

# BOARD OF ZONING APPEALS INFORMATION

The Board of Zoning Appeals (BZA) is a forum for public discussion. The board members, appointed by the Mayor with the consent of the City Council, are comprised of private citizens who live in St. Paul. Any questions about the process can be directed to the zoning administration office at 651-266-9008.

The board meets on Mondays, every other week. All items to be placed on the agenda must be submitted at least three weeks prior to the hearing date. The public hearing is held at 3:00 pm in Room 330 of the City Hall/Courthouse. The applicant or their representative needs to attend the hearing. Applicants and private citizens may attend the hearings virtually by either entering the website for the meeting or by calling the conference line with the appropriate conference ID. The website and conference line phone number for the public hearing will be sent out to all involved parties regarding a variance application at least ten (10) days before the hearing.

**NOTE TO COMMISSIONERS AND MEMBERS OF THE PUBLIC:** The Chairperson of the Board of Zoning Appeals (BZA) has determined that it is not practical nor prudent for the BZA to meet in-person or pursuant to Minnesota Statutes, Section 13D.02. In light of the COVID-19 health pandemic, it is not feasible for any member of BZA to be present at the regular location, and all members of the BZA will attend this meeting by telephone or other electronic means.

It is also not feasible for members of the public to attend the meeting at its regular location due to the health pandemic and emergency. Accordingly, no meeting will be held in City Hall, Room 330, at 15 W. Kellogg Boulevard.

The board hears **two types** of requests: *[Variances](#)* and *[Appeals of Administrative Decisions](#)*.

## VARIANCE REQUESTS

The BZA shall have the power to grant variances from the strict enforcement of the provisions of this code if they determine that all of the ***required findings*** listed below are met:

### **Required findings:**

1. The applicant has established that there are practical difficulties in complying with the provision and 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.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
4. The variance will not alter the essential character of the surrounding area.

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in finding one (1) above.

## APPEALS OF ADMINISTRATIVE REVIEW

The BZA has the authority to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator in carrying out or enforcing any provision of the zoning code. Applications must be filed within 10 calendar days of the action being appealed.

## **FILING INFORMATION**

A complete Variance Application contains the following:

1. A filing fee
2. An application form (signed and dated)
3. A site plan drawn to a legible and verifiable scale. Elevations and floor plans drawn to scale including the amount of glazing shown may be required, including for all new residential dwellings and additions
4. Property lines must be verified by a survey or stake for setback or lot coverage variances
- \*5. A letter stating why the applicant believes an error has been made (only applies for Administrative Reviews).

**\*\*\* Applications missing the above filing information will not be accepted.**

## **Fee Schedule for Variances and Appeals:**

**Minor variance:** \$442.

A modification of a provision regulating a **one-family detached** dwelling and pertaining specifically to construction of a fence, a deck, a swimming pool, an accessory building, or an addition to the main building when the addition is not to convert the building for use by more than one (1) family.

### **Major Variance**

Signs: \$547

New One-Family Dwelling: \$547

Duplex: \$547

Multi-family Residential: \$589

Commercial, Industrial, Institutional: \$856

### **Appeals**

An appeal of decision made by the Zoning Administrator (Administrative): \$547

An appeal of a decision made by the Board of Zoning Appeals: \$462

**For any application made for any development commenced without first obtaining all required permits and approvals, the fees listed above shall be doubled, to a maximum additional fee of one thousand fifty dollars (\$1,050.00), to offset costs associated with investigating, processing and reviewing applications for such development.**

## **PUBLIC HEARING NOTIFICATION**

All property owners within 350 feet (100 feet for minor variances) of the subject site as well as the Citizen Participation District Council are mailed a public hearing notice 10 days prior to the hearing. It is suggested that the applicant contact the community organizer for the Citizen Participation District Council prior to the variance hearing to see if they want to discuss the matter at one of their meetings. Anyone may submit a letter, petition, etc., or appear at the hearing to give verbal testimony about the case, either in support or in opposition. If the person making a verbal testimony wants to provide additional evidence, the city must be given a copy of the material prior to or at the hearing, not afterwards. This is required for record keeping. This includes PowerPoints, videos, or pictures. The zoning staff prepares a staff report for each case and makes a recommendation to the BZA for approval or denial of the requested variance, a copy of which is sent to the applicant before the hearing.

