

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, JULY 6, 2016

16-067062

PRESENT: Mmes. Albert, Bogen, Maddox; Messrs. Rangel Morales of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Thomas Saylor*, Daniel Ward*, Diane Trout-Oertel
*Excused

The meeting was chaired by Joyce Maddox, Chair.

Shannon Ingham (#16-047761) 492 Bay Street: The applicant is proposing to construct a new single family dwelling on this vacant parcel on the southeast corner of Bay and Randolph and is requesting three variances: 1) A setback of 4 feet is required from side lot lines; a 2.5 foot setback is proposed from the west property line and a one foot setback is proposed from the east property line for variances of 1.5 feet and 3 feet respectively. 2) A rear yard setback of 25 feet is required; a 22 foot rear yard setback is proposed from the south property line for a variance of 3 feet. 3) The zoning code requires that any side of one-family dwelling be at least 22 feet wide; the proposed house would be 20.2 feet wide for a building width variance of 1.8 feet.

Mr. Diatta showed slides of the site and reviewed the staff report with a recommendation for denial based on finding 1, for the side yard setbacks and building width variances. Staff further recommends denial of the rear yard setback variance based on findings 1, 3 and 4.

Two letters were received opposing the variance request one from the neighbor at 736 James Avenue and one from the next door neighbor stating that he thought building on the lot will kill the large trees.

One letter was received from District 9 opposing the variance request.

The applicant **SHANNON INGHAM**, 4360 France Avenue, Unit 6, Minneapolis, was present. Mr. Ingham stated that some of the grading issues were created by a garden on the lot. He would regrade some of the hills that were created for the garden. He stated that he thinks that the difference between living in the city and living on West St. Paul is the density of the area. He stated that creating a single family home on this lot restores the lot to its original use. Without the variances here this will become a vacant lot. The density there creates the character of the neighborhood.

Ms. Maddox asked if the house could be reduced from 53 feet down to 50 feet in depth. Mr. Ingham replied that he could do that but it would eliminate some of the uses on the first floor, he would have to put the mechanicals for the house on the second floor. It would eliminate a bathroom on the first floor, he could eliminate the garage also but feels that having a garage and modern conveniences are important for the house.

Ms. Bogen asked if he could move the house forward on the lot? Mr. Ingham replied he could but it would affect the electrical overhead and that was his concern. The neighbor that is two houses down has the electric running across the yard at the forward part of the property. Keeping the house to the rear of the property allows the power lines to stay where they are.

Ms. Bogen suggested that two feet could be gained by taking out the bay window.

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Ms. Albert asked if he had spoken with his neighbors about this project. Mr. Ingham stated that he spoke with his next door neighbor and there was some concern about trees and that they want to have their own uses for his lot. He stated that he thinks for his family this house would be very important. If there was a great vast garden there, but there is nothing there right now and they are using his yard to walk across.

Mr. Rangel Morales asked how much square footage will the house have? Mr. Ingham replied around 1400-1500 square feet.

There was opposition present at the hearing.

Keith Eklund, 8531 Savanna Oaks Lane, Woodbury, Mr. Eklund stated he is the home owner at 726 Randolph Avenue and he did write the letter in opposition and sent to both Mr. Diatta and Ms. Moran at the Fort Road Federation. Ms. Moran responded to him stating that she was also in opposition to this project. His concerns are that when he purchased his home the property next door was already a vacant lot. The previous owner had a very large garden and his tenants who rented out 726 Randolph also helped in gardening that parcel so it has been green space for a long time. The proposed plan will affect his property and in order to develop the parcel it will be necessary to cut back of cut down mature trees that provide shade for the entire corner of the block. Mr. Eklund stated that his home was built in 1900 and he has a limestone foundation and he has been getting water coming into his basement. He thinks he would continue to have water issues if a home is built on this parcel because of the impervious surface being added to the lot. Contractors had told him he would either have to remove the basement and re-poor it or shore it up and he would have to continue to shore it up over the years. When he spoke with Mr. Ingham he was under the impression it would be a tiny house on a tiny lot, either way he does not want anything built on it. He is concerned that he will no longer be able to see down the block and it will make his home less secure as there is a lot of foot traffic in the area. Parking is also an issue if his tenants have visitors they may have to park a block away to find parking. Ms. Maddox asked if he had an opportunity to purchase this parcel. Mr. Ecklund stated that when he purchased his property the former owner had called him and offered to sell him the lot, however, she wanted \$40,000 for the lot and he had purchased his lot with the house for \$45,000 and could not see purchasing the vacant lot for that much. When the previous owner sold it to Mr. Ingham he was not offered a chance to purchase the lot. He had offered Mr. Ingham almost double what he purchased the lot for which he had tentatively agreed to but the four days later he pulled out.

Chris Johnson, 726 Randolph Avenue, stated that this construction would negatively affect the block and probably kill the trees in the rear of the yard. There are other homes in the area that are built right up next to each other and it does detract from the neighborhood. The majority of the homes in the area are not built that densely.

