



Application for a Zoning Appeal

To/From BZA
Zoning Section
Dept. of Safety & Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To/From Planning Commission
Zoning Section
Dept. of Planning & Econ. Dev.
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 18-067994

Fee

Tentative hearing date:

To Be scheduled

Anton copy

Appellant Information

Name DAVID BURKE
On behalf of Homeowners adjacent to Sorority
Address 1384 Raymond Avenue
City St Paul State MN Zip 55108 Daytime phone 651-357-2078
Email dburke@usfamily.net

Property Location

Project Name Lambda Delta Phi Sorority (18-054-553)
Address 1381 Cleveland Avenue North

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...
Board of Zoning Appeals (BZA), under the provisions of Chapter 61, Section 701, Paragraph C of the Zoning Code...
City Council, under the provision of Chapter 61, Section 702, Paragraph A of the Zoning Code...

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, finding, or procedure made by the Planning Commission or BZA.

Sec 61.501 CUP is not in compliance with general standards regarding density

(Attach additional information as needed.)

5-29-18

Appellant's signature

David Burke

Date

5/28/18

City agent

pdd

**From:** The Single Family Homeowners adjacent to 1381 Cleveland Ave. N.

**To:** The City of St. Paul Board of Zoning Appeals

**Date:** May 28, 2018

**RE:** Lambda Delta Phi Conditional Use Permit, 1381 Cleveland Ave. N. (18-054-553)

### **Attachment A: Grounds for Appeal**

Objections to the CUP request from the adjacent homeowners were primarily based on density issues.

During the hearing, a representative from the Planning Department asserted that the sorority was considered one unit and the issue of density was largely ignored during the hearing. The attached schematic of the block which reflects the City of St. Paul's Certificate of Occupancy Map<sup>1</sup>, clearly shows that currently has eight units and unit density per acre exceeds city guidelines prior to the proposed expansion by LDP. The neighborhood presented a map of the block (see Attachment B) that detailing the existing density of the eastern half of the block which far exceeds City guidelines on density.

***The following information as well as the schematic (with minor corrections) was presented to the Planning & Zoning Committee.***

**§61.501 The conditional use permit will not be in substantial compliance with the following general standards:**

1. **DENSITY:** The cumulative density for the block is already higher than the City's recommended guidelines. St. Paul's Comprehensive Plan designates this area as an "Established Neighborhood" with density of 3-20 units per acre.

i. The current density of this block already exceeds the City's Comprehensive Plan.

Approximately 141 people currently live on this block with approximately 101 off-street parking spaces. There are approximately 94 units on 3.42 acres for an average of 27.5 units per acre [See Attachment C: Overview of Block Site Plan.]

a. The east half of the city block (facing Cleveland Ave) on which Lambda Delta Phi is located, is zoned "RM-1" and is dominated by multi-family and student housing. There are 9 lots totaling approximately 1.71 acres. Eight of the lots are multi-family or student housing. By our estimates, there are currently 60 units and 88 individuals with 55 cars.

