

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Scott Griesbach and Tom Ellis **FILE #:** 18-124-337
 2. **APPLICANT:** Scott Griesbach and Tom Ellis **HEARING DATE:** December 6, 2018
 3. **TYPE OF APPLICATION:** PC Variance
 4. **LOCATION:** 541 Selby Ave, between Kent and Mackubin
 5. **PIN & LEGAL DESCRIPTION:** 01.28.23.22.0119; Woodland Park Addition, Lot 13, Block 4
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** § 61.202(b); § 61.601
 8. **STAFF REPORT DATE:** November 28, 2018 **BY:** Tony Johnson
 9. **DATE RECEIVED:** November 19, 2018 **60 DAY DEADLINE FOR ACTION:** January 18, 2018
-

- A. **PURPOSE:** Parking variance (6 spaces required; 2 spaces plus bike parking proposed)
- B. **PARCEL SIZE:** 50 ft. of frontage on Selby Avenue x 116 ft. = 5,800 sq. ft.
- C. **EXISTING LAND USE:** One-Family Dwelling
- D. **SURROUNDING LAND USE:** North: One-Family Residential (RT2)
East: Multi-Family Residential (RM2)
South: Commercial (B2)
West: Two-Family Residential (RM2)
- E. **ZONING CODE CITATION:** § 61.202(b) authorizes the planning commission to grant variances when related to permits. § 61.601 lists standards that must be met to grant variances.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 6 spaces for the proposed uses.
- G. **HISTORY/DISCUSSION:** The property owners have applied to rezone the subject parcel from RM2 to BC to permit the proposed businesses. The property is currently a one-family dwelling.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 8 at the time of this staff report.
- I. **FINDINGS:**
 1. The application is for a parking variance in order to convert a single family dwelling into two commercial uses, a home design and decorator business with a small retail component on the first floor and a counseling office on the second floor. The proposed commercial uses require six off-street parking spaces. There are currently 2 off-street parking spaces in a detached garage, resulting in a variance request of four off-street parking spaces.
 2. Section 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 variance is in harmony with the general purposes and intent of the zoning code. This finding is met.* The property owners have applied to rezone the parcel to BC community business (converted), which is intended for reuse of residential structures for commercial uses while retaining the visual character of building forms and open space associated with residential uses. The parking variance would provide for conversion of the property to the proposed commercial uses while retaining the visual character and open space of the residential structure, consistent with the intent of the district. It would provide for retaining trees, landscaping, and the recently constructed garage in the rear yard, in keeping with both the intent of the BC district and the general intent of the zoning code to protect aesthetics.

- (b) *The variance is consistent with the comprehensive plan. This finding is met.* The subject parcel is in a mixed-use corridor served by frequent transit service. Land Use Plan Policy LU-1.52 calls for prioritizing the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessible by automobiles. The proposed commercial uses have very few employees and limited overlapping hours of operation. The proposed uses will not generate large parking demand, and reducing parking requirements within mixed-use corridors served by transit is consistent with the general policy direction of the comprehensive plan. A strategy in the historic preservation chapter of the comprehensive plan calls for preserving areas with unique architectural, urban, and spatial characteristics that enhance the character of the built environment. The proposed parking variance to avoid paving the rear yard for a surface parking lot is consistent with this.
- (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.* The structure is currently a single family residential structure that the applicant is proposing to convert to commercial uses. There are 2 existing off street parking spaces in a garage in the rear yard, accessed from a 10 foot wide driveway. There is no alley to provide alternative access. The narrow driveway, with no space to widen it, is a practical difficulty for two-way ingress and egress for rear yard parking. Additionally, rear yard trees and landscaping, as well as the recently constructed garage, would likely need to be removed in order to develop four new off-street parking spaces in the rear yard. These fixed site constraints also create a practical difficulty in developing new off-street parking spaces in order to comply with the parking requirement for the proposed commercial uses.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met.* There is no alley access to the rear yard and no space to widen the existing narrow driveway for rear yard parking. These are fixed site constraints that are unique to the property and that were not created by the landowner.
- (e) *The 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 would not permit a use not permitted in the district. The property owners have applied to rezone the subject parcel from RM2 to BC to permit the proposed businesses.
- (f) *The variance will not alter the essential character of the surrounding area. This finding is met.* The variance of the parking requirement will help to maintain the essential character of the area by preserving the residential character of the site.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the parking variance (6 spaces required; 2 spaces plus bike parking proposed) subject to the following additional condition:

