CITY OF SAINT PAUL

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Board of Zoning Appeals
Staff Report

TYPE OF APPLICATION: Minor Variance **FILE #: 19-097169**

APPLICANT: Chue Vang

HEARING DATE: December 2, 2019

LOCATION: 35 Winthrop St. N.

LEGAL DESCRIPTION: SOUTH BATTLE CREEK HEIGHTS LOT 8 BLK 1

PLANNING DISTRICT: 1

PRESENT ZONING: R2

ZONING CODE REFERENCE: 63.501, 63.316

DATE RECEIVED: October 28, 2019

REPORT DATE: December 6, 2019

DEADLINE FOR ACTION: December 26, 2019 **BY: Matthew Graybar**

A. **PURPOSE:** The applicant is requesting variances in order to legalize a parking pad in the front yard created by expanding the existing driveway without prior city approval. 1) The zoning code states that off-street parking spaces shall not be located in a front yard; the applicant is requesting a variance from this requirement. 2) The zoning code states that driveways that access a public street in front yards may be up to four (4) feet wider than the garage door within 30 feet of the garage. The width of the garage door is 16', which allows a driveway width of 20'. However, this driveway is 30' wide, resulting in a variance request of 10'.

B. **SITE AND AREA CONDITIONS:**

Surrounding Land Use: This is a 65' x 130' lot with no alley access. This property is located in the R2, single-family zoning district, surrounded by predominantly single-family dwellings.

C. **BACKGROUND:**

This property was inspected by the Department of Safety and Inspections

(DSI) staff in response to a complaint on October 10, 2019 regarding the installation of a new parking pad in the front yard. The homeowner was issued a letter informing him that parking spaces are prohibited in the front yard and that the violation must be corrected by doing one of the following: 1) Remove the parking pad, 2) Appeal the order, or 3) Request a variance.

D. ZONING CODE CITATIONS:

Sec. 63.501 stipulates that off-street parking spaces shall not be located within the front yard.

Sec. 63.316 states that for one-family through four-family dwellings and townhouses, driveways that access a public street in front yards shall be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within 30 feet of the garage door.

E. FINDINGS:

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

   The applicant is requesting variances in order to legalize a parking pad in the front yard created by expanding the existing driveway without prior city approval. 1) The zoning code states that off-street parking spaces shall not be located in a front yard; the applicant is requesting a variance from this requirement. 2) The zoning code states that driveways that access a public street in front yards may be up to four (4) feet wider than the garage door within 30 feet of the garage. The width of the garage door is 16', which allows a driveway width of 20'. However, this driveway is 30' wide, resulting in a variance request of 10'.

   This property was inspected by the Department of Safety and Inspections (DSI) staff in response to a complaint on October 10, 2019 regarding the installation of a new parking pad in the front yard. Staff noticed that the existing driveway was widened to accommodate an additional parking space in front yard.

   The homeowner was issued a letter informing him that parking spaces are prohibited in the front yard and was provided options to comply with included: 1) Remove the parking pad, 2) Appeal the order, or 3) Request a variance.

   The zoning code also states that driveways that access a public street in front yards may be up to four (4) feet wider than the garage door within 30 feet of the garage. The width of the garage door is 16', which allows a

driveway width of 20'. However, this driveway is 30' wide. The applicant is requesting variances of the parking location and driveway width of 10'.

The applicant's proposal to legalize an existing parking pad in the front yard meets the intent of Sec. 60.103 of the zoning code to lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles. **This finding is met.**

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

Provided the expanded portion of the driveway is paved with an approved surface material according to Sec. 63.316 of the zoning code and a landscaping feature is provided between the sidewalk to the house and the new parking area, this request is consistent with the Comprehensive Plan to promote the aesthetics of the community. **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.*

The applicant states that his property is located in front of an uncontrolled intersection and that drivers tend to speed up during winter time to avoid getting stuck going up the sloping street. During my inspection, I noticed that other properties had cars parked on the street in front of their houses. While there is no yield or stop sign at the intersection in front of this property, the property is not located on an arterial street, so the applicant, like his neighbors, can use the street to park excess cars that cannot fit on their property.

Although the property has no alley access and the building spans almost the entire width of the parcel, thereby preventing access to the rear yard, on-street parking is available; there is no practical difficulty to justify paving almost half the front yard for parking. **This finding is not met.**

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

The lack of an alley and impracticality of accessing the rear yard are circumstances unique to the property not created by the landowner. **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.*

Parking is a permitted in all zoning districts. **This finding is met.**

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

No other properties in the surrounding area have parking in front yards. This will alter the essential character of the neighborhood. **This finding is not met.**

F. **DISTRICT COUNCIL RECOMMENDATION:** No correspondence was received.

G. **CORRESPONDENCE:** Staff received two anonymous letters of opposition and two letters of support from the resident at 21 Winthrop Street N and 27 Winthrop St. N.

H. **STAFF RECOMMENDATION:** Staff recommends denial of the variances based on findings 3 and 6.