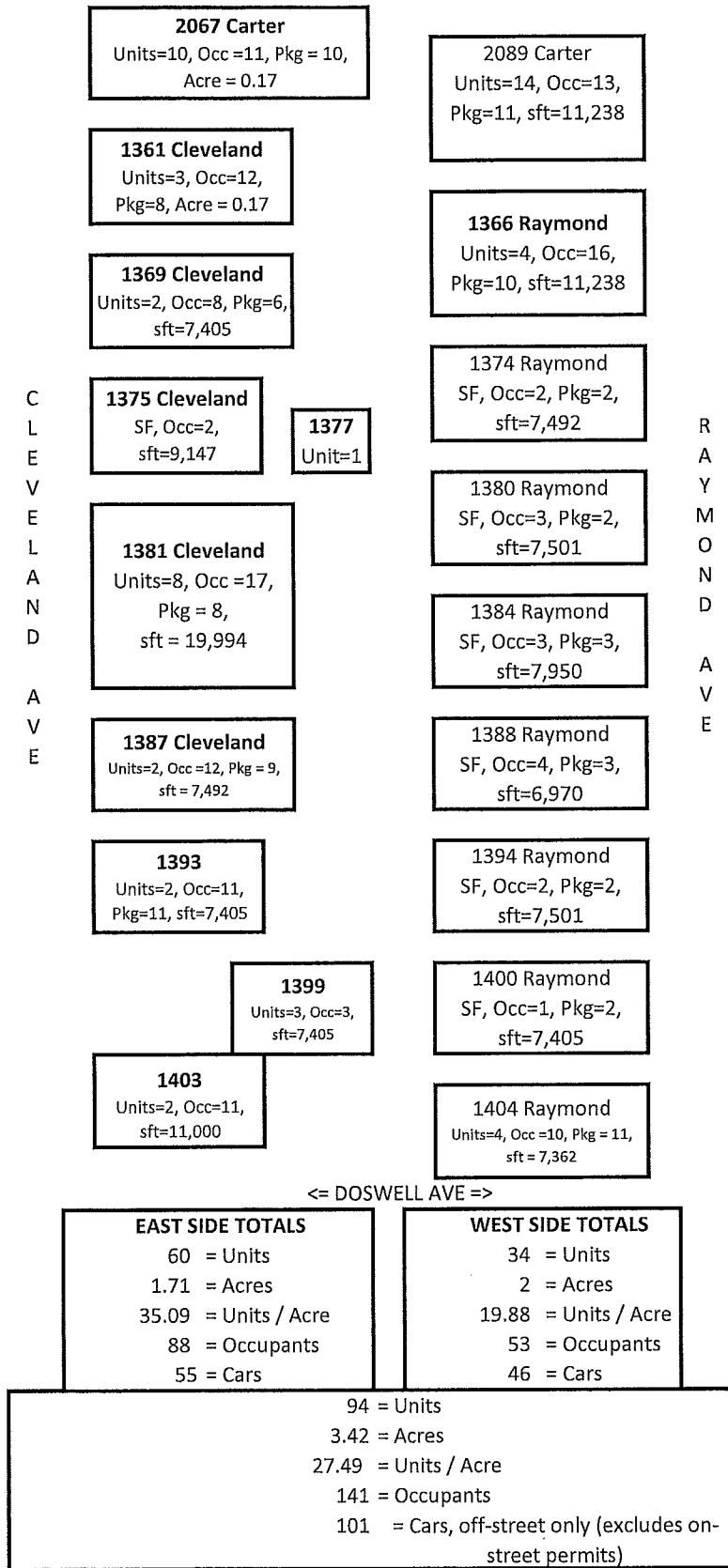
***Density for this half of the block is currently at 35.09 units per acre.***

b. The west half of the city block (facing Raymond Avenue) is zoned "RT-2" has 6 single family, 2 apartment buildings, and one student housing totaling 1.71 acres. By our estimates, there are currently 27 units and 53 individuals with 46 automobiles.

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<sup>1</sup> <https://www.stpaul.gov/departments/safety-inspections/certificate-occupancy-map>

**ATTACHMENT B:  
OVERVIEW OF BLOCK SITE PLAN BETWEEN CARTER AVE  
AND DOSWELL AVE (Not Drawn to Scale)  
<= CARTER AVE =>**



**From:** The Single Family Homeowners adjacent to 1381 Cleveland Ave. N.  
**To:** The City of St. Paul Zoning Committee  
**CC:** Samantha Henningson, City Council Member-Ward 4  
St. Anthony Park Community Council (District 12)  
**Date:** May 10, 2018  
**RE:** Lambda Delta Phi Conditional Use Permit, 1381 Cleveland Ave. N. (18-054-553)

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**The owners of the single family homes living adjacent to the Lambda Delta Phi Sorority (collectively, “the Homeowners”), are adamantly opposed to granting of the conditional use permit for the proposed expansion from 17 to 25 occupants.**

**At a minimum, the neighborhood requests a postponement of the hearing based on inadequate notice.**

*“All property owners within 350 feet of the subject property and the Citizen Participation District Council for the area are notified by mail **at least 10 days prior to the public hearing.**”*

- Notices sent to property owners are clearly postmarked April 30, 2018.
  - Notices were received in the mail on May 2, 2018.
  - Information regarding site plans for the proposed construction was provided to the Homeowners on May 3, 2018 upon Homeowners’ request.
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**A. HISTORY / DISCUSSION**