1. The application to rezone the subject parcel from RM2 to BC is approved.



APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
General DSI Line: 651-266-9008

Zoning office use only

File no. 18-124311

Fee 315⁰⁰

Tentative hearing date:

DD=8

#01282322-0119 12-6-18

APPLICANT

Name Scott Griesbach & Tom Ellis Company Ellisbach LLC
 Address 1699 Lincoln Avenue
 City St. Paul St. MN Zip 55105 Daytime phone 612-202-6834
 Property interest of applicant (owner, contract purchaser, etc.) buyers
 Name of owner (if different) James & Sarah Jarman (sellers)

PROPERTY LOCATION

Address 541 Selby Ave, St. Paul, MN 55102
 Legal description: Lot 13 BLK 4 of Woodland Park Addition
 (attach additional sheet if necessary)
 Lot size 50'x116' - .133 acres Present zoning RM2 Present use residential
 Proposed Use BC(converted)- counseling offices (2nd floor) & retail shop (1st floor)

Variance[s] requested:

We are requesting a parking variance.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Attach additional sheet as necessary. Clearly state how each of the required six findings are met (list them).

See attached

Applicant's signature

Date 11/9/18 City agent add 11-9-18

Application for Zoning Variance
541 Selby Avenue
Scott Griesbach & Tom Ellis, Ellisbach LLC

Supporting Information

We are submitting a rezoning application for the property at 541 Selby Avenue. This property is an 1898 Victorian home and is currently zoned residential (RM2), and we are seeking BC Community Business (converted) commercial zoning. The property currently has two parking spaces available in the detached garage, and we plan to also add permanent public bicycle parking in front of our building. This would satisfy three of the six spaces required for the building square footage (2,544 on 2 floors). As we talked with the city zoning staff about the requirements and options, we would like to request a parking variance for the additional three parking spaces. Here are our answers to the six required findings:

1. The variance is in harmony with the general purposes and intent of the zoning code.

The intent of the BC community business (converted) zoning district says that it is *“expressly for existing residential structures in commercial areas which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses.”* Our request for a parking variance is clearly in harmony with the general purpose and intent of this zoning code. The property sits adjacent to and across from over a dozen local businesses. Adding more parking spaces would require removing the trees and landscaping on the property, which would be contrary to the intent of the zoning code.

2. The variance is consistent with the comprehensive plan.

The 2010 Saint Paul Citywide Comprehensive Plan states that Selby Avenue has been designated as a mixed-use corridor. It further says that growth along these corridors provides *“commercial areas with goods and services for people who live and work along them.”* In addition, in mixed-use corridors, *“a variety of retail establishments located in proximately to each other strengthens a commercial area and creates a synergy that benefits all businesses. This synergy has the potential to encourage business creation and expansion.”* This rezoning and variance request is consistent with the comprehensive plan and furthers the goals of that plan.

The 2006 Summit University Planning Council Comprehensive Plan states that *“the development of businesses and jobs will be focused in the primary commercial corridors: Selby Avenue...”* Also, the plan targets specific types of businesses to be developed, including *“service businesses”* and *“boutique businesses.”* The two businesses we will put in this building fit this description and will further the goals of their plan.

3. 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.

A new garage was built on the property in 2012. In 2014, the owners had the back yard professionally landscaped and they planted five sizable paper birch trees. Razing the garage, removing all the trees and landscaping, and paving the back yard would be the only way to provide adequate parking. This would not be a reasonable or prudent thing to do. Our intent is to maintain the integrity of the back yard, which is important to the character of the property and was a specific request from the surrounding neighbors.

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

The property is narrow and the width of the house is substantial. There is no alley that runs behind the property. As you can see by the site map, the driveway is long and narrow (10' wide and over 80' long) and it would be very difficult for cars to maneuver their vehicles and park in the back area. It is unlikely that clients or customers would utilize a parking area in the back yard.

