

(K) 26345



APPLICATION FOR APPEAL

Zoning office use only

*Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101*
RECEIVED IN D.S.I.
651-266-9008

JAN 19 2012

File no. _____
Fee _____
Tentative Hearing Date: _____

APPLICANT

Name McClay-Alton Real Estate, LLC
Address 951 Grand Avenue
City St. Paul State MN Zip 55105 Daytime Phone 651-290-0301
Name of owner (if different) _____

PROPERTY LOCATION

Address 949 Grand Avenue
Legal Description: Lot 22, Block 27, Summit Park Addition
(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 702, Paragraph (a) of the Zoning Code, to appeal a decision made by the Board of Zoning Appeals on January 9, 2012. File number: 11-282158
(date of decision)

GROUNDS FOR 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 Attached

(attach additional sheet if necessary)

Applicant's signature [Signature] Date: 1/19/12 City Agent _____

McCLAY • ALTON, P.L.L.P.
ATTORNEYS

ROBERT M. McCLAY
BRIAN D. ALTON*

*Also Licensed in Wisconsin

951 GRAND AVENUE
ST. PAUL, MN 55105
FAX: 651-290-2502
651-290-0301

January 19, 2012

HAND DELIVERED

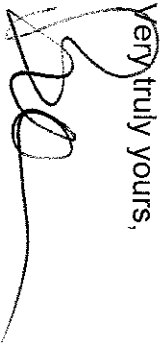
City of St. Paul
Department of Safety and Inspections
375 Jackson Street, Suite 200
St. Paul, MN 55101-1806

RE: 949 Grand Avenue
Board of Zoning Appeals File No.: 11-282158

Dear Madam or Sir:

Please find enclosed the Application for Appeal of McClay-Alton Real Estate, LLC regarding the above referenced property and the Board of Zoning Appeals decision of January 9, 2012.

Very truly yours,



Brian D. Alton
brian@mcclay-alton.com

BDA: mm

Enc.

Attachment to Application for Appeal
by: McClay-Alton, Real Estate, PLLP
File # 11-282158
Property Address: 949 Grand Avenue

GROUNDNS FOR APPEAL:

The Board of Zoning Appeals made errors in fact, procedure or finding in granting a variance of 7 parking spaces to the Applicant as follows:

1. There is no valid lease for 6 parking spaces with Anderson Cleaners. The Applicant presented a document that he claims to be a lease for 6 parking spaces at 978 Grand Avenue. The BZA improperly relied on that document in granting the variance.
 - 2 of the 6 spaces in the lease can be taken away at any time for no reason.
 - All of the 11 parking spaces at 978 Grand are allocated to the existing 4 apartments and 2 businesses in the building there.
 - There are no extra parking spaces to lease.
 - Anderson Cleaners is not the owner of property.
 - Leasing of the parking at Anderson Cleaners cannot legally be done without a license to operate a parking lot. See City Code sec. 417.01.
 - The agreement to use the spaces at 978 Grand does not meet the City ordinance requirements for shared parking.
2. The staff report made accurate findings and there were no facts presented to contradict the findings.
3. This requested variance, of such a large number of parking spaces, is inconsistent with the Zoning Code and the Comprehensive Plan.
4. Bicycle parking can't be used to substitute for any of the required 7 parking spaces. The BZA erred by concluding that section 63.210(b) reduces the variance from 7 to 6 spaces. Bicycle parking can substitute only 10% of the required parking. A bicycle rack, though nice, doesn't count to reduce the parking shortfall.