Betty Moran, District 9 Fort Road Federation, stated that this house is a total overbuild for this lot. This is a four bedroom home there is no basement if he has to put the mechanics on the first floor. It is just too big for this lot and for this corner it will cause issues maneuvering around that area, it is pretty tight there with the bar kitty corner across the street from this property. If Mr. Ingham wanted to scale it down to a smaller house Fort Road Federation would certainly be willing to look at it again, but this size of a house with an attached two car garage is big.

Mr. Rangel Morales asked what size the previous house was and what variances were in place. Mr. Diatta stated that the footprint of what is being proposed is very similar to the previous home on the lot which was built around 1888 so at that time there were no variances needed to build a house.

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Mr. Ingham stated that this is a three bedroom house not a four bedroom house, the rooms are all small. He stated that the house is small but he noticed that one of the variances is for the house width so he interprets that as meaning that St. Paul does not want tiny houses. He thinks that a tiny house would reduce the neighborhood whereas this house will increase the value of the neighborhood.

Hearing no further testimony, Ms. Maddox closed the public portion of the meeting.

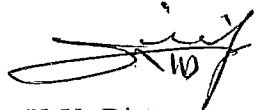
Ms. Bogen moved to deny the variance and resolution based on finding 1, as recommended by staff for the side yards and building width variances. Staff further recommends denial of the rear yard setback variance based on findings 1, 3 and 4. The motion died for lack of a second.

Ms. Maddox instructed for the new Boardmembers that in order to reach a decision there has to be at least four votes for or against to pass a resolution.

Ms. Bogen moved to continue this case for two weeks until the Board has more members present.

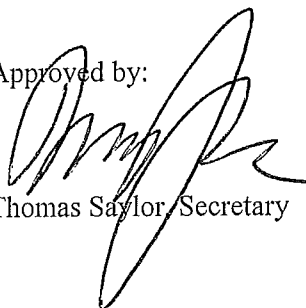
Ms. Albert seconded the motion, which passed on a roll call vote of 4-0.

Submitted by:



YaYa Diatta

Approved by:



Thomas Saylor, Secretary

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MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, JULY 18, 2016

16-067062

Continued from July 6, 2016

PRESENT: Mmes. Albert, Bogen and Trout-Oertel; Messrs. Rangel Morales, Saylor, Ward of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Joyce Maddox*

*Excused

The meeting was chaired by Gloria Bogen, Co-Chair.

Shannon Ingham (#16-047761) 492 Bay Street: The applicant is proposing to construct a new single family dwelling on this vacant parcel on the southeast corner of Bay and Randolph and is requesting three variances: 1) A setback of 4 feet is required from side lot lines; a 2.5 foot setback is proposed from the west property line and a one foot setback is proposed from the east property line for variances of 1.5 feet and 3 feet respectively. 2) ~~A rear yard setback of 25 feet is required; a 22 foot rear yard setback is proposed from the south property line for a variance of 3 feet.~~ 3) The zoning code requires that any side of one-family dwelling be at least 22 feet wide; the proposed house would be 20.2 feet wide for a building width variance of 1.8 feet.

Mr. Diatta reviewed the case history and showed slides of the site and with a recommendation for denial. He directed the Board to pages 42 & 43 of the packet which shows the old information for the house, the new site and elevation plans are in the handouts. The new plans have moved the house forward on the lot and removed the bay window on the back of the building to which removes the need for the rear yard setback variance.

Two e-mails were received opposing the variance request.

No further correspondence was received from District 9 regarding the variance request.

The applicant **SHANNON INGHAM**, 4360 France Ave Unit 6, was present. Mr. Ward asked Mr. Ingham if the shed was constructed without a permit. Mr. Ingham stated that he did not know that he had to have the house built before he could build a shed. Mr. Ward stated that he just wanted to know if the Mr. Ingham had a permit for the shed. Mr. Ingham replied no he could not get one until after this variance is approved. Mr. Ward asked if the shed still looks like it does in the photo. Mr. Ingham replied yes, he had to stop all work on it.

Ms. Bogen asked Mr. Ingham if he had changed the site plans. Mr. Ingham replied that he removed the bay window and the fireplace so that he could move the house forward thereby eliminating the need for the rear yard setback variance. He stated that although the proposed house is only one foot from the property to the east he owns two feet of that property which allows him three feet of his own property to work on the house. Although the house is only 2.5 feet from the sidewalk there is an extra wide boulevard on that side of the house.

Ms. Trout-Oertel asked Mr. Ingham, when he says that he owns two feet of the neighboring property, does that mean that he has an easement on the neighboring property? Mr. Ingham replied no there was a residence located on this lot and he thinks that the house may have gone over the property line and encroached on that side property line and he owns two feet of that property.

Mr. Diatta stated that page 40 of the packet shows the survey of the lot which is 25.7 feet.

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FILE
16-067062

There was opposition present at the hearing.

Frank Peterson, 736 James Avenue, stated that he is against anything being built on this property, if there is a fire what is going to happen. He stated that this is a really small lot and he does not think that this should be granted just because of the fire safety issues.

Hearing no further testimony, Ms. Bogen closed the public portion of the meeting.