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

The two business we will locate in the building do not create high density traffic. The second floor will be offices for Crocus Hill Counseling (one of the owners businesses) and will be home to four alternating therapists who typically work 10-15 hours/week, seeing clients at varying times during week days. Three of the four employees live within biking distance, and the two property owners will commute to work together. The first floor will have a new home design and decorating business, which will include a small retail shop. This business will generally be open weekday afternoons/evenings and weekends and will be managed by the owners, without additional employees being hired. The two businesses have minimal overlapping hours, resulting in parking demands not being simultaneous.

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

The variance will allow us to maintain the essential character of the surrounding area. When we were gathering signatures from the neighbors whose properties are within 100 feet of this property, four separate households asked us if we were intending to park cars in the back yard because they did not want that to happen. I told them it is not our intent to do that, which pleased them. They like the beautiful, natural look of the yard and want it to stay that way. They also like the idea of bringing these two businesses into the neighborhood.

Thank you for your consideration of our request.

SITE MAP

541 SELBY AVE

LOT 13 BLK 4 OF
WOODLAND PARK ADDITION

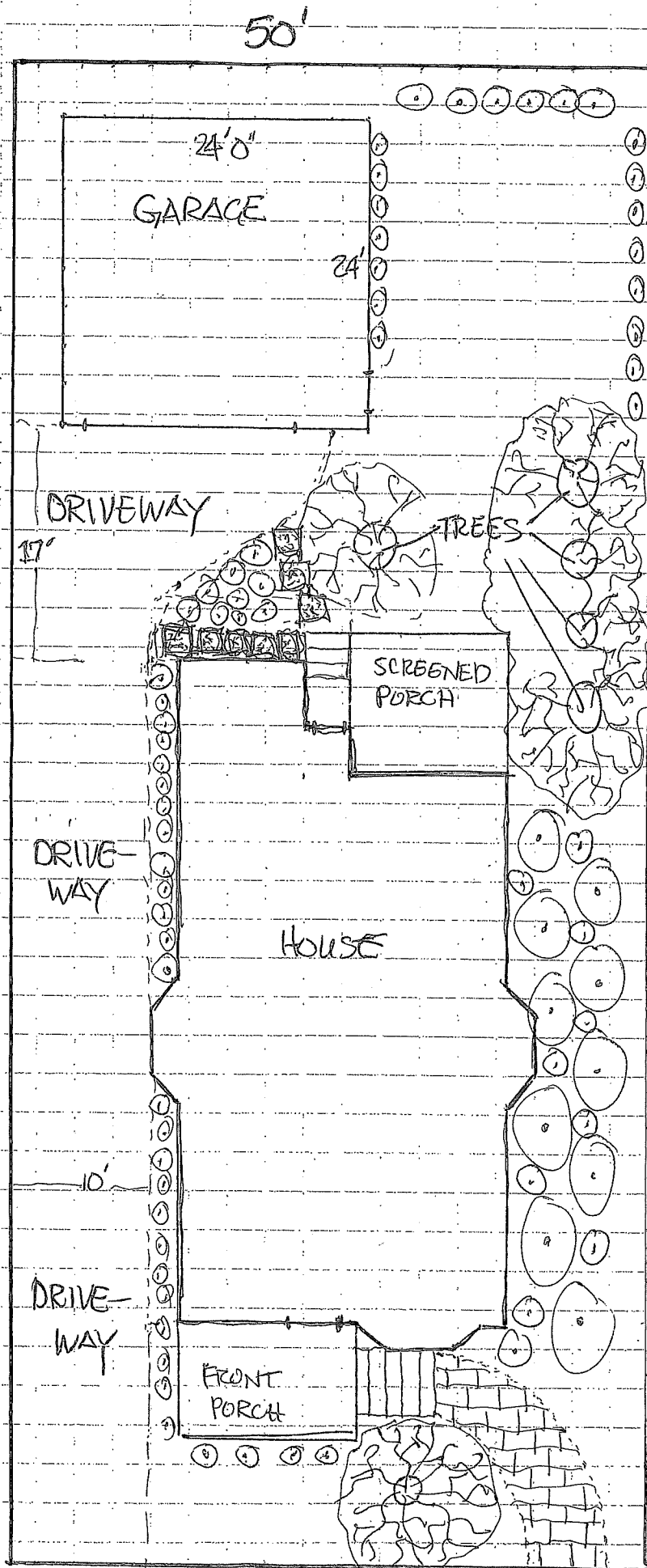
1 SQUARE = 3'



