



ZONING APPEAL APPLICATION

To/From Board of Zoning Appeals

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

To / From Planning Commission

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

Zoning Office Use Only

File # 22-106148
Fee Paid \$ 462.00
Received By / Date D. Eide - 10/13/2022
Tentative Hearing Date 11/16/2022

APPELLANT

Name(s) Amy and Kure Atkinson
Address 575 Montcalm Pl City St Paul State MN Zip 55116
Email amy.sirek@gmail.com Phone 651-592-5925

PROPERTY LOCATION

Project Name Lot Split
Address / Location 1841 Lincoln Avenue, St Paul, 55105

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

- ☐ **Board of Zoning Appeals**, under provisions of Zoning Code § 61.701(c), of a decision made by the Zoning Administrator.
- ☐ **Planning Commission**, under provisions of Zoning Code § 61.701(c), of a decision made by the Planning Administrator or Zoning Administrator.
- ☒ **City Council**, under provisions of Zoning Code § 61.702(a), of a decision made by the Board of Zoning Appeals or the Planning Commission.

Date of decision October 3, 20 22 File Number 22-086120

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 Planning Commission or Board of Zoning Appeals. Attach additional sheets if necessary.

** Please see attached for Grounds for Appeal.*

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

Appellant's Signature Amy Atkinson Date 10/12/22

Dear members of the St. Paul City Council,

We are requesting your approval to return our property, at 1841 Lincoln Avenue, back to it's originally platted and intended 2 lots, both 40 feet wide by 150 feet deep. The existing home is fully situated on the west side of the parcel (lot 6), allowing for development of the east side of the parcel (lot 7). A new single family home would meet the square footage, set-back and length requirements. However, currently this property is zoned R3, which required us to request a variance due to the width requirements of 50 feet, even though it meets the square footage, depth and set-back requirements.

Additional information, that supports our request and shows our practical difficulty and plight, since our meeting with the Board of Zoning Appeals (taken from Ramsey County website):

The existing properties on the north side of Lincoln Avenue between Fairview and Howell-

1871: .14 acres (60x101)

1869: .14 acres (40x150)

1865: .14 acres (40x150)

1863: .21 acres (60x150)

1855: .21 acres (60x 150)

1851: .14 acres (40x150)

1847: .14 acres (40x150)

1845: .14 acres (40x150)

1841: .28 acres (80x 150) -proposing 2- 40x150 / .14 acre lots

1833: .14 acres (40x150)

1829: .17 acres (50x150)

*7 of the 12 properties on north side are currently non-conforming to R3 zoning, 6 are due to lot width and one is due to lot length.

*7 of the 10 properties on the south side of Lincoln between Fairview and Howell are also non-conforming to R3 zoning, 6 are due to lot width and the other is a duplex, which is non-conforming in an R3 zone.

On 8/31/2022, Macalaster Groveland Community Council voted unanimously to recommend approval of the variance (10-0). On 10/3/2022, the Board of Zoning Appeals voted 4-2 to agree with staff recommendation of denying the variance. While we can understand the decision of staff and the Board, given the parameters of their decision-making process, we are asking the City Council to approve this request in alignment with the 2 votes from the BZA Board members that support our variance request and the 10 votes from the MGCC, as we believe staff's representation of practical difficulties and plight are an error in finding.

Our practical difficulty and plight arise from the decision to change the zoning in this area from it's originally intended platting. In addition to the majority of properties being non-conforming in this zoning, the property at 1847 split it's lot in the 1950's and developed a single family home, similar to our objective for lot 7.

The majority of homes in Macalaster Groveland are zoned R4 (40 foot wide, 5000 sq ft lots). The new proposed lots would both be 6,000 square feet, larger than the average Macalester Groveland and St Paul lot.

The addresses of both 1839 and 1837 Lincoln are available, as the next address to the east is 1833, which is a .14 acre lot.

