

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Stonewood Investments LLC, File # 21-251-173, has applied for variances for front yard setback (9.2' minimum, 1' proposed), rear yard setback (9' minimum, 1' proposed), south side yard setback (9' minimum, 6.3' proposed), north side yard setback (9' minimum, 1' proposed), and parking (6 spaces minimum, 4 spaces proposed) under the provisions of § 61.601 of the Saint Paul Legislative Code on property located at 300 Banfil Street, Parcel Identification Number (PIN) 01.28.23.43.0096, legally described as Lot 1, Block 7, Winslow's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 6, 2021, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application is for variances for front yard, rear yard, and both side yard setbacks, and a variance of the off-street parking requirement, to allow the development of two duplexes on the lot. Because the application has presented a design proposal based on the context of the neighborhood and immediate block, all four setback variances are related to the cohesive layout of the site and the findings for all four setback variances are presented below as a group. Discussion relevant to any individual setback variance is called out in Findings 2, 3 and 4.
2. The proposed rear yard setback, one foot (1') from the west property line, would allow the proposed development to be 3.2' from the building on the abutting lot to the west, 504 West 7<sup>th</sup> Street, which is also owned by the applicant. This distance is allowed per Building Code, but requires building modifications related to fire rating and building openings. Zoning Code § 66.231(h) provides that "*the side yard setback requirement from interior lot lines may be reduced or waived when an easement or common wall agreement, certified by the city building official for conformance with the state building code, is recorded on the deeds of the adjoining parcels.*" This would be a reasonable condition for the proposed rear yard setback variance.
3. The building on the abutting property to the south is built on the property line. It is a residential building with existing windows facing 300 Banfil/149-155 Dousman. The proposed southern side yard setback (6.4') meets the minimum Building Code standard (6')

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

for distance between buildings with windows. The draft site plan submitted with the application shows a retaining wall within the setback area that would block egress from and access to 159 Dousman Street. This wall would not meet Building Code standards. A six-foot (6') no build easement along the southern property line is recommended as a condition to preserve fire protection and maintenance access for 159 Dousman Street.

4. For the proposed setback variances, Zoning Code § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

a. *The setback variances are in harmony with the general purposes and intent of the zoning code.* This finding is met. The setback variances are specifically in harmony with the following purposes listed in Section 60.103:

(b) *To implement the policies of the comprehensive plan;*

(i) *To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;*

The setback variances allow for the creativity of site layout stated in Policy H-8 and allows for development that is exceptionally compatible with the scale and urban design of the immediate neighborhood.

b. *The setback variances are consistent with the comprehensive plan.* This finding is met. The following policies from the Housing Chapter of the 2040 Comprehensive Plan are particularly applicable:

- *Policy H-8. Encourage creativity in building design and site layout.*
- *Policy H-46. Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods.*
- *Policy H-47. Encourage high-quality urban design for residential development that is sensitive to context, but also allows for innovation and consideration of market needs.*

The following housing policy from the *District 9 Area Plan* is also applicable:

- *12. Promote those stretches of West 7th between key nodes as the appropriate location for higher-density residential use, in order to add diversity to the housing stock while preserving the traditional neighborhood fabric and supporting existing and future transit investment.*

c. *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 finding is met. Although the uses could be accommodated within one building on the site and potentially without setback variances, this would increase the bulk of the building and make the development less compatible with the existing development. Given the narrow setbacks, bulk and building heights of the development on the block, it is reasonable to permit the variances to allow a more creative design that is sensitive to the urban design of the area.

d. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The shallow depth of the lot, access only from Dousman Street, and lack of an alley limit site layout options compared to other similarly

sized lots elsewhere in the Saint Paul.

- e. *The setback variances will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The setback variances will not permit any uses not otherwise allowed in the district. The proposed uses, duplexes, are allowed in RM2 districts.
  - f. *The setback variances will not alter the essential character of the surrounding area.* This finding is met. The documentation provided with the application illustrate how the setback variances will allow the proposed development to be consistent with the essential character of the surrounding area. Establishing the minimum setbacks of the code for RM2 at this location may alter the essential character of the block.
5. For the proposed parking variance, Zoning Code § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- a. *The parking variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The parking variances are specifically in harmony with the following purposes listed in Section 60.103:
    - (b) *To implement the policies of the comprehensive plan;*
    - (h) *To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic;*
    - (i) *To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;*
    - (k) *To promote the conservation of energy and the utilization of renewable energy resources;*The parking variance allows for the creativity of site layout stated in Policy H-8 and allows for development that is exceptionally compatible with the scale and urban design of the immediate neighborhood.
  - b. *The parking variance is consistent with the comprehensive plan.* This finding is met. The following policies from the Land Use, Transportation, and Housing chapters of the 2040 Comprehensive Plan are particularly applicable:
    - *Policy LU-14. Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes.*
    - *Policy T-12. Minimize and consolidate driveway curb cuts as redevelopment opportunities arise for redevelopment sites that have sufficient existing access or can reasonably be accessed via side streets, alleys or shared driveways, especially in areas with anticipated high pedestrian activity or with adjacent planned bikeways.*
    - *Policy T-22. Shift mode share towards walking, biking, public transit, carpooling, ridesharing and carsharing in order to reduce the need for car ownership.*
    - *Policy H-8. Encourage creativity in building design and site layout.*
    - *Policy H-46. Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods.*

- c. *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 finding is met. Providing two additional off-street parking spaces would require more of the first floor of both buildings to be dedicated to parking and reduce living space. This would either reduce overall living space or increase the mass and bulk of the buildings if the lost space were added to upper levels. In either case, it would increase building costs which would likely lead to higher rents. Reducing the off-street parking ratio through a variance is reasonable at this location because of the mix of uses, superior access to transit and proximity to jobs. The 117 feet of frontage on Dousman Street will also allow for at least four (4) on-street parking spaces.
- d. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The Comprehensive Plan calls for consolidating curb cuts and reducing space dedicated to off-street parking in pedestrian-oriented areas, such as this site. The shallow depth of the lot, access only from Dousman Street, and lack of an alley reduce the design options to provide off-street parking without impacting the pedestrian-friendly proseed design. Additional off-street parking would likely require additional curb-cuts and/or reduced transparency of first-floor uses, both of which would have a negative impact on the pedestrian environment.
- e. *The parking variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The parking variance will not permit any uses not otherwise allowed in the district. The proposed uses, duplexes, are allowed in RM2 districts.
- f. *The parking variance will not alter the essential character of the surrounding area.* This finding is met. The parking variance allows for one off-street parking space per unit. This parking ratio is consistent with the existing condition of many homes in the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Stonewood Investments LLC for variances for front yard setback (9.2' minimum, 1' proposed), rear yard setback (9' minimum, 1' proposed), south side yard setback (9' minimum, 6.3' proposed), north side yard setback (9' minimum, 1' proposed), and parking (6 spaces minimum, 4 spaces proposed) at 300 Banfil Street are hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. An easement agreement, certified by the city building official for conformance with the state building code, shall be recorded on the deeds of the adjoining parcels at 300 Banfil Street and 504 West 7<sup>th</sup> Street.
3. A no build easement agreement of six feet from the southern property line to allow for fire protection and building maintenance access for 159 Dousman Street, certified by the city building official for conformance with the state building code, shall be recorded on the deed of the parcel.