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 #: 24-086457**
APPLICANT:	**Ruben A. Benegas, Benegas Properties, LLC**
HEARING DATE:	**October 28, 2024**
LOCATION:	**1963 Grand Avenue**
LEGAL DESCRIPTION:	**ROSEDALE PARK LOTS 46 47 48 BLK 2**
PLANNING DISTRICT:	**14**
PRESENT ZONING:	**RM2, SH Student Housing, Sign (Split): SSD-GA Grand Ave/outside of sign zoning**
ZONING CODE REFERENCE:	**§ 66.231**
DATE RECEIVED:	**October 4, 2024**
REPORT DATE:	**October 25, 2024**
DEADLINE FOR ACTION:	**December 2, 2024 BY: David Eide**

A. **PURPOSE:** The applicant is proposing to demolish the three buildings on this lot and construct a new multiple-family dwelling. Two zoning variances are requested: 1.) The zoning code limits the height to 40'; 50' is proposed, for a variance of 10'. 2.) The zoning code limits the floor area ratio to 2.25; 2.27 is proposed, for a variance of 0.02.

B. **SITE AND AREA CONDITIONS:** This is a 149.56' x 159.58', 0.548-acre property on the north side of Grand Avenue between Cleveland and Prior Avenue South. An alley provides vehicular access along the northern side of the property. This property currently contains three buildings with the addresses of 1951, 1957, and 1963 Grand Avenue. The West Summit National and Local Historic Districts are located to the north of this property.

Surrounding Land Use:
North: Single-family dwellings (H2)
East: Multiple-family dwelling (RM2)
South: Multiple-family dwellings, single-family dwelling (RM2)
West: Multiple-family dwelling (RM2)

C. **ZONING CODE CITATION:**
Sec. 66.231. Density and dimensional standards table.

Table 66.231, residential district dimensional standards, sets forth density and dimensional standards that are specific to residential districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.231. Residential District Dimensional Standards

Zoning District	Floor Area Ratio (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (g)	(Feet)	Front	Side	Rear
RM2 multiple-family	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (i), (k)	10 (d)	9 (e), (j)	9 (j)

Notes to table 66.231, residential district dimensional standards:
(g) Floor area ratio (FAR) is prorated upon the percentage of parking that is provided as structured parking. The FAR maximum may be increased by 0.5 if at least ten (10) percent of the dwelling units on the zoning lot are affordable at sixty (60) percent of the area median income for at ten (10) years. The FAR maximum may be increased by an additional 0.5 (total of 1.0 increase) if at least twenty (20) percent of the dwelling units on the zoning lot are affordable at sixty (60) percent of the area median income for at least ten (10) years. Units required to be affordable must be occupied by households earning up to sixty (60) percent of the area median income. Prior to issuance of a building permit for the new building (or building expansion), demonstration of the commitment to affordable housing in accordance with this footnote must be provided as: a deed restriction or other contractual agreement with the city, or a city housing and redevelopment authority financing agreement or other similar financing agreement. Upon occupancy of the units, documentation of households' income qualifications is required.
(i) If at least half of provided parking is structured parking, a maximum building height of seventy-five (75) feet may be permitted with a conditional use permit. A shadow study may be required for a conditional use permit application to help determine the impact of the additional height.
(k) For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue, building height is limited to four (4) stories and forty (40) feet.

D. **FINDINGS:**

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

The applicant is proposing to demolish the three buildings on this lot and construct a new multiple-family dwelling. Two zoning variances are requested: 1.) The zoning code limits the height to 40’; 50’ is proposed, for a variance of 10’. 2.) The zoning code limits the floor area ratio to 2.25; 2.27 is proposed, for a variance of 0.02.

The proposed multiple-family dwelling would provide additional housing, which is consistent with the purpose and intent of § 60.103 of the zoning code to promote and to protect the public health, safety, morals, aesthetics, economic viability, general welfare of the community, and to provide housing choice and affordability. In addition, the use as a multiple-family dwelling aligns with the intent and purpose of the RM2 medium-density

multiple-family residential district to foster and support pedestrian- and transit-oriented residential development and provide for infill housing to meet a variety of housing needs. **This finding is met for all requested variances.**

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

   This property is within an area designated as Urban Neighborhood in the 2040 Comprehensive Plan. This proposal aligns with Policy H-46, which supports the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods. The proposed multiple-family dwelling would provide additional dwelling units within the neighborhood. This aligns with Policy LU-34, which encourages providing for medium-density housing that diversifies housing options within the Urban Neighborhood. This facility is also in alignment with Policy H-15, which supports accommodating a wide variety of culturally appropriate housing types throughout the city to support residents at all stages of life and levels of ability. **This finding is met for all 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 applicant states that the property line is in the middle of the alley, and that the alley creates practical difficulties in complying with both the height and FAR (floor area ratio) requirements, as it reduces the usable portion of the property. However, public alleyways and streets are a type of permanent easement and are dedicated. The setback is always taken from the edge of the dedicated alley. Zoning code Section 63.101 states that ½ of the alleyway is included as part of the lot for density purposes, so there is not a plight for the FAR requirement, as the lot size includes ½ of the alley. The public alley easement is not a new condition and was opened in 1888. There are no practical difficulties with complying with the FAR and height provisions. **This finding is not met for all requested variances.**

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

   The dedicated alleyway was opened in 1888 and was present when the applicant purchased the property in 2022. It does not create a unique circumstance that would warrant granting variances of the height and FAR requirements. **This finding is not met for all 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 multiple-family dwelling is a permitted use in the RM2 medium-density multiple-family residential district. Granting the requests would not permit a use that is not allowed in the zoning district. **This finding is met for all requested variances.**

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

   Multiple-family dwellings are located to the east, west, and south of the subject property. Granting the variance requests would not alter the essential character of the surrounding area. **This finding is met for all requested variances.**

E. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter from District 14 - Macalester-Groveland Community Council supporting the requested variances.

F. **CORRESPONDENCE:** Staff received nine letters in opposition to the request. Four of the letters were from property owners across the alley to the north and one of the letters was from a property owner two properties to the east.

G. **STAFF RECOMMENDATION:** Based on findings 3 & 4, staff recommend denial of the requested variances.