

MAR 18 2025

**ZONING VARIANCE APPLICATION**To Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson St., Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To Planning Commission

Dept. of Planning & Econ. Dev.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # 25-020339Fee Paid \$ 856.00Received By / Date D. Eide - 3/18/2025Tentative Hearing Date 4/14/2025**APPLICANT**

Name Mark Schwartz
(must have ownership or leasehold interest in the property, contingent included)
Address 461 Arlington Ave W. City St. Paul State MN Zip 55117
Email RightTimesBerLiving@gmail.com Phone 763 415 0488
Name of Owner (if different) _____ Email _____
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address / Location 438 Daly St St. Paul MN 55102
PIN(s) & Legal Description 112823140131
(attach additional sheet if necessary)
Lot Area _____ Current Zoning B2

VARIANCE REQUEST: Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code 65.162

State the requirement and variance requested. Code requires 1,320 ft. Property is 851 ft (as crow flies) 1,429 ft (door to door). Seeking variance to accommodate request from 851 ft

SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary.

1. Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance will not permit any use that is not allowed in the zoning district in which the property is located.
4. The variance will not alter the essential character of the surrounding area.

☐ Required site plan is attached

☐ If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature

Date

3/18/25

1. Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.

There are practical difficulties in complying with the 1,320-foot separation requirement for supportive living structures as outlined in the city code. The city of Saint Paul has determined that the nearest supportive living property is 851 feet from my proposed site, measured (as the crow flies.) However, my own measurements, taken door to door on March 10, 2025, demonstrate that the actual walking distance between the two properties is 1,429 feet. This discrepancy highlights a practical difficulty: the codes reliance on a straight-line measurement fails to account for real world conditions, such as physical barriers, streets, streetlights, or pedestrian routes, which significantly increase the functional separation between the properties. Furthermore, granting the variance would allow the property to be used in a reasonable manner not otherwise permitted by the strict application of the code. The purposed supportive living facility aligns with the purpose of providing essential housing and support services, and the actual distance of 1,429 ft exceeds the codes minimum requirement, ensuring no undue concentration of such facilities. Denying the variance based on an impractical straight-line measurement, rather than the more relevant doorstep to doorstep distance, would unnecessarily restrict the reasonable use of my property without advancing the codes underlying intent of preventing overcrowding or oversaturation. Thus, the variance is justified by both practical challenges and the reasonable, community serving use of the property.

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

Variance Request 438 Daly street

Sec. 65.162. - Supportive housing facility

Standards and conditions:

(a) The facility must be a minimum distance of 1,320 ft from any other of the following congregate living facilities with more than 6 adult residents, except in B4-B5 business districts where it must be at least 600 ft from any other such facility; supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter.

(b) In RL-H2 residential, T1 traditional neighborhood, Ford, OS-B3 business and IT-I2 industrial districts, the facility must serve 16 or fewer facility residents.

Zoning code allows 16 or fewer residents in the B2 zoning district.

We are seeking a variance for 22 as we believe the distance is greater than the required distance when measured doorstep-to-doorstep.

Additionally, the building has 22 single rooms, plus a 2-bedroom apartment on street level for staff. Due to these reasons, we feel our request is reasonable and the information submitted supports this.

Description of proposed operations

It is our understanding, based on the best information available to us, that the property has approval for 22 mixed use single occupancy units. We will be doing Board and Lodge with special services to include feeding people and solving 2 problems at the same time (hunger/housing) There will be on-site maintenance 24/7. Meals will be pre-packaged and delivered 2 time daily. The property will operate almost the same as it does now, but with constant oversight.

Additionally, we plan to paint and restore the exterior immediately upon approval if granted to increase curb appeal and neighborhood aesthetics.

We appreciate your consideration in the matter.

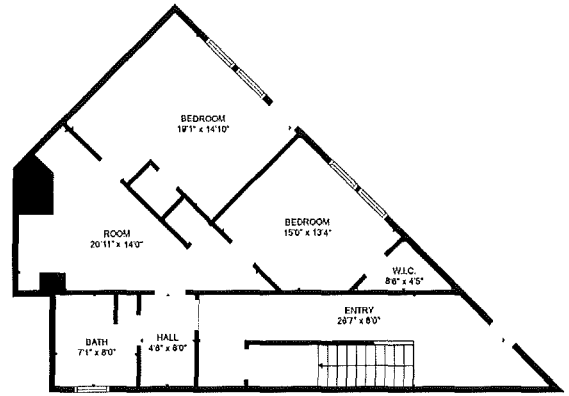
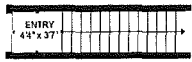
438 Daly
upper Level

