

CITY OF SAINT PAUL

Deadline for Action: July 15, 2025

BOARD OF ZONING APPEALS RESOLUTION

ZONING FILE NUMBER: 25-020339

DATE: May 27, 2025

WHEREAS, Mark Schwartz has applied for a variance from the strict application of the provisions of Section 65.162 of the Saint Paul Legislative Code pertaining to the required distance between congregate living facilities and the maximum amount of facility adult residents permitted. The applicant is proposing to remodel a portion of this building to establish a supportive housing facility for up to 22 adult residents. Two zoning variances are requested: 1.) The zoning code states that supportive housing facilities shall be a minimum distance of 1,320 feet from specified congregate living facilities with more than six (6) adult residents; this facility is 1,044 feet from another congregate living facility with more than six (6) adult residents, for a zoning variance of 276 feet. 2.) In the B2 zoning district, the facility must serve sixteen (16) or fewer facility residents; 22 are proposed, for a variance of 6 residents in the B2 zoning district at 438 Daly Street PIN: 112823140131; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 14, 2025 pursuant to said application in accordance with the requirements of Section 61.303 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.

This property contains a mixed-use building with ground-floor retail and a 22-room roominghouse on the second floor. The applicant is proposing to convert the second floor into a 22-resident supportive housing facility. This proposed facility supports the zoning code's goals of providing for housing choice and affordability. **This finding is met.**

2. The variance is consistent with the comprehensive plan.

The proposed supportive housing facility is consistent with Policy H-15 of the City's Comprehensive Plan, which encourages a diverse range of culturally appropriate housing types to serve residents across all stages of life and abilities. By offering supportive housing, the proposal advances this policy objective. **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 intent of the 1,320-foot separation requirement between supportive housing and similar facilities is to ensure integration into the broader community and avoid concentrations that resemble institutional settings. This proposed facility would be 1,044 feet from a 32-resident community residential facility, licensed correctional at 855 7th Street West. While the applicant asserts a longer walking distance, staff has determined that no significant

geographical barriers exist, and the linear distance falls short of the required separation by approximately 40 feet.

The applicant is also requesting a variance from the B2 zoning district's limit of 16 residents in supportive housing to allow 22 residents. However, the practical difficulty for exceeding the occupancy limit has not been clearly articulated. Staff presumes the request is based on the number of rooming units historically approved for the property, though this alone does not constitute a practical difficulty under zoning criteria.

The applicant has not met the practical difficulties standard for the following reasons:

- The applicant could house up to six adult residents at this property by right without meeting the required separation;
- the fact that this property is within 1,320 feet of a community residential facility, licensed correctional is not a practical difficulty, but rather due to the owner's choice to pursue this use at this location; and
- it is owner's decision to pursue supportive housing rather than other available housing options; and
- the difficulty is the result of the owner's decision to pursue supportive housing at the proposed resident number;
- the owner has not demonstrated that there are practical difficulties to open a supportive housing facility at the number allowed by-right by the ordinance;
- there are other locations that the applicant could pursue within the City of Saint Paul;
- there are other available uses for the property that would not require a variance.

This finding is not met.

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

There are no unique physical characteristics or site constraints associated with this property that prevent compliance with the separation requirement or support the need for increased occupancy. The ability to house up to six residents without a variance indicates that alternative, compliant use is possible. Other properties within 1,320 feet of the same congregate living facility are in compliance with this standard. Given that the separation requirement affects other properties within the 1,320 feet proximity to the supportive housing facility, the plight is not unique to the landowner, but general to the surrounding area. As such, the condition prompting the request is not due to circumstances unique to the property, but rather the applicant's desired program scale. **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.*

Supportive housing is a permitted use within the B2 Community Business zoning district. The requested variance pertains only to the separation distance and occupancy limit, not the use itself. Therefore, granting the variance would not permit a use otherwise prohibited in this district. **This finding is met.**

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

Granting the requested variance could result in a concentration of congregate living facilities within a short distance of one another, potentially replicating an institutional setting for residents within, undermining the goal of community integration which could alter the essential character of the surrounding area. The proposed variance is contrary to the ordinance which was implemented by the City Council to protect against such clustering in order to promote the public health, safety, morals, and general welfare of the city. **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 65.162 in order to establish a supportive housing facility for up to 22 adult residents 1,044 feet from another specified congregate living facility with more than six (6) adult residents on property located at 438 Daly Street PIN: 112823140131; and legally described as Stinson'S Sub Of B25 Stinson B Lots 1o And Lot 11 Blk 25; in accordance with the application for variance and the site plan on file with the Zoning Administrator, **IS HEREBY DENIED.**

MOVED BY: Dayton

SECONDED BY: Martinson

IN FAVOR: 5

AGAINST: 0

MAILED: May 30, 2025

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 14, 2025 & May 27, 2025 and on record in the Department of Safety and Inspections, 375 Jackson Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS



Maxine Linton
Secretary to the Board

