418 Sherburne Avenue

ABZA 25-3

David Eide – Department of Safety & Inspections, Zoning Section

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Sec. 61.702. – Appeals to city council.

(a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.

The property in question is not considered to be a sober home as defined in the zoning code, as they are operating with six or fewer residents per unit.

Sober House

A dwelling unit occupied by more than six (6) persons, all of whom are in recovery from chemical dependency. Residents leave site for services.

Supportive housing is considered to be a higher intensity use than the existing fourplex (as well as from a sober house).

Supportive Housing

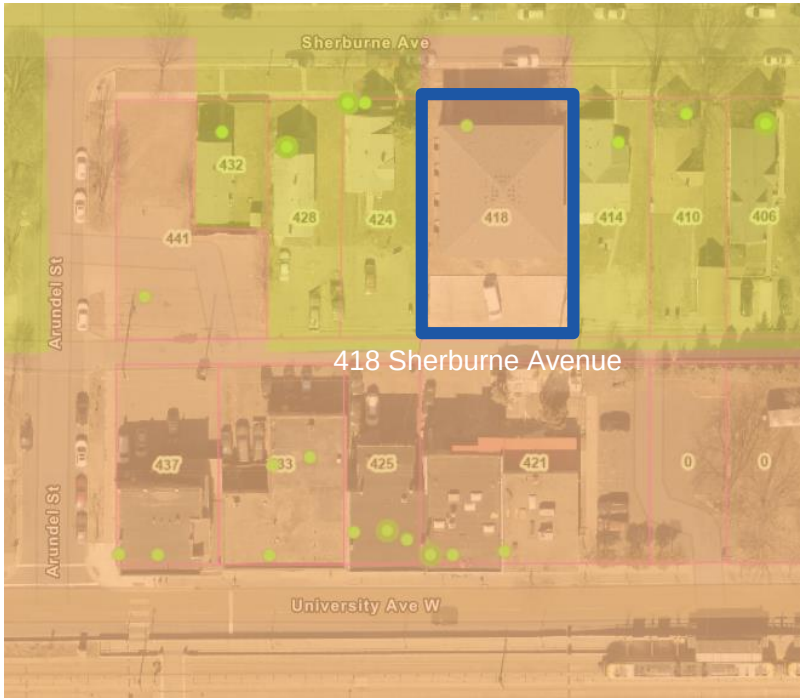
One (1) main building, or portion thereof, on one (1) zoning lot where persons with mental illness, chemical dependency, physical or mental handicaps, and/or persons who have experienced homelessness reside and wherein counseling, training, support groups, and/or similar services are provided to the residents.

Zoning Variance Request

Existing four-unit multiple family dwelling

Application received April 21, 2025

24-resident supportive housing facility proposed. 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 is within 1,320 feet of 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



T2 – Traditional Neighborhood District

470 Western Ave. N.
7 residents – supportive housing (513 feet)
342 Fuller Ave.
8 residents – supportive housing (1,257 feet)
University Ave W
Aurora Ave
Fuller Ave
Western Ave N
Virginia St
Esri Community Maps Contributors, Metropolitan Council, MetroGIS, ©

BZA Outcome

- Public hearing held on May 27, 2025
- Staff recommended denial of requested variances based on findings 3 (practical difficulties), 4 (plight of the landowner) , and 6 (essential character)
  - **No recommendation from District 7 – Frogtown Neighborhood Association**
  - **Support: 0 people spoke, 0 letters received**
  - **Opposition: 2 people spoke, 1 letter received, 1 letter with concerns**
- Board denied based on findings 3, 4, and 6, in alignment with staff recommendation
- Vote result: 5 of 5 members in attendance voted to deny
- Applicant submitted appeal application on June 6, 2025.
  - Minnesota Statutes § 15.99 120-day deadline: August 18, 2025

Six Findings Necessary to Grant Variance

- In harmony with the general purposes and intent of the zoning code
- Consistent with the comprehensive plan
- **Practical difficulties in complying with the provision (Economic considerations alone do not constitute practical difficulties)**
- **Plight is due to circumstances unique to the property, not created by the landowner**
- Will not permit unallowed use
- **Will not alter the essential character of the surrounding area**

Finding 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.*

Intent of this finding is that the hardship is not self-created and the landowner cannot utilize the property in a reasonable way due to ordinance.

This request is financially driven, as their testimony primarily focused on the funding stream. There are a variety of possible viable uses that can be established on this T2-zoned property by-right. **This finding is not met.**

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

This finding requires that the request be due to a hardship related to the property itself. 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.

The separation requirement affects other properties within 1,320 feet of the other supportive housing facilities in question. The plight is not unique to this property, rather, it is general to the surrounding area. **This finding is not met.**

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

This finding is regarding neighborhood character.

Granting the 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 not consistent with the surrounding area. **This finding is not met.**

Next Steps

The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.

Request to vary Section 65.162 to allow a supportive housing facility within 1,320 feet from two other supportive housing facilities, the closest of which is 513' away, for a variance request request of 807'.

- Grant the appeal: Property owner can establish 24-resident supportive housing facility.
- Deny the appeal: Property owner cannot establish 24-resident supportive housing facility.

Minnesota Statutes § 15.99 120-day deadline: August 18, 2025