



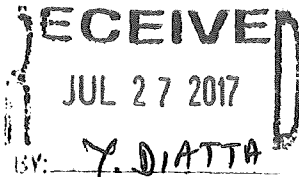
Application for Appeal

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101

General DSI Line: 651-266-9008



Zoning office use only

File # 17-066086

Fee _____

Tentative hearing date:

August 16, 2017

Appellant

Name KATHRYN ENGDAHL
Address 19 HALL LANE
City ST. PAUL St. MN Zip 55107 Daytime phone 651-245-4538
Name of owner (if different) _____

Property Location

Address 17 HALL LANE
Zoning file name ANDREW ZELINSKAS
Legal description: EX. 2 3.25 FT, Lot 14, Bk 3
(attach additional sheet if necessary)

Type of Appeal: Application is hereby made for an appeal to the:

- ☐ **Planning Commission**, under the provision of Chapter 61, Section 701, Paragraph C of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator
- ☒ **City Council**, under the provision of Chapter 61, Section 702, Paragraph A of the Zoning Code, of a Decision made by the Planning Commission or Board of Zoning Appeals.
- ☐ **Board of Zoning Appeals (BZA)**, under the provisions of Chapter 61, Section 701, Paragraph C of the Zoning Code, to appeal a decision made by the BZA on 07-17-17 File Number #17-040587
(date of decision)

Grounds of Appeal: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission, City Council, or BZA.

SEE ATTACHED (2 pages)

Appellant's signature Kathryn Engdahl Date 7/27/17 City agent Y. DIATTA

APPEAL TO THE CITY COUNCIL

Board of Zoning Appeals decision on Variance Application #17-040587

The Board of Zoning Appeals is required to discharge its duties and exercise its powers to fulfill the objectives of the zoning code, to secure public safety and substantial justice. §61.203(a). Regretfully, it fell short in the discharge of its duties, necessitating this appeal.

ERRORS IN FINDINGS

The following staff findings – read into the record and ratified by the Board of Zoning Appeals on July 17, 2017 – are in error:

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

1. The variance is not in harmony with the following general purposes and intent of the RT1 zoning code (§60.103):

- (a) To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community.
- (g) To lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles.
- (h) To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic.
- (i) To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods.
- (n) To prevent the overcrowding of land and undue congestion of population.

2. The variance is not in harmony with (and the findings completely ignore) the "intent and purpose" of the RC-4 Overlay District (§68.101), which provides:

- (1) To protect and preserve the Mississippi River Corridor as a unique and valuable resource for the benefit of the health, safety and welfare of the citizens of the city and the state;
- (2) To prevent and mitigate irreversible damage to the Mississippi River Corridor;
- (3) To protect and preserve the Mississippi River Corridor as an essential element in the federal, state, regional and local recreation, transportation, sewer and water systems;
- (4) To maintain the river corridor's value and utility for residential, commercial, industrial and public purposes;
- (5) To protect and preserve the Saint Paul River Corridor's biological and ecological functions;

(6) To preserve and enhance the Saint Paul Mississippi River Corridor's aesthetic, cultural, scientific and historic functions.

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Finding #2: The variance is consistent with the comprehensive plan.

The variance is not consistent with the comprehensive plan. It does not fit within the context of the existing neighborhood and is not compatible with the prevailing pattern of development.

Finding #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.

While there are practical difficulties in complying with the provision, the proposed use is not reasonable, and economic considerations should not preclude requiring as a condition a geotechnical survey of the potential impact to the bluff.

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

The landowner, Anthony Starr, was not identified in the application. Mr. Starr created the circumstances giving rise to his plight.

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

The finding considered only the RT1 zoning district, ignoring the RC4 Overlay zoning district.

Finding #6: The variance will not alter the essential character of the surrounding area.

This finding is in error, ignoring the significant distinction between the three existing properties on Hall Lane.

ERRORS IN FACTS

The Board relied on the following erroneous statements of fact:

1. At the hearing the zoning staff misconstrued the Department of Natural Resources' decision not to comment on the variance application, stating, "If the DNR had concerns, they would certainly bring them up." This is an error in fact.
2. At the hearing, zoning staff erroneously advised the Board that the lot in question is "not on a slope." This is an error in fact.

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