



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1024

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 1, 2013

Council Research
310 City Hall
St Paul, MN 55102

Dear Mary Erickson :

I would like to confirm that a public hearing before the City Council is scheduled for October 16, 2013, for the following zoning case:

Applicant: Brian D. Alton

Zoning File #: 13-222492

Purpose: An appeal of a decision of the Board of Zoning Appeals (BZA) which reviewed a request under Sec.61.108 of the Legislative Code to delete a condition of approval of a variance granted for the construction of an attached garage in 2011. The condition was: " The existing driveway and curb cut in the front yard must be completely removed and replaced with a new curb and gutter...The front yard must then be sodded with grass. " The BZA denied the request to delete the condition.

Location: 1075 Lombard Avenue

Staff: Yaya Diatta

I have confirmed this date with the office of Councilmember Thune. My understanding is that this public hearing request will appear on the agenda of the City Council at your earliest Convenience and that you will publish notice of the hearing in the Saint Paul Legal Ledger.
Thank you!

Sincerely,

Yaya Diatta
DSI Inspector



APPLICATION FOR APPEAL

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1808
651-266-9008

RECEIVED IN D.S.I.

SEP 26 2013

(E) cc

Zoning office use only

File no. 13-236560
Fee \$440.
Tentative Hearing Date: 10-16-13

APPLICANT

Name Brian D. Alton
Address McClay-Alton, PLLP 951 Grand Avenue
City St. Paul State MN Zip 55105 Daytime Phone 651-290-0301
Name of owner (if different) David M. King

PROPERTY LOCATION

Address 1075 Lombard Avenue
Legal Description: Lot 12, except the East 25 feet, and all of Lot 11,
Slayton's Addition to Ridgewood Park
(attach additional sheet if necessary)

TYPE OF APPEAL: Application is hereby made for an appeal to the:

Board of Zoning Appeals City Council

under the provisions of Chapter 61, Section 61.702, Paragraph (a) of the Zoning Code, to appeal a decision made by the Board of Zoning Appeals

on September 16, 2013. File number: 13-222492
(date of decision)

GROUND FORS 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, procedure or finding made by the Board of Zoning Appeals or the Planning Commission.

SEE ATTACHMENT.

(attach additional sheet if necessary)

Applicant's signature Brian D. Alton Date: 9/24/13 City Agent 1
BRIAN D. ALTON, ATTORNEY FOR PROPERTY OWNER

Attachment to Application For Appeal
Property Owner: David M. King
Property address: 1075 Lombard Avenue, St. Paul, MN

**David M. King, the owner of the property at 1075 Lombard Avenue, St. Paul, MN
appeals the decision of the Board of Zoning Appeals on the following grounds:**

1. The owner of the property applied for a variance in 2011 in order to construct a new garage in the alley behind the house. The variance was granted by the Board of Zoning Appeals (BZA). The variance contained a condition that the driveway in the front of the house be removed and that the curb cut also be removed.
2. In 2013 the owner applied to the BZA to request that the condition be modified or deleted. The BZA denied the application.
3. The condition placed upon the zoning variance that the driveway in the front of the house be removed and that the curb cut also be removed should be modified or deleted as unnecessary, unreasonable or impossible of compliance.
4. The driveway leading to the tuck under garage from the street is a legal non-conforming use. The BZA incorrectly concluded that the driveway became illegal once the tuck under garage was removed. The driveway and off street parking have been in continuous existence since before 1975.
5. Lombard Ave. is very narrow and parking is only allowed on one side. It would worsen the parking situation to require the driveway to be removed. Curb cuts and front yard driveways are very common on the two blocks of Lombard Ave. The BZA did not state any reason that justifies the condition.
6. The driveway existing since the house was built in 1922 is part of the landscape of the house. It would alter the historic character of the house and neighborhood if the curb cut and driveway were removed.
7. For practical reasons, including convenience of the property owner and guests, the driveway and off street parking should be permitted to continue.
8. There is support of neighbors for the application to delete the condition.
9. The curb cut, driveway and off street parking do not have a detrimental effect on the surrounding area. Allowing these improvements to remain will not alter the essential character of the surrounding area.
10. Removing the curb cut, driveway and off street parking would be an unreasonable expense.
11. The variance is consistent with the zoning code. Among the purposes of the zoning code is: To ensure convenience of access to property; and to lessen congestion in the public streets by providing for off-street parking of motor vehicles.
12. This request is based upon a desire to use the property in the way it was originally intended and previously used for over 90 years.



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Deadline for Action Notice

October 1, 2013

McClay – Alton, P.L.L.P
Attn: Brian Alton
951 Grand Avenue
Saint Paul, MN 55105

Re: City Council Appeal of BZA denial for a Review under Sec.61.108
1075 Lombard Avenue - Zoning File # 13-222492

Dear Mr. Alton:

The request by David King, for a review by the Board of Zoning Appeals (BZA) under Section 61.108 was received in the office of the Department of Safety and Inspections (DSI) on August 19, 2013.

On September 16, 2013, the BZA duly conducted a public hearing where all persons interested were afforded an opportunity to be heard. The Board closed the public hearing and moved to deny the request. You are appealing the BZA decision on behalf of David King.

Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made but allows the city to extend this period for an additional 60 days (total 120 days).

In order to allow enough time for the city to meet the deadlines established by state law, we are hereby extending the deadline for action on this matter to December, 17, 2013. Please note that this notice is only an extension of the deadline for action and does not affect the date of your appeal hearing scheduled for October 16, 2013 in room 300 of City Hall at 5:30. If you have any questions or concerns, you may contact me at 651-266-9080.

Sincerely,

Yaya Diatta
DSI Inspector