Since this is a public hearing, any written comment or testimony that is submitted to the BZA for consideration must include the following:

- Name and address of the person writing the letter
- Reference the address, file number, or applicant that is applying for the variance(s)
- State which variance requests that you would like to comment on

## **TIME LIMIT**

If a variance is granted by the BZA, the applicant has two (2) years to establish the use. The Zoning Administrator may grant an extension not to exceed one (1) additional year, but this request must be made in writing to the Zoning Administrator before the two (2) years expires.

## **APPEALING A DECISION MADE BY THE BOARD OF ZONING APPEALS**

A decision made by the BZA may be appealed by anyone affected by such decision to the City Council **within 10 calendar days following the date of the BZA's decision (Federal holidays, with the exception of Columbus Day, are not included in the 10-calendar day appeal period)**. An Appeal application and the required filing fee of \$462 can be dropped-off in person or mailed to:

Zoning Administrator  
Department of Safety and Inspections  
375 Jackson Street, Suite 220  
St. Paul, MN 55101

## **SIGN VARIANCES**

If the applicant is applying for a variance from any sign requirements, the applicant must answer how the following findings are met:

1. The sign request is due to unusual conditions pertaining to sign needs for a specific building or lot.
2. The sign would not create a hazard.
3. The sign would not be objectionable to adjacent property owners.
4. The sign would not adversely affect residential property through excessive glare and lighting.
5. The sign is in keeping with the general character of the surrounding area.

**In addition, the applicant must also state how the requested sign variance meets the standard findings required for all variances:**

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
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.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
6. The variance will not alter the essential character of the surrounding area.



## CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS

375 JACKSON STREET, SUITE 220

ST. PAUL, MINNESOTA 55101-1806

Phone: 651-266-8989 Fax: 651-266-9124

Visit our Web Site at [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## Zoning Variance Application Checklist

### Variance Application Checklist

Please use the checklist below to ensure your application is completed and ready for submittal. \*

- ☐ Application
- ☐ Required Fee (See below)
- ☐ Explanation of Request / Required Findings
- ☐ Sign Variance Findings (If a sign variance is being requested)
- ☐ Site Plan (Drawn to scale)
- ☐ Elevations (Drawn to scale)
- ☐ Certified Survey or Property Pins Identified on Site Plan

#### Fee Schedule:

##### Minor variance: \$442.

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\* Please note, Minnesota State 15.99 states that an agency must approve or deny within 60 days an application relating to zoning, septic systems, watershed review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to make a decision within 60 days results in automatic approval of the request. If an agency determines that the request is incomplete the application will be returned with a letter explaining why it is incomplete within 15 business days of the request.



## ZONING VARIANCE APPLICATION

### To Board of Zoning Appeals

Dept. of Safety & Inspections  
Zoning Section  
375 Jackson St., Suite 220  
Saint Paul, MN 55101-1806  
(651) 266-9008

### To Planning Commission

Dept. of Planning & Econ. Dev.  
Zoning Section  
1400 City Hall Annex, 25 W 4<sup>th</sup> St.  
Saint Paul, MN 55102-1634  
(651) 266-6583

### Zoning Office Use Only

File # \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_  
Received By / Date \_\_\_\_\_  
Tentative Hearing Date \_\_\_\_\_

### APPLICANT

Name \_\_\_\_\_  
*(must have ownership or leasehold interest in the property, contingent included)*  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Owner (if different) \_\_\_\_\_ Email \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Email \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### PROPERTY INFO

Address / Location \_\_\_\_\_  
PIN(s) & Legal Description \_\_\_\_\_  
*(attach additional sheet if necessary)*  
\_\_\_\_\_ Lot Area \_\_\_\_\_ Current Zoning \_\_\_\_\_

**VARIANCE REQUEST:** Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code \_\_\_\_\_  
\_\_\_\_\_. State the requirement and variance requested. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SUPPORTING INFORMATION:** Explain or demonstrate the following. Attach additional sheets if necessary.

1. Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance will not permit any use that is not allowed in the zoning district in which the property is located.
4. The variance will not alter the essential character of the surrounding area.

- ☐ Required site plan is attached
- ☐ If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**BOARD OF ZONING AND APPEALS (BZA)  
SCHEDULE FOR 2021 MEETINGS**

| <b><u>BZA APPLICATION CUTOFF DATE</u></b> | <b><u>BZA HEARING DATE</u></b> |
|---|--------------------------------|
| <u>December 21, 2020</u>                  | <u>January 11, 2021</u>        |
| <u>January 4</u>                          | <u>January 25</u>              |
| <u>January 19 (Tuesday)</u>               | <u>February 8</u>              |
| <u>February 1</u>                         | <u>February 22</u>             |
| <u>February 16 (Tuesday)</u>              | <u>March 8</u>                 |
| <u>March 1</u>                            | <u>March 22</u>                |
| <u>March 15</u>                           | <u>April 5</u>                 |
| <u>March 29</u>                           | <u>April 19</u>                |
| <u>April 12</u>                           | <u>May 3</u>                   |
| <u>April 26</u>                           | <u>May 17</u>                  |
| <u>May 10</u>                             | <u>June 1 (Tuesday)</u>        |
| <u>May 24</u>                             | <u>June 14</u>                 |
| <u>June 7</u>                             | <u>June 28</u>                 |
| <u>June 21</u>                            | <u>July 12</u>                 |
| <u>July 6 (Tuesday)</u>                   | <u>July 26</u>                 |
| <u>July 19</u>                            | <u>August 9</u>                |
| <u>August 2</u>                           | <u>August 23</u>               |
| <u>August 16</u>                          | <u>September 7 (Tuesday)</u>   |
| <u>August 30</u>                          | <u>September 20</u>            |
| <u>September 13</u>                       | <u>October 4</u>               |
| <u>September 27</u>                       | <u>October 18</u>              |
| <u>October 11</u>                         | <u>November 1</u>              |
| <u>October 25</u>                         | <u>November 15</u>             |
| <u>November 8</u>                         | <u>November 29</u>             |
| <u>November 22</u>                        | <u>December 13</u>             |
| <u>December 6</u>                         | <u>December 27</u>             |
| <u>December 20, 2021</u>                  | <u>January 10, 2022</u>        |
| <u>January 3, 2022</u>                    | <u>January 24, 2022</u>        |

