



## CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND  
INSPECTIONS

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## Board of Zoning Appeals

### Staff Report

**TYPE OF APPLICATION:** Major Variance **FILE #: 19 062869**

**APPLICANT:** Chad Haller 10K Architecture

**HEARING DATE:** July 29, 2019

**LOCATION:** 1886 Ford Pkwy

**LEGAL DESCRIPTION:** LANE'S HIGHLAND PARK EX E 26 FT LOT 15 ALL OF LOT 16 AND E 1 FT OF LOT 17 BLK 11

**PLANNING DISTRICT:** 15

**PRESENT ZONING:** RT1

**ZONING CODE REFERENCE:** 63.207

**REPORT DATE:** July 22, 2019 **BY:** Jerome Benner II

**DEADLINE FOR ACTION:** September 5, 2019 **DATE RECEIVED:** July 8, 2019

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- A. **PURPOSE:** The applicant is proposing to demolish an existing duplex and a detached, two-car garage 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.
- B. **SITE AND AREA CONDITIONS:** This is a 67' x 112' lot with alley access to an existing detached, two-car garage in the rear yard.

Surrounding Land Use: This area is predominately low- to medium-density residential housing and daycare facilities. Hillcrest Park is two blocks to the west of the subject property.

C. **ZONING CODE CITATION:**  
**Section 63.207**

Land Use	Off-Street Parking Requirement
Daycare Facility	1 space per employee

D. **FINDINGS:**

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

The applicant is proposing to demolish an existing duplex and a detached, two-car garage and construct a three-story daycare facility with a parking lot in the rear of the property. The off-street parking area would be accessed from the abutting alley.

The proposed daycare facility will have three age groups; infant, toddler, and preschool age children. Each age group is required to have a certain number of staff based on the number of children. The following ratios are required by the daycare facility and the approximate number of children in each group:

- Infant (16) – 1:4 staff to child
- Toddler (28) – 1:7 staff to child
- Preschooler (40) – 1:10 staff to child

Based on the above ratios, each group will have four staffers for a total of 12. The zoning code requires 1 space per employee; the daycare facility will provide 6 off-street parking spaces in the rear of the property, resulting in the requested variance.

The RT1 two-family residential district is intended to provide for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district.

The proposed daycare facility fits within the context of the neighborhood and is in harmony with the general purposes and the above intent of the zoning code. This finding is met.

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

The Highland Park Small Area Plan, an addendum to the Comprehensive Plan, addresses the need to provide services that contribute to neighborhood self-sufficiency. This daycare facility is a service for residents within a reasonable proximity to their homes which lessens the burden on parents to find child care facilities outside of their neighborhoods. This proposal is consistent with the Comprehensive Plan. This finding is met.

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 footprint of the proposed building occupies roughly 35% of the lot area, leaving only a portion in the rear for off-street parking. The front and side yards will be used as play areas for the children. It is difficult to create additional parking on the site without compromising the facility's programming and outdoor play areas.

It was noted in the applicant's narrative that some of the daycare staffers commute to work via public transportation, walking, or by drop-off, which lessens the need to provide additional parking. Furthermore, this site is located on the Bus Rapid Transit (BRT) A Line and there is also ample on-street parking that is underutilized during the day care hours when the majority of residents on Ford Parkway are away at work. There is a sufficient amount of on-street parking and alternative modes of transportation in the area that allow for a reasonable variance request from the parking requirement. This finding is met.

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

This block has a mix of daycare facilities and residential dwellings on standard residential lots. Daycare facilities are an allowed use in this zoning district, and since these lots are more residential in nature and not necessarily conducive for off-street parking for businesses, this application presents a unique circumstance not created by the landowner. This finding is met.

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

A daycare facility is an allowed use in the RT1 one- and two-family residential zoning district. This finding is met.

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

There are a number of early childcare facilities on Ford Pkwy that do not have sufficient off-street parking. This request will not alter the character of the neighborhood. This finding is met.

- E. **DISTRICT COUNCIL RECOMMENDATION:** District 15 – Highland Park Community Council provided a recommendation of approval.
- F. **CORRESPONDENCE:** Staff has not received any correspondence.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommends approval of the variance request.