



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Phone: 651-266-8989
Facsimile: 651-266-9009
Web: www.stpaul.gov/dsi

August 18, 2014

Oreilly Automotive Stores Inc
233 S Patterson Ave
Springfield MO 65802-2210

PUBLIC HEARING NOTICE – BOARD OF ZONING APPEALS

File #: 14 - 319380

Purpose: The property currently has an unpaved parking lot accessed from both the street and the alley. The applicant is proposing to pave the lot and is requesting two variances. 1) The zoning code does not allow alley access to a parking lot located in a commercial zoning district when there is residentially zoned land across an alley; the applicant is requesting a variance to allow access to the parking lot from the street and the alley. 2) The zoning code requires 15 square feet of interior landscaping area for every 100 hundred square feet of paving. The paved parking area requires 1,292 square feet of interior landscaping; the applicant is proposing 351 square feet of landscaping for a variance of 941 square feet of interior landscaping.

Property Address: 1209 7th Street West

Applicant: BRIAN J. NIEHAUS
800 WASHINGTON AVENUE NORTH SUITE 208
MINNEAPOLIS MN 5 5401

Date: Wednesday, September 3, 2014

Time: 3:00 p.m.

Location: 15 Kellogg Boulevard West (Room 330 – Courthouse)

You may attend the hearing to express your opinion regarding this matter. You may send written comments to the Department of Safety and Inspections' staff person handling the case, Yaya Diatta, at the address listed in the letterhead above or E-mail him at yaya.diatta@ci.stpaul.mn.us. If you have questions about this application, please call Yaya at 651-266-9080.

This property is located in the area represented by the Fort Road Federation, an independent organization that provides advisory recommendations to the City about a variety of issues. They may choose to discuss this item at a neighborhood meeting and provide a recommendation to the Board of Zoning Appeals. Please contact the Fort Road Federation at 651-298-5671 or E-mail at fortroadfed@fortroadfederation.org if you are interested in participating in the neighborhood review process.

- **Sidewalk permit** Work on curbs, driveways and sidewalks in the public right-of-way must be done by a licensed contractor under a permit from Public Works Sidewalk Section (651-266-6120)
- **Sign permit** Business signs require a sign permit from the Department of Safety and Inspections. Contact Yaya Diatta at 651-266-9080.
- **Obstruction permit** An Obstruction Permit must be obtained from Public Works (651-266-6151) if trucks/equipment will be driving over curbs or if construction will block City streets, sidewalks or alleys.
- **Parkland Dedication Fee** A parkland dedication fee of \$1474 is required for this project. The fee is payable at the time the building permit from this department is paid.

6. **Time limit** Work covered by this site plan must be completed no later than 9/1/15.

If you have questions, you can contact me at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

Sincerely,



Tom Beach
Zoning Specialist

cc: Sewer Division, Planning Division, Traffic Division

AGENDA
BOARD OF ZONING APPEALS PUBLIC HEARING
WEDNESDAY, SEPTEMBER 3, 2014 3:00 P.M.
ROOM 330 - CITY HALL
ST. PAUL, MINNESOTA

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Board of Zoning Appeals will determine the order of the agenda at the beginning of its meeting.

I. APPROVAL OF MINUTES OF AUGUST 18, 2014

II. NEW BUSINESS

A. Applicant - Richard A. Robinson (#14-311019)

Location - 1320 Payne Avenue

Zoning - RM2

Purpose: MAJOR VARIANCE- This property is listed as 1320 Payne Avenue and 648 Ivy Avenue and consists of two physically connected single family dwellings with two detached garages individually owned. The house at 1320 Payne has the garage immediately to the south and the house at 648 Ivy has the garage immediately to the east. The applicant is proposing to split the lot north-south in order to create two separate parcels that would reflect the existing ownership configuration. This request requires the following variances:

1320 Payne: 1) A lot size of 5,000 square feet is required, a lot of 2,420 square feet is proposed for a variance of 2,580 square feet. 2) A side yard setback of 4 feet is required, a zero foot setback would be available from the proposed interior lot line on the east side of the house for a variance of 4 feet.

648 Ivy: 1) A lot size of 5,000 square feet is required, a lot of 4,359 square feet is proposed for a variance of 641 square feet. 2) A side yard setback of 4 feet is required, a zero foot setback would be available from the proposed interior lot line on the west side of the house for a variance of 4 feet. 3) The combined footprint of the house and garage (because it is closer than 6 feet to the house) cannot occupy more than 35% of the lot or 1,526 square feet. The existing footprint is 43% of the lot or 1,898 square feet, for variance of 8% lot coverage or 372 square feet.

