

CITY OF SAINT PAUL Deadline for Action: July 24, 2020
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 20-038888
DATE: June 29, 2020

WHEREAS, Justin Eilers for CommonBond Communities has applied for variances from the strict application of the provisions of Sections 63.312 of the zoning code pertaining to off-street parking and the Ford Site Public Realm Master Plan open space coverage requirements of the Saint Paul Legislative in order to construct a five-story, 59,000 square foot building that would provide 60 units of affordable rental apartment for seniors, common space amenities, and 29 parking stalls of which 11 are covered at 830 Cretin Ave. as part of the Ford Redevelopment Site. The following variances are requested: 1.) A minimum of 25% of lot coverage for open space is required; 16% is proposed, for a variance of 9%. 2.) Off-street parking spaces are required to be setback 4' from any property line; 2' is proposed from the north property line, for a variance of 2'. 3.) A minimum of 1 parking space or 2% of the total parking spaces, whichever is greater, shall be prepared for electric vehicles (EV); A total of 29 parking spaces are provided, which requires 1 parking space designated for EV, 0 is proposed, for a variance of 1 EV parking space, on property located at 830 Cretin Ave., PIN: 172823110112 and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on June 29, 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:

FINDINGS:

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

The applicant is proposing to construct a five-story, 60-unit senior housing building at 830 Cretin Ave. as part of the Ford Redevelopment Site. The following variances are requested: 1.) A minimum of 25% of lot coverage for open space is required; 16% is proposed, for a variance of 9%. 2.) Off-street parking spaces are required to be setback 4' from any property line; 2' is proposed from the north property line, for a variance of 2'. 3.) A minimum of 1 parking space or 2% of the total parking spaces, whichever is greater, shall be prepared for electric vehicles (EV); A total of 29 parking spaces are provided, which requires 1 parking space designated for EV, 0 is proposed, for a variance of 1 EV parking space.

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In an email from Ryan Companies dated June 22, 2020, the applicant stated their intent to eliminate the EV parking space variance request. They will provide the transformer and conduit on their site plan submittal to satisfy the EV parking space requirement. Accordingly, staff is not considering the EV parking space variance as part of this BZA case.

The open space variance request is driven by the applicant's will to comply with providing the required amount of parking spaces for the development and to meet housing needs for seniors by constructing a larger building. This variance requests aligns with Sec. 60.103 of the zoning code to provide housing choice and housing affordability and off-street parking to lessen congestion in the public street.

The 2' parking setback variance request will allow additional room for senior residents to safely maneuver their vehicles in and out of the proposed parking lot. This variance request is consistent with a purpose and intent of Sec. 60.103 of the zoning code to promote and protect the public health and safety and the general welfare of the community.

This finding is met for all the requested variances.

2. The variance is consistent with the comprehensive plan.

According to the applicant, the proposed project provides a balance of maximizing the building frontage along the public roadways, minimizing the amount of parking seen from the public roadways and providing housing with an efficient use of resources. Strategy 2.3 of the 2030 Comprehensive Plan aims to promote creative in-fill housing near transit corridors to increase transit-supportive density and housing choices. The requested variances from the open space coverage, the parking setback requirements all harmoniously combine to allow the creation of an affordable senior housing building. **This finding is met for all the 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 applicant has not established any practical difficulties associated with landscaping requirements and open space requirements. **This finding is not met for the open space lot coverage variance request.**

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The requested 2' variance from the 4' parking setback requirement would allow additional room for senior residents of this property to navigate the parking lot in a safer manner. The applicant proposes to use the parking lot in a reasonable manner that would benefit the residents of this senior housing development. **This finding is met for the parking setback variance request.**

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

If the applicant were to provide the required 25% coverage for open space, this would reduce the amount of space available on the lot to provide the required amount of parking spaces and it could reduce the amount of housing that could be provided. If the required number of parking spaces cannot be provided, then a variance would be required. Additionally, due to the location of the bedrock underneath this lot, this prevents the applicant from providing the required parking in a parking garage underground, which pushes the required parking to the surface lot. This is a unique circumstance to the property not created by the landowner. **This finding is met for all the requested variances.**

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

The requested variances from the open space and parking setback requirements will not allow a use not permitted in this zoning district. wider maneuvering lane without a parking space dedicated to EV parking only. **This finding is met for all the requested variances.**

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

Although not considered as open space based on the definition in the Master Plan, the parking does visually create the appearance of an open space, therefore, the requested variance from the open space coverage will not alter the character of the surrounding area.

The requested variance to provide only a 2' setback instead of a 4' setback as required will not alter the appearance of the area or character of the parking lot.

This finding is met for all the requested variances.

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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 63.312 of the zoning code pertaining to off-street parking and the Ford Site Public Realm Master Plan open space coverage requirements in order to allow the construction of a five-story, 60-unit senior housing building on property located at 830 Cretin Ave ; and legally described as Lot 2, Block 3, Ford; in accordance with the application for variance and the site plan on file with the Zoning Administrator is **HEREBY APPROVED**.

MOVED BY: 6
SECONDED BY: 0
IN FAVOR: Maddox
AGAINST: Miller

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Ford Site Public Realm Master Plan pertaining to open space lot coverage requirements in order to allow the construction of a five-story, 60-unit senior housing building on property located at 830 Cretin Ave ; and legally described as Lot 2, Block 3, Ford; in accordance with the application for variance and the site plan on file with the Zoning Administrator is **HEREBY DENIED**.

MOVED BY: 5
SECONDED BY: 1
IN FAVOR: Clarksen
AGAINST: Trout-Oertel

MAILED: July 10, 2020

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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 June 29, 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**

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