CITY OF SAINT PAUL

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

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 10, 2019

CHUE VANG
35 WINTHROP ST N
SAINT PAUL MN 55119-4674

Re: 35 Winthrop Street North- Illegal Driveway Expansion

ENFORCEMENT NOTICE

Property Owner:

A complaint was received regarding a driveway expansion at the above referenced address. This property is located in a R2 zoning district. During an inspection of the property, the following was observed: **A new parking pad was installed in the required front yard that violates the following provisions:**

Sec. 63.312. - Setback.
Except as otherwise provided in section 66.442(a) or section 66.431(b) off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from any lot line.

Sec. 63.316. - Paving.
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.

§ 63.202 and 34.08 of the Saint Paul Legislative Code require that a site plan be submitted and approved before you may pave or create new off-street parking.

In order to bring this property into Zoning compliance you must:

- Apply for a zoning variance by October 28, 2019. Zoning variances are not guaranteed and a nonrefundable filing fee of $442.00 is required for a minor variance at a single-family property. If the zoning variance is approved by the Board of Zoning Appeals, the parking pad may remain.
  OR
- Remove the excess paving and submit a site plan for the revised driveway to my attention prior to October 28, 2019.

Failure to comply with this order or repeat violations will result in further legal action by this office, including criminal citations to all responsible parties and potential summary abatement proceedings.

I have enclosed a zoning variance application and information packet. You may appeal this order and obtain a hearing before the Board of Zoning Appeals. To appeal, an application for an appeal must be filed and the fee ($547) submitted to the Zoning Administrator within ten (10) days of the date this order was mailed. No appeal may be filed after that date. Applications are available at the Department of Safety & Inspections' main office or on the City of Saint Paul's website (http://www.stpaul.gov). If you have any questions or concerns regarding this matter, you may contact me at 651-266-9088 or david.eide@stpaul.gov.

Sincerely,

David Eide
Zoning Inspector

Enclosure

BOARD OF ZONING APPEALS INFORMATION

The Board of Zoning Appeals (BZA) is a forum for public discussion. The board members are appointed by the mayor with the consent of the City Council, is comprised of private citizens who live in the City. Any questions about the process can be directed to the zoning administration office at 651-266-9008.

The board meets on Mondays, every other week. All items to be placed on the agenda must be submitted at least three weeks prior to the hearing date. **The public hearing is held at 3:00 pm in Room 330 of the City Hall/Courthouse.** The applicant or their representative needs to attend the hearing.

The board hears two types of requests: *Variances and Appeals of Administrative Decisions.*

VARIANCE REQUESTS

The BZA and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code if they determine that all of the ***required findings*** listed below are met:

Required findings:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provision and 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.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The variance will not alter the essential character of the surrounding area.

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in finding three (3) above.

APPEALS OF ADMINISTRATIVE REVIEW

The BZA has the authority to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator in carrying out or enforcing any provision of the zoning code. Applications must be filed within 10 calendar days of the action being appealed.

FILING INFORMATION

The following must be submitted to the Zoning Administration, 375 Jackson Street, Suite 220, Saint Paul, MN 55101:

1. A filing fee.
2. An application form.
3. A site plan drawn to a legible and verifiable scale. Elevations and floor plans drawn to scale including the amount of glazing shown may be required, including for all new residential dwellings and additions.
4. For setback variances, the property lines must be verified by a survey or stake.
5. A letter stating why the applicant believes an error has been made (for an Administrative Review only).

When a zoning application is submitted for a development that has been built or started without required city permits, a penalty will be assessed. The penalty is double the filing fee, up to $1,050.