- B. Applicant - **Steven L. Virkus** (#14-315255)
Location - 814 Grand Avenue
Zoning - T2; Sign-Grand
Purpose: MAJOR VARIANCE - Two variances of the parking and setback requirements in order to legalize the use of the garage as a dwelling unit. 1) The applicants removed one required off-street parking space by converting a portion of the existing detached garage into a dwelling unit without prior approval and are requesting a variance because a replacement parking space cannot be provided. 2) In the T2 zoning district in which this property is located, a side yard setback of 6 feet is required for structures with windows facing a side yard, 3 feet is existing from the east property line and 4 feet is existing from the west property line for variances of 3 feet and 2 feet respectively.
- C. Applicant - **Adam Schouten** (#14-315202)
Location - 539 Michigan Street
Zoning - RT1
Purpose: MINOR VARIANCE - Two variances of the setback requirements in order to construct a new open covered porch in front of the house that would replace a front porch recently removed. 1) A side yard setback of 4 feet is required, 3 feet is existing from the west property line, the porch would be in line with the house, for a side setback variance of one foot. 2) A front yard setback of 14 feet is required, 8 feet is proposed for a front setback variance of 6 feet.
- D. Applicant - **Dave Torgerson** (#14-317635)
Location - 1673 York Avenue
Zoning - R4
Purpose: MINOR VARIANCE - A variance in order to construct a new, two-car detached garage in the front yard accessed from the existing driveway off of York Avenue. The zoning code requires garages to be set back from the front lot line at least as far as the principal structure; the applicant is requesting a variance from this requirement in order to construct the proposed garage in the front yard.

- E. Applicant - **John R. Wade** (#14-317807)
Location - 1540 Iowa Avenue East
Zoning - R3
Purpose: MINOR VARIANCE - The applicant is requesting two variances in order to construct an addition along the east side of the garage and the covered patio. The existing wall along the property line would be attached to the existing accessory structure by adding a roof. 1) Accessory structures cannot exceed a total of 1,000 square feet in size. The existing garage and covered patio are 1,296 square feet in size; the proposed addition would be 180 square feet for a variance of 180 square feet. 2) A side yard setback of 3 feet from the property line is required; the existing wall has a one foot setback from the east property line for a variance of 2 feet.
- F. Applicant - **Kent Tsui** (#14-319313)
Location - 2008 St. Clair Avenue
Zoning - RM2
Purpose: MAJOR VARIANCE - A variance of the side yard setback requirement in order to construct an addition to the back of this duplex. A side yard setback of 9 feet from property lines is required for a duplex; the existing setback from the west property line is 5.5 feet; the addition would be in line with the existing house on the west side for a variance of 3.5 feet.
- G. Applicant - **Brian J. Niehaus for O'Reilly Automotive** (#14-319380)
Location - 1209 7th Street West
Zoning - B2/VP
Purpose: MAJOR VARIANCE - The property currently has an unpaved parking lot accessed from both the street and the alley. The applicant is proposing to pave the lot and is requesting two variances. 1) The zoning code does not allow alley access to a parking lot located in a commercial zoning district when there is residentially zoned land across an alley; the applicant is requesting a variance to allow access to the parking lot from the street and the alley. 2) The zoning code requires 15 square feet of interior landscaping area for every 100 hundred square feet

AGENDA
WEDNESDAY, SEPTEMBER 3, 2014
PAGE 4

of paving. The paved parking area requires 1,292 square feet of interior landscaping; the applicant is proposing 351 square feet of landscaping for a variance of 941 square feet of interior landscaping.

III. ADJOURNMENT

Board of Zoning Appeal Members: Please call Yaya Diatta (266-9080) or Debbie Crippen (266-9144) if you are unable to attend the meeting.

APPLICANT: You or your representative should attend this meeting to answer any questions the Board may have.

BOARD OF ZONING APPEALS STAFF REPORT

TYPE OF APPLICATION: Major Variance **FILE #14-319380**
APPLICANT: BRIAN J. NIEHAUS
HEARING DATE: September 3, 2014
LOCATION: 1209 7TH STREET WEST
LEGAL DESCRIPTION: Clarkes Addition Lots 36 Thru Lot 39 And Ex Widened 7th St Lot 40 Blk 7
PLANNING DISTRICT: 9
PRESENT ZONING: B2/VP
ZONING CODE REFERENCE: 63.314(c), 66.114, 66.313 & 63.310
REPORT DATE: August 15, 2014 **BY: Yaya Diatta**
DEADLINE FOR ACTION: October 10, 2014
DATE RECEIVED: August 12, 2014

A. PURPOSE: The property currently has an unpaved parking lot accessed from both the street and the alley. The applicant is proposing to pave the lot and is requesting two variances. 1) The zoning code does not allow alley access to a parking lot located in a commercial zoning district when there is residentially zoned land across an alley; the applicant is requesting a variance to allow access to the parking lot from the street and the alley. 2) The zoning code requires 15 square feet of interior landscaping area for every 100 hundred square feet of paving. The paved parking area requires 1,292 square feet of interior landscaping; the applicant is proposing 351 square feet of landscaping for a variance of 941 square feet of interior landscaping.

B. SITE AND AREA CONDITIONS: This is a 22,775 square foot commercial parcel for O'Reilly Auto Parts. It is bounded by View Street, Tuscarora Avenue and West 7th Street. The paved parking area is about 9,000 square feet. The lot slopes down to the south from the alley toward Tuscarora Avenue.

