CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 11-130256
DATE: May 16, 2011

WHEREAS, Guadalupe Alternative Programs has applied for a variance from the strict application of the provisions of Section 66.231 & 66.232 of the Saint Paul Legislative Code pertaining to three variances in order to build a new single family home: 1) A maximum lot coverage of 35% is allowed, 45% is proposed for a variance of 10%; 2) A northwest side yard setback of 4 feet is required, 3 feet is proposed for a variance of 1 foot; 3) A minimum rear yard setback of 25 feet is required, 14.5 feet is proposed for a variance of 10.5 feet; in the R4 zoning district at 472 Concord Street. PIN: 082822410017; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on May 31, 2011 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

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 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. The new house would be a positive addition to the area if designed in a way that matches other houses on this block. Provided the front yard is not excavated, there is only one door facing the street and no retaining walls are installed in the front, the proposed variances will not alter 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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.231 & 66.232 to allow 1) A maximum lot coverage of 45% or 1,232 square feet. 2) A northwest side yard setback of 3 feet. 3) A rear yard setback of 14.5 feet, in order to construct a new single family home on property located at 472 Concord Street; and legally described as Trowbridges Addition Tothe C Ex Nwly 21 Ft Lot 6 And All Of Lot 7; in accordance with the application for variance and the site plan on file with the Zoning Administrator ***IS APPROVED*** subject to the conditions that: 1) There is no excavating of the front yard and no retaining walls are installed in the front yard. 2) There is only one entry door in the front of the building facing Concord Street.

MOVED BY: Linden
SECONDED BY: Courtney
IN FAVOR: 5
AGAINST: 0

MAILED: June 1, 2011

TIME LIMIT: **No decision of the zoning or planning administrator, planning commission, board of zoning appeals or city council approving a site plan, permit, variance, or other zoning approval shall be valid for a period longer than two (2) years, unless a building permit is obtained within such period and the erection or alteration of a building is proceeding under the terms of the decision, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of the approval,**

unless the zoning or planning administrator grants an extension not to exceed one (1) year.

APPEAL: **Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.**

CERTIFICATION: **I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on May 31, 2011 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.**

SAINT PAUL BOARD OF ZONING APPEALS

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Debbie M. Crippen
Secretary to the Board