

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Michael Allen, File # 20-071-884, has applied for a conditional use permit for a three-unit cluster development with front and rear yard setback variances and a lot coverage variance, under the provisions of § 65.130 of the Saint Paul Legislative Code, on property located at 1725 Carroll Avenue, Parcel Identification Number (PIN) 33.29.23.43.0011, legally described as Lot 8, Block 6 Quniby Park; and together with all of vacated Herschel Street adjacent, subject to easement over the west 15 feet thereof; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 24, 2020, held a public hearing on said application pursuant to 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 applicant proposes a three-unit cluster development on the triangular-shaped property that is currently occupied by a vacant commercial warehouse structure and accessory surface parking west of the building. The applicant proposes to convert the existing building to a duplex and construct a detached one-unit dwelling above a new garage west of the existing building. The garage will have space for three vehicles. Space for a fourth vehicle will be located south of the garage.
2. Section 65.130 allows cluster developments and lists the required standards and conditions that must be met:
  - (a) *Applications for cluster development shall include site plans, including landscaping and elevations and other information the Planning Commission may request.* This condition is met. The applicant submitted a survey, site plan, and detailed architectural drawings that include elevations and landscaping.
  - (b) *No unit shall intrude on the vertical airspace of any other unit.* This condition is met. The two dwelling units in the existing commercial building are side by side and the dwelling unit in the garage will be above the vehicle parking area.
  - (c) *The parcel shall have a minimum frontage of eighty (80) feet on an improved street and meet the lot area required per unit in the zoning district. Individual lots within a cluster development may have less than the required lot area for the zoning district provided such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets.* This condition is met.

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

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

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

against \_\_\_\_\_

The property has about 270 feet of frontage along Carroll Avenue, an improved street, and a lot area of 12,839 square feet; 11,000 square feet is required. The proposed duplex in the existing building requires 6,000 square feet of lot area (3,000 square feet for each unit) and the single-family unit above the garage requires 5,000 square feet of lot area.

- (d) *Structures shall conform to the dimensional standards for height, lot coverage, and setbacks for the zoning district. Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development.* This condition can be met with front and rear yard setback variances for the existing building, a rear yard setback for the new garage/dwelling unit building, and a lot coverage variance for the principal buildings on the property. The proposed project conforms to the dimensional standards for height with the garage/dwelling unit building at 21' 8"; 40 feet is allowed. However, front and rear yard setback variances are needed for the existing structure (25' required and 0' existing setback for the front yard and 25' required and 2'- 4" existing setback for the rear yard) and a rear yard setback variance is needed for the garage/dwelling unit structure (25 feet required, and 2'- 4" proposed). A lot coverage variance is also needed for principal buildings; 35 percent lot coverage maximum allowed, and 41 percent proposed.
  - (e) *The design shall be compatible with the surrounding neighborhood.* The design of the new garage/dwelling unit structure is compatible with the surrounding neighborhood and with the existing building on the property. The property is adjacent to railroad right of way to the north and across the street from a city park to the south. Single-family uses are to the west.
  - (f) *Individual lots, buildings, street and parking areas shall be designed and situated to minimize alteration of the natural features and topography.* This condition is met. New construction will take place on a flat surface in an area currently occupied by paved parking.
3. §61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The project site is located in an area identified in the Land Use Plan as Established Neighborhood. Established Neighborhoods are predominantly residential areas with a range of housing types. Single-family houses and duplexes predominate, although there may be small scale multifamily houses scattered throughout these neighborhoods. Policy 1.1 calls for guiding the development of housing in Established Neighborhoods, commercial areas within Established Neighborhoods, and in Residential Corridors. Policy 1.8 encourages the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods. Housing policy in the Union Park Community Plan includes H2.2., Encourage rehabilitation of existing housing stock and H2.2a., New residential construction shall be consistent with the character of the surrounding homes, while minimizing impact on the neighborhood. A conditional use permit for a cluster development would allow for reuse of a nonconforming structure for a conforming use and new residential construction consistent with the character of surrounding homes.
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The cluster development will continue using the existing curb cut on Carroll; no changes are planned to ingress and egress.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed three-unit cluster development will be developed on a triangular-shaped lot adjacent to railroad right of way. The use will not be detrimental to the existing character of development in the immediate neighborhood nor endanger the public health, safety, and general welfare. The proposed residential use is compatible with existing residential uses in the neighborhood.
  - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The surrounding property is developed with residential, park, and railroad uses. The cluster development will not impede development and improvement of these uses.
  - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met if the setback and lot coverage variances needed to establish the cluster development are obtained.
4. Since the existing commercial warehouse building does not comply with front and rear setback requirements (25' front yard setback required and 0' existing and 25' rear yard setback required and 2' 4" existing) a variance from § 65.130(d) is needed to allow the cluster development. In addition, the proposed detached garage/dwelling unit structure complies with the front yard setback requirement but encroaches on the rear yard setback requirement. The dimension between the front yard setback and the rear yard setback in this portion of the lot is not deep enough to support a typical garage depth due to the unique triangular shape of the lot. A variance is requested to reduce the rear yard from 25' to 2' - 4". The applicant states that the site plan is designed to provide adequate light, air, and visibility between the proposed garage/dwelling unit and duplex structures. A patio is proposed between the structures. The applicant states that the proposed detached garage/ dwelling unit structure with a grade level garage is setback further from the street to keep the front facing garage further from the residential setback of existing single-family homes to the west. The applicant adds that given the railroad right of way and industrial buildings near the rear property line, not residences, a reduction in the rear yard setback is more appropriate than a reduction of the front yard setback.
5. 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 variances are in harmony with the general purposes and intent of the zoning code.* This finding is met. The general purposes and intent of the zoning code include: to provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land; and to ensure adequate light, air, privacy and convenience of access to property. The existing commercial structure is nonconforming as to use and front and rear yard setbacks. Converting the building to residential use is consistent with the zoning code, with the residential zoning of the property, and with nearby low-density residential uses. The proposed new garage/dwelling unit structure allows for a modest increase in residential use and density on land currently occupied by surface parking. Siting the new structure towards the rear of the property will allow for better flow of light and air between the two structures on the property.
  - (b) *The variances are consistent with the comprehensive plan.* This finding is met. The project site is located in an area identified in the Land Use Plan as Established Neighborhood. Established Neighborhoods are predominantly residential areas with a range of housing types. Single-family houses and duplexes predominate, although there may be small scale multifamily houses scattered throughout these neighborhoods. Policy 1.1 calls for guiding the development of housing in Established Neighborhoods,