The floor plan shows a complex arrangement of rooms and halls. The rooms are labeled with their dimensions:

- BEDROOM 143' x 178'
- BEDROOM 133' x 1310'
- BEDROOM 134' x 91'
- BEDROOM 134' x 92'
- ROOM 134' x 95'
- ROOM 134' x 95'
- ROOM 134' x 95'
- ROOM 134' x 97'
- BEDROOM 134' x 95'
- ROOM 134' x 105'
- BEDROOM 127' x 129'
- BEDROOM 113' x 115'
- HALL 1811' x 148'
- BEDROOM 115' x 117'
- ROOM 119' x 1111'
- ROOM 111' x 113'
- ROOM 116' x 119'
- BEDROOM 112' x 114'
- BEDROOM 163' x 160'
- ROOM 115' x 117'
- BEDROOM 1010' x 1011'
- BEDROOM 131' x 180'
- ROOM 119' x 148'
- BATH 911' x 53'
- BATH 1210' x 73'
- BATH 911' x 53'
- BATH 90' x 53'
- ROOM 112' x 96'
- HALL 54' x 95'
- HALL 51' x 571'
- HALL 581' x 78'
- KITCHEN 184' x 84'
- DINING AREA 194' x 810'
- BEDROOM 1211' x 118'
- ROOM 70' x 55'
- KITCHEN 137' x 203'
- HALL 67' x 101'
- BATH 65' x 81'
- HALL 181' x 104'
- ROOM 181' x 185'
- ROOM 82' x 37'
- HALL 153' x 109'

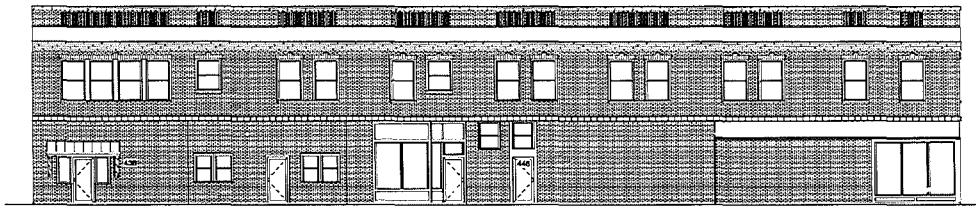
FLOOR PLAN CREATED BY CUBICASA ARE MEASUREMENTS DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

438 Daly
Street level

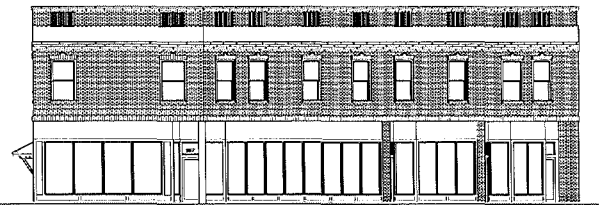


THIS PLAN WAS PREPARED BY A PROFESSIONAL ARCHITECT AND IS SUBJECT TO THE RULES AND REGULATIONS OF THE ARCHITECTURAL BOARD OF THE STATE OF CALIFORNIA.

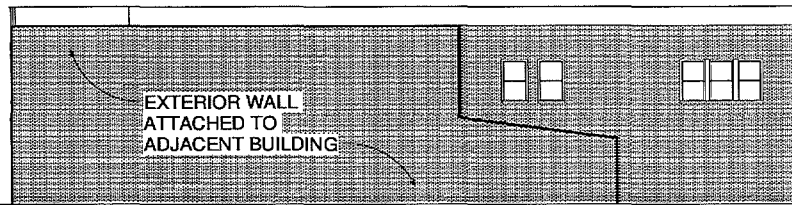
438 Daly Elevations.



