

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 16-058086
DATE: August 1, 2016

Deadline for Action: 09-08-16

WHEREAS, Chris Carlson has applied for variances from the strict application of the provisions of Section 63.501(b)(3) & 66.231 of the Saint Paul Legislative Code pertaining to the required front yard setback and location of a garage. The applicant is requesting variances in order to construct a new, two-car garage attached to the 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 is requesting a variance from this requirement. 2) A front yard setback of 30 feet is required from the front property line; a setback of 16 feet is proposed for a variance of 14 feet in the R4 zoning district at 210 Victoria Street South. PIN: 022823430144; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on August 1, 2016 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

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

This property is located in a National Register Historic District that is not in a locally designated district. However, under Minnesota Statute 116D.04, permits for any exterior work including the demolition, partial demolition of a building or structure on the property cannot be issued until Heritage Preservation staff has determined if the proposed work requires completion of an Environmental Assessment Worksheet (EAW). Such determination has not been made at this moment.

This property has currently no off-street parking; a situation, which according to the applicant, has been a challenge especially during snow emergencies. In order to alleviate this parking situation, the applicant is proposing to construct a new, two-car flat roofed, 18' x 16' garage attached to the front of the existing house. The proposed garage would be located in front of the house, 16 feet from the front property line. The code requires that garages be set back from the front lot line at least as far as the house. Since the garage would be attached to the house, it becomes part of the house and must also conform to the minimum front setback required for the house, which is 30' for this block. Consequently, the proposed garage cannot be constructed without the requested variances.

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. Although located in front of the house and only 16 feet away from the front property line, the proposed garage would be tucked into the hill and most of the exterior walls along the side and rear would be

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below ground. The project would result in the removal of a boulevard tree. Landscape plantings would be provided in the front yard to soften the visual impact of the garage.

Provided the garage is constructed as shown on the plans submitted with this application and provided it complies with recommendations that the Heritage Preservation Commission (HPC) staff may make as to the necessity to undertake an environmental review required under Minn. Stat. § 116B.04, Subd.2a(a), and decorative garage windows and side lights are installed, this request is in keeping with the intent of Sec.63.310 of the Zoning Code to:

- a. *Promote the aesthetics and economic viability of the community.*
- b. *To conserve and improve property values.*
- c. *To provide parking in order to lessen congestion in the public streets.*

This finding is met for both variance requests.

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

A new garage would allow off-street parking to be provided on the property. The proposed flat roofed garage at a lower elevation and the design proposed will not detract from the appearance of the property. It will complement the existing house and will have a positive impact in the neighborhood. Provided no second story addition or rooftop deck is constructed on the garage, the requested variance is consistent with the Comprehensive Plan by allowing the existing property owner in an "established neighborhood" to reinvest in his property, maintain its vitality and preserve and promote the neighborhood (Strategy 2.1 of the Housing Plan). This finding is met for both variance requests.

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 challenge in constructing a garage that meets the setback and location requirements is that the property has no alley access, there is insufficient space on either side for a driveway and there are significant grade changes from the front to the rear yard, making access to a garage from the street impractical. Consequently, there is no other alternative but the proposed location. These are practical difficulties preventing the construction of a reasonable garage without the requested variances. This finding is met for both variance requests.

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

The lack of alley access and off-street parking are circumstances unique to the property not created by the landowner. This finding is met for both variance requests.



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

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. This finding is met for both variance requests.

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

The proposed flat roofed garage would be 9' tall to the highest point from the front of the proposed garage. It would not significantly alter the residential character of the area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.501(b)(3) & 66.231 are hereby waived to allow a garage in the required front yard 16 feet from the front property line and to allow the garage in front of the house subject to the following conditions: 1) *The garage is constructed as shown on the plans submitted with this application.* 2) *The garage complies with recommendations the HPC staff may make as to the necessity to undertake an environmental review.* 3) *Decorative garage windows and side lights are installed.* 4) *No second story addition or rooftop deck is constructed on the top of the garage* on property located at 210 Victoria Street South and legally described as Nobles Rearrangement Of lots Lot 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

MOVED BY:
SECONDED BY:
IN FAVOR:
AGAINST:

MAILED: August 2, 2016

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 August 1, 2016 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Debbie M. Crippen
Secretary to the Board

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