Fee Schedule for Variances and Appeals:

Minor variance: $442.
*A modification of a provision regulating a **one-family detached** dwelling and pertaining specifically to construction of a fence, a deck, a swimming pool, an accessory building, or an addition to the main building when the addition is not to convert the building for use by more than one (1) family.*

Major variance
New Single Family Dwelling: $547
Duplex: $547
Multi-family Residential: $589
Commercial, Industrial, Institutional: $856

Appeals
An appeal of decision made by the Zoning Administrator (Administrative): $547
An appeal of a decision made by the Board of Zoning Appeals: $462

PUBLIC HEARING NOTIFICATION

All property owners within 350 feet (100 feet for minor variances) of the subject site as well as the Citizen Participation District Council are notified by mail at least 10 days prior to the public hearing. It is suggested that the applicant contact the community organizer for the Citizen Participation District Council prior to the variance hearing to see if they want to discuss the matter at one of their meetings. Anyone may submit a letter, petition, etc., or appear at the hearing to give verbal testimony about the case, either in support or in opposition. The zoning administration staff prepares a staff report for each case and makes a recommendation to the BZA for approval or denial of the requested variance, a copy of which is sent to the applicant before the hearing.

TIME LIMIT

Once a variance is granted by the BZA, an applicant has two (2) years to establish the use. The Zoning Administrator or Planning Administrator may grant an extension not to exceed one (1) additional year.

APPEALING A DECISION MADE BY THE BOARD OF ZONING APPEALS

A decision made by the BZA may be appealed by anyone affected by such decision to the City Council within 10 calendar days following the serving of the resolution to the applicant. The reason for the appeal must be submitted in writing to: Zoning Administration, Department of Safety and Inspections, 375 Jackson Street, Suite 220, St. Paul, MN 55101. The required filing fee is $462.

CITY OF SAINT PAUL
ZONING VARIANCE PROCESS

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

~~Jerome Benner II~~ Matthew Graybar
Telephone: ~~651-266-9080~~ 651-266-9089
Email: ~~jerome.benner.ii@ci.stpaul.mn.us~~ matthew.graybar@stpaul.gov

Zoning line: 651-266-9008

Applicant consults with zoning staff, determines variance is needed

Consults with neighbors and District Council

Submit Application

- By deadline
- 1-6 findings
- Required scale drawings
- Required fee

Incomplete application notified within 15 days

Staff reviews application

Early Notification System (ENS) notifies neighbors 2 days after application has been submitted

Neighbors notified 10 days before hearing
minor variance: 100' radius
major variance: 350' radius

Neighbors are able to mail in comments

Staff report sent to the applicant and members of the BZA 5 days before hearing

BZA Hearing — public hearing and board discussion

Mondays at 3:00 pm
Saint Paul City Hall, room 330
15 W Kellogg Blvd, St. Paul, MN 55102

