

**CITY OF SAINT PAUL  
BOARD OF ZONING APPEALS RESOLUTION  
ZONING FILE NUMBER: 18-073086  
DATE: July 16, 2018**

WHEREAS, Jean E. Schroepfer has applied for a variance from the strict application of the provisions of Section 66.231 of the Saint Paul Legislative Code pertaining to conversion of an existing single-family dwelling into a duplex. The following variances are being requested: 1) A minimum lot width of 50' is required for a duplex; the existing lot width is 39.6' for a variance request of 10.4' and 2) A side yard setback of 9' is required; the existing side setback is 3.8' on the west side for a variance request of 5.2' in the RT1 zoning district at 1185 Dayton Avenue. PIN: 032823110050; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on July 2, 2018 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.*

The applicant is proposing to convert an existing single-family dwelling into a duplex. The construction will take place solely on the interior of the structure and the footprint of the building will not be expanded. There is an existing detached, three-car garage located in the rear of the property that is accessed from the alley.

In 2009, the Board of Zoning Appeals denied a variance request of the minimum lot width requirement in order to allow the conversion of this structure into a duplex. The homeowner also obtained a building permit the same year to raise the roof of the structure and created a larger second floor for additional living space.

The proposed first floor would have two bedrooms, a den, kitchen, and an accessible bathroom. The second floor would consist of three bedrooms, bathroom, and a kitchen in a space that is currently being used as a laundry room.

The zoning code requires a minimum lot width of 50' and a side setback of 9' for a duplex. The existing lot width is 39.6' in the front and the west side of the structure is set back 3.8', resulting in the requested variances.

The RT1 two-family residential district provides for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district. The district recognizes the

existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

The proposal is in harmony with Sec. 60.103 of the zoning code which allows for the improvement of properties in order to conserve property values. This finding is met for all requested variances.

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

Strategy 2 found in the Housing Chapter of the Comprehensive Plan encourages established city neighborhoods that are supported through the effective provision of infrastructure and services, and that the older housing stock is reinvigorated so neighborhoods remain desirable places to live. This finding is met for all requested variances.

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.*

The purpose of requiring a larger lot width and greater side setbacks for a duplex is to allow for more greenspace and to provide adequate light and air access to property. However, under this application, the additional unit would be constructed within the house, maintaining the existing footprint of the building, and not encroaching further into the setback area.

Given that there is no additional land available, it is difficult to create new housing that is suitable for the zoning district. However, this building was constructed as a single-family dwelling and operated that way for many years. The applicant has not demonstrated how the use of the property as a single-family is unreasonable and impractical. This finding is not met.

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

This structure was built as a single-family dwelling and has operated as such for several years. The conversion of this structure into a duplex is a circumstance that is self-created. This finding is not met.

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

This property is zoned RT1, one- and two-family residential district. The use of the property as a duplex is allowed. This finding is met for all requested variances.

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

This neighborhood has several multi-family structures and the use of the property has a duplex will not alter the essential character of the neighborhood. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.231 to allow 1) A minimum lot width 39.6' for a variance request of 10.4' and 2) A side yard setback of 3.8' on the west side for a variance request of 5.2' on property located at 1185 Dayton Avenue; and legally described as Anna E Ramsey Add Lot 23 Blk 2; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

***IS HEREBY DENIED.***

**MOVED BY: Maddox**

**SECONDED BY: Miller**

**IN FAVOR: 5**

**AGAINST: 0**

**MAILED: July 31, 2018**

**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 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 July 2, 2018 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

**SAINT PAUL BOARD OF ZONING APPEALS**

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