

FILE
18-073086

**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 09-057267
DATE: May 4, 2009**

WHEREAS, Jean 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 a variance of the lot width requirements in order to construct a second story on top of the existing single-family home to convert it to a duplex 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 May 4, 2009 pursuant to said application in accordance with the requirements of Section 64.203 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 property in question can be put to a reasonable use under the strict provisions of the code.*

The applicant recently purchased this vacant building and is proposing to construct a second story addition to the home in order to convert it to a duplex. She states that the building requires extensive repairs and that it is not economically feasible to repair the house as a single-family home. This property is located in a zoning district that permits two-family dwellings but lacks sufficient lot width for a duplex. This house was built in 1911 and has been used as a single-family home since then. Given the size and historic use of the lot, a single-family home is a reasonable use of the property.

2. *The plight of the land owner is not due to circumstances unique to this property, and these circumstances were created by the land owner.*

This is a standard 40 by 150-foot lot. There is nothing unique about the property that would justify this variance. The property owner was or should have been aware of the condition of the house and the legal use for this property prior to purchasing it.

3. *The proposed variance is not in keeping with the spirit and intent of the code, and is not consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of St. Paul.*

There are 13 single-family homes along this block, 12 duplexes and one 4-unit apartment building. Converting this single-family home to a duplex would result in a preponderance of

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multi-unit buildings and generate additional traffic in the area. This is not in keeping with the spirit and intent of the code or consistent with the health and welfare of area residents.

4. *The proposed variance will not impair an adequate supply of light and air to adjacent property, but would alter the essential character of the surrounding area and may unreasonably diminish established property values within the surrounding area.*

The proposed lot width variance would not significantly affect the supply of light or air to adjacent properties.

Although there are other duplexes in the area on 40-foot wide lots, there is a delicate balance of single-family homes and duplexes on this block. Changing this single-family home into a duplex would tip the scales in favor of multi-unit buildings on the block which would alter the character of the area. It may also encourage other single-family properties to also convert their homes. This could have an adverse impact on the neighborhood.

5. *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.*

A duplex is a permitted use in this zoning district. The requested variance would not change or alter the zoning classification of the property.

6. *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.*

The applicant states that her primary desire is to rescue and rehab this distressed property and provide work for local construction contractors.

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 a minimum lot width of 40 feet, in order to construct a second story on top of the existing single family home, in order to convert it to a duplex on property located at 1185 Dayton Avenue; and legally described as Anna E. Ramsey's Addition To The City Of St. Paul Lot 23 Blk 2; in accordance with the application for variance and the site plan on file with the Zoning Administrator.
IS HEREBY DENIED.

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MOVED BY: Bogen
SECONDED BY: Linden
IN FAVOR: 7
AGAINST: 0

MAILED: May 5, 2009

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 May 4, 2009 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