

FILE
12-201598

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
330 CITY HALL, 15 WEST KELLOGG BOULEVARD
ST PAUL, MINNESOTA, JUNE 10, 2013

PRESENT: Mmes. Maddox, Bogen and Morton; Messrs. Courtney, Ward, Saylor and Wilson of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Diatta, and Ms. Sheffer of the Department of Safety and Inspections.

ABSENT: None

The meeting was chaired by Joyce Maddox, Chair.

Soua Xiong (#13-182715) 1108 Wilson Avenue: The applicant is requesting a variance from 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.

Mr. Diatta reviewed the staff report with a recommendation for denial.

A petition was submitted by the applicant signed by seven neighbors supporting the variance request; it was noted that one neighbor who signed the petition was not a property owner. A letter was also received from Starr Olson, 1109 Wilson Avenue, supporting the variance request.

A letter was received from District 4 supporting the variance request.

Mr. Ward asked whether the area in the front yard which now had asphalt had ever previously been used as a parking area. Mr. Diatta responded that it had not; the area previously had been sodded. Mr. Wilson asked whether there was enough room to extend parking near the rear of the house by the garage. Mr. Diatta responded that there was a driveway that leads to a single-car garage; however, the area between the house and the garage was too narrow to allow for any additional parking at the rear of the property.

The applicant **SOUA XIONG**, 1108 Wilson Avenue, was present. Long Xiong, the applicant's brother, spoke on behalf of the applicant. Mr. Xiong stated that his brother had moved to the US approximately four years ago and was not aware of any regulations preventing him from paving the area in his front yard to use for parking. When he hired the contractor to do this work, he believed the contractor knew about the city's regulations and would have obtained whatever necessary permits. He explained that the driveway to the garage, between the house and garage, was very narrow which prevented him from using the backyard area for parking. His house is the last house on a dead-end street; there is a fire hydrant at the end of the street which also limited parking on the street. A majority of the neighbors supported the request to keep the asphalted area for parking; District Council 4 also supported his request. He asked that the variance request be granted to keep the asphalted area in the front yard to use for parking.

Mr. Ward stated that as part of the variance guidelines, Mr. Xiong was required to obtain 2/3 of the surrounding property owners' signatures in support that lived within 100 feet of his property. He asked why he had not obtained all of the neighbors' signatures in support of his request. Mr. Xiong responded that he believed only two of the property owners did not sign the petition. One person refused to sign it; the grandson of one property owner signed the petition. He believed one house was vacant as there was no response after several attempts to make contact.

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There was no one in opposition present at the hearing. Hearing no further testimony, Ms. Maddox closed the public hearing portion of the meeting.

Mr. Saylor moved to approve the variance request contingent upon the property owner obtaining 7 of the 10 property owners' signatures and provided the property owner remove the asphalt and re-sod the area once the property is sold. Mr. Wilson seconded the motion.

Mr. Courtney stated that although he was sympathetic to the plight of the property owner, he could not support the grant of the variance. Mr. Ward concurred.

Motion failed on a roll call vote of 3-4.

Ms. Bogen moved to deny the variance and resolution based on findings 1 through 6.

Ms. Morton seconded the motion, which passed on a roll call vote of 4-3.

Submitted by:

Approved by:

YaYa Diatta

Gladys Morton, Secretary

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