Lay over decision

Reject variance

Approve variance

10 day appeal period

Appeal made

City Council hearing

No appeal made

Overturn BZA ruling

Uphold BZA ruling

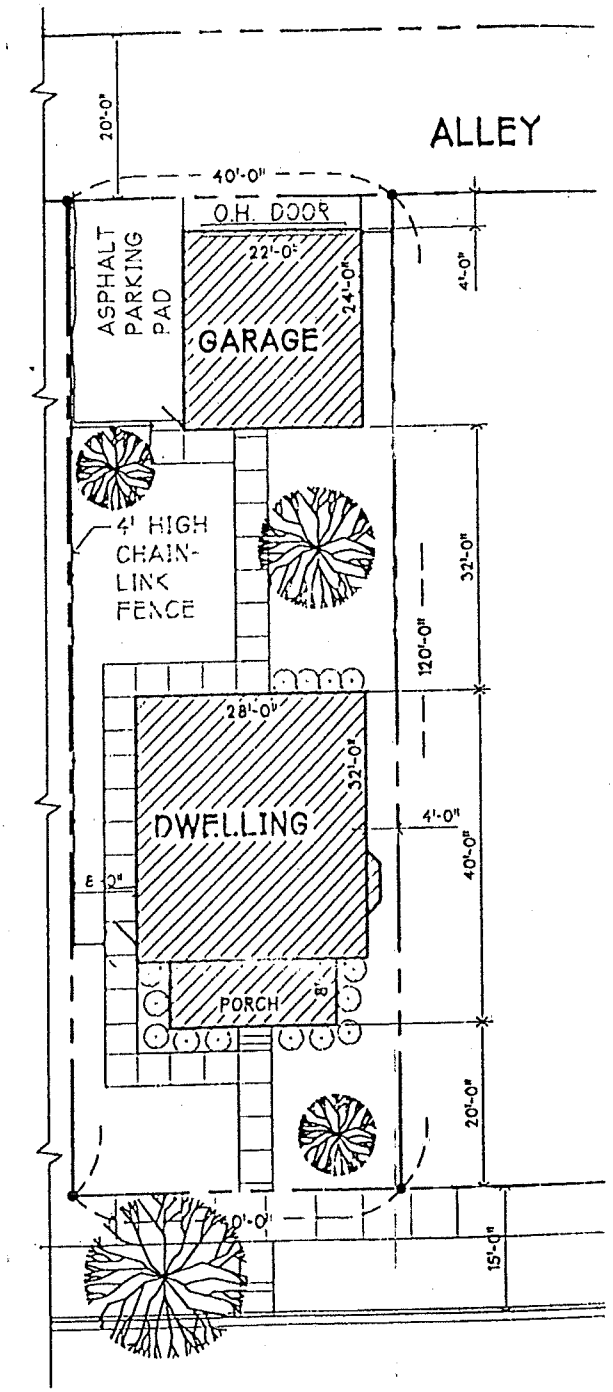
Building permit reviewed

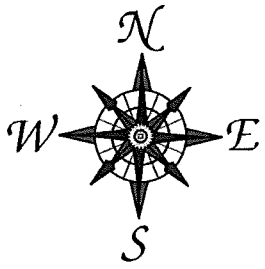
Building permit issued

2 years

Variance Expires

EXAMPLE SITE PLAN





1234 EXAMPLE STREET

SCALE 1 inch = 20 feet JULY 10, 2018

Project: new 22' x 24' garage

Board of Zoning Appeals
Schedule for 2019 Meetings

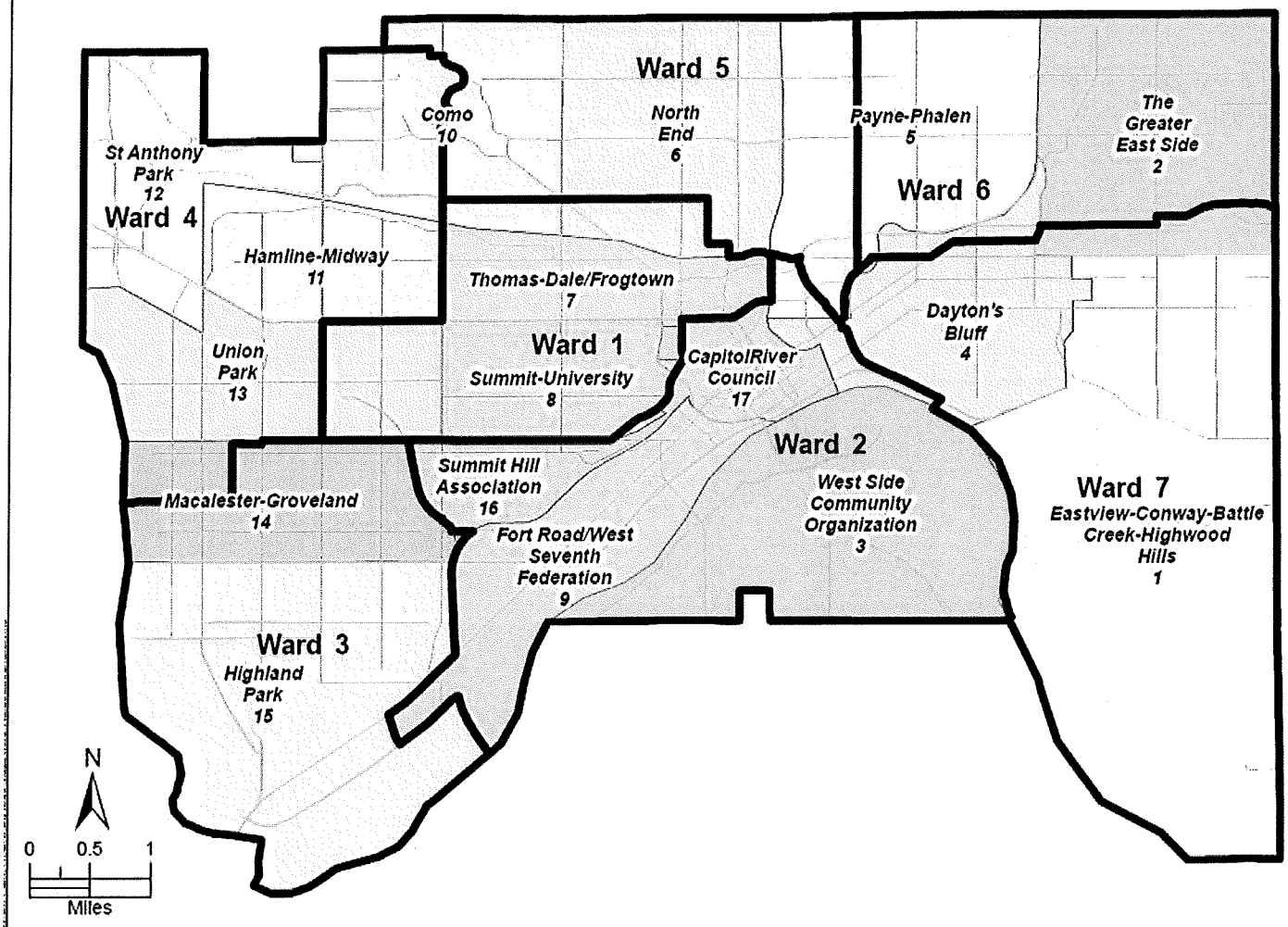
BZA Cutoff	* denotes a Tuesday	BZA HEARING DATES
Dec. 24		Jan. 14
Jan. 07		Jan. 28
Jan. 22*		Feb. 11
Feb. 04		Feb. 25
Feb. 19*		Mar. 11
Mar. 04		Mar. 25
Mar. 18		Apr. 08
Apr. 01		Apr. 22
Apr. 15		May 06
Apr. 29		May 20
May 13		Jun. 03
May 28*		Jun. 17
Jun. 10		Jul. 01
Jun. 24		Jul. 15
Jul. 08		Jul. 29
Jul. 22		Aug. 12
Aug. 05		Aug. 26
Aug. 19		Sep. 09
Sep. 03		Sep. 23
Sep. 16		Oct. 07
Sep. 30		Oct. 21
Oct. 14		Nov. 04
Oct. 28		Nov. 18
Nov. 12*		Dec. 02
Nov. 25		Dec. 16
Dec. 09		Dec. 30
Dec. 23		Jan. 13

Saint Paul Planning Districts

District Councils have an advisory role on site plans and they may make a recommendation to staff or the Board of Zoning Appeals depending on the size of the project or proposals that raise neighborhood concerns. To facilitate this citizen participation process, **it is highly recommended to contact the District Council during the application process so they can address any concerns at their neighborhood committee meetings. Please refer to the map on the back side of this document to see where your District Council is located in the city.**