Surrounding Land Use: Residential uses across the alley to the north and to the west and a mix of residential and commercial uses on the remaining sides.

C. PROJECT OVERVIEW: This is a commercial property for O'Reilly Auto Parts

117

located in a B3 business zoning district. The owner is proposing to pave the existing gravel parking lot, zoned VP, vehicle parking, located to the back of the building in order to provide 21 parking spaces for the business. The parking lot faces residential properties to the west and to the north across the alley. An existing chain link fence on the residential property to the west that protrudes into this commercial lot would remain.

This property improvement project includes the following: a wooden privacy fence at the western edge of the parking lot, a chain link fence with a double slide gate along the alley, a wrought iron fence on the south side of the parking lot, perimeter landscaping on all corners of the parking lot and interior landscaping next to the building. The project also includes the installation of light poles at the northwest and southwest corners of the parking lot. The paving project requires that the lot be brought up to current City code standards which include landscaping and the removal of the existing alley access.

D. CODE CITATIONS:

Sec. 63.314. Landscaping.

All parking and loading areas (including drive-through facilities, outdoor auto sales and rental, pump island service areas and stacking spaces) adjoining public streets or sidewalks shall provide:

(c) *Interior landscape.* Parking facilities with more than twenty (20) parking spaces or six thousand (6,000) square feet of paving, whichever is less, shall provide fifteen (15) square feet of interior landscaped area for every one hundred (100) square feet of paving. Interior landscaping may not substitute for perimeter landscaping, but may join perimeter landscaping as long as it extends at least four (4) feet into the parking area from the perimeter landscape line.

Sec. 63.310. Entrances and exits.

(f) *Alley access from nonresidential property.* Off-street parking facilities in nonresidential zoning districts abutting residentially zoned land across an alley shall be denied alley access except where the applicant can establish, in the review of a site plan application, that allowance of alley access would not create or aggravate an unsafe condition and one (1) or more of the following conditions exist:

(1) Alternatives to alley access are unsafe due to traffic volumes, traffic speeds, proximity to an intersection, steep slopes, a blind pedestrian crossing, or some other unsafe condition;

(2) The location of existing structures on the property prohibits access to the street;

(3) A comprehensive plan or a neighborhood plan approved by the city council recommends that new off-street parking facilities be located in the rear of development sites or discourage additional curb cuts or driveways across sidewalks.

D. FINDINGS:

1. The variance is in harmony with the general purposes and intent of the zoning code.

In March of this year, the applicant applied for a number of variances (File # 14-096208) in order to pave the parking lot. His plans did not include any visual screening, fencing or interior landscaping and the variance was subsequently denied. The applicant has since amended his plans to include a wooden privacy fence along the western edge of the parking lot, a chain link fence with a double slide gate along the alley and a wrought iron fence on the south side of the parking lot. Additionally, he is providing both perimeter and interior landscaping. This would be an improvement over both the current condition of the lot and the previous plans submitted with the initial variance application.

The intent of restricting alley access when street access is available is to shield commercial activity from residential uses. Provided the proposed gate along the alley is only open during business hours, this request would meet the intent of the zoning code for shielding purposes.

Providing as much interior landscaping as required under the current design standards would take away much needed parking from his business. If interior landscaping is provided as required under the current design guidelines, parking would be reduced from the proposed 21 parking spaces to 14 spaces for a loss of 7 parking spaces. This is a significant loss of parking compared to the parking capacity currently available. If the building were newly constructed, 29 off-street parking spaces would be required for a building of this size. Allowing the applicant to maximize the amount of parking for his customers is consistent with the intent of the zoning code to support local businesses. This finding is met for both variance requests.

2. The variance is consistent with the comprehensive plan.

The proposed development includes 351 square feet of interior landscaping; however, the applicant would be providing 707 square feet of perimeter landscaping which would help mitigate the impact of water runoff into the city sewer. This request is in keeping with Strategy 2.13 of the Comprehensive Plan to "Continue to use site plan review as an opportunity to improve surface water management on proposed developments". This strategy states that "While maintaining the density and economic feasibility of projects undergoing site plan review, the City should encourage designs and landscaping that clean and minimize runoff and encourage maximization of pervious areas."

The proposed gate along the alley and the proposed light poles would be an added safety feature on this site; this request is consistent with the Comprehensive Plan to promote and protect the public health and safety. This finding is met for both variance requests.

- 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, alley access to the site is an important part of the business operations. Because the site fronts three streets, truck access to the site is difficult and if alley access were to be removed, the applicant is concerned that it could also create a traffic hazard. Alley access has been assessed and approved by the city Traffic Engineer as a safer and better alternative than having trucks backing out to the streets.

The property is located in the B3 zoning district where off-street parking is required. Providing 15% of interior landscaping (1,350 square feet of lot area) would result in a loss of a number of parking spaces. The requested variances were triggered by the applicant's desire to improve the parcel. It is a practical difficulty to lose additional parking as a result of improving one's property. This finding is met for both variance requests.

