CITY OF SAINT PAUL
Deadline for Action: June 19, 2025

BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 25-028644
DATE: May 27, 2025

WHEREAS, Dominic Carchedi has applied for a variance from the strict application of the provisions of Section 65.162 of the Saint Paul Legislative Code pertaining to the required distance between congregate living facilities. The applicant is proposing to establish a 24-resident supportive housing facility. The zoning code states that supportive housing facilities shall be a minimum distance of 1,320 feet from specified congregate living facilities with more than six (6) adult residents; this facility within 1,320 feet from two supportive housing facilities with more than six (6) adult residents, the closest of which is 513 feet away, for a zoning variance of 807 feet in the T2 zoning district at 418 Sherburne Avenue PIN: 362923240226; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on May 27, 2025 pursuant to said application in accordance with the requirements of Section 61.303 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 variance is in harmony with the general purposes and intent of the zoning code.*

   The property is approved as a four-unit multiple-family dwelling. The proposed 24-resident supportive housing facility with six residents in each unit 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. **This finding is met.**

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

   This facility is 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.**

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 quarter mile (1,320 feet) separation requirement for supportive housing facilities is intended to ensure that residents of these facilities are in mainstream community settings, and not placed in clusters that replicate an institutional environment. This proposed facility is within 1,320 feet of two other similar facilities at 470 Western Avenue North and 342 Fuller Avenue.

The applicant states that this proposed 24-resident supportive housing facility would serve men that have chemical dependency issues. The residents would be enrolled in an outpatient treatment program while staying at this property, and food would be provided at the property as part of the program. Nutritional services are considered to be a type of supportive service.

The applicant has not met the practical difficulties standard for the following reasons:

- The applicant could house up to six individuals at this property by right without meeting the required separation;
- The fact that this property is within 1,320 feet of two other supportive housing facilities is not a practical difficulty, but rather due to the owner's choice to pursue this use at this location; and
- it is owner's decision to pursue supportive housing rather than other available housing options; and
- the difficulty is the result of the owner's decision to pursue supportive housing at the proposed resident number;
- the owner has not demonstrated that there are practical difficulties to open a supportive housing facility at the number allowed by-right by the ordinance;
- there are other locations that the applicant could pursue within the City of Saint Paul;
- there are other available uses for the property that would not require a variance;
- the difficulty is of the applicant's making.

This finding is not met.

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

   The property could house up to six residents for supportive housing without triggering the need for a variance of the separation requirement. The requested variance arises not from unique circumstances of the land but from the applicant's desire to exceed the permitted number of residents within the required separation distance. Other properties within 1,320 feet of the same supportive housing facility are in compliance with this standard. Given that the separation requirement affects other properties within the 1,320 feet proximity to the supportive housing facility, the plight is not unique to the landowner, but general to the surrounding area. **This finding is not met.**

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

   A supportive housing facility is a permitted use in the T2 zoning district. Granting the variance would not allow a use otherwise prohibited in this zoning district. **This finding is met.**

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

   Granting the variance request would result in the establishment of two supportive housing facilities within close proximity (588 feet), creating a cluster of congregate living environments. This could undermine the goal of community integration and contribute to an institutional character that is inconsistent with the surrounding residential area. The proposed variance is contrary to the ordinance which was implemented by the City Council to protect against such clustering in order to promote the public health, safety, morals, and general welfare of the city. **This finding is not met.**

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 65.162 in order to permit a 24-resident supportive housing facility within 1,320 feet from two supportive housing facilities with more than six (6) adult residents, the closest of which is 513 feet away on property located at 418 Sherburne Avenue PIN: 362923240226; and legally described as Smiths Sub Of Stinsns Div B9 10 15 16 Lots 20 & Lot 21 Blk 16; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED.**

MOVED BY: Dayton
SECONDED BY: Martinson
IN FAVOR: 5
AGAINST: 0

MAILED: May 30, 2025

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 27, 2025 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.**

SAINT PAUL BOARD OF ZONING APPEALS

Maxine Linston
Secretary to the Board