

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: DSIBZA-000226-2025
DATE: January 5, 2026**

Deadline for Action: February 17, 2026

WHEREAS, the Minnesota Department of Administration has applied for a variance from the strict application of the provisions of Section 63.314 of the Saint Paul Legislative Code pertaining to screening landscape. The applicant is proposing to construct a new fence around this property located in the T2 traditional neighborhood zoning district. The zoning code limits the height of fences constructed between off-street parking facilities and the public right-of-way to 4.5 feet; 10' is proposed along Phalen Boulevard and Barclay Street, for a variance of 5.5' on each side in the T2 zoning district at 1430 Maryland Avenue East PIN: 272922210045; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on January 5, 2026 pursuant to said application in accordance with the requirements of Section 61.303 of the Legislative Code; and

WHEREAS, four (4) members of the board shall constitute a quorum for the conduct of its business; provided that no action may be taken unless at least four (4) members vote in favor of such action; and

WHEREAS, Chair Daniel Miller, Vice Chair Jerome Benner II, and Board Members Robert Clarksen, Brian Martinson, and Marilyn Porter were present, constituting a quorum; and

WHEREAS, six findings must be true to grant a zoning variance request, in accordance with the requirements of Section 61.601 of the Legislative Code:

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 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.*
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; and*

WHEREAS, David Eide, representing the City of Saint Paul Department of Safety and Inspections, presented a staff recommendation for approval of the requests based upon findings one through six; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, reviewed the request; and

WHEREAS, Board Member Brian Martinson moved denial of the request based upon finding number

one, that the variance was not in harmony with the general purposes and intent of the zoning code, finding two, that the variance was not consistent with the comprehensive plan, and finding six, that granting the request would alter the essential character of the surrounding area; and

WHEREAS, Board Member Robert Clarksen seconded the motion, and a roll call vote was conducted where Board Members Robert Clarksen, Brian Martinson, and Chair Daniel Miller voted for the motion and Vice Chair Jerome Benner II and Board Member Marilyn Porter voted against the motion; and

WHEREAS, in alignment with Section 61.203(b) of the Legislative Code, the above motion failed; and

WHEREAS, Vice Chair Jerome Benner II then made a motion to approve the requested variances based upon the findings that staff presented for approval; and

WHEREAS, Board Member Marilyn Porter seconded the motion, and a roll call vote was conducted where Vice Chair Jerome Benner II, Board Member Marilyn Porter, and Chair Daniel Miller voted for the motion and Board Members Brian Martinson and Robert Clarksen voted against the motion; and

WHEREAS, in alignment with Section 61.203(b) of the Legislative Code, the above motion failed; and

WHEREAS, in alignment with MN Statutes Section 15.99 Subd. 2, when a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request; and

WHEREAS, Vice Chair Jerome Benner II's motion to approve the request failed, as it did not receive four votes; and

WHEREAS, board members Robert Clarksen and Brian Martinson stated on the record why they opposed the motion to approve; and

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 63.314 in order to permit a fence constructed between the off-street parking facility and the public right-of-way to be 10' tall along Phalen Boulevard and Barclay Street on property located at 1430 Maryland Avenue East PIN: 272922210045; and legally described as GOFFIN'S ADDITION VAC AVE & ALLEY ADJ LOTS 1 THRU 10 BLK 2 MARYLAND ...GOFFINS ADD LOTS 1 AND 2 BLK 1; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED**, in alignment with MN Statutes § 15.99 Subd. 2.

Mailed: February 3, 2026

TIME LIMIT: No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval, unless the zoning or planning administrator grants an extension not to exceed one (1) year.

APPEAL: Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

CERTIFICATION: I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on January 5 and February 2, 2026 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



ON BEHALF OF
Maxine Linston
Secretary to the Board

