

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Bai Lor **FILE #:** 19-025-059
 2. **APPLICANT:** Bai Lor **HEARING DATE:** April 11, 2019
 3. **TYPE OF APPLICATION:** PC Variance
 4. **LOCATION:** 388 Minnehaha Ave W, SW corner at Western Avenue
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.21.0001, Lots 1 and 2, Johnstone's Subdivision of Block 1 of Stinson's Division
 6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** § 61.601; § 61.202(b)
 8. **STAFF REPORT DATE:** April 4, 2019 **BY:** Tony Johnson
 9. **DATE RECEIVED:** March 26, 2019 **60 DAY DEADLINE FOR ACTION:** May 25, 2018
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- A. **PURPOSE:** Parking variance (3 spaces required, 2 spaces provided)
- B. **PARCEL SIZE:** 113 ft. of frontage on Minnehaha Avenue and 82.4 feet of frontage on Western Avenue N = 9,311.2 sq. ft.
- C. **EXISTING LAND USE:** Single Family Dwelling
- D. **SURROUNDING LAND USE:** North: Recreation (I1); East: Multi- Family, Single- Family (RT1); South: Vacant, Duplex across the alley (R4); West: Single Family (R4)
- E. **ZONING CODE CITATION:** § 61.202(b) authorizes the planning commission to grant variances when related to permits. § 61.601 provides standards that must be met to grant variances.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 3 spaces for a duplex.
- G. **HISTORY/DISCUSSION:** The house was originally constructed in 1896 as a single family dwelling. In 1922 when the first zoning code was enacted the property was zoned B residence, which permitted two-family dwellings. Somewhere between 1925 and 1955 the house was converted to a two-family dwelling. In 1975 when the modern zoning code was adopted the property was zoned RT1 two-family residential. In the 1990's the property, along with much of Frogtown, was rezoned to R4 one-family residential, and the duplex became legally nonconforming. In 2011 the property was added to the vacant building list as a category 3 vacant building. In 2013 a residential use affidavit was submitted indicating the property owner's intent to convert the property to a single family dwelling and a building permit was obtained for the conversion. On June 27, 2013, the building inspector finalized the building permit indicating that the property has been physically converted to single family dwelling. Since that time city and county records were updated characterizing this as single family dwelling. Per Zoning Code § 62.106(d), when a nonconforming use changes to a use permitted in the district in which the property is located, a nonconforming use may not thereafter be resumed. The applicant now wants to convert the house back to duplex.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 7 at the time of this staff report.
- I. **FINDINGS:**
 1. The applicant is requesting a parking variance of one space in order to convert the house at 388 Minnehaha Avenue W back to a duplex. The house was a duplex for at least 55 years before it was converted to a one-family dwelling in 2013 after being listed as a vacant building. Converting the house back to a duplex requires conformance with the current parking standard for the use, which is 1.5 spaces per unit.
 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.* In conjunction with this variance application, the applicant has applied to rezone the parcel to RT1 two- family residential. This district is intended to recognize the

existence of older residential areas of the city where larger houses have been or can be converted to from single family to two family residences in order to extend the economic life of these structures. This house was a duplex for at least 55 years without conforming to the parking minimum parking requirement. There is currently a garage with two off street parking spaces and a large driveway where vehicles can be parked. The parking in the driveway available in the driveway cannot be counted toward meeting the minimum parking requirement, but it does help meet the intent of the zoning code to lessen congestion in public streets by providing for off street parking of motor vehicles. The parcel is a double corner lot with 195.4 feet of street frontage. Because of the large amount of street frontage, about 11 cars could be parked on the streets adjacent to the parcel, which should be adequate to accommodate any potential parking need.

