

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, APRIL 11, 2016

PRESENT: Mmes. Bogen, Maddox, Porter and Trout-Oertel; Messrs. Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Katrice Albert*, Vincent Courtney*, Daniel Ward

*Excused

The meeting was chaired by Joyce Maddox, Chair.

Gary Findell & Jim Erchul (#16-021085) 427 Mount Ida Street: The applicant is requesting two variances in order to construct a new single family dwelling on this vacant lot. 1) The zoning code requires that a primary entrance be located within the front third of the house, be off of a front porch, foyer, courtyard or similar architectural feature, and be set back at least 8 feet from the side lot line. 1) The proposed primary entry would be located in the middle of the west side facade, beyond the front third of the house, would not have any architectural element distinguishing the door and would be setback 5 feet from the side lot line, requiring an entryway variance. 2) The zoning code limits the width of a garage door facing a public street to no more than 60% of the width of the house. The house is 22 feet wide, the proposed first floor attached two-car garage door would be 14 feet wide which is 64% of the width of the house, requiring a variance of 4 %.

Mr. Diatta showed slides of the site and reviewed the staff report with a recommendation for denial.

No correspondence was received opposing the variance request.

One letter was received from District 5 supporting the variance request.

The applicant **GARY FINDELL**, Landscape Architect, Consultant to Dayton's Bluff, lives in Highland Park, & **JIM ERCHUL**, Dayton's Bluff Housing Services, 823 7th Street East, were present. Mr. Erchul stated that he does not disagree that a house can be built as staff suggests. The problem with putting the entry door in front as staff suggests is that it ends up with a 20 foot hallway that goes along side of a one stall garage. That is bad design. The other option is to change the whole layout around so the entrance door comes in and goes straight up a long flight of stairs or a partial set of stairs and that then turn. But there would have to be another set of stairs to get back down to the back of the house behind the garage. The house shown in the photos that complies with the code, he asked if the Board could imagine what the 30 feet of stairs are like when covered with ice. He stated it could be done but it would be a very poor design. He stated that he could put the front door in front but then the whole rest of the house is messed up.

Ms. Maddox asked Mr. Erchul as long as he has been in this business, what he could do to make that fake front door look like a front entrance rather than a utility door. Mr. Erchul contended it is a front door. Ms. Maddox stated no it is a plain door. Can something be put above the door? Mr. Erchul stated there is a porch above the front door, with columns on either side of the door. Mr. Findell stated that the columns are supporting the porch and framing the door. The doors are all the same style and certainly meet the architectural element that emphasizes the door. Ms. Bogen stated that the columns are way in front of the door they do not really frame the door. Ms. Maddox asked if there would be a little patio there. Mr. Erchul stated to place the entrance on the side another variance would be needed because it would encroach into the 5 foot setback which also creates issues with the fire department. He stated that they looked at placing the porch above and back further, then putting a little roof above the door, but in their

opinion it looked worse. The upper porch could be taken off and just have a little overhang, but the yard is already small and they want to leave as much yard space as possible. The porch becomes a part of the outdoor living space.