1841 Lincoln is located next to the intersection of Grand and Fairview. These are two main arteries. Grand Avenue has public transportation, allowing for accessibility to all areas of the city. Fairview directly leads to the train on University, as well. The walkability rating is high for this area, allowing for families to reduce their carbon footprint. A well-constructed new family home would add to the neighborhood's value, not take away from it's character and would bring the 1841 property into alignment with it's neighbors and community.

We strongly believe that the property at 1841 Lincoln presents a unique circumstance and Lot 7 should be developed to allow another family to enjoy living in the Macalester Groveland neighborhood and community. Given the housing shortage in St Paul, and the goals of the Comprehensive Plan, we are perplexed and disappointed as we are trying to create an additional family home on a lot that was intended to be used as such, and especially when it is an outlier as it exists, and would become more in alignment with it's neighbors when split.

Thank you for your consideration and we look forward to our meeting in person.

Sincerely,
Amy and Kurt Atkinson

*We've included our Variance application, which contains documents outlining the original platting and it's intended use.



ZONING VARIANCE APPLICATION

To Board of Zoning Appeals

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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 # _____
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Name Amy and Kurt Atkinson
(must have ownership or leasehold interest in the property, contingent included)
Address 1841 Lincoln Avenue City St Paul State MN Zip 55105
Email amysirek@gmail.com Phone 651-592-5925
Name of Owner (if different) _____ Email _____
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address / Location 1841 Lincoln Avenue
PIN(s) & Legal Description lots 6 + 7, block 4, Kenna's subdivision of lot 53
(attach additional sheet if necessary) Rosedale Park
Lot Area 12,001 sq ft Current Zoning R3

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 Width requirements

of 50' to 40'. State the requirement and variance requested.
allow two 40' lots on the parcel. current zoning requires 50' lots.

SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary. ^{*Please}

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

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 Amy Atkinson Date 8/14/22

SUPPORTING INFORMATION:

We, Amy and Kurt Atkinson, propose to split the parcel at 1841 Lincoln into two 40 ft wide x 150 ft deep lots that will be .14 acres each, allowing development of an additional single family home on Lot 7 (Exhibit A).

We believe splitting the lot creates an opportunity to provide more housing, in an area where needed, and is in alignment with the city's higher density plan for the area. The current size of the lot is not congruent with its neighbors, the block or the surrounding area (Exhibit B).

It is an outlier that is inconsistent with a more low maintenance urban lifestyle, given the yard is an extra entire city lot, which requires extensive maintenance on our part. This maintenance has taken a large toll on us, both physically and mentally.

The existing home on the 1841 lot is positioned fully on Lot 6 to allow for proper development on Lot 7. It will easily meet the set back, and with 150 feet of depth, it meets the square footage requirement, as well (Exhibits A & B). A variance is needed to allow for the two parcels to exist as two 40 ft wide lots, as this subdivision is zoned R3, which requires 50 ft wide lots. The current legal address of **KENNAS SUB LT53 B4 RSDL PK LOTS 6 AND LOT 7** also indicates two lots (Exhibit A).

When the lots were originally platted there were two 40 ft parcels. (Exhibits C & D)

A split of the 1847 parcel occurred to allow the building of the 1845 property in the 1950's, both parcels are 40 X 150. This split allowed for the development of a quality single family home that has been a wonderful addition to the neighborhood. 1845 is the neighboring property directly to the west of 1841. The plat from the year 1908 shows 1845 & 1847 as a single parcel with two 40 ft lots (Exhibit D), prior to the future split.

Sometime in the past, the zoning changed to conflict with the original plat. The requested variance to split the current parcel into two parcels will not alter the essential character of the neighborhood or more specifically the block since on the block between Fairview (to the east) and Howell (to the west) over 50% of the parcels are 40 ft wide lots. The parcels directly surrounding the parcel at 1841 Lincoln, to the east, west and south are all 40ft lots. Original platting shows 40 ft lots as the standard for this area (Exhibits C-E).

Therefore, the look and overall feel of the locality will not change. It is reasonable and consistent with the historic record, and to be in alignment with the neighborhood, to allow the address at 1841 Lincoln to become two distinct and separate parcels once again as originally intended.