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

The unpaved parking lot with alley access has been in existence for many years, a circumstance not created by the property owner. This finding is met for both variance requests.

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

The requested variances if granted will not change the zoning classification of the property. This finding is met for both variance requests.

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

Other than a change from an unpaved lot to a paved lot, the character of the area will remain unchanged. This finding is met for both variance requests.

File #14-319380
Staff Report

- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff has not received a recommendation from District 9.
- F. **CORRESPONDENCE:** Staff has not received additional correspondence.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 6, staff recommends approval of the requested variances subject to the condition that the gate along the alley is open only during business hours.



APPLICATION FOR ZONING VARIANCE
 Department of Safety and Inspections
 375 Jackson Street
 Suite 220
 Saint Paul, MN 55101-1806
 General: 651-266-9008
 Fax: (651) 266-9099

RECEIVED IN D.S.I.

AUG 12 2014

Zoning office use only
 File Number: 14-319380
 Fee: \$ 815.50
 Tentative Hearing Date: 09/03/14
 Section(s) 63-31468 63-310
 City agent J. Y. NIATTA

APPLICANT

Name BRIAN J NIEHAUS Company C.M.A
 Address 800 WASHINGTON AVE N. SUITE 208
 City MINNEAPOLIS St. MN Zip 55401 Daytime Phone 612-547-1370
 Property Interest of Applicant (owner, contract purchaser, etc) OWNER / AGENT / ARCHITECT
 Name of Owner (if different) O'REILLY AUTO Phone 417-862-2674

PROPERTY INFORMATION

Address / Location 1209 WEST SEVENTH STREET, ST. PAUL
 Legal Description SEE ATTACHED
 (attach additional sheet if necessary)
 Lot Size 0.523 ACRES Present Zoning B2 + VP Present Use O'REILLY AUTO PARTS STORE + PARKING
 Proposed Use B2 + VP TO REMAIN. EKG PARKING LOT TO BE PAVED, ETC..

Variance(s) requested: ALLEY ACCESS MAINTAINED & LANDSCAPE TOTAL AREA A LITTLE LESS THAN CODE REQUIRES.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

SEE ATTACHED SHEET FOR EXPLANATION.

Attachments as required:

Site Plan

Attachments

Pro Forma

Applicant's Signature

Brian Niehaus

Date

8/11/14

122

CMA

architecture · planning · interior design

FILE
14-31930

600 Washington Ave. N.
Suite 208
Minneapolis, MN
55401-1148
p 612.547.1300
f 612.547.1301
www.cmarch.com

Bruce M. Carlson, AIA
Patrick G. Brees, AIA

August 11, 2014

Mr. Diatta
Dept of Safety & Inspections
375 Jackson Street
St. Paul, MN 55101

RE: O'Reilly Auto Variance

Project #: 13115.016

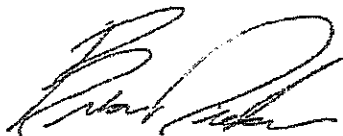
Dear Mr. Diatta:

This letter is to help explain the need for the O'Reilly Auto variance request. We are proposing two variance requests. The first being we would like to maintain alley access to the O'Reilly parking lot. The second being a request to provide a little less interior landscaping than required by current code.

Maintaining the alley access is critical to allow truck deliveries to this store. As shown on our site plan, the delivery trucks need to be able to drive thru the alley in order to make deliveries. The proposed gate will be closed and locked during most hours, and will only be opened to allow truck access in and out of the parking lot. If the alley access is cut off, the delivery trucks will have to back out onto Tuscarora after making deliveries, potentially creating a dangerous situation. The alley route is a much safer option and endorsed by the traffic engineering department.

The second portion of this request is in reference to the interior landscaping. We have added a significant amount of landscaping to the interior of the parking lot and have come very close to the required amount. This plan provides a mixture of lower plants, taller shrubs, and trees. The only way to add more landscaping would be to eliminate parking spaces. Also, if more landscaping is added it will limit the ability of the delivery truck to enter and leave the property.

In closing we have adjusted and improved our site plan to now be very close to complying with all ordinances. The existing parking lot is just a dirt lot which produces a significant amount of dirt runoff into the storm drain system. This new plan will be functional, improve the visual appeal of the area, and eliminate the soil erosion issues.



