these issues. Through the sensitive renovation of existing housing units and through the development of new well-designed infill and mixed-use developments, the goal is to maintain and expand housing options for current and future residents.

- H10 Code and Ordinance Enforcement. SHA will work with the City of St. Paul to monitor and enforce the appropriate zoning, building code, and maintenance ordinances for housing stock and the properties they occupy.

The Zoning and Land Use Committee plans to review this zoning application on Tuesday, Nov. 20, 2012 and has invited nearby residents and businesses (if within the area) to provide community input on this application in order that the ZLU Committee to make an informed neighborhood recommendation to the City. The public has been told that all written comments must be received prior Nov. 20th.

SHA - District 16 Planning Council
Zoning & Land Use Committee
Public Hearing

Tuesday, Nov. 20, 2012 – 7 P.M.

LINWOOD COMMUNITY REC CENTER – Senior Lounge
860 ST. CLAIR AVENUE

AGENDA

1. Additions to Agenda 7:00
2. Review Past Minutes (Oct. 8th) 7:01
3. 208 S. Victoria St.: The applicant is requesting two variances in order to construct a new, two-car detached garage in the front yard in front of the existing house. 1) The code requires that garages be set back from the front lot line at least as far as the house. The applicant proposes to construct the garage in front of the house for a variance of that requirement. 2) A side yard setback of 3 feet from the property line is required, one foot is proposed from the south property line for a variance of 2 feet. 7:05
4. Other Zoning Updates 7:35
 - a. **Lexington Restaurant:** Outcome of Nov. 14, 2012 Legislative Hearing regarding opposition to the Lexington Restaurant rooftop patio application.
 - b. **748 Grand Ave** (old Acropol Inn site) petitioning effort by owners of Eagle Street Grill. Deal fell through, not expected to revive.
5. Announcements/Adjourn 8:00

52

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

This finding is not met. According to the applicant, there was a driveway on the south side of the house leading to a parking space in the rear yard. He states that the driveway was dysfunctional because it is too narrow for today's vehicle. It was consequently removed and a parking space constructed in the front yard.

There are seven properties adjoining the street on both sides of S. Victoria between Linwood and Osceola and four of them have garages with access off of Victoria. Although the garages face the street, all of them are located in rear yards, not front yards. The proposed garage would be located in the front yard 4 feet away from the front sidewalk and 1 foot from the south property line. The intent of the zoning code is to maintain a uniform streetscape and to promote and protect the aesthetics, economic viability and general welfare of the community. The proposed garage will be out of character in the neighborhood and counteract the above stated intent of the code because it does not meet the standards found in the area.

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

This finding is met. A new garage would allow parking in a weather-tight structure; an necessary amenity for a residential property in Minnesota. Providing parking is a goal of the Comprehensive Plan to provide parking to lessen congestion in the public streets.

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.*

This finding is not met. The applicant has lived here for six years without a garage. The request to construct a garage on a property listed for sale is driven by economic reasons.

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

This finding is met. The narrow side yards prevent the construction of a garage in the rear yard. This is a circumstance unique to the property not created by the landowner.

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

This finding is met. A garage is an accessory use permitted in all zoning district. The requested variances if granted will not change the zoning classification of the property.

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

This finding is not met. There are no garages located in the front yard on this block and this request is not in keeping with the neighborhood norm.

F. **DISTRICT COUNCIL RECOMMENDATION:** Staff has not received a recommendation from

District 16.

- G. **CORRESPONDENCE:** The applicant's request includes a petition signed by property owners at 856 Osceola Avenue, 210 Linwood Avenue and 210 Victoria Street S. stating that they have no objections to the requested variances.
- H. **STAFF RECOMMENDATION:** Based on findings 1, 3, and 6, staff recommends denial of the variances requested.



APPLICATION FOR ZONING VARIANCE
 Department of Safety and Inspections
 375 Jackson Street
 Suite 220
 Saint Paul, MN 55101-1806
 General: 651-266-9008
 Fax: (651) 266-9099

(K) 2118

RECEIVED IN D.S.I.

