

CITY OF SAINT PAUL **Deadline for Action:** October 16, 2020

BOARD OF ZONING APPEALS RESOLUTION

ZONING FILE NUMBER: 20-067232

DATE: September 21, 2020

WHEREAS, Abdi Ibrahim Abdi has applied for variances from the strict application of the provisions of Sections 65.705 & 63.314 of the Saint Paul Legislative Code pertaining to lot size and landscaping requirements in order to convert the existing storage and maintenance facility into an automotive repair station that will repair diesel engines. The following variances are requested: 1.) Automotive repair stations require a lot size of 15,000 square feet, 6,000 square feet is proposed, for a variance of 9,000 square feet. 2.) A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence, this property adjoins two residences located to the northwest and southeast of the property, 3' of landscaping with no obscuring fence is proposed, for a variance of 7'. 3.) To meet the tree planting requirement, a minimum of at least one 1 shade tree shall be planted for every 5 parking spaces in a surface parking lot. There are 8 proposed parking spaces requiring 1 shade tree to be planted, no trees are proposed to be planted, for a variance of this requirement. This property is located in the I1 zoning district at 475 Como Ave. PIN: 252923310091; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on September 21, 2020 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 an industrial district and the existing building, which is currently unoccupied was previously used for storage. Although the building was mostly used for storage, the previous tenant repaired their own equipment within the building. The applicant proposes to use the property in a similar manner.

The requested variances align with Sec. 66.512 of the Zoning Code to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect surrounding districts in a detrimental way. The requested variances also align with Sec. 60.103 of the Zoning Code to fix reasonable standards to which buildings, structures and uses shall conform, provided a change of use building permit is obtained from the Department of Safety and Inspections (DSI). This finding is met for all variance requests.

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2. The variance is consistent with the comprehensive plan.

The requested variances will allow a building that was previously used for storage to be converted into an automotive repair station, which is compatible with other industrial uses

permitted in this district. With the changing economic climate, creating conditions for business retention and growth is critical and allowing the proposed use without significantly altering a site that also had a comparable operation is one way to do that. This request is in keeping with the goals of the comprehensive plan to support local businesses. This finding is met for all 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.

This property is only 50' wide and has single-family dwellings to the northwest and southeast of this property. This means that the applicant would have to install the required buffer area on both sides of this property, thereby reducing the functional width of the lot to only 30'. Installing the required landscaping would cut off access to both repair bays, reduce the maneuvering lane to only 10' instead of the required 20', which would ultimately prohibit vehicular mobility in the parking lot. The applicant is proposing to install 3' of landscaping between the adjacent residential properties, which is a reasonable amount of landscaping given the width of the lot. The narrow width of the lot is a practical difficulty in complying with the landscaping requirements.

The tree planting requirement states that shade trees must be planted in perimeter landscaping and in any required interior landscaping. There is a shade tree in the right-of-way and another tree near the property line on the adjacent lot to the northwest. There is not enough room on the southwest property line in the landscaped area for the required shade tree because the adjacent house is approximately 3-4' away from the property line. The roots from the required shade tree could cause damage to the adjacent property's foundation or its roots to potentially become tangled with the roots from the other trees in the right-of-way or on the adjacent lot to the northwest, possibly resulting in the death of both trees. The narrow character of the lot and the proximity of adjacent trees are practical difficulties in meeting the shade tree planting requirement. This finding is met for all variance requests.

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

The narrow width of the lot and the proximity of the trees on the adjacent lot and in the right-of-way are unique circumstances to the property not created by the landowner. This finding is met for all variance requests.

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

The requested variances will allow a property to be used for automotive repair on a lot that's smaller than required without the appropriate landscaping or a screening fence. No unallowed

uses will be permitted with these variance requests. This finding is met for all variance requests.

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

The requested variances will not alter the essential character of the area as the proposed use is industrial in nature and matches other automotive repair facilities within the area. The landscaping that the applicant proposes will improve the general appearance of the property and will contribute to the aesthetic value of the two single-family dwellings that flank it. This finding is met for all variance requests.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Sections 65.705 & 63.314 of the Saint Paul Legislative Code pertaining to landscaping and lot size requirements in order to convert the existing storage and maintenance facility into an automotive repair facility on property located at 475 Como Ave.; and legally described as Foundry Addition Ex Swly 10 Ft For Ave Lot 10 Blk 11; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS HEREBY APPROVED, subject to the condition that a change of use building permit is obtained from DSI.**

MOVED BY: Miller

SECONDED BY: Rangel-Morales

IN FAVOR: 5

AGAINST: 1

MAILED: September 24, 2020

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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 September 21, 2020 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Maxine Linston
Secretary to the Board