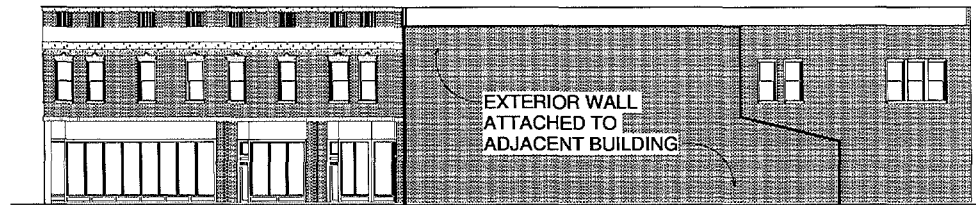
① West Elevation
1/8" = 1'-0"



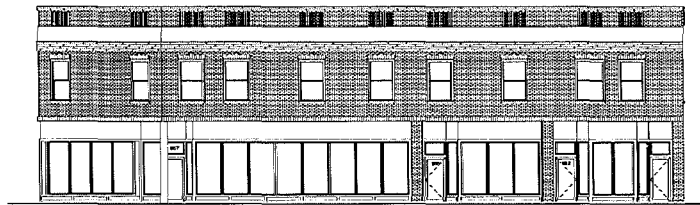
② South Elevation
1/8" = 1'-0"



④ Northeast Elevation
1/8" = 1'-0"



③ East Elevation
1/8" = 1'-0"



⑤ Southwest Elevation
1/8" = 1'-0"



ALL PLANS ARE TO BE REVIEWED BY THE GENERAL CONTRACTOR AND THE MUNICIPAL BUILDING OFFICIAL PRIOR TO CONSTRUCTION. AVA STUDIO LLC IS NOT RESPONSIBLE FOR ANY PROBLEMS AS A RESULT OF AN ERROR OR OMISSION ON THESE PLANS.

438 Daly St

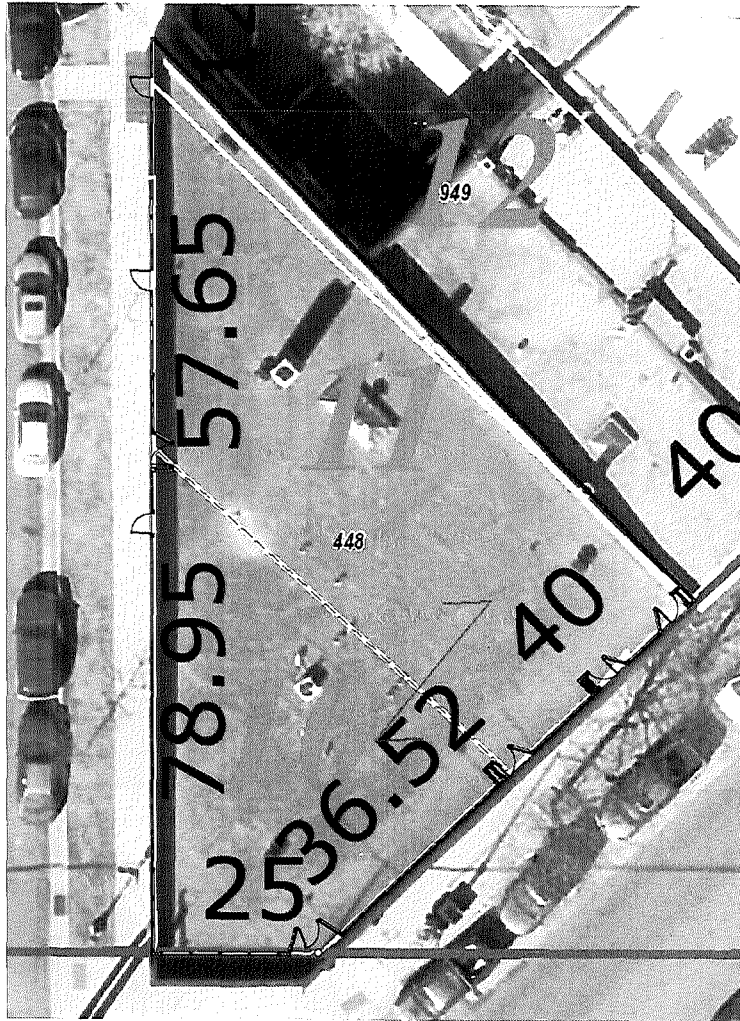
St Paul
Exterior Elevations

Project number	438
Date	3/17/2025
Drawn by	Alexander Bocharnikov
Scale	1/8" = 1'-0"