In 1979, Lambda Delta Phi (“LDP” or “the Sorority”) purchased the building at 1381 Cleveland Avenue and sought a Conditional Use Permit (“CUP”) to convert it to a sorority house. Over the almost unanimous opposition of the neighborhood (primarily concerning traffic) the City granted the CUP. Mr. John Rutford who lived at 1384 Raymond Avenue at the time began the appeal process. To appease the neighborhood, the Sorority submitted a site plan specifying a maximum of 7 (seven) off-street parking spaces and 1 (one) garage parking. In exchange for the neighborhood waiving their right of appeal, LDP also entered into an agreement with the neighborhood limiting the dimensions of the parking lot and capping parking at a total of eight cars. LDP’s attorney at the time stated that the agreement was enforceable, had no expiration except upon sale of the property, and was transferable to other parties. The Sorority promptly moved in and never implemented the site plan used to gain the occupancy permit.

In 1999, the Sorority began construction to expand the parking lot with the intent of increasing to 12 spaces. Despite the LDP’s officers acknowledging the existence of the 1979 agreement, they continued construction. The neighborhood was forced to hire counsel which eventually was successful at halting further expansion. Attempts by LDP to submit off-street parking expansion plans did not get a recommendation from the District 12 Planning Committee.

- iii. The Sorority never implemented the original site plan as part of its original CUP. That site plan, specified a maximum of 7 (seven) off-street parking spaces and 1 (one) garage parking. In subsequent years, the 1 car garage was converted to living space.
- iv. In 1999, the Sorority expanded and paved the lot to the current configuration which is accurately described in the site plan as being 48 feet wide.
- v. Assuming a 45° parking angle, the minimum dimensions for 8 cars is 50 feet wide. Therefore, the Sorority is only approved for 7 off-street parking spaces on the lot and maximum occupancy would be 22 residents.

D. **§61.501** The conditional use permit will not be in substantial compliance with the following general standards:

1. **DENSITY:** The cumulative density for the block is already higher than the City's recommended guidelines. St. Paul's Comprehensive Plan designates this area as an "Established Neighborhood" with density of 3-20 units per acre [See Attachment B: City of St. Paul Comprehensive Plan]
  - i. The current density of this block already exceeds the City's Comprehensive Plan. Approximately 142 people currently live on this block with approximately 101 off-street parking spaces. There are approximately 83 units on 3.42 acres for an average of 24.3 units per acre [See Attachment C: Overview of Block Site Plan.]
    - a. The east half of the city block (facing Cleveland Ave) on which Lambda Delta Phi is located, is zoned "RM-1" and is dominated by multi-family and student housing. There are 9 lots totaling approximately 1.71 acres. Eight of the lots are multi-family or student housing. By our estimates, there are currently 56 units and 89 individuals with 55 cars. ***Density for this half of the block is currently at 32.7 units per acre.***
    - b. The west half of the city block (facing Raymond Avenue) is zoned "RT-2" has 6 single family, 2 apartment buildings, and one student housing totaling 1.71 acres. By our estimates, there are currently 27 units and 53 individuals with 46 automobiles.
2. **The use will be detrimental to the existing character of the development in the immediate neighborhood.** The increased density already brought on with other recent fraternity expansions is having a detrimental impact on quality of life issues for the Homeowners.
  - i. Demand for parking far exceeds supply.
    - a. Lambda Delta Phi has parking capacity for 20, despite only currently having 17 residents. They have indicated they will seek additional on-street parking if they desire.
    - b. The City is allowing expansion of student housing and forcing parking onto the public streets:
      - Alpha Gamma Rho ("AGR") recently doubled the size of their fraternity house to 64 residents with a decrease in parking spaces. AGR currently is approved for 48 on-street parking permits.
      - The FARMHOUSE fraternity just completed a house expansion from 36 to 44 occupants also with a decrease in parking capacity.

In addition to the parking issue cited earlier, the sheer number of transient residents in the immediate vicinity has had an enduring impact on the Homeowners:

- a. While property maintenance has been generally acceptable at LDP, there are recurring issues of late night noise, underage public drinking, and partygoers traversing the alleys between fraternity houses and apartment buildings.
- b. Cleanup responsibility of garbage overflow and discarded drink containers falls mainly to the homeowners.
- c. The cost of alley snow removal in the alley has been borne by the Homeowners for at least 20 years.

