

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 17-040587
DATE: July 17, 2017**

WHEREAS, Andrew Zelinkas has applied for a variance from the strict application of the provisions of Section 63.201(b) of the Saint Paul Legislative Code pertaining to accessory buildings and use. The applicant is proposing to construct a new single-family dwelling and detached garage on a vacant lot with no alley access. 1) The proposed garage will be located in a required front yard; the zoning code states that garages must not be established in a required yard except a rear yard; the applicant is requesting a variance of this condition in the RT1 zoning district at 17 Hall Lane. PIN: 052822330064; and

WHEREAS, the Saint Paul Board of Zoning Appeals originally scheduled a public hearing on July 17, 2017; 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.*

The intent of the RT1, two-family residential zoning district is to provide primarily low density housing along with civic and institutional uses and public services that serve the residents of the district.

The applicant is proposing to construct a single-family house on a vacant lot with a detached garage located in the front yard. Hall Lane functions as an alley for the dwellings that front Hall Avenue to the west and Delos Street West to the south. There are four lots that front Hall Lane, three of which are developed with garages in front of the houses, and the fourth is this vacant lot. As a result of this street configuration, the garages on Hall Lane are built at, or very near the front property line, and the street gives the appearance of an alley. The buildable area for structures on Hall Lane are significantly limited because of the proximity to the top of the bluff line to the east; the zoning code requires that no structure be built within 40' of a bluff line.

The proposed single-family dwelling would be setback 42' from the front property line and 50' from the bluff line which would not encroach on the bluff set back area. The 440-square foot garage is proposed to be setback 4' from the front property line with the garage door facing west. The garage on the north side of this property is located 7' feet away from the property line and the garage just to the south is set back 2' from the property line.

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

The other houses facing Hall Lane have garages located in the front yard and other lots on this block have garages facing Hall Lane. The proposed garage will not alter the character of the area. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.201(b) are hereby waived to allow a garage in the front yard in order to construct a new single-family dwelling and detached garage on a vacant lot with no alley access, *subject to the condition that Site Plan Review staff use the minutes from this hearing to consider any potential structural concerns with establishing a single family dwelling and detached garage on this property* located at 17 Hall Lane; and legally described as Auditors Subdivision No 36 Ex S 3.25 Ft; Lot 14 Blk 3; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED.

MOVED BY: Maddox

SECONDED BY: Saylor

IN FAVOR: 6

AGAINST: 0

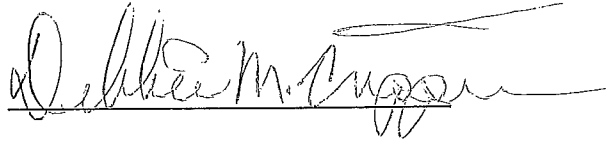
MAILED: July 19, 2017

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 July 17, 2017 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

A handwritten signature in black ink, appearing to read "Debbie M. Crippen", written over a horizontal line.

Debbie M. Crippen
Secretary to the Board