Ms. Bogen and Mr. Erchul discussed moving the side door into the front third of the side of the house making it the entrance to the home. Mr. Erchul argued that placing the door in the front third of the home reduces the garage down to a one stall garage and people buying newly constructed homes do not purchase homes with only a single car stall. Mr. Findell stated that moving the entrance door to the front third they would need another variance because the side door has to be setback eight feet from the property line or have architectural detailing and would need another variance for the encroachment into the side yard. Ms. Bogen stated they do not need a variance for the side door and it would be the same distance from the property line if it were moved into the front third of the house. Mr. Erchul stated that they do have to get a variance for that door because they do not have an overhang above the door. Mr. Findell argued that the code does not say "the primary entrance", it reads "a primary entrance". Anybody walking by the house could not tell that the door, in the same plane as the garage door, is not the primary entrance. Ms. Trout-Oertel stated that they could move the door back ten feet and then they would have a vestibule that is setback further than the garage door. They do not need that whole area for garage because there is more than enough room for two cars. The garage should be limited to two feet wider than the garage door and that would allow room for a front entrance. They can then take the entry and recess it and an entry porch could be created on the side, it could have columns. Mr. Findell stated that the construction detailing gets a lot more complicated because there is now a heated space, the garage height extends the same amount as it does in the plan, and there is now a heated ceiling/floor above an unheated space, which is the vestibule. Ms. Trout-Oertel replied it is done all the time. Mr. Erchul asked Ms. Trout-Oertel if she wanted the front door indented in about six feet? Ms. Trout-Oertel replied that she is saying make the garage a little smaller so there is room for a nice entry on the front of the building. There are a lot of homes out there where there is an entry porch and it is entered by going back to the door right next to the garage. It is just making the garage smaller so there can be an entry vestibule or porch. Mr. Erchul stated if the garage is made smaller it then becomes a one car garage. Mr. Findell showed Mr. Erchul what Ms. Trout-Oertel was talking about. Mr. Erchul stated he understands what Ms. Trout-Oertel is saying, is setting it back four feet or so, is that enough? Ms. Trout-Oertel replied that is up to your architect, what she is saying is that a proper entry can be created next to a smaller garage and it will meet the requirements because it will look like an entry and will be on the front. Mr. Erchul stated that the Board already narrowed the garage door to 14 feet it was originally a 16 foot garage door. He contended if the side is indented in there will not be a two stall garage. Ms. Trout-Oertel stated that Mr. Erchul does not understand but the architect does. Mr. Erchul stated he knows how 22 foot wide garages work, his garage is 22 feet wide. Mr. Findell stated what Mr. Erchul is saying is that we could do that but it would make the garage much smaller and less usable. A typical garage door is 16 feet, this is 14 feet this is two feet less so the cars will have to come in at an angle so there is room to park the cars side by side. Ms. Bogen asked the applicants what do they think requires them to build a two car garage on this home? Mr. Erchul replied because people who purchase new construction homes want two car garages. Ms. Bogen stated that some people buy houses that do not have any garage. Mr. Erchul replied that is not what buyers of new homes buy. He does not disagree that people buy homes with one stall garages or no garage but it is not practical to try and sell a house in a neighborhood that is challenging to sell a house at the top of the market place. Ms. Bogen asked what is the depth of the garage. Mr. Erchul replied it is probably 22-24 feet deep. Ms. Trout-Oertel replied this is a pretty big garage. Mr. Erchul replied it is not, he has a 22 foot garage to himself and sometimes it is not big enough. He has made the mistake of thinking that people have small cars but it has been his experience that people that buy homes do not have small cars they usually have big cars.

Ms. Bogen asked if there are any parking restrictions on Mount Ida Street along there? Mr. Diatta replied no.

There was no opposition present at the hearing.

Hearing no further testimony, Ms. Maddox closed the public portion of the meeting.

Ms. Trout-Oertel stated that she thinks that there must be some way to work this out. She suggesting that a one foot variance on the width of the house for this lot so the entry door would work better there are ways to do this and she does not think this is the right way.

Ms. Bogen stated that the side door could be moved forward into the front third into the garage and enlarge some of the living space into the garage making the garage a little smaller and she does not see a problem with giving them a variance on the side yard to have the door on the side to have it where it should be. She does not have a problem with them getting a side yard variance to have an overhang there on the side or a stoop. She suggested that they get a variance on either side or six inches on both sides just to get the garage a foot wider. She stated that the door next to the garage door just does not work for her.

Ms. Maddox reminded the Board that they could alter the fee on a variance.

Ms. Bogen stated that these houses that are long and narrow with the door on the side just do not look like a house, it looks like a garage with no other entrance, when they are put on a lot they just do not look like a house. Ms. Maddox stated that the one that was done on Pacific has two main streets there and it is hard to tell if it is the front or the back of the house, so it looks fine. On this street all the homes have front entrances and she would like to see this front door pop out a little more so it looks like an entry way and extending the garage into the side yard she would not mind granting a variance for that. Ms. Porter stated that right now the door enters right into the garage there is not wind break but adding a little vestibule improves it.

Ms. Saylor stated that he thinks that these are common sense solutions that allow the Board to push forward with completing the housing project. We have District 5 supporting this so he would like to use these common sense solutions to approve this.

Ms. Bogen moved to deny the variance and resolution based on findings 1 through 4. She stated that it is not the Boards job to redesign this house.

Ms. Maddox stated that there has been a lot of discussion here and a lot of plans that the Board would approve, one of the things that we can do is waive their fee if they decided to bring this back with changes. Ms. Bogen stated that the Board originally heard this a few months ago and we asked them to come back and show us a front door/service door on the front of the building. The sent the plans in, that are these plans, but they did not show up at the hearing. Mr. Erchul replied that is because they were not told to come back. Ms. Bogen continued that she is wondering if they have already had a fee waived or if they had to pay an extra fee for this one. Mr. Diatta replied that they had to pay another fee. Ms. Bogen stated that she could see waiving the fee if they come back with something that makes more sense, stating that she is not moving waiving the fee now.

Ms. Trout-Oertel seconded the motion, which passed on a roll call vote of 4-1(Saylor).

Ms. Maddox stated that the Board has denied this; however, we look forward to having the applicants come back with something this Board can approve.

Ms. Bogen moved to waive the fee for the applicants if they come back with new plans.

Mr. Saylor seconded that motion, which passed on a voice vote 5-0.

Submitted by:

Approved by:

YaYa Diatta

Thomas Saylor, Secretary