Mr. Rangel Morales stated that even when taking in consideration the additional two feet of property it seems that to be able to meet the zoning requirement of a 22 foot wide house and to meet the required 4 feet from the side property lines, a variance would still be required here. He understands the concerns of the community with homes built so closely together. To him it seems contradictory to say the applicant has to get a variance to build because the house that was torn down did not require any variances and we do not have any indication where the old house was located on the lot.

Ms. Bogen stated that the City did not always have a zoning code so houses were built on the lots close together, then the City came up with the zoning code for safety and livability. When a house is taken down and a lot is opened up the new lot has to conform to the zoning code. That is why there was a house on the lot before and it did not require any kind of variances.

Ms. Bogen stated that the Board is only looking at the side yard setbacks, on the east side next to the neighbor there is a 3 foot variance and on the Bay Street side of the house there is a 1.5 foot variance, than the house width variance to allow a 20.2 foot wide house.

Mr. Ward stated that the Board has had many of these over the years for homes that are less than 22 feet wide which is the minimum code requirement to construct a single family home. A house that is 20.2 is pretty narrow the house would fit and there are ways to deal with the fire code issue. He moved to approve the variances with the condition that the exterior finish of the shed matches the finish on the proposed house. Ms. Bogen asked how Mr. Ward would answer the findings. Mr. Ward stated that he has driven in that area and all the homes are relatively close to one another it would not be out of character for the neighborhood.

Ms. Trout-Oertel stated that she does not think that the proposed house meets the setback pattern of either side of this street, in that way she does not think it fits the neighborhood.

Mr. Ward moved to approve the variance and resolution for the side yard variances and the house width, based on findings 1 through 6, with the condition that the shed match the exterior of the proposed house.

Mr. Diatta stated that a shed that is less than 200 square feet does not require a building permit; however, it would have to meet the required setbacks. It is appropriate to say that the finish on the shed should match the house.

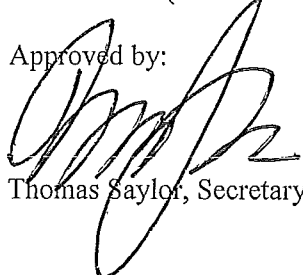
Mr. Saylor seconded the motion, which passed on a roll call vote of 4-2(Trout-Oertel, Bogen).

Submitted by:



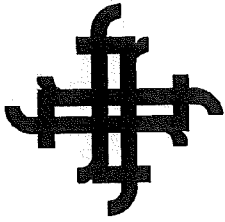
YaYa Diatta

Approved by:



Thomas Saylor, Secretary

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West 7th/Fort Road Federation
974 West 7th Street
Saint Paul, Minnesota 55102 *16-06706*

651-298-5599
FortRoadFederation.org

FILE
16-047761

July 7, 2016

Board of Zoning Appeals
c/o Department of Safety and Inspections
375 Jackson Street #220
Saint Paul, MN 55102

RE: FILE #16-047761
Applicant: Shannon Ingham
Location:
492 Bay Street
Purpose: Major Variance

Dear Board of Zoning Appeals:

The West 7th/Fort Road Federation **opposes** the application for a MAJOR VARIANCE at 492 Bay Street.

Per the staff report, Finding #1 states "a purpose and intent of the zoning is to prevent the overcrowding of land."

Per the staff report, Finding #3 states "In this case, the applicant is requesting that both the side setbacks and building width be varied. This is a practical difficulty preventing the construction of a reasonable single family dwelling."

Regarding this proposed development and consistency with the comprehensive plan, there is a lack of connection between this proposed development and the comprehensive plan goal to "maintain a diversity of households in regard to income, age, and race/ethnicity and maintain existing housing stock while developing new housing".

Any questions regarding this letter should be directed to the Federation offices at 974 West 7th Street or by phone at 651.298.5599.

Sincerely,


Shawn Devine
Board President

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FILE
16-067602

Diatta, YaYa (CI-StPaul)

From: Keith Eklund <KEklund@healthcaretechconsultingcorp.com>
Sent: Monday, July 18, 2016 2:05 AM
To: Diatta, YaYa (CI-StPaul)
Cc: Betty Moran; Keith Eklund; keitheklund@gmail.com
Subject: Petition Signatures Opposing building - File 16-047761

Yaya,

I hope the BZA will review my concerns, and they vote to DENY the new owner from building on this lot. There was a similar case where an owner was not allowed to build on a lot on Michigan avenue.

Unfortunately, I will not be able to attend the BZA meeting as I travel out of state to work every week. Note, I did attend July 6th and voiced my OPPOSITION.

However, I want to make sure the other Board members know I am OPPOSED to building on this lot. Note, based upon the existing plans, along with my previous concerns, there are some significant findings that should be discussed tomorrow.

1. The lot is too small for a house. Period. It does not fit the current building codes, which are enacted to protect current property owners from issues like this.
2. It is too close to my property line (Measurements should include the EAVE overhang), and snow, ice, and water runoff should be thoughtfully considered.
3. He will have to cut my trees, which would kill them. I believe my trees should be considered as a valuable protected private property and public resource, as they are mature trees and have been providing shade and cooling for 3 yards (PICTURES ATTACHED) for several years which cuts down on energy consumption by shading my house.