BOARD OF ZONING APPEALS STAFF REPORT
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TYPE OF APPLICATION: Major Variance FILE #11-130256

APPLICANT: GUADALUPE ALTERNATIVE PROGRAMS

HEARING DATE: May 16, 2011

LOCATION: 472 CONCORD STREET

LEGAL DESCRIPTION: Trowbridges Addition Tothe C Ex Nwly 21 Ft Lot 6 And All Of Lot **7**

PLANNING DISTRICT: 3

PRESENT ZONING: R4; RC-4 **ZONING CODE REFERENCE:** 66.231 & 66.232 Westside Special Sign District

REPORT DATE: April 25, 2011 BY: Yaya Diatta

DEADLINE FOR ACTION: May 25, 2011 DATE RECEIVED: April 15, 2011

A. **PURPOSE:** Three variances in order to build a new single family home. 1) The footprint of the house with an attached garage is allowed to occupy 35% of the lot, or 964 square feet; a lot coverage of 1,232 square feet is proposed that would occupy 45% of the lot for a variance of 10% or 268 square feet. 2) A side yard setback of 4 feet is required and 3 feet is proposed from the northwest property line for a variance of 1 foot. 3) A rear yard setback of 25 feet is required and a setback of 14.5 feet is proposed for a variance of 10.5 feet.

B. **SITE AND AREA CONDITIONS:** This is a 29 by 90 foot lot with alley access; the lot size is 2,755 square feet including one-half of the 10-foot wide alley. The houses on the block are located about five feet higher than Concord Street.

Surrounding Land Use: Mainly single family homes on this block.

C. **BACKGROUND:** The current house was built in 1894. The applicant is requesting three variances in order to build a new single family dwelling with an attached garage on a substandard sized lot. This property is owned by Guadalupe Alternative Programs, an alternative high school and adult training center serving at-risk youths in the neighborhood. The program provides students with academic skills giving them an opportunity to earn a high school diploma as well as job training that will lead to certification in NCCER (National Center for Construction Education and Research)

through the rehabilitation of inner city housing. The applicant acquired this property in 2009 with the intent to remove the existing building and replace it with a new single family dwelling. The applicant states that the house will be sold when completed.

D. **CODE CITATIONS**:

Sec. 62.103. - Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Sec.66.231. Residential District Dimensional Standards table requires a minimum side yard setback of 4 feet from the property line and a minimum rear yard setback of 25 feet.

Sec.66.232. Maximum lot coverage.
In residential districts, principal structures shall not cover more than thirty five-percent (35) of any zoning lot.

Sec. 66.233. Minimum building width.
In residential districts, the building width on any side of one-family and two-family dwellings shall be at least twenty-two (22) feet, not including entryways or other appurtenances that do not run the full length of the building.

E. **FINDINGS:**

1. *The property in question cannot be put to a reasonable use under the strict provisions of the code.*

   Finding 1, which states that the property cannot be put to a reasonable use under the strict provision of the code is met. There is currently a one-story single family dwelling without a garage on this lot. The dwelling is currently listed as a Category 3 Vacant Building. The applicant was given until June 15, 2011 to complete the required repairs or the building may be demolished by the city. The applicant has instead decided to deconstruct the existing structure and will be replacing it with a new two-story single family dwelling with a walkout basement in the front and an attached garage in the back accessible from the alley. Building plans submitted by the applicant indicate that downspouts will be provided for the new building directing run-off away from the neighboring properties. The applicant proposes to cut into the

5 foot berm and build retaining walls on both sides of the lot in the front yard for the walkout basement.

The lot size, at 2,755 square feet is exceptionally small and the 10-foot wide alley is exceptionally narrow. An attached garage allows more space for access off of the alley. A house with an attached garage of 1,232 square feet is a reasonable size for this property that cannot be accomplished without lot coverage and rear yard setback variances. With a lot width of 29 feet, a minimum required width house of 22' cannot be built on this site without a side yard setback variance.

2. *The plight of the land owner is due to circumstances unique to this property and these circumstances were not created by the land owner.*

Finding 2, which states that the request for a variance is due to unique circumstances not created by the landowner is met. This is a buildable lot and has been a substandard sized since the house was built in 1894. In this case, the plight of the land owner is due to circumstances unique to the property and these were not created by the current property owner.

3. *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul*.

Finding 3, which states that the variance is in keeping with the spirit and intent of the code and is consistent with the health and welfare of the inhabitants of the city is met. Constructing new housing units is consistent with the goals of the Comprehensive Plan. The proposed house is a single family dwelling and is consistent with the development of uses in the area. Provided gutters and downspouts are constructed to drain water away from adjoining properties as planned, the proposed variances are in keeping with the spirit and intent of the code and are consistent with the health, safety and comfort with the inhabitants of the City of St. Paul.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area*.

Finding 4, which states that the variance will not impair the supply of light and air to adjacent property, nor will it alter the character of the neighborhood is not met. The design submitted by the applicant shows the front yard excavated with retaining walls along the sides. There would be two front doors, one at the basement level and one at the first floor accessed by an exterior stairway. The basement level would also have a large window facing the front. There are no other buildings with a similar design in the neighborhood and all of the houses on the block have unexcavated front yards. The floor plan does not identify the use of the basement area and there does not

appear to be a reason why both the basement and first floor levels need access directly to the front yard. While the new house would be a positive addition to the area, its design with the excavated front yard and a walkout basement facing the front is not in keeping with the character of the neighborhood.

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

   Finding 5, which states that no variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located is met. Single family homes are permitted in all residential zoning districts. The proposed variances, if granted, would not change or alter the zoning classification of the property.

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

   Finding 6, which states that the variances are not requested for financial gain is met. The applicant's primary desire is to build a single family dwelling on an existing lot and not to increase the value or income potential of the parcel of land.

F. **DISTRICT COUNCIL RECOMMENDATION:** Staff has not received any recommendation from District 3.

G. **CORRESPONDENCE:** Staff has not received correspondence from any neighbors.

H. **STAFF RECOMMENDATION:** Based on finding 4, staff recommends denial of the variances.