

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 13-182715
DATE: June 10, 2013

WHEREAS, Soua Xiong has applied for a variance from the strict application of the provisions of Section 63.501(b)(2) of the Saint Paul Legislative Code pertaining to the parking regulations stating that off-street parking spaces shall not be located within the front yard in order to legalize an existing paved parking space constructed in the front yard in the R4 zoning district at 1108 Wilson Avenue. PIN: 332922420109; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on June 10, 2013 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 variance is in harmony with the general purposes and intent of the zoning code.

This variance request is keeping with the Guidelines for Variance Requests to Allow Parking Within a Required Yard adopted on February 6, 2012 by the Board of Zoning Appeals as follows:

- a. *If the parking space is already there, the parking space has been in existence and used continuously for the past ten (10) years.*

The parking area in the front yard was recently paved and has not been in existence for 10 years, therefore, this condition is not met.

- b. *The applicant can demonstrate hardship in that there is no feasible alternative location for the parking space. For the purpose of this condition hardship shall include: a disability by a resident of the property that qualifies for a State Handicap Parking Permit, topography that makes rear yard parking impossible, the lack of alley access to the property, or insufficient lot size to provide off-street parking in a non-required yard.*

The surface of the alley is at a higher elevation than the grade of the property making access to the rear yard impractical for parking in addition to that in the garage and driveway. This topography of the lot meets the hardship condition even though additional parking is not required.

- c. *The applicant submits a petition signed by 2/3 of the property owners within 100 feet of the property along either side of the subject property and from property across the street*

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stating that they have no objection to the parking.

Although the applicant has submitted a petition signed by a number of property owners in the immediate area stating their support for the variance, the petition contains only 1/3 of the property owners within 100 feet along each side of his property. This condition is not met.

- d. *The parking space is paved or the applicant agrees to pave the space within 120 days.*

The parking space is paved.

Because this request does not meet conditions (a) and (c) of the guidelines for parking within a required yard, this finding is not met.

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

The applicant's request would allow occupants of the house to park on the property and free up street parking. This is consistent with a goal of the Comprehensive Plan to provide off-street parking in order to lessen congestion in the public streets, therefore, 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.*

According to the applicant, his request is due to the following reasons: he has 5 family members who have vehicles and the existing single-car garage and driveway do not meet their parking needs, the narrow space between the garage and the house prevents the extension of the existing driveway to the rear yard in order to provide additional parking to the back of the house, the lack of alley access further makes it impossible to provide parking in the rear yard and finally, the presence of a fire hydrant at the end of the street which requires cars to be parked 10 feet away further reduces the option for on-street parking. The requested variance is reasonable and the above described difficulties are sufficient to meet this finding.

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

The circumstances related to the lack of alley access, the location of the property at the end of a dead-end street and the lack of sufficient space between the existing garage and the house

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for a driveway access to the rear yard are circumstances unique to the property. These circumstances were not created by the applicant, therefore, this finding is met.

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

The requested variance if granted would not change the zoning classification of the property, therefore, this finding is met.

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

This would be the only property on the block with front yard parking. This request would change the character of the area, therefore, 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 63.501(b)(2) to allow an existing paved parking space constructed in the front yard to remain on property located at 1108 Wilson Avenue; and legally described as H F Schwabes Addition Lots 3 And Lot 4 Blk 3; in accordance with the application for variance and the site plan on file with the Zoning Administrator.
IS HEREBY DENIED.

MOVED BY: Bogen

SECONDED BY: Morton

IN FAVOR: 4

AGAINST: 3

MAILED: June 12, 2013

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,

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

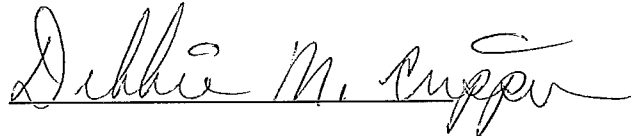
APPEAL:

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 June 10, 2013 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Debbie M. Crippen
Secretary to the Board