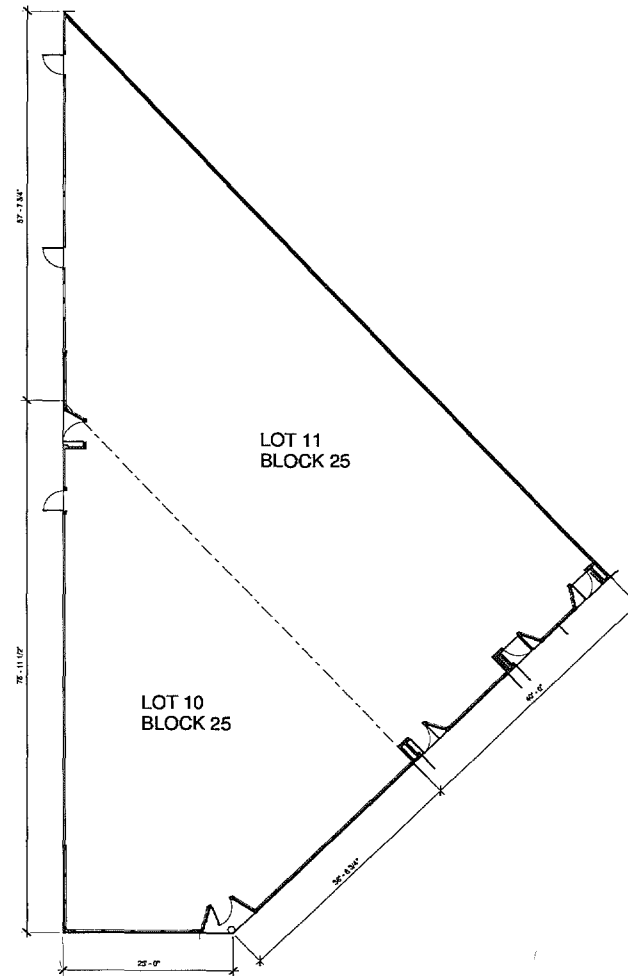
A1

3/17/2025 5:52:11 PM

438 Daly Elevations.



② Site Plan / Map
1/8" = 1'-0"



① Main Level
1/8" = 1'-0"



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438 Daly St

St Paul
Site Plan

Project number 438

Date 3/17/2025

Drawn by Alexander Bocharnikov

A2

Scale 1/8" = 1'-0"

3/17/2025 1:54:11 PM

Office of the Minnesota Secretary of State Certificate of Organization

I, Steve Simon, Secretary of State of Minnesota, do certify that: The following business entity has duly complied with the relevant provisions of Minnesota Statutes listed below, and is formed or authorized to do business in Minnesota on and after this date with all the powers, rights and privileges, and subject to the limitations, duties and restrictions, set forth in that chapter.

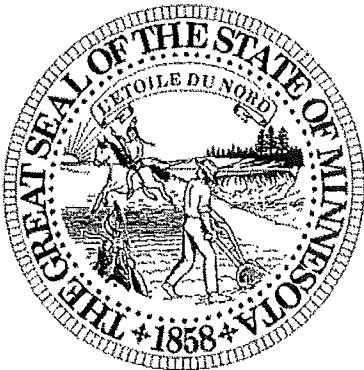
The business entity is now legally registered under the laws of Minnesota.

Name: All In Sober Living LLC

File Number: 1391908600029

Minnesota Statutes, Chapter: 322C

This certificate has been issued on: 05/17/2023



A handwritten signature in black ink that reads "Steve Simon".

Steve Simon
Secretary of State
State of Minnesota

Office of the Minnesota Secretary of State
Minnesota Limited Liability Company/Articles of Organization
Minnesota Statutes, Chapter 322C



The individual(s) listed below who is (are each) 18 years of age or older, hereby adopt(s) the following Articles of Organization:

ARTICLE 1 - LIMITED LIABILITY COMPANY NAME:

All In Sober Living LLC

ARTICLE 2 - REGISTERED OFFICE AND AGENT(S), IF ANY AT THAT OFFICE:

Name

Address:

4315 Snail Lake Blvd Shoreview MN 55126 USA

ARTICLE 3 - DURATION: **PERPETUAL**

ARTICLE 4 - ORGANIZERS:

Name:

Address:

Mark J Schwartz

**12160 Technology Dr Suite 213 Eden Prairie MN
55344 USA**

If you submit an attachment, it will be incorporated into this document. If the attachment conflicts with the information specifically set forth in this document, this document supersedes the data referenced in the attachment.

By typing my name, I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

SIGNED BY: **lawrence tan**

MAILING ADDRESS: **12160 Technology Dr Suite 213 Eden Prairie MN 55344**

EMAIL FOR OFFICIAL NOTICES: **ltan@stallioninsgroup.com**