Sincerely,

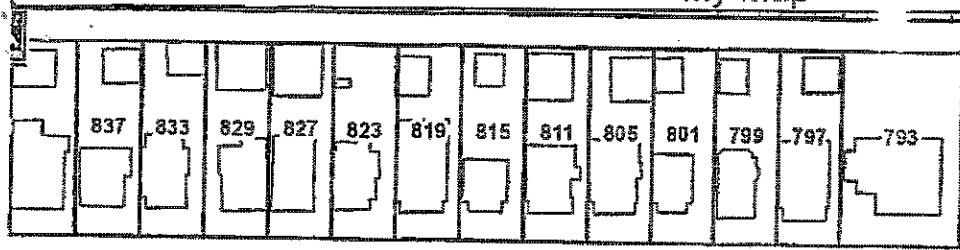
CMA – Brian J. Niehaus

Fort Worth, TX

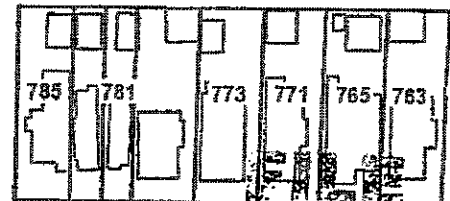
Minneapolis, MN

Dallas, TX

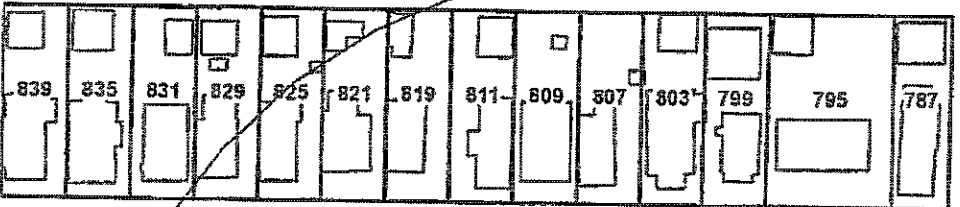
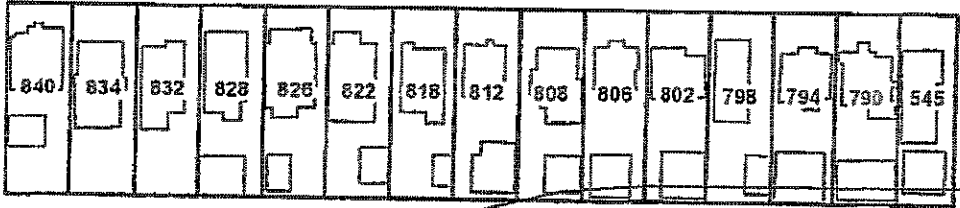
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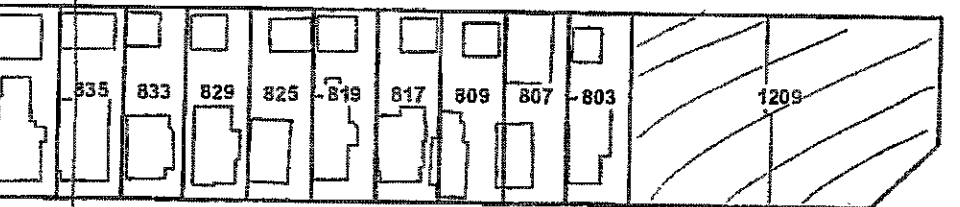
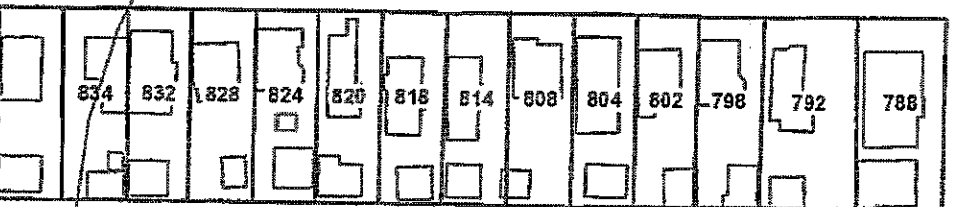
Armstrong Ave



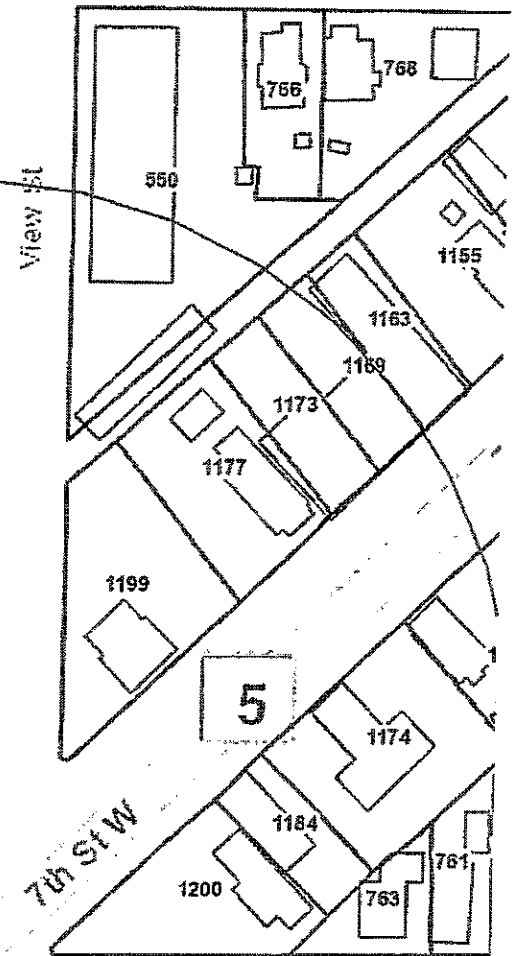
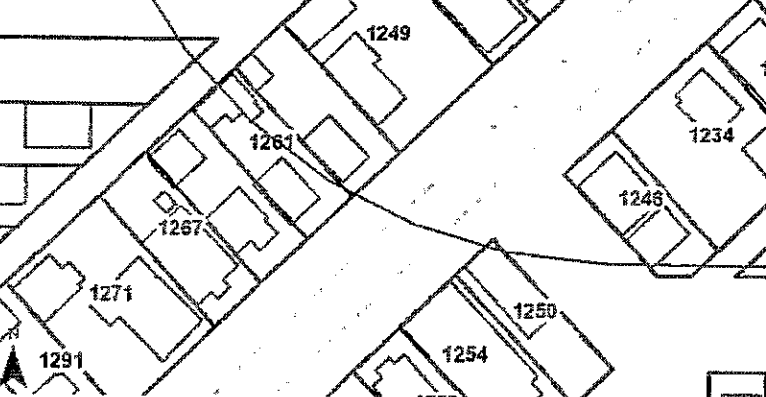
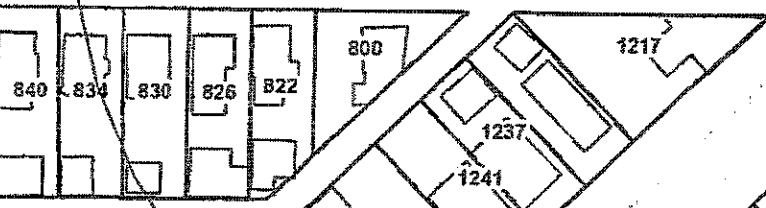
14-319-380