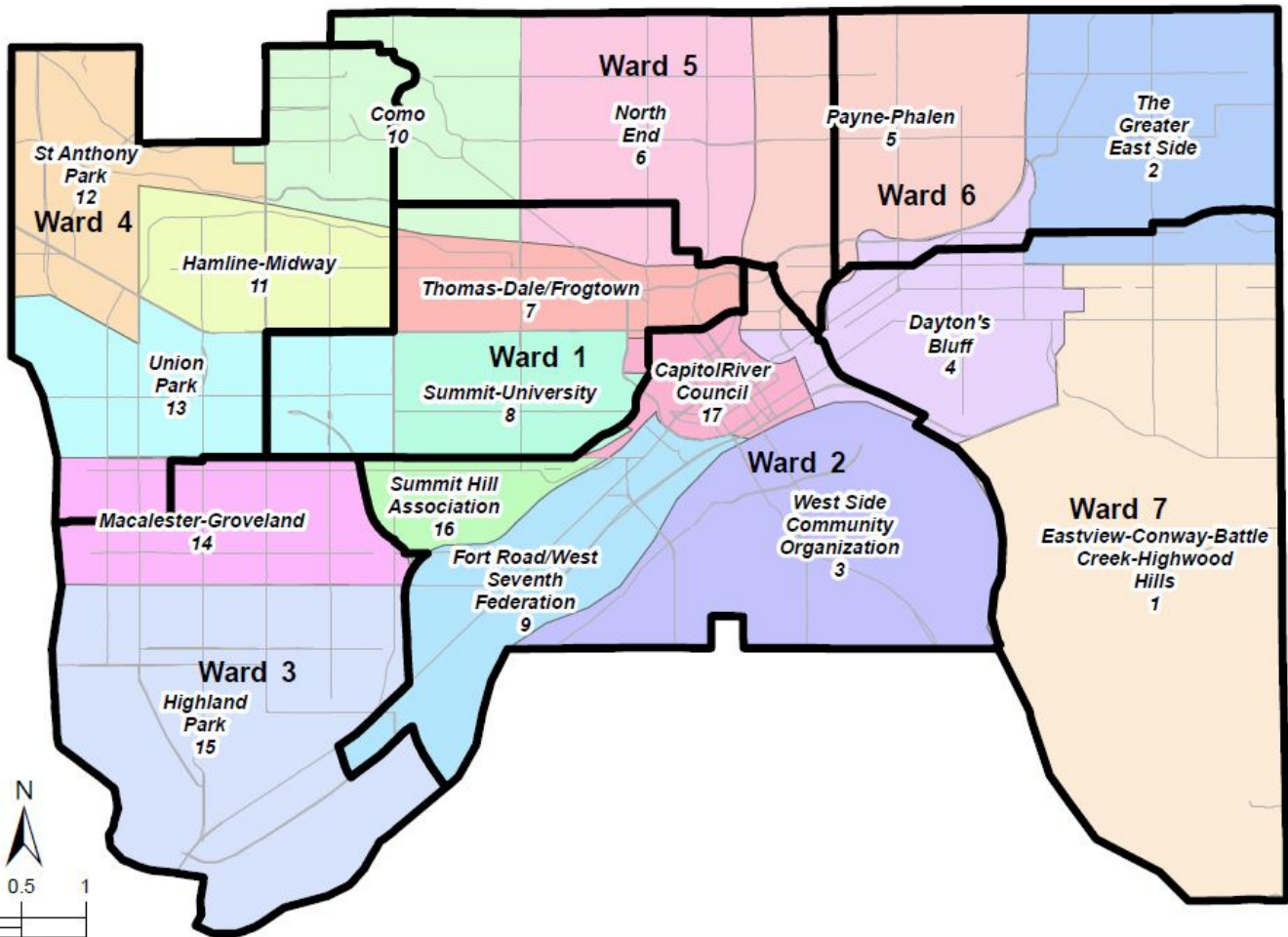
# Saint Paul Planning Districts

District Councils have an advisory role on site plans and they may make a recommendation to staff or the Board of Zoning Appeals depending on the size of the project or proposals that raise neighborhood concerns. To facilitate this citizen participation process, **it is highly recommended to contact the District Council during the application process so they can address any concerns at their neighborhood committee meetings.**