- (b) *The variance is consistent with the comprehensive plan. This finding is met.* This variance will aid in the creation of an additional housing unit which is consistent with Land use Plan policy LU 1.8, which calls for encouraging the development small scale multifamily uses that are compatible with the scale of established neighborhoods. It is also consistent with Housing Plan policy H 1.1 for increasing housing choices across the city to support economically diverse 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.* The house was a duplex for at least 55 years without conforming to the minimum parking requirement for the use. The residential use affidavit and the conversion to a single family were done by the previous owner. Had the property not been converted to a conforming single family dwelling by the previous owner, the use as a duplex could have been reestablished with the existing nonconforming parking deficiency and it would have complied with the duplex conversion guidelines, which calls for having a minimum of two off street parking spaces. The existing garage and driveway are along the rear property line. In order to construct an additional parking space the applicant would need to pave more of the side yard off of the driveway. There is an existing fence around the side yard which would need to be removed in order to construct an additional parking space. The existing fence is a site constraint that creates a practical difficulty in complying with this provision.
- (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 currently a fence around the side yard which is the area that the applicant would need to expand into in order to provide an additional parking space. This is a fixed site constraint that was 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.* This parking variance does not constitute a use variance.
- (f) *The variance will not alter the essential character of the surrounding area. This finding is met.* The existing driveway is roughly 1450 square feet and is roughly 15% of the total lot area. The majority of the existing structures have parking off the alleyway in the rear yard. If the variance is denied, the applicant would be required to construct additional surface parking in the side yard which is not in keeping with the urban design of the surrounding area. Additionally, because the garage is accessed through the side yard, the subject property currently has more impervious surfaces than nearby properties. Requiring the applicant to create more impervious surfaces is not in keeping with the surrounding area.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a parking variance (3 spaces required, 2 spaces provided) at 388 Minnehaha Avenue.



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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ZONING VARIANCE APPLICATION

File Number (office use only)

#19-025-059

ZONING VARIANCE APPLICATION

PD=7
#362923210001
\$315⁰⁰

Applicant Contact Information

| | | |
|--|-----------------------------|----------------------|
| Name: BAI LOR | Email: bailor08@live.com | Phone: 6512786176 |
| Address: 388 W MINNEHAHA AVE | | |
| City, State, Zip: ST. PAUL, MN 55103 | | |
| Property interest of applicant (owner, contractor, purchaser, etc.): | | |
| Property owner (if different): | | |

Subject Property Information

| | | | | |
|--|--------------------------------|------------------------------|------------------|--------------------|
| Address: 388 W MINNEHAHA AVE | | | | |
| Legal Description: Johnstone's subdivision of Blk E 1/2 of Vac Alley Ads and lot 1 and lot 2 BR | | | | |
| Lot size: | Existing use: single family | Proposed use: multifamily | Zoning District: | Planning District: |

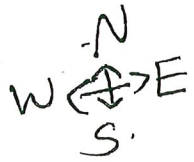
Please select the type(s) of variance or review being requested and a brief description of the project:

| | |
|--|--|
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Separation from Specific Uses |
| <input checked="" type="checkbox"/> Setbacks (please specify: front / side / rear) | <input type="checkbox"/> Design Standards |
| <input type="checkbox"/> Density | <input checked="" type="checkbox"/> Off-street Parking |
| <input type="checkbox"/> Floor Area Ratio (FAR) | <input type="checkbox"/> Signage (requires additional application) |
| <input type="checkbox"/> Height | <input type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Sidewall Articulation (Districts 14 & 15) | <input type="checkbox"/> Administrative Review |

Applicant Signature

| | | |
|----------------|------------------|--------------|
| Signature: | Date: 3/21/19 | Received by: |
|----------------|------------------|--------------|