EXHIBIT A

CERTIFICATE OF SURVEY

LAKE AND LAND SURVEYING, INC.

1200 Centre Pointe Curve, Suite 375

Mendota Heights, Minnesota 55120

Phone: 651-776-6211

Proposed Lot Split Made For:

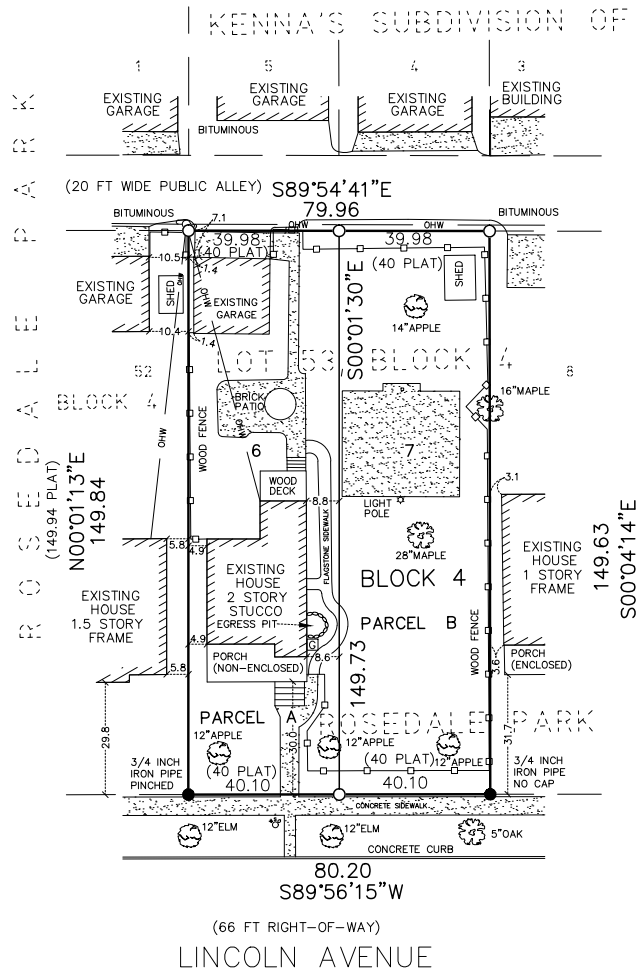
Ms. Amy Atkinson
1841 Lincoln Avenue
St. Paul, MN 55105

Proposed Legal Description Parcel A

Lot 6, Block 4, KENNA'S SUBDIVISION OF LOT 53,
BLOCK 4, ROSEDALE PARK, Ramsey County, Minnesota.

Proposed Legal Description Parcel B

Lot 7, Block 4, KENNA'S SUBDIVISION OF LOT 53,
BLOCK 4, ROSEDALE PARK, Ramsey County, Minnesota.



Curent Legal Description:(Certificate of Title No. 550992)

Lots 6 and 7, Block 4, KENNA'S SUBDIVISION OF LOT 53, BLOCK 4, ROSEDALE PARK,
Ramsey County, Minnesota.

SITE ADDRESS: 1841 LINCOLN AVE, ST PAUL, MN 55105

LEGEND

- Denotes 12 inch Common Spike set with Washer stamped RLS 16464 or as noted. To be set after lot split approval by City.
- Denotes Iron Monument found size, type, & RLS as noted.
- Denotes Wood Fence
- Denotes Block Retaining Wall
- OHW— Denotes Overhead Utility wires
- ⦿ Denotes Water Valve
- ⦿ Denotes Utility Pole
- ⦿ Denotes electric Meter
- ⦿ Denotes Gas Meter
- ⦿ Denotes Light Pole
- ⦿ Denotes Concrete Surface

BASIS OF BEARINGS: RAMSEY COUNTY COORDINATES
LAKE & LAND SURVEYING. JOB NO. 2022.225 JK

Areas:

Total Lot Area: 11,990 sq. ft. or 0.28 acres.
Proposed Lot Area Parcel A: 5997 sq. ft. or 0.14 acres.
Proposed Lot Area Parcel B: 5993 sq. ft. or 0.14 acres.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Jonathan L. Faraci