| District | District Council                            | Contact Person                   | Phone Number                     | E-mail   |
|----------|---|----------------------------------|----------------------------------|--|
| 1        | District 1 Community Council                | Betsy Mowry Voss                 | (651) 578-7600                   | <a href="mailto:betsy@southeastside.org">betsy@southeastside.org</a>   |
| 2        | District 2 Community Council                | Chuck Repke<br>Lisa Theis        | (651) 774-2220<br>(651)-592-5326 | <a href="mailto:chuckrepke@aol.com">chuckrepke@aol.com</a><br><a href="mailto:d2lisa@outlook.com">d2lisa@outlook.com</a>           |
| 3        | West Side Community Organization            | Monica Bravo                     | (651) 293-1708                   | <a href="mailto:monica@wsco.org">monica@wsco.org</a>   |
| 4        | Dayton's Bluff District 4 Community Council | Lissa Jones-Lofgren              | (651) 772-2075                   | <a href="mailto:lissa@daytonsbuff.org">lissa@daytonsbuff.org</a>   |
| 5        | Payne Phalen Planning Council               | Jack Byers                       | (651) 774-5234                   | <a href="mailto:director@paynephalen.org">director@paynephalen.org</a>   |
| 6        | District 6 Planning Council                 | Kerry Antrim                     | (651) 488-4485                   | <a href="mailto:ed@nenostpaul.org">ed@nenostpaul.org</a>   |
| 7        | Frogtown Neighborhood Association           | Caty Royce/<br>Tia Williams      | (651) 236-8699                   | <a href="mailto:caty@frogtownmn.org">caty@frogtownmn.org</a><br><a href="mailto:tia@frogtownmn.org">tia@frogtownmn.org</a>         |
| 8        | Summit University Planning Council          | Jens Werner                      | (651) 228-1855                   | <a href="mailto:jens@summit-university.org">jens@summit-university.org</a>   |
| 9        | West Seventh/Fort Road Federation           | Emily Northey                    | (651) 298-5599                   | <a href="mailto:emily@fortroadfederation.org">emily@fortroadfederation.org</a>   |
| 10       | Como Community Council                      | Michael Kuchta                   | (651) 644-2889                   | <a href="mailto:district10@district10comopark.org">district10@district10comopark.org</a>   |
| 11       | Hamline Midway Coalition                    | Kate Mudge                       | (651) 494-7682                   | <a href="mailto:kate@hamlinemidway.org">kate@hamlinemidway.org</a>   |
| 12       | Saint Anthony Park Community Council        | Kathryn Murray                   | (651) 649-5992                   | <a href="mailto:kathryn@sapcc.org">kathryn@sapcc.org</a>   |
| 13       | Union Park District Council                 | Abdulrahman Wako<br>Henry Parker | (651) 645-6887                   | <a href="mailto:wako@unionparkdc.org">wako@unionparkdc.org</a><br><a href="mailto:henry@unionparkdc.org">henry@unionparkdc.org</a> |
| 14       | Macalester Groveland Community Council      | Alexa Golemo                     | (651) 695-4000                   | <a href="mailto:alexa@macgrove.org">alexa@macgrove.org</a>   |
| 15       | Highland District Council                   | Kathy Carruth                    | (651) 695-4005                   | <a href="mailto:kathy@highlandddistrictcouncil.org">kathy@highlandddistrictcouncil.org</a>   |
| 16       | Summit Hill Association                     | Monica Haas                      | (651) 222-1222                   | <a href="mailto:director@summithillassociation.org">director@summithillassociation.org</a>   |
| 17       | Capitol River Council                       | Jon Fure                         | (651) 221-0488                   | <a href="mailto:office@capitolrivercouncil.org">office@capitolrivercouncil.org</a>   |



# City of Saint Paul Wards and District Councils



Source: City of Saint Paul





## CITY OF SAINT PAUL

Matthew Graybar

Telephone: 651-266-9080

Email: [matthew.graybar@ci.stpaul.mn.us](mailto:matthew.graybar@ci.stpaul.mn.us)

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, Minnesota 55101-1806

### Zoning Variance Process

Applicant consults with zoning staff; Zoning staff determines if variance is needed;  
Applicant consults with neighbors and District Council

Application with fee submitted

Staff reviews application

Staff sends notice to neighbors through Early Notification System (ENS)  
<https://public.govdelivery.com/accounts/STPAUL/subscriber/new>

Neighbors within required notification area  
notified 10-days before hearing via USPS

Staff report sent to applicant and BZA members before hearing

BZA Hearing

Variance is denied

Variance is approved

BZA lays case over  
to next hearing

10-day appeal period

Appeal made

No appeal made

City Council hearing

Overturn BZA Decision

Uphold BZA Decision

Neighbors can  
email letters of  
support or  
opposition before  
the hearing to  
[matthew.graybar@ci.stpaul.mn.us](mailto:matthew.graybar@ci.stpaul.mn.us)  
or  
[stephan.suon@ci.stpaul.mn.us](mailto:stephan.suon@ci.stpaul.mn.us)

If the requested variance is ultimately approved by either the BZA or the City Council, the permitting process can continue.