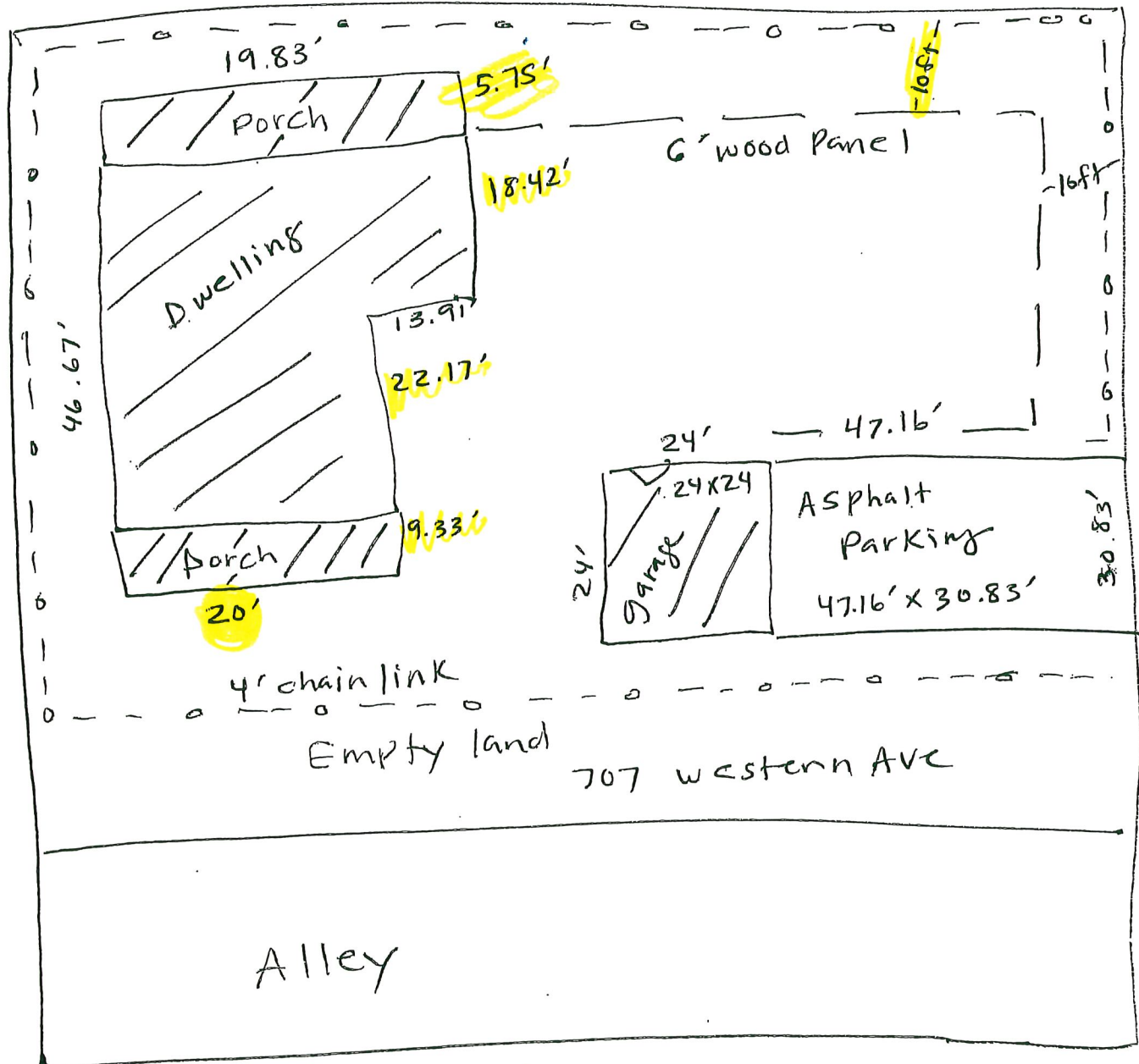
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