NOV 05 2012

Zoning office use only
 File Number: 12-208271
 Fee: \$ 420.
 Tentative Hearing Date: 11.26.12
 Section(s) 63.501(B)(3)
 City agent: Y DIATTA

APPLICANT

Name Christopher Barron Company _____
 Address 210 Dahlia Street
 City Mahtomedi St. MN Zip 55115 Daytime Phone 612-220-9079
 Property Interest of Applicant (owner, contract purchaser, etc) Owner
 Name of Owner (if different) _____ Phone _____

PROPERTY INFORMATION

Address / Location 208 Victoria Street S
 Legal Description Noble's Rearrangement of Lots (Lot No. 4)
 (attach additional sheet if necessary)
 Lot Size 40'x140' Present Zoning R4 Present Use Single family home
 Proposed Use Single family home

Variance[s] requested: Garage located in a required front yard.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

(See attached sheets)

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature

Chris A Barron

Date

11/5/2012

56

40'

140.52'

Info: 12-208275

Noble's Rearrangement
of Lots, Lot No. 4

Owner: Chris Barron

Phone: 612-220-9079

Address: 210 Dahlia St.
Mahtomedi, MN
55115

208

Victoria St S

26 x 48'6"

← N

5'-9"

8'-3"

Variiances:

1. garage in front of house
2. garage 1' from property line

drive way

23'

31'-6"

20'

16 x 20
garage
flat roof

lot 40 x 140

$$\frac{3}{32} = 1 \text{ foot}$$

5' 9" offset
4' driveway

Property stake

PL →

side walk

5'

grass

7'

Victoria St

51

12-208275

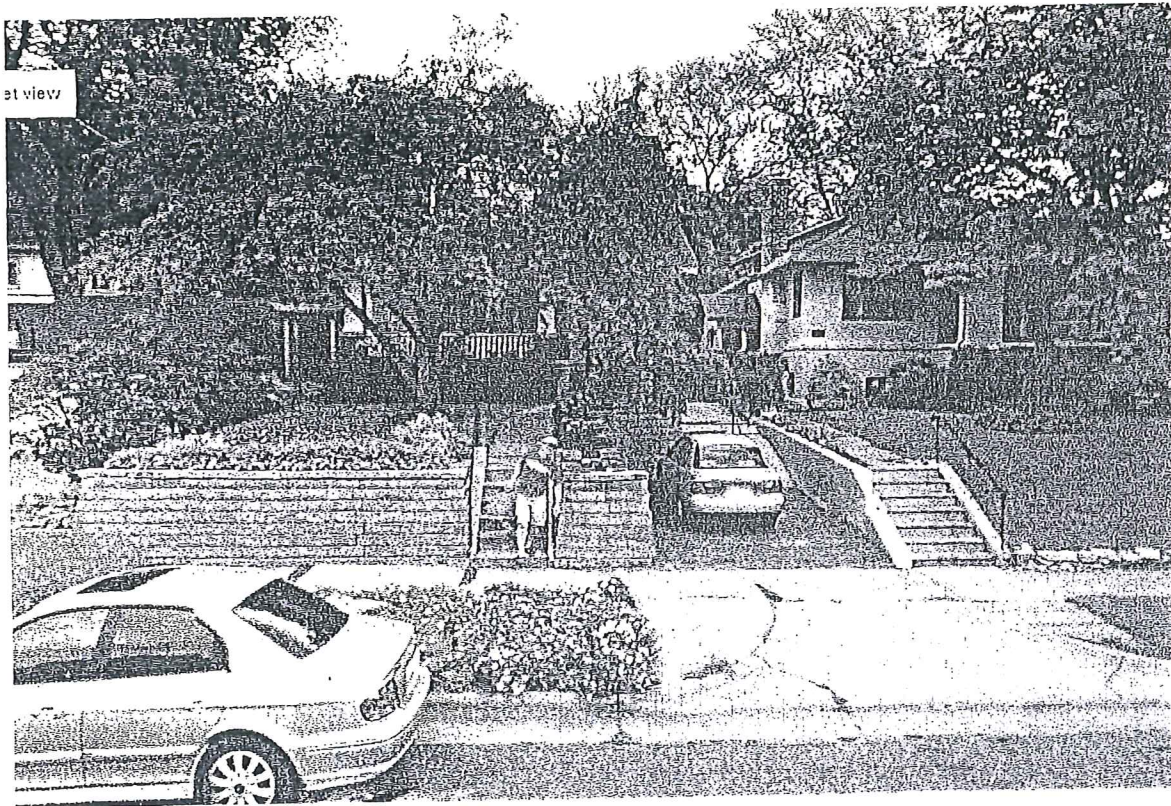
The request

This variance request is to accommodate a garage in a situation where compliance with zoning standards is not possible. This request provides a harmonious means of adding a garage to the property with the following variances:

- The garage is in front of the house.
- The garage is less than 3 feet from the neighboring property line.

The current situation

I own the property at 208 Victoria Street S in St. Paul. It is a single family home without a garage. The property is on an elevated lot and it originally had a driveway (the house was built in 1914). But it was too narrow for modern use, and at some point at least 20 years ago, the original driveway entrance was modified – a parking pad was dug out and retaining walls were installed (see picture below).



