



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

RECEIVED IN D-5340

JUN 13 2016

Zoning office use only

File Number: 16-047716
Fee: \$ 536
Tentative Hearing Date: 07/06/16
Section(s) 66.231
City agent YDIATTA

K-5340

APPLICANT

Name Patrick Lindmark as attorney for Basil & Rhonda Gilliland Company Leonard O'Brien
Address 100 South Fifth St, Suite 2500
City Minneapolis ST MN Zip 55402 Phone 612-332-1030
Email plindmark@lsgs.com Fax 612-332-2740
Property Interest of Applicant (owner, contract purchaser, etc) Attorney for homeowners
Name of Owner (if different) Basil & Rhonda Gilliland Phone 651-224-8391

PROPERTY INFORMATION

Address / Location 975 Lincoln Ave, St. Paul, MN 55105
Legal Description (attach additional sheet if necessary) Summit Park Addition Tost Pa Lot 15, block 26
Lot Size 9,349 Present Zoning RT1 Present Use Duplex
Proposed Use Duplex

Variance[s] requested:

REAR YARD SETBACK
See attachments

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Attachments as required:

- Site Plan
Attachments
Pro Forma

Applicant's Signature

[Handwritten Signature]

Date

6-13-16

30

FILE

16-047716

975 Lincoln Ave, St. Paul, MN 55105 Application for Zoning Variance Attachments

Variance Requested:

Mr. and Mrs. Gilliland are applying for a variance from the strict application of the provisions of Section 66.231 of the St. Paul Legislative Code pertaining to the rear yard setback requirement in order to replace the existing detached garage with the same sized garage, which will be connected to the rear of the house by a new enclosed breezeway consisting of a wall of large windows with a roof and floor. Pursuant to Section 63.501, once the garage is constructed within six feet of the principal structure, it is considered attached for the purposes of meeting setback requirements. The Gillilands believe that an attached breezeway (see Exhibit A Site Plan), rather than one that stops more than 6 feet from the house (see Exhibit B Site Plan), is much more visually appealing and functional given the unique challenges of the parcel.

Currently, a rear yard setback of 25 feet is required in a RT1 zoning district, and the current location of the detached garage with alley access is 4.5 feet. Accordingly, the Gillilands are requesting a rear property line setback variance of 20.5 feet.

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

Under Section 60.103 of the Code, part of the intent the zoning regulations is to:

To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; to ensure adequate light, air, privacy and convenience of access to property; and to conserve and improve property values;

The property currently has a three-car detached garage with alley access. There are a number of reasons why a new garage and breezeway are needed. The existing garage is dilapidated and is no longer usable because of structural concerns. Neither the Gillilands, nor the tenant in the duplex, can utilize the alley garage because of its condition. Consequently, the garage must be torn down and a new structure constructed.

However, even with a new garage, the topography of the adjoining parcels results in significant rain water and snow melt runoff settling on the Gillilands' property that in turn floods the area in the spring and summer, and significant ice buildup in the winter. Because of these unsafe conditions, the Gillilands, who are both handicapped and have limited mobility, cannot use the garage in the winter because of ice buildup and often times cannot navigate their way to the garage in the spring and summer because of flooding. (See Exhibit C pictures of backyard).

As a result of these conditions, the Gillilands currently have two assigned handicapped parking spots on Chatsworth Street and enter the house from the side entrance, which is extremely

31

inconvenient and also reduces the amount of on-street parking in the area for other homeowners and their guests because no one else can use those two parking spots. The Gillilands, and their tenants, would prefer to simply park in a safe garage and be able to utilize the sidewalk up to the rear entrance of the house but given their handicaps and the treacherous footing in the area, the breezeway will provide a safe, visually appealing, enclosure to access the house from the garage without the danger of slipping or dealing with the elements as they slowly walk from the garage to the house.

As part of the construction, the Gillilands are also regrading the backyard and installing a rain garden in an attempt to mitigate the water and ice problems they currently experience as a result of their unique location and the topography of the adjoining parcels. Additional landscaping using native plant species will be installed alongside the breezeway to improve the visual appearance of the structure, and large floor to ceiling windows will line both walls thereby minimizing any light or line-of-sight impediments when looking at the backyard from the street. The construction of a breezeway that is connected to the home rather than one that runs from the garage and stops more than 6 feet from the home, which is the alternative if the variance is not granted, is also much more visually appealing as well as functional.