FOUNDATION = 1,272 SQ
FT

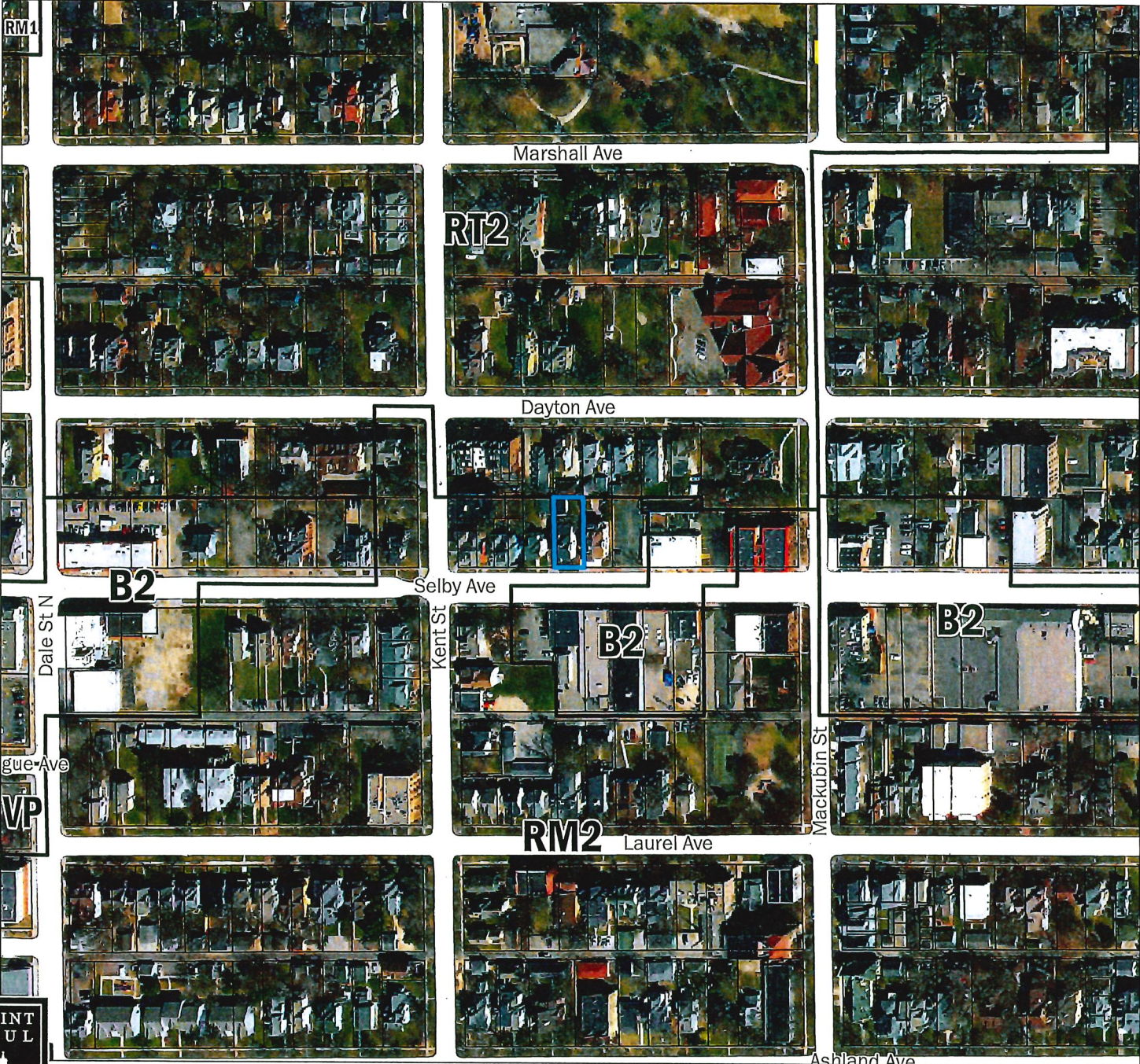
LOT SIZE = .133 ACRES
50' x 116'

APPLICANTS:
ELLSBACH LLC
SCOTT GRIESBACH
TOM ELLS
1699 LINCOLN AVE
ST. PAUL, MN 55105
612-202-6834 (SCOTT)
612-356-0277 (TOM)