Walton Ave

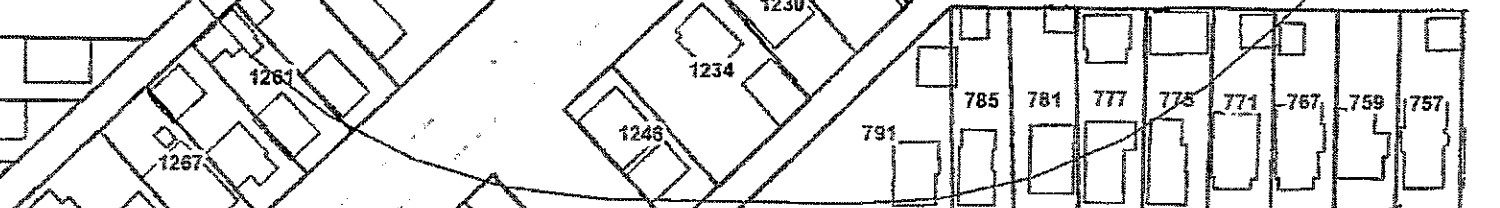
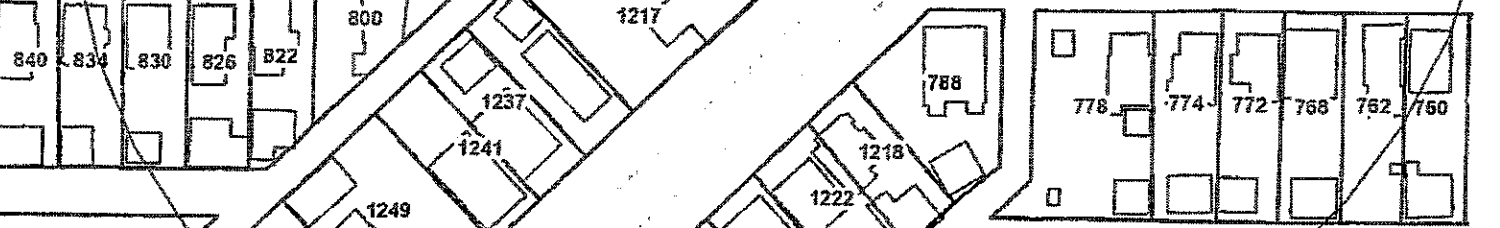


