

# 438 Daly Street

ABZA 25-4

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## **Sec. 61.702. - Appeals to city council.**

(a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.



## Roominghouse

Rooms rented separately with shared common facilities. This use is nonconforming in this zoning district.

Supportive housing is considered to be a higher intensity use than the existing roominghouse.

## Supportive Housing

One (1) main building, or portion thereof, on one (1) zoning lot where persons with mental illness, chemical dependency, physical or mental handicaps, and/or persons who have experienced homelessness reside and wherein counseling, training, support groups, and/or similar services are provided to the residents.

The property in question is not considered to be a sober home as defined in the zoning code.



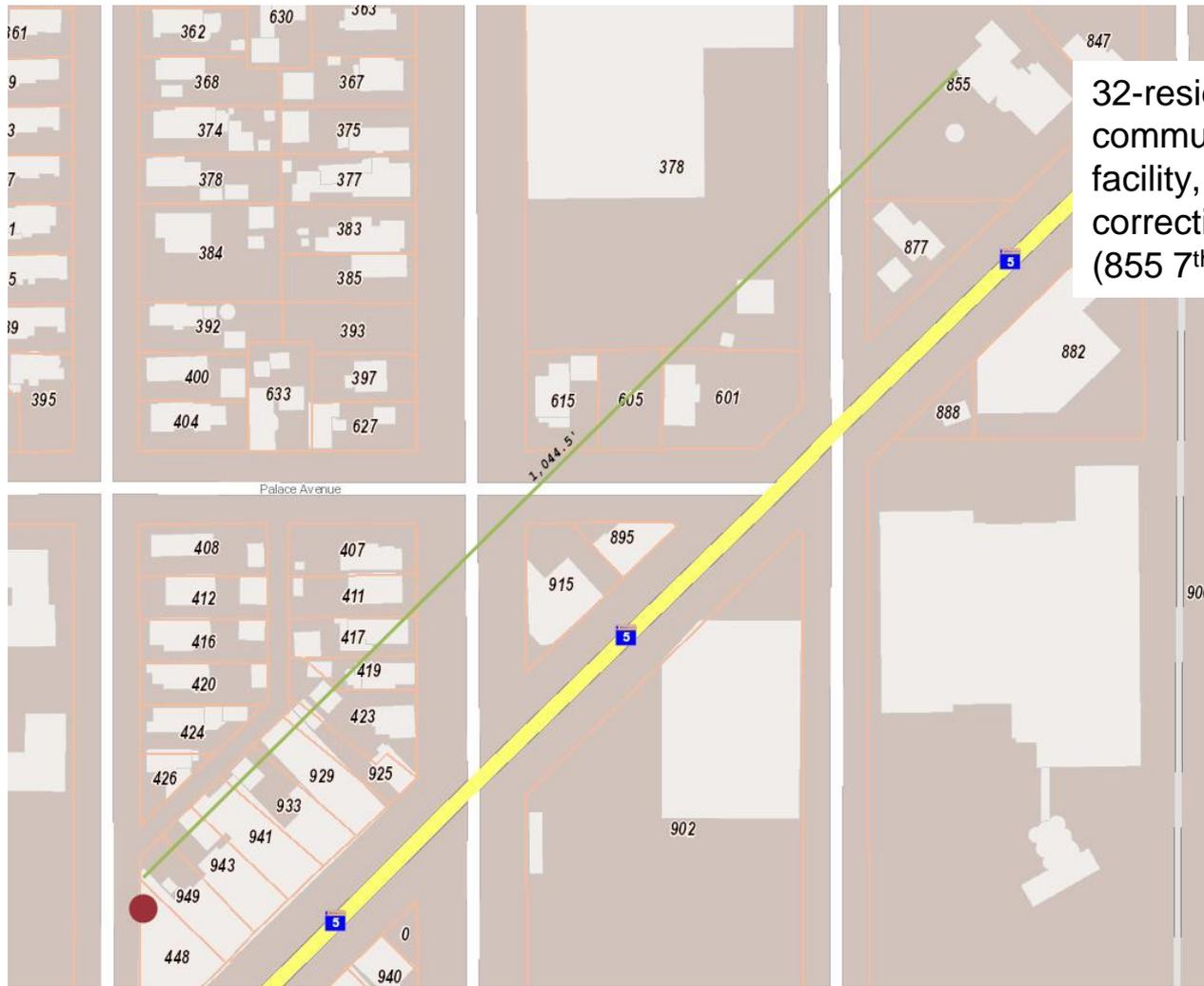
Existing mixed-use building with 22 single-room occupancy rooms (roominghouse).

The applicant is proposing 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.



B2 – Community Business District



32-resident  
community residential  
facility, licensed  
correctional  
(855 7<sup>th</sup> Street West)



## Six Findings Necessary to Grant Variance

- In harmony with the general purposes and intent of the zoning code
- Consistent with the comprehensive plan
- **Practical difficulties in complying with the provision (Economic considerations alone do not constitute practical difficulties)**
- **Plight is due to circumstances unique to the property, not created by the landowner**
- Will not permit unallowed use
- **Will not alter the essential character of the surrounding area**



- Public hearing held on April 14, 2025
- Staff Recommended denial of requested variances based upon finding 3, 4, and 6
  - **No recommendation from District 9 – West 7<sup>th</sup>/Fort Road Federation**
  - **Support: 0 people spoke, 0 letters received**
  - **Opposition: 0 people spoke, 1 letter received (1 additional received on April 17<sup>th</sup>)**
- Board laid over decision to a future meeting
- On May 27, 2025, board moved denial based on findings 3, 4, and 6
- Vote result: five of five members in attendance voted to deny the request
- Applicant submitted appeal application June 2, 2025
  - Minnesota Statutes § 15.99 120-day deadline: July 15, 2025



**Finding 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.*

Intent of this finding is that the hardship is not self-created and the landowner cannot utilize the property in a reasonable way due to ordinance.

This request is financially driven, as their testimony primarily focused on the funding stream. There are a variety of possible viable uses that can be established on this B2-zoned property by-right. **This finding is not met.**



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

This finding requires that the request be due to a hardship related to the property itself. The requested variance arises not from unique circumstances of the land but from the applicant's desire to exceed the permitted number of residents within the required separation distance.

The separation requirement affects other properties within 1,320 feet of the other congregate living facility in question. The plight is not unique to this property, rather, it is general to the surrounding area. **This finding is not met.**



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

This finding is regarding neighborhood character.

Granting the request would result in the establishment of two congregate living facilities within close proximity (1,044 feet), creating a cluster of congregate living environments. This could undermine the goal of community integration and contribute to an institutional character that is inconsistent with the surrounding area. **This finding is not met.**



## Next Steps

*The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.*

*Request to vary Section 65.162(a) & (b) to allow a supportive housing facility 1,044 feet from a 32-resident community residential facility, licensed correctional; variance request of 276 feet & 22 residents; variance of 6 residents.*

- Grant the appeal: Property owner can establish 22-resident supportive housing facility.
- Deny the appeal: Property owner cannot establish 22-resident supportive housing facility.

Minnesota Statutes § 15.99 120-day deadline: July 15, 2025