Variance for a garage in front of a house

The current situation presents a hardship that existed long before I (the current owner) bought the property. First, the property has no alley. Second, there is insufficient space on either side of the house for a driveway from the front to the back of the property. Multiple garage builders have looked at the

12-208275

situation and reached the same conclusion – it isn't possible (or practical) to restore the driveway and build a garage behind the house, the only option is to build on the existing parking pad site.

Variance for building less than 3 feet from the property line

The existing parking pad has a retaining wall on the South side that already touches the property line. The proposed garage would simply be built against that Southern retaining wall, thus being 1' from the property line. Building the garage further from the Southern property line will increasingly obscure the street view of the house, disrupt the existing steps and walkway to the front door, and leave a useless gap between the Southern retaining wall and the garage.

Harmony, general purpose and essential character

In practical terms, there is already parking on the property that is in front of the house and less than 3' from the neighboring property. This variance will allow a garage to use that same space but for a much more useful purpose – a garage.

Regarding the aesthetics of the house and neighborhood, the proposed garage will be flat-roofed to avoid obstructing views of the house from the street. And it will incorporate design details consistent with the Arts & Crafts style of the hom. (See attached sketches of the current and proposed street views.)

Regarding the essential character of the neighborhood, there already are two detached garages facing this house from directly across the street and a third one on the next block to the South – the proposed garage will "blend in" quite easily.

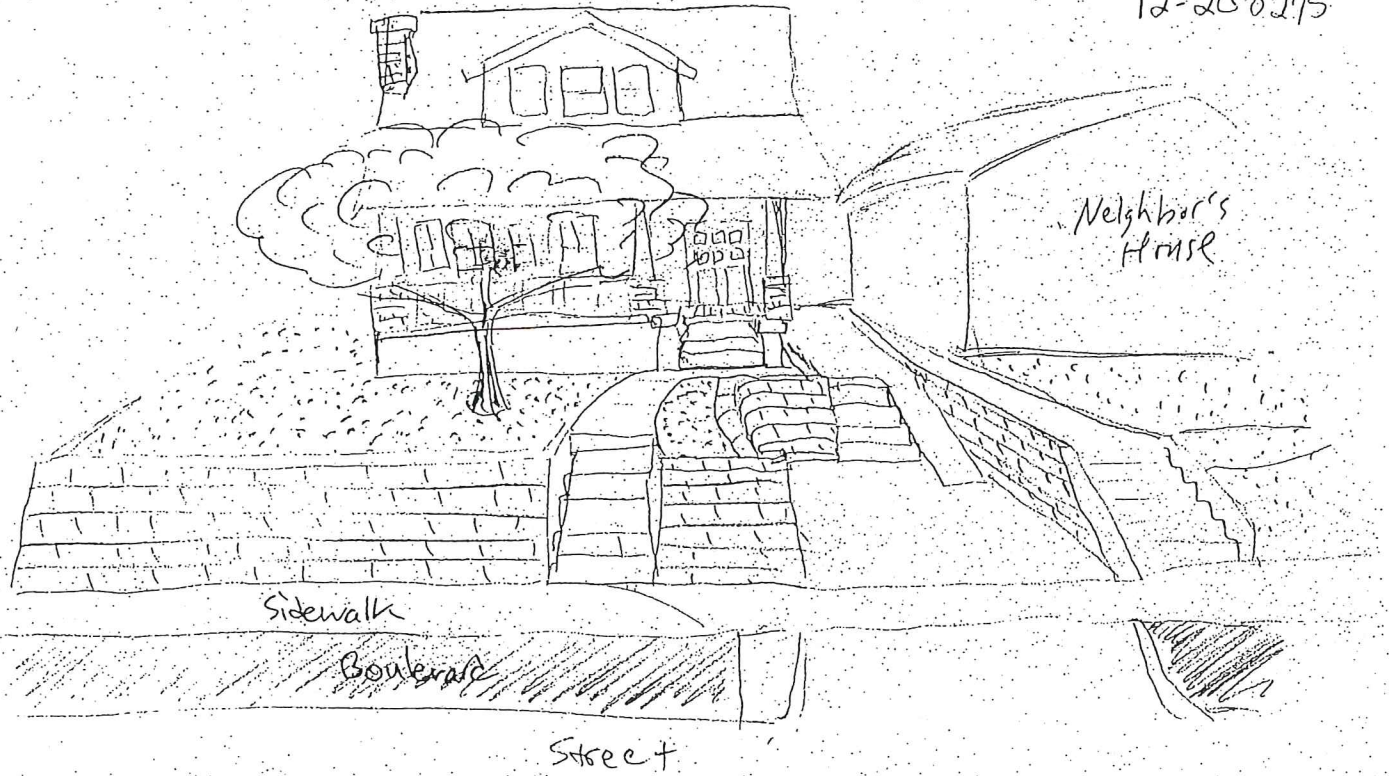
Additional materials attached

- Site plan
- Elevation diagram of the garage
- Street-view sketches of current site and with requested variances

