

**CITY OF SAINT PAUL      Deadline for Action: January 7, 2019**  
**BOARD OF ZONING APPEALS RESOLUTION**  
**ZONING FILE NUMBER: 18-123560**  
**DATE: December 3, 2018**

WHEREAS, Suzanne Griffiths - 45 North Investment Properties LLC has applied for a variance from the strict application of the provisions of Section 66.231, 66.231(1) of the Saint Paul Legislative Code pertaining to construction of a second story addition to an existing, one- and a half- story single-family dwelling. For single-family dwellings zoned R4 and located in Planning Districts 15, a maximum building height of 22' at a 4' side yard setback is allowed. The existing side setback for this structure is 3.8' on the west side, which would allow a maximum building height of 22' and the proposed height of the structure will be 24.8', for a variance request of 2.8' for height and a variance request of .2' for the west side yard setback in the R4 zoning district at 1629 Hartford Avenue. PIN: 092823410082; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on December 3, 2018 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 construct a second story addition to an existing, one- and a half-story single-family dwelling. For single-family dwellings zoned R4 and located in Planning Districts 15, a maximum building height of 22' at a 4' side yard setback is allowed. The existing side setback for this structure is 3.8' on the west side, which would allow a maximum building height of 22' and the proposed height of the structure will be 24.8', for a variance request of 2.8' for height and a variance request of .2' for the west side yard setback.

The proposed height of the structure does not align with the district council's intent to maintain the height of single-family dwellings at 22' within its district. This finding is not met.

Resolution  
File #: 18-123560

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

The proposed addition is an improvement to the property that would support the rehabilitation of Saint Paul's existing housing stock. The requested variances are consistent with the Comprehensive Plan by allowing the existing property owner in an "established neighborhood" to reinvest in his property and maintain its vitality and preserve and promote the neighborhood

(Strategy 2.1 of the Housing Plan). This finding is met for both 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.*

This house was constructed in 1928 and was not built centered to the lot. As a result, the structure now has a nonconforming side yard setback of .2' from the west property line and a setback of 8' from the east side property line. Because this house was built closer to the west property line, the applicant would have to shift the addition over .2' to meet the required side setback, which would be unreasonable.

The existing rear addition was constructed prior to the zoning code change for building height for single-family dwellings in District 15. It is difficult to align the building height on rear of the house with the front without the requested variance. The new roof pitch in the front of the house will complement the south elevation and improve the aesthetics of the structure. This finding is met for both variance requests.

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

The proposed additional height of the building is a plight created by the landowner. This finding is not met.

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

This property is zoned R4, single-family residential district. The proposed variances will not allow a use that is not permitted. This finding is met for both variance requests.

Resolution

File #: 18-123560

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

The proposed siding would not improve the aesthetic of the house and it would alter the essential character of the surrounding area. This finding is not met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.231, 66.231(1) to allow the height of the structure to be 24.8', for a variance request of 2.8' for height and a variance request of .2' for the west side yard setback on property located at 1629 Hartford Avenue; and legally described as Mattock Park Lot 14 Blk 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS HEREBY DENIED.**

**MOVED BY:** Rangel-Morales

**SECONDED BY:** Swift

**IN FAVOR:** 4

**AGAINST:** 2

**MAILED:** December 4, 2018

Resolution  
File #: 18-123560

**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 December 3, 2018 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

**SAINT PAUL BOARD OF ZONING APPEALS**

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**Debbie M. Crippen**  
Secretary to the Board