SELBY AVE

SIDSWALK

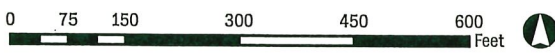


FILE #18-124337 | AERIAL MAP

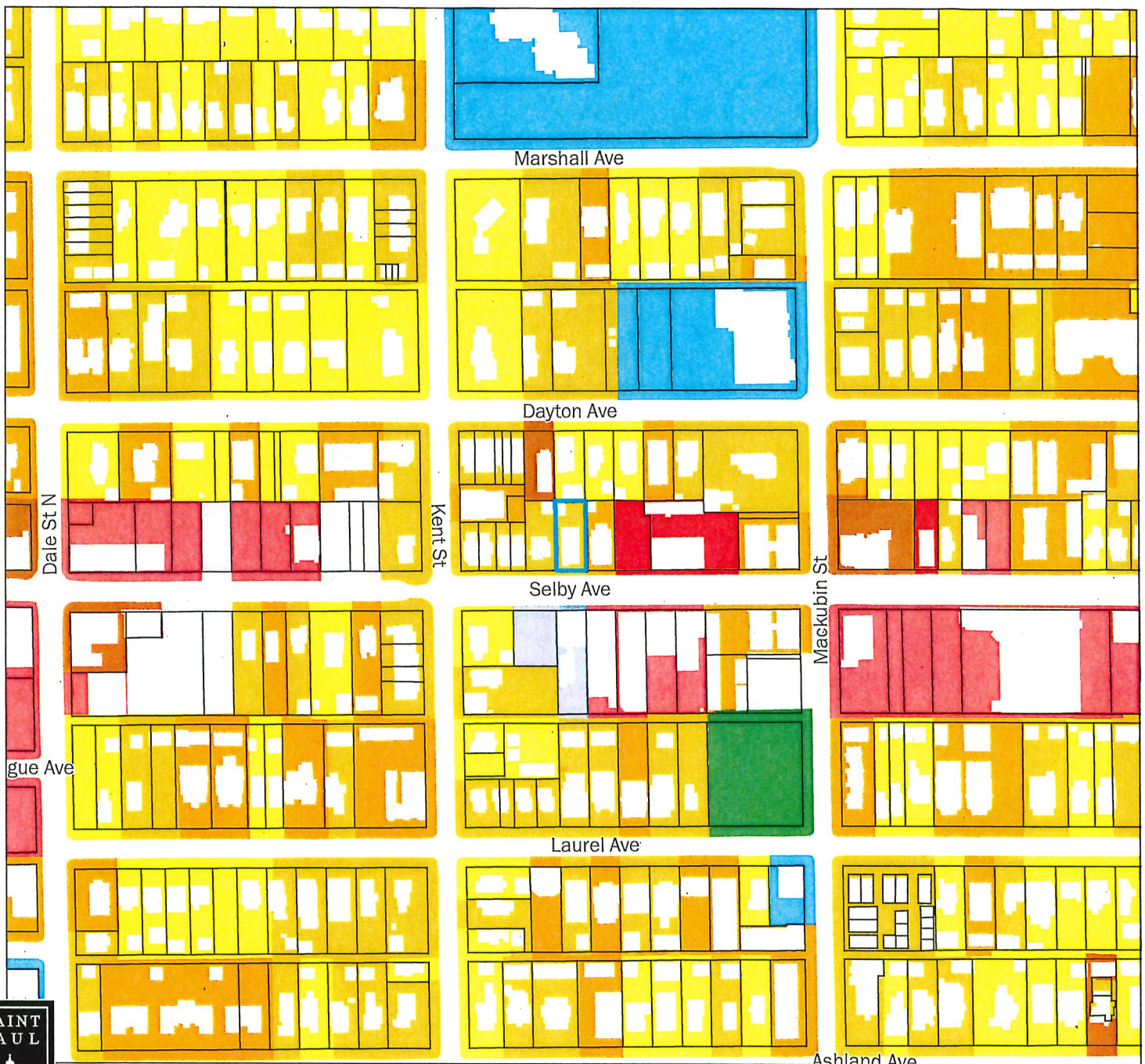
Application of Scott Griesback and Tom Ellis

Application Type: PC Variance
 Application Date: November 9, 2018
 Planning District: 8