July 1, 2022

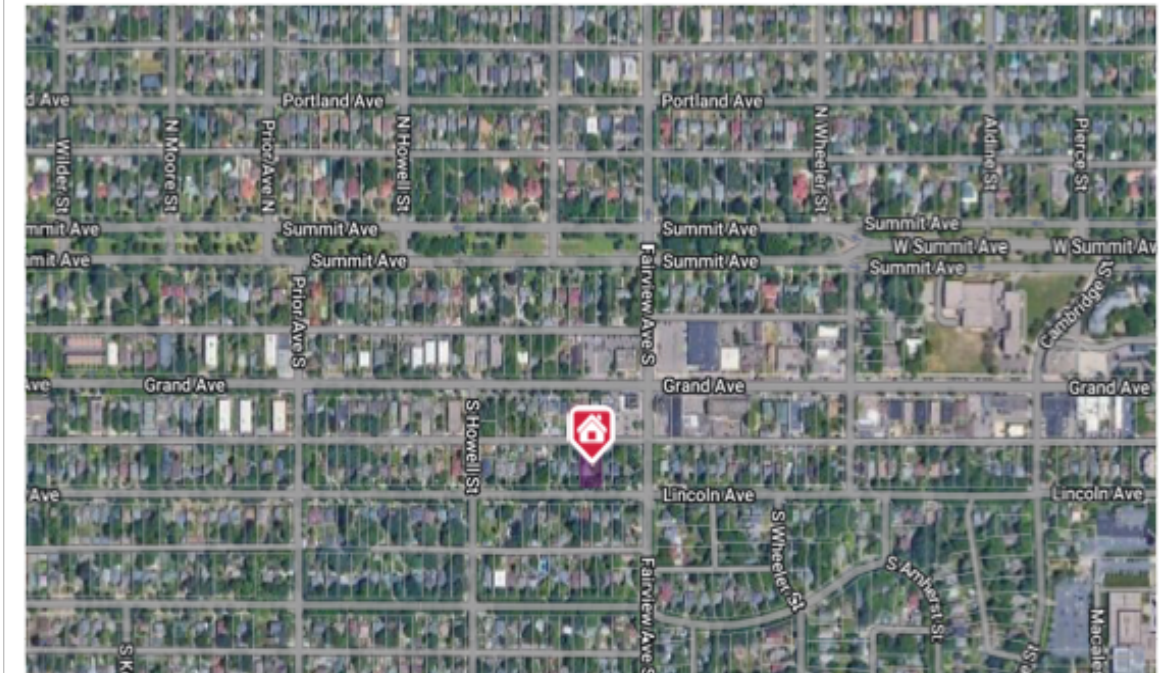
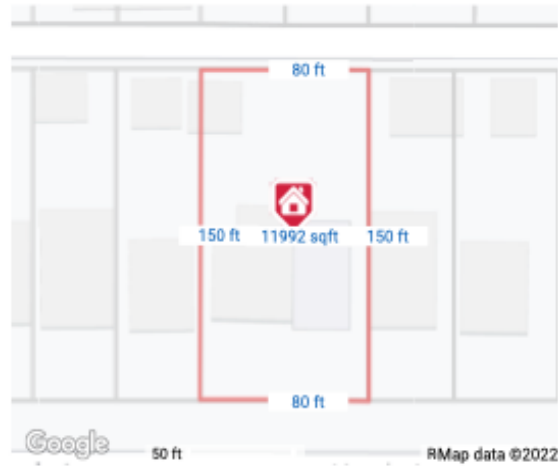
Jonathan L. Faraci
Registered Land Surveyor & Registered Engineer
Minnesota Registration No. 16464

