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Sent: Friday, June 15, 2018 11:18 AM
To: #CI-StPaul_Ward7 <Ward7@ci.stpaul.mn.us>
Subject: Appeal to City Council on 617 Laurel Ave on June 18, 2018

15 Jun 2018

Dear Honorable City Council Member Jane Prince,

Thank you for agreeing to hear our appeal on the action of the Board of Zoning Appeals on Wed, Jun 20, at 530p.

Our appeal to the City Council is for the City Council to reverse the April 23, 2018 action of the Board of Zoning Appeals that approved the variances requested on 617 Laurel Ave St Paul, MN File 18-071096.

On the surface, we all live with our personal sense of St Paul in the Dale Av. and Laurel Av area. It goes without saying that our sense of the area reflects our confidence that the City of St Paul will enforce and maintain the zoning code that has made our area what is, when we purchased property here and why we continue to live and pay our taxes here.

And on the surface, the variances that were approved by the Board of Zoning Appeals on April 23 are disruptive to our personal sense of this area and concerning how the City is enforcing the zoning code and maintaining the quality of life, that we have placed this appeal before you.

Many people have given and explain their objections to the variances in the past three months, both in writing and orally, because they believed that the Board of Zoning Appeal would follow its mandate to grant variances from strict enforcement of the code upon the findings, as stated in "Sec. 61.601, Variances. 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 a to f" (g. historical use does not apply).

In each of the "a to f" findings of the code, we are incredulous that the approval for the variance was based on error of the findings. And we understand that if one finding is in error, it could disqualify the approval. Imagine our amazement, when all findings, a-f are in error, and the approval is not disqualified.

We do not appeal the footprint of the project as it was approved in 2017, when a three unit project was approved with variance from a duplex which is according to City Code.

We appeal the approval of a 6 unit project, when the variance is 300% of the City Code for a duplex.

Finding (a) The variance is in harmony with the general purposes and intent of the zoning code.

A combined value of all the four variances amounts to 200% from the code (lot area requires 20% variance from code, units on 9000 sq foot is 100% variance from code, setback requires 67% of code. In addition, staff and applicant failed to file for a variance for Landscape required under 63.314, which requires 7 feet.

Such a huge amount of variance does not meet any normal sense of harmony. It is a complete disregard of the code.

- Staff makes an error in referring to the project as a “row house.” A row house is synonymous with a “town house.” The building is classified by code as an apartment building. Using the gentler description of “row house,” is not an accurate description of what the project is. It is deceptive and the City should not put itself in the position of misleading the public.
- Continues with misleading description of project talking about “row house” orientation in lieu of “Unit orientation.” A townhouse or row house can not have a unit above it.
- Although staff list the variance for the parking set back from Dale they fail to note that a 4-0 setback is required from the residential use to the east.
- The conclusion that the project “is in harmony with the zoning code” can not be true if it also requires four to six variances.

Finding (b) The variance is consistent with the comprehensive plan.

A combined variance of 500% does not meet any normal sense of consistency. The amount of variance signals a complete change of code and departure from a plan

Finding (c) 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.

Economic considerations alone do not constitute practical difficulties. The reason given to change the 2017 approved project were verbally expressed in the March 26 meeting by the applicant and seen in the minutes by the applicant was it is “better to go to market”, indicating the primacy of economic considerations in the appeal for variance.

- 1st paragraph of the property being in a RM2 zoning district does not constitute a practical difficulty. Nor does its nearness to commercial nodes. The size is only an issue because it too small to do what the Owner wants to do. The applicant had previously been granted variance to construct a 3 unit project. A six unit project is probably only desired because of cash flow. Economic considerations are not allowed.
- 2nd paragraph of finding 3. Refers to a garage. Appears to have been left from the earlier application or doesn’t account for the final revisions made by the applicant to have a parking facility in lieu of garages.
- 3rd paragraph, gives the intent for having parking facilities set back further from the lot and concludes that the alley makes the set back a moot issue. There fore there is no practical difficulty.
- 4th paragraph concludes that a corner lot is a practical difficulty making it a challenge to develop the property. It may be a difficulty for a setback variance, but it is difficult to understand how it is a difficulty for density, other than the lot is not big enough to do what the applicant wants.

Finding (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

This has been objected to in writing in the letters and in the minutes. The plight of the landowner is due to circumstances unique to the property not create by the landowner. No evidence is given that there is anything unique about the property. Simply having been subdivided leaving a 40-0 lot from street to alley is typical of lots in the area. Staff simply restates that the lot is appropriate for its intended purpose of having a single family or duplex house. The desire to put 6 housing units where two are intended is a plight created by the applicant. There are no circumstances unique to the property. Staff is in error in asserting the finding is met for all requested variances. There is nothing unique about this lot.

Finding (e) The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The code permits 3 family dwelling and the variance is for 6. The total amount of variance approved was 275% indicating that the approved variance now allows false use of the land.

Finding (f) The variance will not alter the essential character of the surrounding area.

Our appeal is evidence that this finding is in error. The extensive list of written objections clearly demonstrates that many persons in the surrounding area object strenuously that the project will alter the character, as well as, risk the quality of the environment, quality of life, safety, and traffic. The simple tripling of density of the occupation of the lot from duplex to six unit housing is evidence of complete disregard of the code. The increase of units also changes the demographics of the approved project in 2017 from families to two singles per unit with aspiration for 12 cars among them, when there is parking for 6 cars.

The findings make much of the claim that the footprint of the project approved in 2017 is the same as the footprint approved now in 2018. But, it is obvious to even someone as unsophisticated as I am, that if I can double the units on the same footprint, I can triple, quadruple, and multiply units forever without changing the footprint. A canoe with three people is the same canoe with 6 or 9, but we all know that nine people in a 3 person canoe is crowded and not safe. The findings do not reflect the consequences of tripling the density of occupancy on the same footprint, especially in terms of the quality of life, especially when the surrounding houses are marked by empty lots of green space, large set backs, and easy driveway and garages for parking.

If the project approval stands with this 500% deviation, who is going to remove it as an empty eyesore, vacant slum after the tenants move out? Which millennial do you know who will pay market rent to live below ground, take the bus to work or bike when the weather permits, but fight the snow and the brick wall every time they want to use their car, and narrowly escape another collision when they jump traffic to enter Dale Ave from the alley, when they can rent far more preferable space around?

Maybe you have had a chance to visit the lot at 617 Laurel. The plan for access to the parking spaces on the north end of the lot require a such a sharp turn from a narrow alleyway (there is a building opposite the entrance which has no set back from the alley at all) that I expect that most of us will not be able to make the turn without making a two or three point turn. And for 6 months of the year, the alley way will be even more narrow due to snow and ice, making that turn impossible altogether. The design is for six compact cars does not allow free movement in and out of this tiny entrance. Not

possible, maybe okay for small motorcycles. And I am surprised that this reality known to us who drive the alley is not discussed in the findings at all. It is scary that the findings ignore the dynamic conditions that this project adversely impact.

I am just one of more than 20 persons, who are far more sophisticated and knowledgeable than I am, and have identified and described objections to the variances more precisely than I have here. My humble appeal to the City Council is to reverse the approval of the 617 Laurel Ave variances, because the findings do not satisfy the requirement of strict enforcement of the City Zoning Code, not in one part, nor in six parts.

Sincerely,
Joseph Rittmann, MPH, PhD
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