

CITY OF SAINT PAUL Deadline for Action: May 28, 2020
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 20-024086
DATE: April 27, 2020

WHEREAS, Lucas Wiborg, Good Timing LLC has applied for variances from the strict application of the provisions of Sections 66.231 & 63.207 of the Saint Paul Legislative Code pertaining to dimensional and parking requirements in order to construct a five-story, 12-unit multi-family building. The following variances are requested: 1.) A lot size of 1,500 square feet per unit is required, the applicant is proposing 866 square feet per unit, for a variance request of 634 square feet per unit. 2.) A side yard setback of 9' is required per side, 6' is proposed per side, for a variance request of 3' per side. 3.) 19 off-street parking spaces are required, 12 are proposed, for a variance request of 7 parking spaces. This property is located in the RM2 zoning district at 1769 Grand Ave. PIN: 042823420024; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 27, 2020 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 demolish an existing duplex to construct a five-story, 12-unit multi-family building consisting of five 3-bedroom apartments and seven 4-bedroom apartments.

The zoning code requires of 1,500 square feet of lot area per unit and the applicant is proposing 866 square feet per unit, for a variance request of 634 square feet per unit. A side yard setback of 9' is required per side, 6' is proposed per side, for a variance request of 3' per side. Based on the proposed number of rooms in each unit, 21 off-street parking spaces are required. However, according to Sec. 63.210 in the zoning code, bicycle parking may be substituted for up to ten (10) percent of minimum off-street parking requirements. For the purpose of calculating a substitution, four (4) spaces in a secure bicycle rack are the equivalent of one (1) parking space. Since 21 parking spaces are required, the applicant is proposing to install bicycle racks that can accommodate up to 12 bicycles, which allows them to deduct 10% of the total parking requirement (two (2) spaces), resulting in the reduction of the amount of required off-street parking spaces to 19. The applicant is proposing 12 parking spaces, for a variance request of 7 parking spaces.

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There is public transit available in the immediate area as two bus stops are located at the end of block to the west at the corner of Fairview Ave. S. & Grand Ave. Two more bus stops are located at the other end of the block to the east at the corner of Wheeler St. S. & Grand Ave. This property is also located one block away from a dedicated bike path on Summit Ave. According to the applicant, this development aims to attract residents who are drawn to the walkability of the neighborhood, thereby lessening the dependence on a privately-owned vehicle for transportation. This supports the applicant's request for the parking variance.

The existing lot size with half of the alley is 10,394 square feet; it does not have sufficient lot area to meet the requirements for density, side yard setbacks and off-street parking to allow the proposed building to be constructed.

The RM2 medium-density multiple-family residential district is intended to provide for more extensive areas of multiple-family residential development as well as uses that serve the needs of the multiple-family residential districts. It is intended to provide for comprehensive development of multi-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.

The proposed multi-family building will provide housing along a preferred transit network, which encourages residents to utilize multiple modes of travel such as walking, biking, or public transit. Provided the applicant does the following: 1) Bike racks that can support 12 bicycles are installed and maintained so that they are accessible especially in winter months. 2.) A snow removal plan is developed that will not adversely affect the adjoining properties or impede the flow of traffic in the alley. 3.) The parking lot be striped according to the site plan submitted with this variance application, this project aligns with the general purposes and intent of the zoning code to:

- Provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic.
- Promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community.

This finding is met for all variance requests

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2. The variance is consistent with the comprehensive plan.

According to the applicant, this development is intended for people of all ages and provides an option for affordable living for those who are willing to share a flat, and/or desire to live adjacent to neighborhood amenities and service providers. As described, this project and requested variances align with Policy H.2 of the Macalester-Groveland's Community Plan to, "Preserve Macalester-Groveland's peaceful community, while promoting a range of housing types and affordability to meet the needs of all people throughout their life and changing lifestyle needs."

Additionally, the project is supported by Policy LU-1.42 of the land use chapter of the Comprehensive Plan to promote the development of housing in mixed-use neighborhoods that supports walking and the use of public transportation.

Furthermore, the applicant's request is consistent with Policy LU-1.21 of Land Use Plan to balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit.

Finally, Policy H-1.3 of the Housing Chapter supports revitalizing the city by developing land-efficient housing. This is the last low-density home on this block and that the entirety of the residential uses on the block have developed multi-unit housing and that redeveloping the site as proposed supports the development of land-efficient housing. This finding is met for all 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.*

The applicant has established a practical difficulty in complying with the density, setback, and off-street parking requirements as follows:

- The lot is narrow with only 50' of lot width. This makes it difficult to construct a functional multi-family building with the minimum width of 32' in order to meet the required 9' side yard setbacks because it would result in a narrow looking structure which could detract from the character of Grand Ave. and affect the functionality of the building interior.

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- A higher density building could be constructed on this lot without the density variance if the applicant gets the density bonus allowed in the code under Sec.66.231 (c) by providing an underground garage. However, in this case, underground parking cannot be provided due to the narrowness of the lot and the required dimensional standards for parking spaces and maneuvering lanes.

This leaves the applicant the only option of providing parking spaces in the rear yard. This finding is met for all variance requests.

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

There is no unique circumstance to the property. The plight of the landowner is self-created. This finding is not met for all variance requests.

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

Multi-family buildings and off-street parking are permitted in this zoning district. This finding is met for all variance requests.

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

The proposed building is similar to the character and density of the surrounding structures as there are several other multi-family buildings on this block, and in this area, with a similar number of units, that have nonconforming side yard setbacks, and do not provide the required amount of parking spaces because they are all legally nonconforming since they were all built prior to October 25, 1975.

This project and the requested variances will allow a duplex that is out of scale with the rest of the properties on the block to be demolished and a new multi-family dwelling constructed that will have a similar density level, setbacks, and off-street parking as the other multi-family dwellings on this block. It will not alter the character of the area. This finding is met for all variance requests.

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NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Sections 66.231 & 63.207 pertaining to dimensional and parking requirements in order to construct a five-story, 12-unit multi-family building on property located at 1769 Grand Ave.; and legally described as Elmer & Morrison'S,Rearrangeme Lot 6 Blk 3; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS HEREBY DENIED.**

MOVED BY: Morales
SECONDED BY: Maddox
IN FAVOR: 6
AGAINST: 1

MAILED:

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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 April 27, 2020 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

**Maxine Linston
Secretary to the Board**