



## CITY OF SAINT PAUL

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## Board of Zoning Appeals

### Staff Report

**TYPE OF APPLICATION:** Minor Variance **FILE #:** 22-034676

**APPLICANT:** Muna Ali

**HEARING DATE:** March 21, 2022

**LOCATION:** 664 Blair Avenue

**LEGAL DESCRIPTION:** SYNDICATE NO. 3 ADDITION LOT 12 BLK 1

**PLANNING DISTRICT:** 7

**PRESENT ZONING:** R4

**ZONING CODE REFERENCE:** § 63.105 & § 63.106

**DATE RECEIVED:** February 28, 2022

**REPORT DATE:** March 15, 2022

**DEADLINE FOR ACTION:** April 28, 2022 **BY:** David Eide

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- A. **PURPOSE:** The applicant is proposing an enclosed front entry addition and to modify front porch stairs to project into the required front setback. Two variances are requested: 1) Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard; a 68 square foot enclosed entrance is proposed, for a variance of 48 square feet. 2) An open, covered porch may project up to six (6) feet into a required front yard; the proposed porch projects 6' into the required front yard and the stairs project an additional 8.3' into the front setback, for a variance of 8.3'.
- B. **SITE AND AREA CONDITIONS:** This is a 0.11-acre parcel on the south side of Blair Avenue between Saint Albans and Dale Street North. An alley abuts the property on the south side. An addition was recently constructed onto the front of the home.
- Surrounding Land Use: Primarily single-family dwellings surround this property.
- C. **ZONING CODE CITATION:**  
Sec. 63.105. - Porches and decks.  
(a) An open, uncovered porch or deck serving the principal structure shall be subject to setback and lot coverage requirements for the principal structure with the following exceptions:  
(1) The porch or deck may project into a required front or rear yard for a distance not exceeding ten (10) feet, providing the walking surface of the porch or deck is not higher

than thirty (30) inches above the adjacent grade in the front yard and not higher than eight (8) feet above the adjacent grade in the rear yard, but this shall not be interpreted to include or permit fixed canopies. These permitted projections shall be excluded from lot coverage calculations.

(2) The porch or deck shall be no closer than six (6) feet to a detached accessory building, unless the porch or deck is not higher than two (2) feet above the adjacent grade.

(b) The walking surface of an open, uncovered porch or deck serving a detached accessory building only shall not exceed two (2) feet in height above the adjacent grade or shall be considered part of the accessory building and must meet all setback and lot coverage requirements for the accessory building.

(c) An uncovered porch, deck or patio not exceeding two (2) feet in height is considered landscaping and is not subject to setback or lot coverage requirements.

(d) An open, covered porch may project up to six (6) feet into a required front yard.

Sec. 63.106. - Projections into yards.

(a) Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard and shall be included as part of the principal structure for lot coverage purposes.

#### D. FINDINGS:

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

The applicant is proposing to add an enclosed entry addition onto the front of this home. Attached vestibules, enclosed entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard; a 68 square foot enclosed entrance is proposed, for a variance of 48 square feet. The applicant is proposing to also add front-facing stairs onto the existing 6 foot deep open covered porch. An open, covered porch may project up to six (6) feet into a required front yard and the proposed stairs project an additional 8.3' into the front setback, for a variance of 8.3' from that requirement.

The proposed entryway is intended to function as a mudroom to support the home daycare services provided at this residence. According to the applicant, it will provide a location to place outdoor toys, coats, boots, and strollers. Given the location of the proposed enclosed entry, the applicant is proposing to re-route the stairs straight towards the sidewalk to allow access to the open-covered porch.

Provided that the proposed entry complements the existing house, this request would be consistent with the purpose and intent of Section 60.103 of the Zoning Code to:

- a) Promote and protect the public health and safety, the aesthetics and economic viability of the community.
- b) To conserve and improve property values.

**This finding is met for both of the requested variances.**

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

The proposed addition would be designed to complement the existing house and will match

the addition that was just constructed. It would be an improvement to the property, which is consistent with Policy H-2 of the 2040 Comprehensive Plan to “address housing deficiencies and encourage reinvestment in residential properties. . .” **This finding is met for both of the requested variances.**

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 required front yard setback is 15’, which is the existing setback of the house, leaving no room for any addition to the front of the house without a variance. This is a reasonable request given the lack of available front yard space to construct a usable enclosed front entry. With the front entry occupying the space where the stairs were formerly planned, it is reasonable to also grant a variance for the stairway. **This finding is met for both of the requested variances.**

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

The homeowner constructed the new addition directly up to the 15’ required front yard setback. They did so without accounting for the enclosed entry. It is unclear why the applicant did not plan for this circumstance when originally designing this addition. This variance is self-created, as the owner had plenty of space prior to the construction of this addition to place a front enclosed entry that would meet the code. **This finding is not met for both requested variances.**

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

A family day care (no more than 10 children) and a group family day care (no more than 14 children) are permitted in the R4 zoning district. This enclosed entry and the revised location of the steps would not permit a use that is not allowed in the zoning district. **This finding is met for both of the requested variances.**

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

There are properties on the block with both enclosed entries and porches and stairs leading directly towards the sidewalk. This request will not alter the character of the neighborhood. **This finding is met.**

- E. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this report, staff have not received a recommendation from District 7 Frogtown Neighborhood Association.
- F. **CORRESPONDENCE:** Staff have not received any correspondence regarding this request.
- G. **STAFF RECOMMENDATION:** Based on finding 4, staff recommends denial of the variance request.