#### E. DISTRICT 12 COMPREHENSIVE PLAN

1. The District 12 Overall goals can best be summarized as increasing the efficiency of land use while minimizing the impact of automobiles as evidenced in the following four objectives:
  - a. *"In the next 10-15 years, environmental and public health in St. Anthony Park improve as a result of increased walking and biking, reduced reliance on the auto, sustainable development opportunities posed by light rail transit (LRT), and industrial land conversion. The existing housing stock of the community is maintained and updated with good design sensitive to appropriate historic character and scale of the neighborhoods."*
  - b. *"Study potential locations to rezone around commercial and industrial areas to establish a gradual transition between land uses and building forms to assure compatibility of adjacent land uses and densities. Goal is to buffer single family uses with more appropriate uses (multi-family) near commercial and industrial areas."*
  - c. *"Incorporate Transportation Options into All New Development. All new development in St. Anthony Park will be designed to encourage and facilitate the use of transit, bicycles, and walking for work and leisure."*
  - d. *"Work with the University to create better student transit options, parking options, and access to the St. Paul campus that reduces impacts on the community and the environment."*
2. The District 12 Council has not discussed the proposed zoning yet. Notice was not received in time for the Council to meet prior to the scheduled Zoning Committee Meeting. The District 12 Land Use Committee approved the zoning request with recommended restrictions on parking at existing levels:
  - a. The Land Use Committee's stated rationale was that not approving the request "wouldn't be fair" in light of recent approvals for Alpha Gamma Rho and FARMHOUSE. With all due respect, compounding two bad decisions with a third is not a sound planning process.
  - b. The District 12 Land Use Committee did recommend a cap on the existing number of on-street parking to the current number of 12 permits.

Attachment A

NEIL B. DIETERICH

ATTORNEY AT LAW

100 MCCOLL BUILDING (5TH AND JACKSON)  
SAINT PAUL, MINNESOTA 55101

TELEPHONE  
(612) 291-7007

September 6, 1979

291-0713

Mr. John Rutford  
1384 Raymond Ave.  
St. Paul, MN 55108

Re: Lambda Delta Phi  
File No. 554


Dear John:

Enclosed is the executed original of the Agreement restricting the expansion of the Lambda Delta Phi Parking Lot. This Agreement conforms with the previous unexecuted copy, except that I have inserted a legal description for the parking lot in paragraph 1.

I am also enclosing three copies. Please execute these and if you desire, have your neighbors execute them and return them to me.

Thank you for cooperation in this matter, and please call me if you have any questions.

Yours truly,

  
Neil B. Dieterich

Enc.  
NBD/sdm

AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day  
of \_\_\_\_\_, 1979, by and between Lambda Delta Phi, Inc.,  
a Minnesota non-profit corporation, hereinafter called the "Corporation"  
and John Rutford,

hereinafter called "Property Owners".

W I T N E S S E T H

WHEREAS, the Corporation has purchased the property located at  
1381 North Cleveland Avenue, St. Paul, situated in the County of Ramsey,  
and State of Minnesota, legally described as follows:

Lot Five (5) and all of Lot Six (6) except the South  
one-fifth (S.1/5) thereof, in Block Thirty-four (34)  
in St. Anthony Park North, according to the recorded  
plat thereof on file and of record in the office of  
the Register of Deeds in and for said County.

WHEREAS, the Property Owners own property adjacent to and in  
the vicinity of the property of the Corporation;

WHEREAS, the Corporation made application to the Planning  
Commission of the City of St. Paul for and obtained a special conditional  
use permit to use the aforesaid property as a sorority or fraternity;

WHEREAS, the Property Owners have the right to appeal the  
decision of the Planning Commission of the City of St. Paul, which  
right of appeal expires August 13, 1979;

WHEREAS, the Corporation is desirous that the Property Owners  
waive and not exercise their right of appeal; and

WHEREAS, the Property Owners are desirous that the Corporation  
not expand its parking lot beyond the dimensions required by the Planning



Commission of the City of St. Paul;

NOW, THEREFORE, IT IS hereby agreed as follows:

1. The Corporation hereby agrees that it will not expand the dimension of the parking lot beyond the following described area:

West Seventy-three (73) feet of the South Thirty eight (S-38) feet of the North Four-fifths (N-4/5) of Lot Six (6), Block Thirty-four (34) in St. Anthony Park North, according to the plat and parcel on file and of record in the office of Register of Deeds, Ramsey County, Minnesota.