59

Current +

12-208295

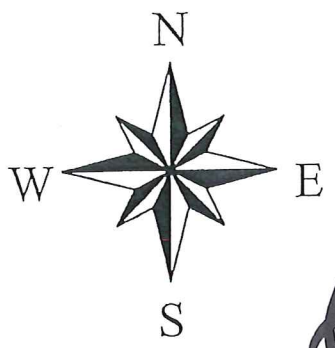
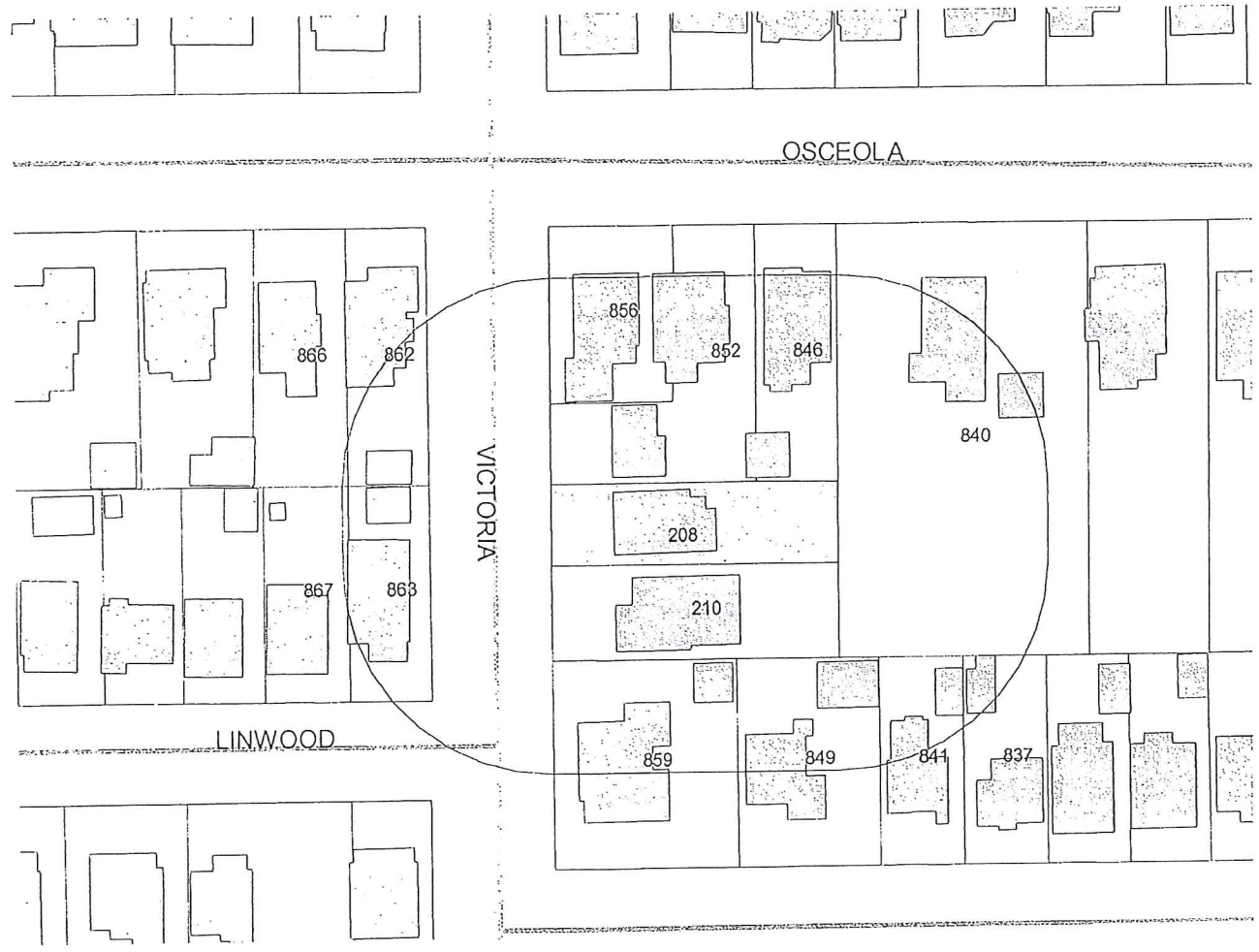


Proposed



12-208275

PROPERTY WITHIN 100 FEET OF PARCEL: 208 VICTORIA STREET SOUTH



CREATED BY: DSI

61