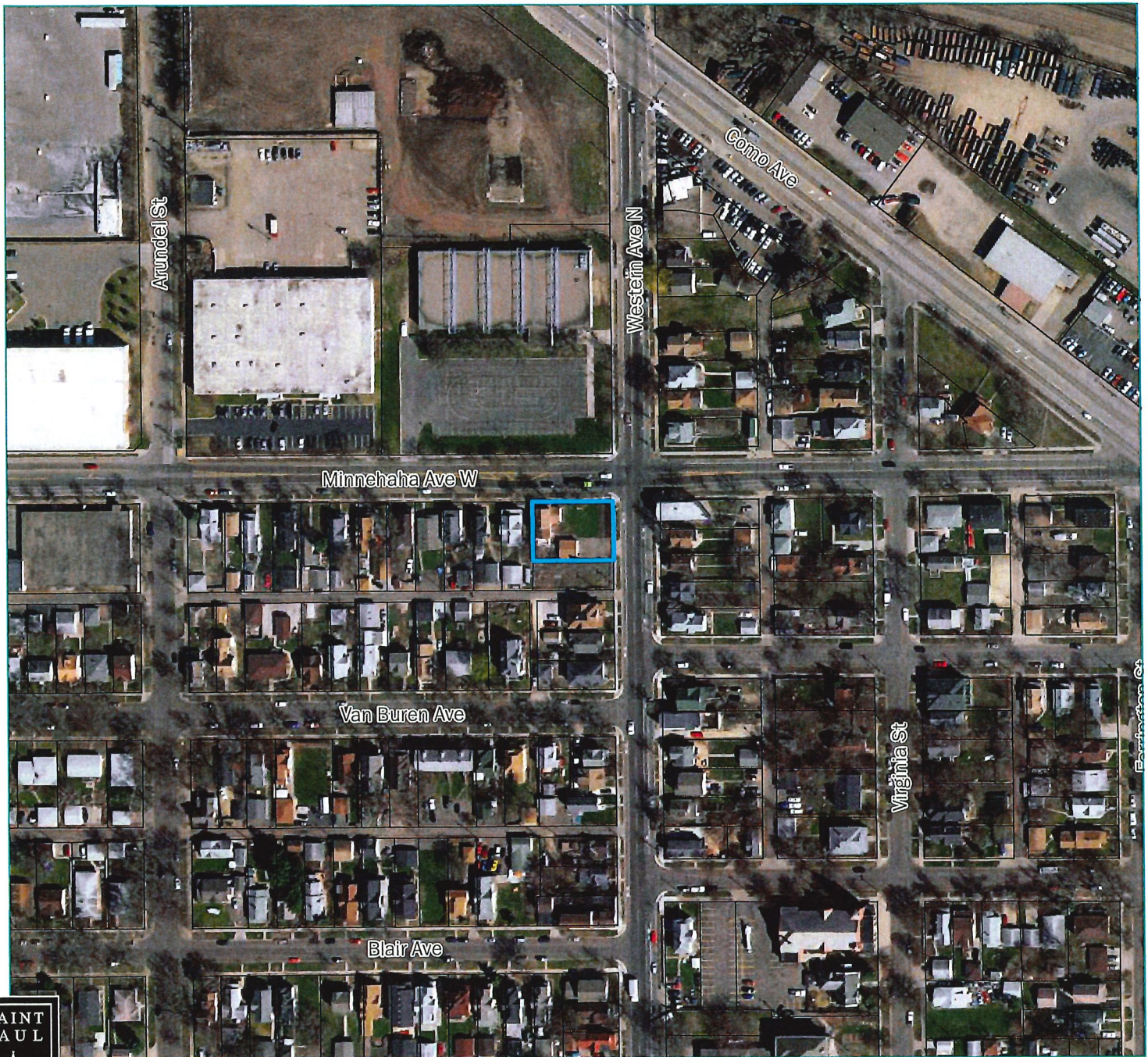