2. Nothing herein shall restrict the Corporation from improvement of the parking lot within the aforesaid area including but not limited to resurfacing, repairing, repaving, painting, snow removal or other repairs or improvements to said lot.

3. Nothing herein shall restrict the Corporation from modification of said parking lot to comply with the existing Zoning Codes or subsequent amendments to the Zoning Code of the City of St. Paul or to convert said property to use as a five-unit residential dwelling under zoning codes in force at the time of said conversion.

4. In consideration of the foregoing, the Property Owners hereby give up, waive and relinquish any right to appeal, which they may have from the granting of the special use permit, provided that this agreement shall be subject to and conditional upon no appeal being made by any other property owner or person and the expiration of said appeal period and in the event an appeal is taken from the granting of said permit or legal action is commenced to enjoin or otherwise restrict the issuance of said permit, this agreement shall be null and void.

5. Nothing herein shall restrict the Property Owners from attempting to obtain changes in the zoning ordinances or the classifications of their own property or other property in the vicinity of said property.

6. This agreement shall inure to the benefit of the parties, their heirs, their successors and assigns except that this agreement shall terminate upon the sale of the property by the Corporation.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

LAMBDA DELTA PHI, INC.

By \_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Owner

6. This agreement shall inure to the benefit of the parties, their heirs, their successors and assigns except that this agreement shall terminate upon the sale of the property by the Corporation.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

LAMBDA DELTA PHI, INC.

BY Lyman E. Falbert  
President

Charles B. Williams  
Secretary

John K. Purford  
Owner



CITY OF SAINT PAUL  
INTERDEPARTMENTAL MEMORANDUM

DATE: October 16, 1980  
TO: Glenn Erickson, Zoning Administrator  
FROM: James Bellus, Planning Administrator JB / AT  
RE: Site Plan #271: Lamda Delta Pi Sorority, 1381 N. Cleveland Ave.

A Special Condition Use Permit for Lamda Delta Pi Sorority was issued by the Planning Commission on July 13, 1979. One of the Special Conditions attached to that permit was the provision of eight (8) paved off-street parking spaces. We approved a site plan for the 8 required spaces on August 21, 1979. The approved site plan has not been implemented, however, in violation of the Special Condition Use Permit. We would request that the parking lot be constructed according to the site plan we approved.

JB/AT/cc

cc: Steve Grochala



CITY OF SAINT PAUL  
DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

DIVISION OF PLANNING  
421 Wabasha Street, Saint Paul, Minnesota, 55102  
612-298-4151

George Latimer  
Mayor

July 13, 1979

Charles Knudsen  
Knudsen Realty  
2190 Como Avenue  
St. Paul, Minn. 55108

Dear Mr. Knudsen:

You requested a Special Condition Use Review in order to establish and operate a sorority house (Lamda Delta Phi) at 1381 North Cleveland Avenue.

On Thursday, June 21, 1979 the Current Planning & Zoning Committee of the Planning Commission discussed this Special Condition Use at their public hearing, and found that your application met all required conditions. The Committee voted 4 to 2 to recommend approval of your Special Condition Use Permit with the further stipulations that:

1. All the recommendations of the University of Minnesota Environmental Health Officer be carried out.
2. A Certificate of Occupancy be issued prior to occupation of the premises.
3. A site plan be submitted showing eight (8) paved off-street parking spaces.

The Committee's recommendation was heard by the Planning Commission on June 22, 1979. The Commission laid the matter over until July 13th so Staff could provide further information to the Commission regarding the appropriateness of locating a sorority at this location, investigating parking requirements, to obtain input from District 12, and comment on the requested site plan.

On July 13, 1979, on a 16 to 2 vote, after obtaining from Staff the required information, the Planning Commission approved the Special Condition Use Permit subject to the above three conditions.