commercial areas within Established Neighborhoods, and in Residential Corridors. Policy 1.8 encourages the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods. The setback variances on the triangular-shaped lot allow for development of residential uses that are compatible with the character of Established Neighborhoods. Housing policy in the Union Park Community Plan includes H2.2., Encourage rehabilitation of existing housing stock and H2.2a., New residential construction shall be consistent with the character of the surrounding homes, while minimizing impact on the neighborhood. The variances allow for reuse of a nonconforming structure for a conforming use and new residential construction consistent with the character of surrounding homes.

- (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 existing nonconforming building does not comply with front and rear setback requirements. Moving the building to comply presents practical difficulties not only in the logistics of moving a building, but the buildable footprint of the triangular-shaped parcel would not accommodate the building without setback variances. Further, the triangular-shaped property and the existing structure's location limits the available area to develop the proposed new detached garage/dwelling unit structure. The depth of the area between the front and rear yard setbacks reduces the buildable area to 22'- 6". This depth limits reasonable development of a garage/dwelling unit structure. For this reason, the applicant proposes to place the new structure in the rear yard, closer to railroad right of way, rather than locating it towards the front yard. The rear yard setback variance for the new building limits the impact of new development on residential properties to the west. It is reasonable to allow a garage on residential property. However, because the garage is proposed to have a dwelling unit above it, the structure is considered a principal building, not an accessory building, and a variance of the maximum lot coverage is needed. The maximum lot coverage of principal buildings allowed in the RT1 zoning district is 35 percent; the applicant is proposing a lot coverage of 41 percent. The applicant would not need a lot coverage variance if the proposal were just for a garage since a garage is an accessory building, not a principal building, though the rear yard setback would still be needed. The impact of the new structure, with regard to the amount of land it covers, is the same whether it is a garage or a garage with dwelling unit above. The difference is that with a dwelling unit in it, it becomes a principal building. The applicant's plans to develop a cluster development with two principal buildings on a triangular-shaped lot adjacent to railroad right of way and across from a city park is a reasonable use of the property.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The triangular-shaped lot, the location of the existing nonconforming building on it, and the resulting buildable footprint for a garage/dwelling unit are not circumstances created by the landowner.
- (e) *The 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 RT1 zoning district in which the project site is located permits a cluster development with a conditional use permit.
- (f) *The variances will not alter the essential character of the surrounding area.* This finding is met. The variances will allow a nonconforming commercial building to be converted to a conforming use and for an additional dwelling unit to be established above a new garage structure. The proposed variances needed to allow the cluster development will

not alter the essential character of the surrounding area, which includes low density residential uses, railroad right of way, and a city park.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Michael Allen for a conditional use permit for a three-unit cluster development with front and rear setback variances, 25' front yard setback required and 0' requested and 25' rear yard setback required and 2' 4" requested, and lot coverage variance, 35 percent required and 41 percent requested, at 1725 Carroll Avenue is hereby approved, subject to the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.