District	District Council	Contact Person	Phone Number	E-mail
1	District 1 Community Council	Betsy Mowry Voss	(651) 578-7600	district1council@gmail.com
2	District 2 Community Council	Chuck Repke	(651) 774-2220	chuckrepke@aol.com
3	West Side Community Organization	Monica Bravo	(651) 578-7600	monica@wsco.org
4	Dayton's Bluff District 4 Community Council	Lissa Jones-Lofgren (interim)	(651) 772-2075	lissa@daytonsbluff.org
5	Payne Phalen Planning Council	Jack Byers	(651) 774-5234	director@paynephalen.org
6	District 6 Planning Council	Kerry Antrim	(651) 488-4485	ed@nenostpaul.org
7	Frogtown Neighborhood Association	Caty Royce	(651) 236-8699	caty@frogtownmn.org
8	Summit University Planning Council	Jens Werner	(651) 228-1855	jens@summit-university.org
9	West Seventh/Fort Road Federation	Emily Northey	(651) 298-5599	emily@fortroadfederation.org
10	Como Community Council	Michael Kuchta	(651) 644-2889	district10@district10comopark.org
11	Hamline Midway Coalition	Kate Mudge	(651) 494-7682	kate@hamlinemidway.org
12	Saint Anthony Park Community Council	Kathryn Murray	(651) 649-5992	kathryn@sapcc.org
13	Union Park District Council	Brandon Long	(651) 649-6887	brandon@unionparkdc.org
14	Macalester Groveland Community Council	Liz Boyer	(651) 695-4000	liz@macgrove.org
15	Highland District Council	Kathy Carruth	(651) 695-4005	kathy@highlanddistrictcouncil.org
16	Summit Hill Association	Monica Haas	(651) 222-1222	director@summithillassociation.org
17	Capitol River Council	Jon Fure	(651) 221-0488	office@capitolrivercouncil.org

City of Saint Paul Wards and District Councils



Source: City of Saint Paul

CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
375 JACKSON STREET, SUITE 220
ST. PAUL, MINNESOTA 55101-1806
Phone: 651-266-8989 Fax: 651-266-9124
Visit our Web Site at www.stpaul.gov/dsi

ZONING VARIANCE APPLICATION

VARIANCE APPLICATION CHECKLIST

Please use the checklist below to ensure your application is completed and ready for submittal. *

☐ Application	
☐ Required Fee (see required list below)	
☐ Explanation of Request / Required Findings (see page 1)	Sign Variance Findings: If a sign variance is being requested.
☐ Site Plan (drawn to scale) Set of plans in each size: 8 ½" x 11" and 11" x 17"	
☐ Elevations (drawn to scale) Set of plans in each size: 8 ½" x 11" and 11" x 17"	
☐ **Certified Survey or Property Pins identified on site plan**	

Fee Schedule for Variance Requests:

Minor Variance	**Major Variances and Appeals**
Single Family - $442.00 A modification of a provision regulating single family dwellings pertaining to the construction of an accessory building or an addition to the main building when the addition is not designed to convert the building for use by more than a single family.	New Single Family or Duplex Residential - $547.00 Multifamily Residential (3+ Dwellings) - $589.00 Commercial, Industrial, Institutional - $856.00 Administrative Review - $462.00 Sign Variance - $547.00 (request sign variance application)

*Please note, Minnesota State 15.99 states that an agency must approve or deny within 60 days an application relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to make a decision within 60 days results in automatic approval of the request. If an agency determines that the request is incomplete the application will be returned with a letter explaining why it is incomplete within 15 business days of the request.

ZONING VARIANCE APPLICATION

To Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson St., Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To Planning Commission

Dept. of Planning & Econ. Devt.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # _____

Fee Paid $ _____

Received By / Date _____

Tentative Hearing Date _____

APPLICANT

Name _____
(must have ownership or leasehold interest in the property, contingent included)

Address _____ City _____ State _____ Zip _____

Email _____ Phone _____

Name of Owner (if different) _____ Email _____

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address / Location _____

PIN(s) & Legal Description _____
(attach additional sheet if necessary)

_____ Lot Area _____ Current Zoning _____

VARIANCE REQUEST: Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code _____ _____. State the requirement and variance requested. _____ _____ _____

SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary.

1. Circumstances unique to the property (not created by the landowner) that create practical difficulties in complying with the provision of the code from which a variance is requested.

2. The property is proposed to be used in a reasonable manner, consistent with the intent and purpose of the provision of the code from which a variance is requested.

3. The variance will not permit any use that is not allowed in the zoning district in which the property is located.

4. The variance is consistent with the comprehensive plan and will not alter the essential character of the surrounding area.

Attachments as required: ☐ Site Plan (drawn to scale) ☐ Certificate of Survey ☐ Exterior Architectural Plans

☐ For sign variances, demonstrate that the requirements in Zoning Code § 64.207 are met.

☐ If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature _____ **Date** _____