Your Special Condition Use Permit is hereby granted.

Sincerely,

*Laurence J. Jung*  
Laurence J. Jung

City Planner

LJJ/gf

cc: Joseph Carchedi, License Inspector  
Glenn Erickson, Zoning Administrator  
Bill Jungwirth, Finance Dept.

PARKING LOT REVISIONS  
7-6-79

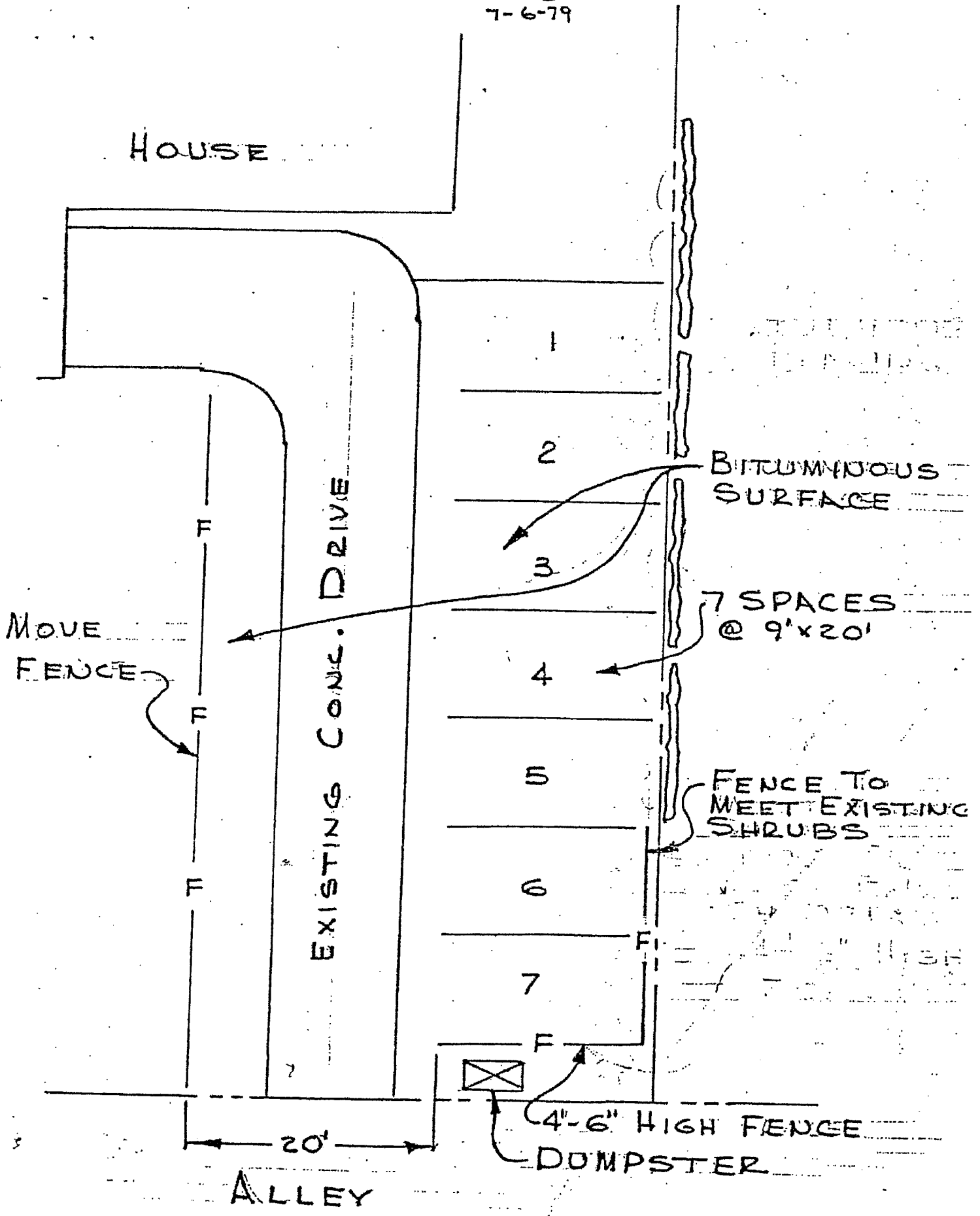
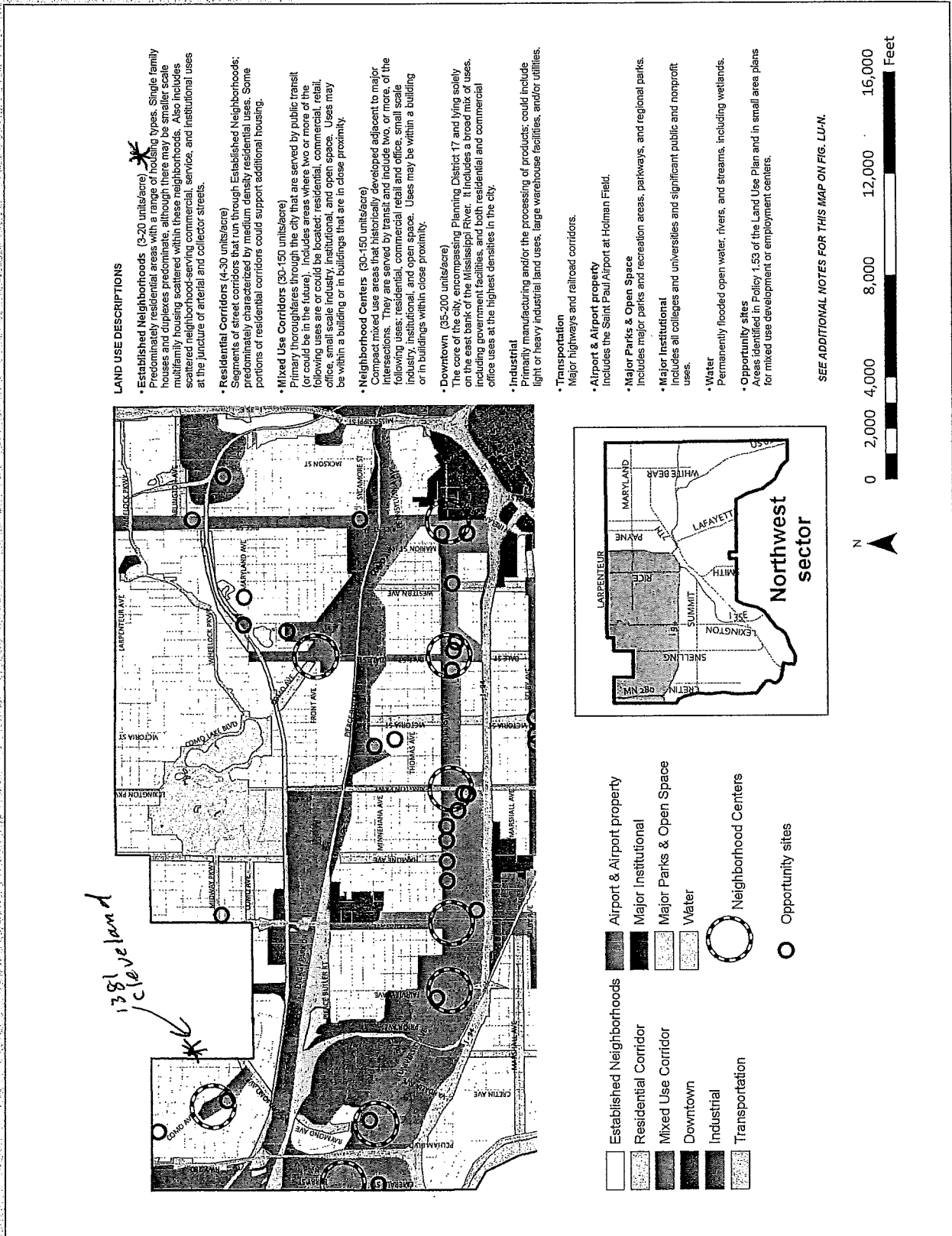


FIGURE LU-L. GENERALIZED 2030 LAND USES, NORTHWEST SECTOR



**ATTACHMENT C:  
OVERVIEW OF BLOCK SITE PLAN BETWEEN CARTER AVE  
AND DOSWELL AVE (Not Drawn to Scale)**

