



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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Board of Zoning Appeals Staff Report

TYPE OF APPLICATION: Major Variance **FILE #: 20-069826**

APPLICANT: Suebue LLC

HEARING DATE: September 21, 2020

LOCATION: 1493 Highland Pkwy.

LEGAL DESCRIPTION: HARKNESS SUNNYSLOPE LOT 34

PLANNING DISTRICT: 15

PRESENT ZONING: R4

ZONING CODE REFERENCE: 66.231, 66.232

DATE RECEIVED: August 31, 2020

REPORT DATE: September 9, 2020

DEADLINE FOR ACTION: October 29, 2020 **BY: Matthew Graybar**

- A. **PURPOSE:** The applicant was previously granted variances of the side yard setback, the rear yard setback, and sidewall articulation to construct a one-story addition that would connect the detached garage to the house. After the condition of the foundation was determined to be deficient, the contractor was approved to demolish the house and construct a new single-family dwelling with an attached garage using the rear yard setback variance previously granted. Upon further consideration, the contractor was advised to re-apply for the same rear yard setback variance since the scope of the project changed from an addition to the construction of a new single-family dwelling.

The proposed one-story single-family dwelling with an attached garage requires the following variances: 1) A rear yard setback of 25' is required; a setback of 1' is proposed for a variance of 24'. 2) This property is located in Planning Dist. 15. For R1—R4 residential districts in this planning district, the total lot coverage of all buildings, including accessory buildings, shall not exceed 40%. The applicant is proposing a lot coverage of 40.2%, for a variance of 0.2% (17.8 square feet).

- B. **SITE AND AREA CONDITIONS:** This lot is 6,094 square feet in size with alley access to the rear yard from Highland Pkwy. & Pascal St. S.

Surrounding Land Use: There are single-family dwellings to the north, west, and east of this property and a golf course to the south across Highland Pkwy.

- C. **BACKGROUND:** This property proposed to construct an addition that would attach the detached garage in the rear yard and applied for several variances on February 25, 2019 under Zoning File Number 19-008579. The applicant was approved for the following variances: a 3.1' setback from the west property line, a rear yard setback of 1', and an exemption from the sidewall articulation requirement on the west side of the house. After the applicant was granted these variances, he applied for a building permit to start the work. Once the work on the addition began, the applicant noticed that the foundation of the building was insufficient and would be unable to support the new addition. As a result of this discovery, the applicant brought back a revised proposal to the Department of Safety and Inspections with a plan to demolish the existing house and rebuild the foundation and construct a larger one-story building that would meet the same rear yard setback of 1' that was granted by the BZA. DSI reviewed the proposal and approved the revised plan since the setback was the same that was granted. The applicant then began demolishing the house and the garage under an approved demolition permit.

After further consideration, it was determined that DSI did not have the authority to approve the revised plan since it was the BZA who granted the variance. Accordingly, DSI placed a "stop work" order on the reconstruction and informed the applicant that he would have to go back to the BZA to apply for a new variance from the rear yard setback and lot coverage requirements since the scope of work changed from an addition, which is what the BZA voted on, to a full reconstruction of the single-family dwelling before he could continue with construction.

- D. **ZONING CODE CITATIONS:**

Sec. 66.231. - Density and dimensional standards table.

A rear yard setback of 25' is required for properties in the R4 zoning district.

(b) In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements, one-half the width of such alley adjoining the lot shall be considered as part of the lot.

Sec. 66.232. - Maximum lot coverage.

For R1—R4 residential districts in planning districts 14 and 15, excluding property with local heritage preservation site or district designation, the total lot coverage of all buildings, including accessory buildings, shall not exceed forty (40) percent.

D. FINDINGS:

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

The requested variances to allow the proposed one-story, single-family dwelling that will be setback 1' from the rear property line with a lot coverage that is 0.2% larger than allowed will create a building that will have matching aesthetics with several other properties on this block. The previous house on the lot required variances of the sidewall articulation and side yard setback requirements in order to construct the proposed addition. The new house conforms more to the zoning code than the previous house did since it incorporates the required sidewall articulation and meets the side yard setback without the need for a variance. The reconstruction also improves the economic viability of the neighborhood and the city and aligns with Sec. 60.103 of the Zoning Code to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community and to conserve and improve property values. **This finding is met for both variance requests.**

2. The variance is consistent with the comprehensive plan.

The reconstruction of this single-family dwelling is an improvement to the property, which is consistent with Strategy 2 of the Housing Plan in the 2030 Comprehensive Plan that aims to reinvest and develop properties in order to maintain desirability. **This finding is met for both variance requests.**

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.*

The applicant is maximizing the use of the lot by proposing to construct a larger one-story single-family home with an attached garage. The larger one-story dwelling with an attached garage is necessary to provide access to all areas of the house for a person with accessibility needs. This is a practical difficulty in meeting the zoning requirements for lot coverage and rear yard setback. **This finding is met for both variance requests.**

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

Towards the sound end of the property (which is the front of the house), the grade slopes downward towards the front property line, with an approximate 9.4% change in grade. The change in grade towards the front of the property coupled with the homeowner's need for an accessible entryway, house, and garage with covered entry are unique circumstances to the property not created by the landowner. **This finding is met for both variance requests.**

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

Single-family dwellings with an attached garage are a permitted use in this zoning district. The requested variances will allow a slightly larger house to be constructed closer to the rear property line than allowed. No unpermitted uses will be created with the requested variances. **This finding is met for both variance requests.**

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

There are other properties in the immediate area that have attached garages such as 1485 Highland Pkwy., 1477 Highland Pkwy., 1460 Eleanor Ave., and 1508 Eleanor Ave. Several other properties share a similar front yard setback as 1493 Highland Pkwy. such as 1465, 1475, 1515, 1519 Highland Pkwy. The requested variances will allow the proposed house to better match the existing properties. The requested variance for the additional 0.2% or 17.8 square feet for the house will not create an overly large house that would detract from the neighborhood. **This finding is met for both variance requests.**

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- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a statement of support from Dist. 15.
- F. **CORRESPONDENCE:** The applicant submitted a list of adjoining property owners that consent to the requested variances.
- G. **STAFF RECOMMENDATION:** Staff recommends approval of the requested variances based on findings 1 through 6.