EXHIBIT B

1841 Lincoln Avenue, Saint Paul, MN 55105-1420

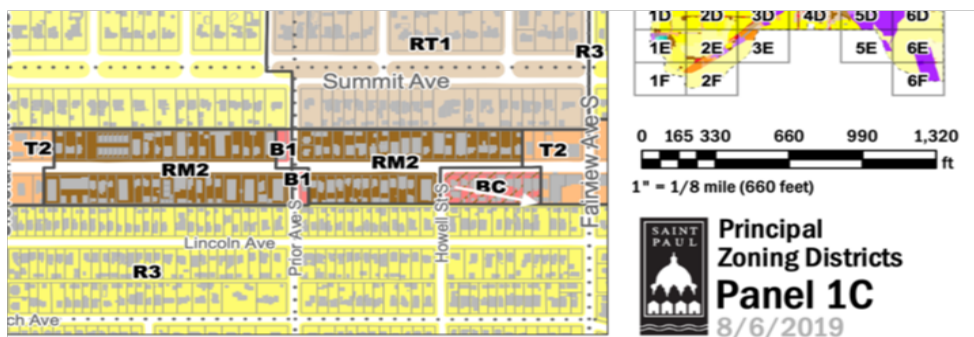
1841 Lincoln Ave , Saint Paul, MN 55105-1420

MLS #: 2364841



<https://matrix.commondataplatform.com/Matrix/Printing/PrintO...QMGDAAAAAE2DRMGDQAAAAExDQcGDgAAAAExDQsGDwAAAAAYQwqJ2w58NAgs>

Page 1 of 2



*City of St Paul

360 Property View

1841 Lincoln Avenue, Saint Paul, MN 55105-1420

1841 LINCOLN AVE

Owner Information

Owner Name:	Atkinson Kurt A	Owner Name 2:	Atkinson Amy B
Owner Occupied:	O	Mailing Address:	1841 Lincoln Ave
Tax Billing City & State:	Saint Paul Mn	Tax Billing Zip:	55105
Tax Billing Zip+4:	1420		

Location Information

Subdivision:	Kennas Sub Lt53 B4 RsdI Park	Municipality:	Saint Paul
County:	Ramsey	School District:	St Paul
Extra Feature Topography Type:	FLAT/LEVEL	Census Tract:	035100
		Location:	NEIGHBORHOOD / SPOT
		Section #:	04

Estimated Value

RealAVMO:	\$540,700	Estimated Value Range High:	\$641,300
Estimated Value Range Low:	\$440,100	Value As Of:	08/01/2022
Forecast Standard Deviation:	19	Confidence Score:	52

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.

(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.

(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

Tax Information

Parcel ID:	04-28-23-31-0097	Lot #:	6
Tax District:	625	Tax District:	0151
% Improved:	50	Exemptions:	Homestead
Legal Description:	KENNAS SUB LT53 B4 RSDL PK LOTS 6 AND LOT 7		

Assessment & Taxes

Assessment Year	2020	2019	2018
Assessed Value - Total	\$523,400	\$529,800	\$494,500
Assessed Value - Land	\$262,700	\$262,700	\$262,700
Assessed Value - Improved	\$260,700	\$267,100	\$231,800
YOY Assessed Change (\$)	-\$6,400	\$35,300	
YOY Assessed Change (%)	-1%	7%	
Tax Year	2021	2020	2019
Total Tax	\$9,176.00	\$9,774.00	\$9,204.00
Change (\$)	-\$598	\$570	
Change (%)	-6%	6%	

Characteristics

County Use:	Single Family Dwelling Platted	Universal Land Use:	Sfr
Lot Area:	12,001	Lots Acres:	0.276
Lot Depth:	150	Lot Width:	40
Effective Year Built:	1965	Year Built:	1915
		Number of Buildings:	1

KENNA'S SUBDIVISION OF LOT 53 BLOCK 4 ROSEDALE PARK

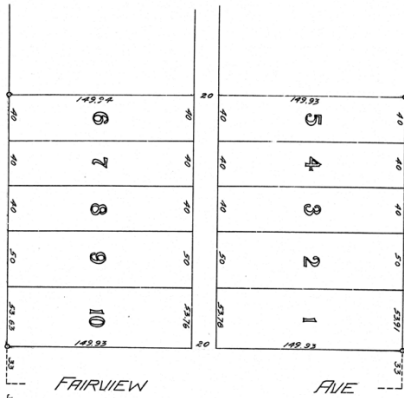
Scale 40 Feet per Inch

* Indicates from

GRAND

FILE

Survey By
FOWLER & FETZ
Civil Engineers and Surveyors
St. Paul, Minn.
May 1908.