Project: Duplex

Site Plan

MINNEHATA AVE





FILE #19-025059 | AERIAL MAP
Application of Bai Lor

Application Type: PC - Variance
Application Date: March 21, 2019
Planning District: 7

Subject Parcel Outlined in Blue

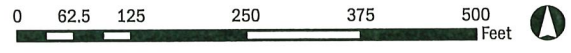


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FILE #19-025059 | LAND USE MAP
Application of Bai Lor

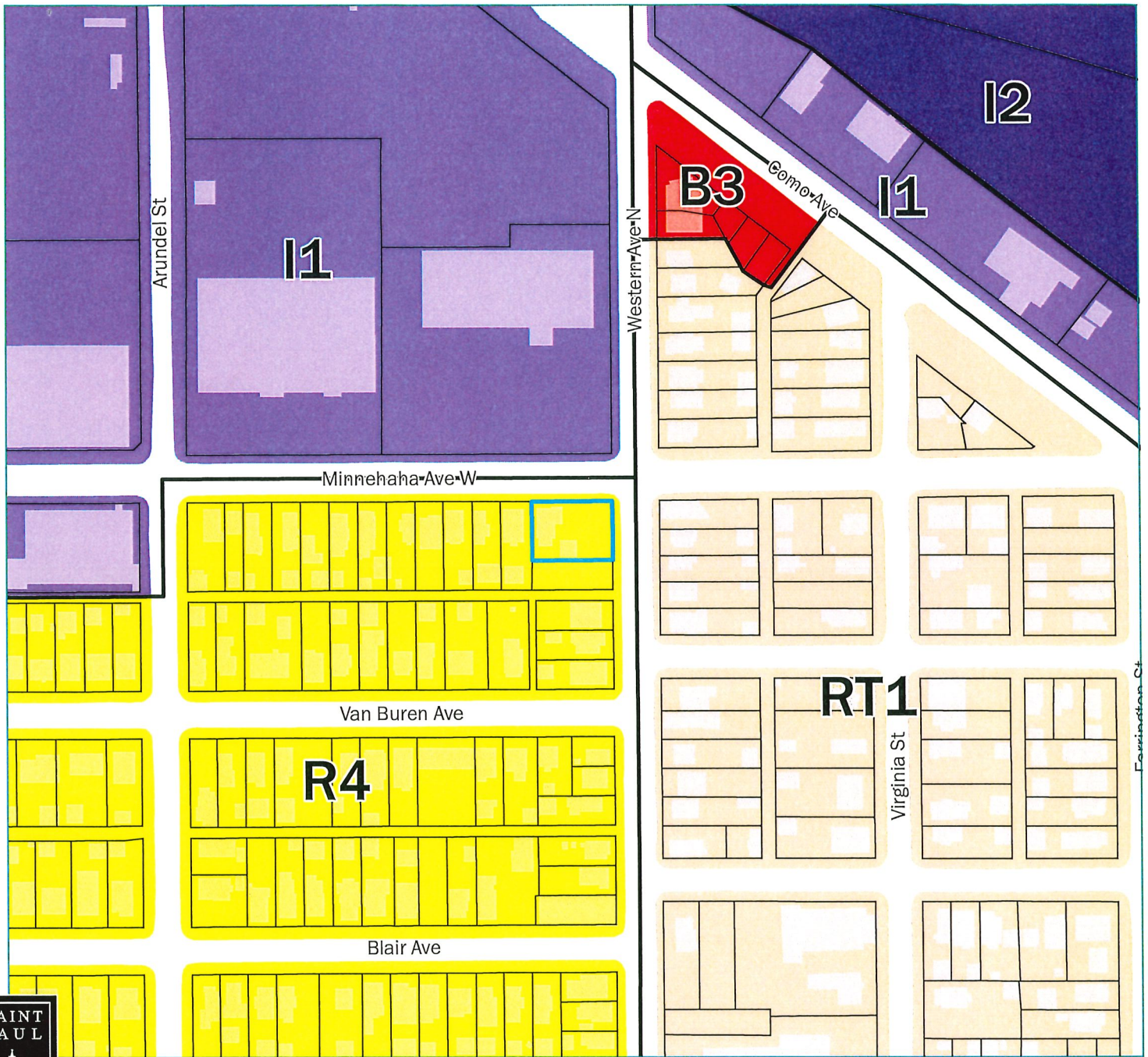
Application Type: PC - Variance
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Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 | |

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FILE #19-025059 | ZONING MAP
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Subject Parcel Outlined in Blue

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|-------------------------|-----------------------------|-----------------------------------|------------------------------|
| 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 |