Tuscoloiga Ave



View St

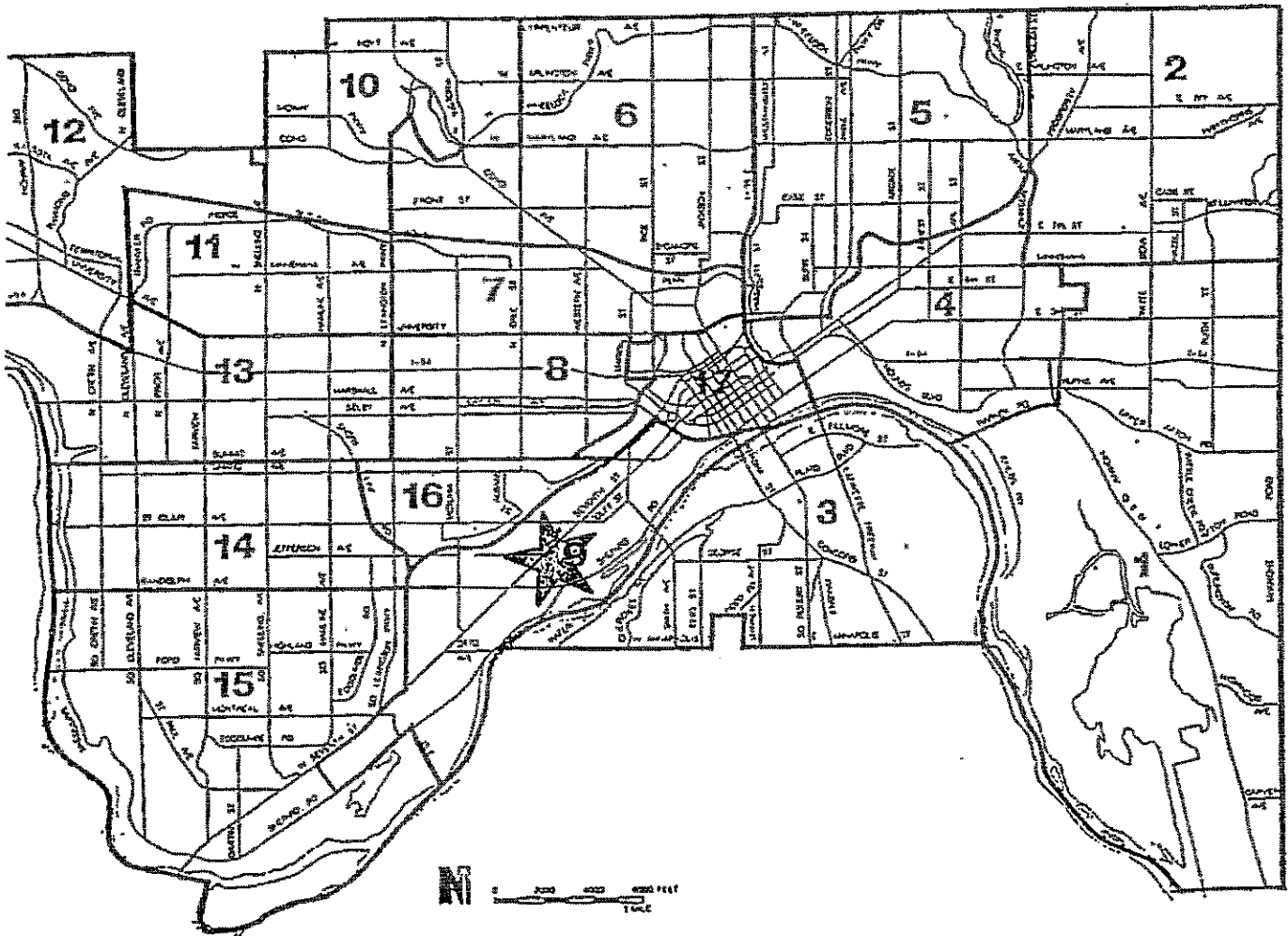
70th St W



Bayard Ave

125





CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. HAZEL PARK HADEN-PROSPERITY HILLCREST
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY PARK
13. MERRIAM PARK-LEXINGTON HAMLINE-SNELLING HAMLINE
14. MACALESTER GROVELAND
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

ZONING FILE 14-39380

126



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8889
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

September 15, 2014

Brian Niehaus
CMA Architects
800 Washington Ave. N Suite 208
Minneapolis MN 55401

RE: Approval of Site Plan 14-096506
O'Reilly Parking Lot West 7th at 1209 7th St W

Dear Mr. Niehaus:

The site plan referenced above is approved subject to the following conditions:

1. **Site improvements** The proposed parking lot and all other site improvements must be constructed as shown on the approved site plan. This includes all paving, grading, driveways, landscaping, lighting, and fences.
2. **Zoning variance** The Board of Zoning Appeals approved a zoning variance on 9/3/14 for alley access and landscaping.
3. **Delivery trucks**
 - The maneuvering shown on the plan is very tight. The City cannot guarantee a truck larger than a WB-40 will be able to access the parking lot.
 - The City may require O'Reilly to use a smaller truck in the future if a larger truck cannot make the maneuvers. If O'Reilly uses a truck larger than a WB-40 and O'Reilly will be responsible for any damage to the City sidewalk, adjacent property or the required landscaping/fences caused by the truck.
 - If O'Reilly uses a truck larger than a WB-40, deliveries must be made outside of rush hour (i.e. no deliveries from 7 AM to 9 AM and from 4 PM to 6 PM).
 - If O'Reilly wants to change the maneuvering from what is shown on the plan dated 7/22/14, they will need to submit a revised site plan and that plan will need to be approved in writing by City staff.
 - Delivery trucks cannot access the lot by backing from or into Tuscarora.
4. **Erosion and Sediment Control** All erosion and sediment control devices must be installed per the approved site plan. They shall be inspected by the building inspector prior to excavation. Control devices must be maintained until final approval of the project.
5. **Permits and Fees** The permits and fees listed below are required for the work shown on the approved site plan.
 - **Building permit** A Building Permit from the Department of Safety and Inspections (651-266-9007) is required.

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 14-319380
DATE: September 3, 2014
REVISED: 9/8/14

WHEREAS, Brian J. Niehaus has applied for variances from the strict application of the provisions of Sections 63.314(c), 66.114, 66.313 & 63.310 of the Saint Paul Legislative Code pertaining interior landscaping and alley access requirements in order to pave an unpaved commercial parking lot. The property currently has an unpaved parking lot accessed from both the street and the alley. The applicant is proposing to pave the lot and is requesting two variances. 1) The zoning code does not allow alley access to a parking lot located in a commercial zoning district when there is residentially zoned land across an alley; the applicant is requesting a variance to allow access to the parking lot from the street and the alley. 2) The zoning code requires 15 square feet of interior landscaping area for every 100 hundred square feet of paving. The paved parking area requires 1,292 square feet of interior landscaping; the applicant is proposing 351 square feet of landscaping for a variance of 941 square feet of interior landscaping in the B2/VP zoning district at 1209 7th Street West. PIN: 112823420210; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on September 3, 2014 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.*

In March of this year, the applicant applied for a number of variances (File # 14-096208) in order to pave the parking lot. His plans did not include any visual screening, fencing or interior landscaping and the variance was subsequently denied. The applicant has since amended his plans to include a wooden privacy fence along the western edge of the parking lot, a chain link fence with a double slide gate along the alley and a wrought iron fence on the south side of the parking lot. Additionally, he is providing both perimeter and interior landscaping. This would be an improvement over both the current condition of the lot and the previous plans submitted with the initial variance application.

The intent of restricting alley access when street access is available is to shield commercial activity from residential uses. Provided the proposed gate along the alley is only open during business hours, this request would meet the intent of the zoning code for shielding purposes.

Providing as much interior landscaping as required under the current design standards would take away much needed parking from his business. If interior landscaping is provided as required under the current design guidelines, parking would be reduced from the proposed 21 parking spaces to 14 spaces for a loss of 7 parking spaces. This is a significant loss of

parking compared to the parking capacity currently available. If the building were newly constructed, 29 off-street parking spaces would be required for a building of this size. Allowing the applicant to maximize the amount of parking for his customers is consistent with the intent of the zoning code to support local businesses. This finding is met for both variance requests.

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

The proposed development includes 351 square feet of interior landscaping; however, the applicant would be providing 707 square feet of perimeter landscaping which would help mitigate the impact of water runoff into the city sewer. This request is in keeping with Strategy 2.13 of the Comprehensive Plan to "Continue to use site plan review as an opportunity to improve surface water management on proposed developments". This strategy states that "While maintaining the density and economic feasibility of projects undergoing site plan review, the City should encourage designs and landscaping that clean and minimize runoff and encourage maximization of pervious areas."

The proposed gate along the alley and the proposed light poles would be an added safety feature on this site; this request is consistent with the Comprehensive Plan to promote and protect the public health and safety. This finding is met for both variance requests.

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, alley access to the site is an important part of the business operations. Because the site fronts three streets, truck access to the site is difficult and if alley access were to be removed, the applicant is concerned that it could also create a traffic hazard. Alley access has been assessed and approved by the city Traffic Engineer as a safer and better alternative than having trucks backing out to the streets.

The property is located in the B2 zoning district where off-street parking is required. Providing 15% of interior landscaping (1,350 square feet of lot area) would result in a loss of a number of parking spaces. The requested variances were triggered by the applicant's desire to improve the parcel. It is a practical difficulty to lose additional parking as a result of improving one's property. This finding is met for both variance requests.

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

The unpaved parking lot with alley access has been in existence for many years, a circumstance not created by the property owner. This finding is met for both variance requests.

File # : 14-319380
Resolution

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

The requested variances if granted will not change the zoning classification of the property. This finding is met for both variance requests.

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

Other than a change from an unpaved lot to a paved lot, the character of the area will remain unchanged. This finding is met for both variance requests.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Sections 63.314(c), 66.114, 66.313 & 63.310 are hereby waived to allow: 1) Access to the parking lot from both the street and the alley. 2) 351 square feet of interior landscaping, *subject to the condition that the gate along the alley is open only during business hours*, on property located at 1209 7th Street West and legally described as Clarkes Addition Lots 36 Thru Lot 39 And Ex Widened 7th St Lot 40 Blk 7; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

MOVED BY: Courtney
SECONDED BY: Wilson
IN FAVOR: 4
AGAINST: 0

MAILED: September 8, 2014

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.

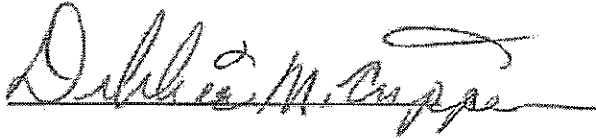
APPEAL: Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 10 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have

File # : 14-319380
Resolution

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 September 3, 2014 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

A handwritten signature in cursive script, appearing to read "Debbie M. Crippen", written over a horizontal line.

**Debbie M. Crippen
Secretary to the Board**