FAIRVIEW

FILE

LINCOLN

FILE

I hereby certify that the above described property is the same as that shown on the plat of the subdivision of Lot 53, Block 4, Rose Dale Park, as shown on the map and the same is correct.

St. Paul, Minn., May 12, 1908.
County of Ramsey, Minn.
J. H. Kenna, City Engineer.
My commission expires May 12, 1910.

This is to certify that St. Paul Trust Company, a corporation, grantor of Lot 53, Block 4, Rose Dale Park (except the east 33 feet thereof) has caused the same to be surveyed and platted as shown on the map and the same is correct.

St. Paul Trust Company
J. H. Kenna, City Engineer.
My commission expires May 12, 1910.

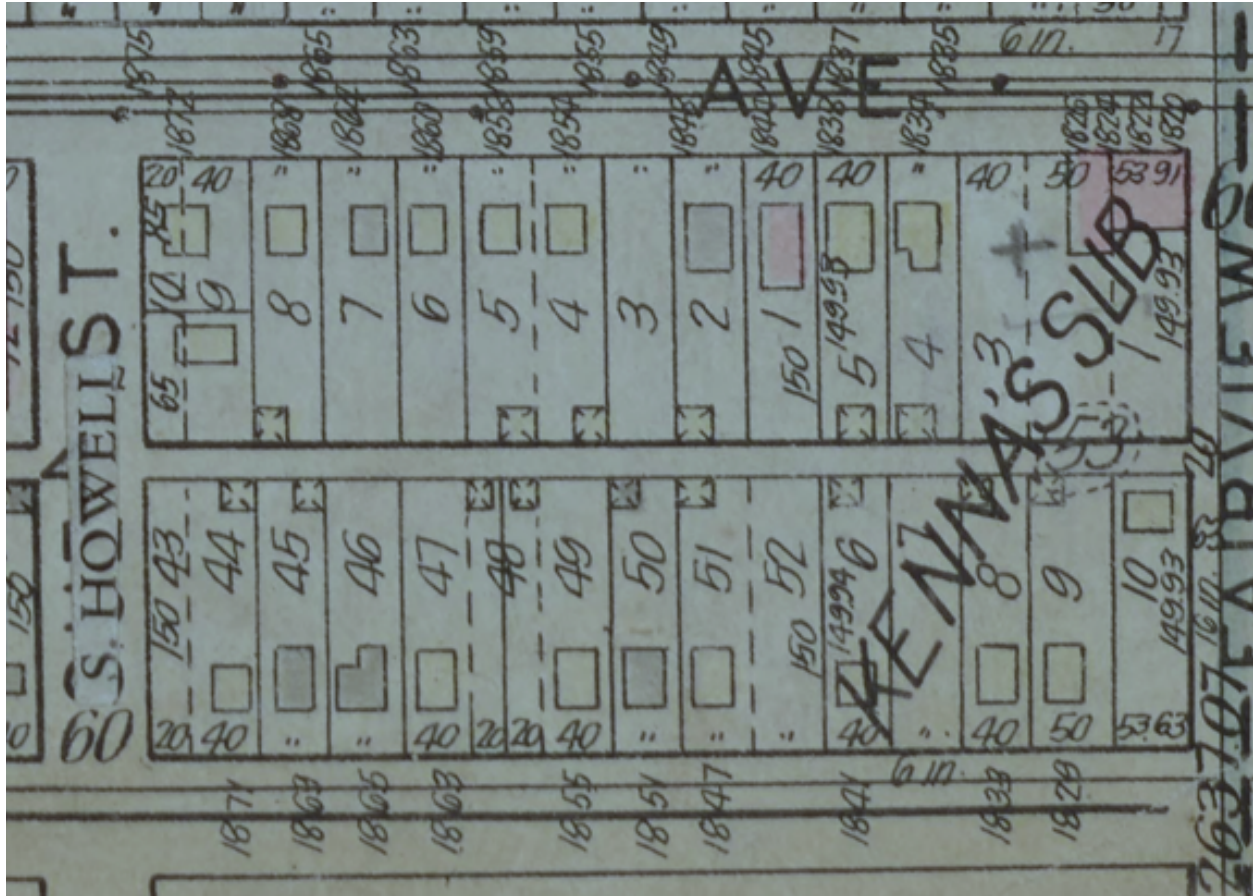
State of Minnesota, ss. Before me personally appeared J. H. Kenna, of the County of Ramsey, Minn., who being duly sworn, did say that he is the City Engineer of the City of St. Paul, Minn., and that he has caused the above described property to be surveyed and platted as shown on the map and the same is correct.