Subject Parcel Outlined in Blue



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #18-124337 | LAND USE MAP

Application of Scott Griesback and Tom Ellis

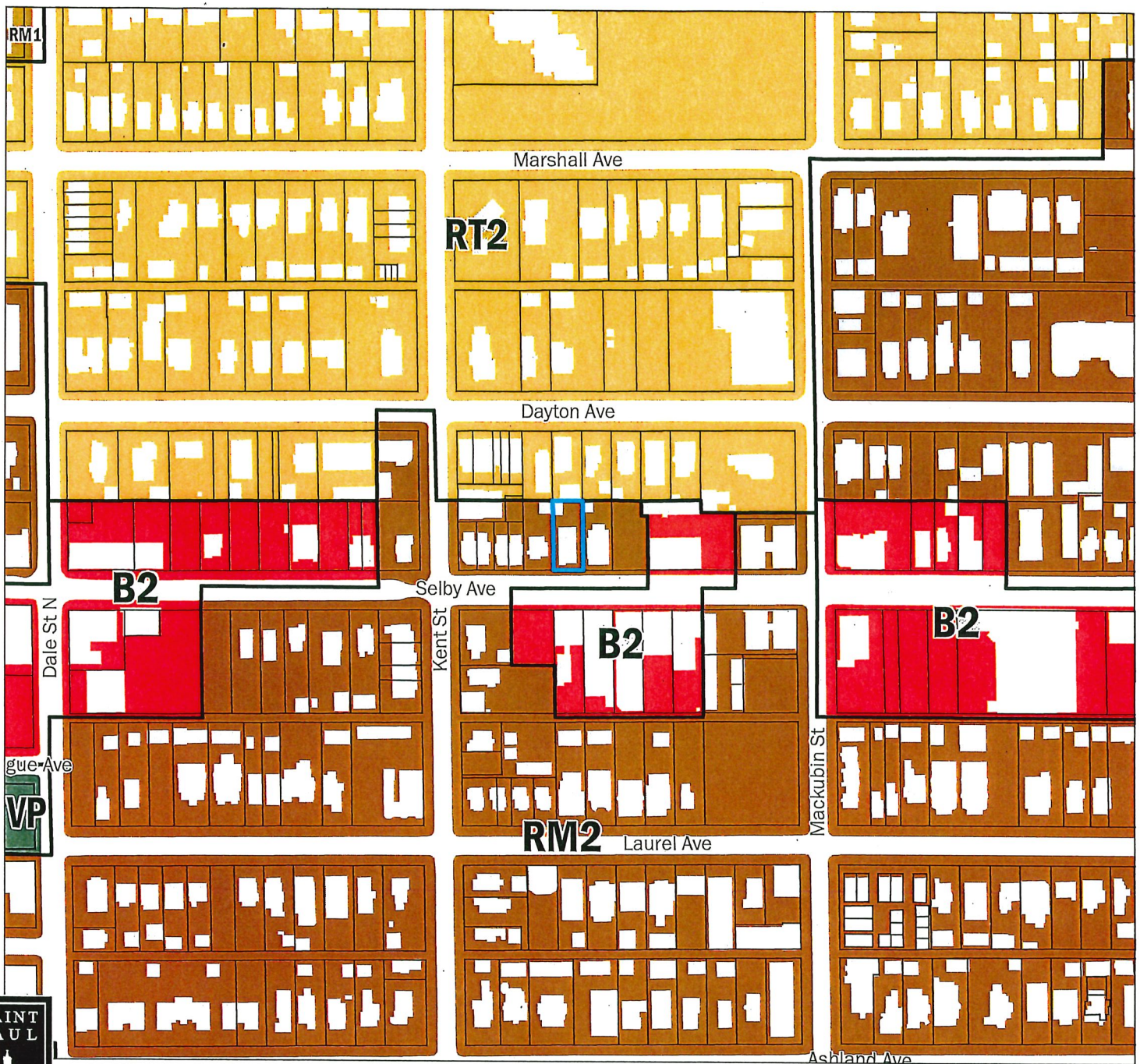
Application Type: PC Variance
 Application Date: November 9, 2018
 Planning District: 8



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



FILE #18-124337 | ZONING MAP

Application of Scott Griesback and Tom Ellis

Application Type: PC Variance
 Application Date: November 9, 2018
 Planning District: 8



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Subject Parcel Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction