519 Farrington Street

ABZA 25-5

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.

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.

Property is currently approved as an 11-resident sober house.

Supportive housing is considered to be a higher intensity use than the existing 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.

Proposed to convert to 11-resident supportive housing facility.

Zoning Variance Request

Existing 11-resident sober house

Application received May 9, 2025

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 is within 1,320 feet from three supportive housing facilities with more than six (6) adult residents, the closest of which is 736 feet away, for a zoning variance of 584 feet.

H2 – Residential District

5

550 Galtier St.
24 residents – supportive housing (873 feet)

470 Western Ave. N.
7 residents – supportive housing (736 feet)

342 Fuller Ave.
8 residents – supportive housing (1,161 feet)

BZA Outcome

- Public hearing held on June 9, 2025
- Staff recommended denial of requested variances based on findings 1 (intent of code), 3 (practical difficulties), 4 (plight of the landowner) , and 6 (essential character)
  - **No recommendation from District 7 – Frogtown Neighborhood Association**
  - **Support: 0 people spoke, 1 letters received, 1 letter supporting was withdrawn**
  - **Opposition: 1 people spoke, 1 transcribed voicemail**
- Board denied based on findings 1, 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 July 23, 2025
  - Minnesota Statutes § 15.99 120-day deadline: September 5, 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 1: *The variance is in harmony with the general purposes and intent of the zoning code.*

Contrary to the intent of the code, as this would create a cluster, which could create an institutional environment for the residents within.

Contrary to section 60.103 to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community, to prevent the overcrowding of land and undue congestion of population, and to fix reasonable standards to which buildings, structures and uses shall conform.

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. The property is zoned H2, which permits multiple units. **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 establish a 11-resident supportive housing facility 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 (736 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 an 11 resident supportive housing facility within 1,320 feet from three other supportive housing facilities, the closest of which is 736' away, for a variance request request of 584'.

- Grant the appeal: Property owner can establish 11-resident supportive housing facility.
- Deny the appeal: Property owner cannot establish 11-resident supportive housing facility. Sober house use may continue.

Minnesota Statutes § 15.99 120-day deadline: September 5, 2025