Accepted and approved this 12th day of May, 1908.

J. H. Kenna, City Engineer.

Accepted by the Board of Directors of the St. Paul Trust Company, a corporation, grantor of Lot 53, Block 4, Rose Dale Park, as shown on the map and the same is correct.

St. Paul Trust Company
J. H. Kenna, City Engineer.
My commission expires May 12, 1910.



Source: University of Minnesota Library (UMedia)

Title:

Curtice's revised atlas of the city of St. Paul.

Date Created:

1908

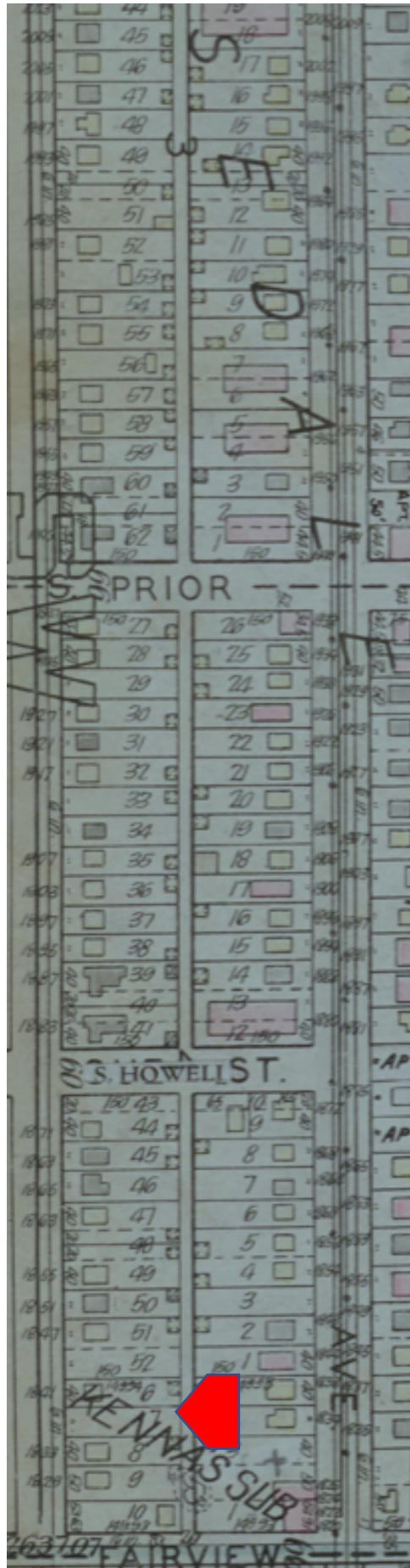
Contributor :

Curtice, David L.; Annan, C. L.; H.M. Smyth Printing Company

Publisher:

H.M. Smyth Printing Co., under the direction and supervision of C.L. Annan (St. Paul, Minnesota), 1908

EXHIBIT E



Source: University of Minnesota Library
(UMedia)

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Date Created:

1908

Contributor :

Curtice, David L.; Annan, C. L.; H.M.
Smyth Printing Company

Publisher:

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