Accordingly, the construction of a new structurally sound garage and breezeway is in harmony with the general purposes and intent of the zoning code because the improvements will promote and protect the public health and safety, vastly improve the aesthetics of the lot which is currently an eyesore because of the flooding and inability to grow grass. It will also ensure adequate and convenient access to property for both the Gillilands and their tenants without the need to use the handicapped parking on Chatsworth. Finally, the new garage and breezeway will improve property values by creating a usable accessory structure, where currently none exists, and allowing for safe and convenient access from the garage to the house.

2. *The variance is consistent with the comprehensive plan.*

The requested variance is consistent with the St. Paul Comprehensive Plan because the plan specifically provides and encourages property owners in an “established neighborhood” to reinvest in their property, maintain its vitality and preserve and promote the neighborhood (Strategy 2.1 of the Housing Plan). Currently, the property consists of a detached garage that is not structurally sound and a yard that is an eyesore and floods during rain and anytime the snow thaws. The new garage and breezeway will result in over \$150,000 in improvements to the garage and yard that will not only increase the functionality of the property but also its visual appeal.

FILE
16-09071K

- 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.***

As discussed above, there are a number of challenges on this parcel. The topography of the parcel, and more importantly the parcels adjoining the Gillilands' house, result in a significant amount rain runoff and flooding in the summer and freezing in the winter.

Because of the size and location of the house on the lot, it is impossible to regrade the entire lot to provide for effective water management, and it is also impossible to construct an attached garage because of the location of the house along Chatsworth. The Gillilands would much rather use their garage as a parking structure rather than continue to park on Chatsworth in their assigned handicapped parking spots, but the practical problems with their limited mobility and the dangers present in the yard necessitate the use of an enclosed structure to access the house from the garage.

Constructing breezeway that runs from the garage to an area of the yard that is more than 6 feet away from the house not only defeats the functional purpose of having an enclosed breezeway but also makes for a visually unappealing structure that will not look finished from the street.

These conditions are practical difficulties that are unique to the Gillilands' parcel and prevent them from conveniently and safely accessing their garage, which is a reasonable amenity for a residential dwelling. Accordingly, the Gillilands' requested variance for a proposed new garage and breezeway meets this requirement.

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

Due to the size of the lot, the topography of the adjoining parcels, and the location of the house on the site, there are no alternatives to constructing the proposed garage and breezeway addition without variances. As discussed above, the garage is not usable because of flooding and ice buildup as a result of runoff from adjoining properties. Regrading the rear yard and installing the raingarden will not entirely fix this problem. In addition, because the Gillilands are handicapped and have limited mobility they cannot safely navigate the path to the garage without an enclosure or the garage being attached the home. Because of the layout of the house on the lot, it is impossible to construct a garage that is attached to the house without needing a larger variance for side and rear setback requirements. In addition, a breezeway that stops more than 6 feet from the house is not a practical solution to the unique challenges facing this parcel. These unique circumstances were not created by the current property owner and they are simply attempting to make the property more usable and improve the functionality within the confines of the existing structures.

33

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

An attached garage is permitted in the zoning district where the Gillilands' property is located. Therefore, the variance will not change the zoning classification of the property.

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

There are a number of properties in the surrounding area that have accessory structures in the backyard that cover much, and sometimes all of, the rear yard. In fact, at least one other home located on the corner of Milton and Goodrich has a breezeway similar to what the Gillilands are proposing (see Exhibit D enclosed photo). The only difference between the two breezeways is that the Gillilands are proposing to use a wall of windows on both sides so you can see right through the structure from the street, whereas the breezeway located on Milton and Goodrich is almost entirely enclosed and blocks any light.

A number of other homes in the area have added significant and large additions on to the rear of their houses, resulting in almost the entire backyard being lost. Finally, there are also a number of homes that have built pools, sport courts, and other impermeable surface structures on the same block that have contributed to additional runoff creating the unique problem that now faces the Gillilands.

The breezeway and a garage will be constructed using high-end materials that will match the main house, which has been there since 1923, and also exists throughout the neighborhood. Utilizing these building materials, as well as the installing a raingarden and additional landscaping to improve the ability of the yard to handle the additional water runoff will not alter the existing character of the neighborhood. The Gillilands have discussed the plans to add the breezeway with surrounding neighbors and none have raised any objections and a number of them have endorsed the plan.

Accordingly, the construction of the attached breezeway will not alter the character of the neighborhood given that other homes in the area have the same structure, or similar accessory buildings, and the structure will be built using neighborhood appropriate materials and methods that will result in a visually appealing structure, backyard, and landscaping that not only creates a functional and usable garage but also adds to the value of the property.