

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Stone Saloon Parking **FILE #:** 15-146-534
  2. **APPLICANT:** Tom Schroeder **HEARING DATE:** August 27, 2015
  3. **TYPE OF APPLICATION:** Variance
  4. **LOCATION:** 444 7th St W, SE corner at Douglas
  5. **PIN & LEGAL DESCRIPTION:** 012823410176, Samuel Leeches Addition That Part Of Lots 6 & 7 Blk 9 Lying Sely Of W 7th St
  6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** T2
  7. **ZONING CODE REFERENCE:** §§ 63.312; 63.314(a); 61.601; 61.202(b)
  8. **STAFF REPORT DATE:** August 19, 2015 **BY:** Bill Dermody
  9. **DATE RECEIVED:** August 4, 2015 **60 DAY DEADLINE FOR ACTION:** October 3, 2015
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- A. **PURPOSE:** Variance to allow the corner of a parking space to be set back 4 inches from a lot line at the public sidewalk
- B. **PARCEL SIZE:** 2,791 sq. ft. (irregular)
- C. **EXISTING LAND USE:** Unimproved parking lot
- D. **SURROUNDING LAND USE:** Commercial, residential, and mixed uses along West 7<sup>th</sup> Street (T1, T2, B2); one and two-family residential to the south and southeast (R4)
- E. **ZONING CODE CITATION:** §63.312 requires off-street parking spaces to be a minimum of four (4) feet from any lot line; §63.314(a) requires a parking facility to have a landscaped yard at least seven (7) feet wide along the public sidewalk if vehicles overhang the yard; §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The subject site was rezoned from B2 to T2 in 2011 as part of a larger rezoning.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Fort Road Federation recommends approval of the application.
- H. **FINDINGS:**
  1. The application requests a variance from the minimum parking setbacks from the northwest lot line of 444 7<sup>th</sup> Street W and adjacent sidewalk of 4' and 7' in order to establish a 6-space parking lot to be accessed via the 16'-wide alley. Two parking spaces would encroach into the minimum setbacks, with the westernmost (most encroaching) space set back 4 inches from the lot line/sidewalk.
  2. The proposed parking lot is associated with the proposed commercial use at 445 Smith Avenue, one block to the east, which is the subject of concurrent applications for a historic use variance and building setback variances.
  3. The proposed 6 parking spaces are all required to meet the minimum parking requirement for 445 Smith Ave., when combined with the planned provision of bicycle parking on the Smith Ave. property. The proposed parking lot contains 5 spaces with a width of 9 feet and length of 22 feet, and 1 space with dimensions of 9' by 20'. The Zoning Code requires minimum parking space dimensions of 9' x 18'. The additional parking space size is desired for functionality; reducing the parking space size to 9' x 18' would not eliminate the need for a variance.
  3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance

approvals effective May 6, 2011. The Board of Zoning Appeals and 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 purpose and intent of the minimum perimeter landscape setback is maintained since most of the property provides a far greater setback, thereby allowing for a generously landscaped area adjacent to the sidewalk.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The requested setback variances allow the associated improvements to be made to the historic site at 445 Smith Ave., thereby facilitating its productive use and furthering the Comprehensive Plan's Historic Preservation Chapter, including Strategy HP 5.3 that calls for realizing the full economic potential of historic resources.
- (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 lot's triangular shape and relatively small size limit its functional viability for parking or other uses. A parking lot is a reasonable use of this T2-zoned 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 lot's triangular shape and relatively small size are unique circumstances 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. A parking lot is a permitted use in the T2 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The site is currently an unimproved parking lot – establishing a freshly paved and striped parking lot will not alter the area's character, nor will the requested encroachment into the minimum setbacks.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variance to allow the corner of a parking space to be set back 4 inches from a lot line and public sidewalk subject to the following additional condition:
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.



**APPLICATION FOR ZONING VARIANCE**  
 Department of Safety and Inspections  
 375 Jackson Street  
 Suite 220  
 Saint Paul, MN 55101-1806  
 General: 651-266-9008  
 Fax: (651) 266-9099

Zoning office use only  
 File Number: 15-146534  
 Fee: \$ \_\_\_\_\_  
 Tentative Hearing Date: 8-27-15  
 Section(s) \_\_\_\_\_  
 City agent \_\_\_\_\_

PD=9

# 012823410.176

**APPLICANT**

Name Tom Schroeder Company \_\_\_\_\_  
 Address 194 McBoal  
 City Saint Paul ST MN Zip 55102 Phone 612 325 8838  
 Email tom.schroeder@Fagre BD.com Fax \_\_\_\_\_  
 Property Interest of Applicant (owner, contract purchaser, etc) 10 year lease  
 Name of Owner (if different) Troy Beuge Phone 612 554 2642

**PROPERTY INFORMATION**

Address / Location \_\_\_\_\_  
 Legal Description (attach additional sheet if necessary) That part of lots 6 and 7, block 9 Samuel Leecho's Addition, Ramsey County, Minnesota, lying southeasterly of West 7th Street.  
 Lot Size 2,791.4 Present Zoning T2 Present Use unimproved parking  
 Proposed Use Improved Parking and Landscaping

**Variance[s] requested:**

**Supporting Information:** Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

(see attached)

pdd  
 7-30-15  
 300.00  
 CK 5104

Attachments as required:



Site Plan



Attachments



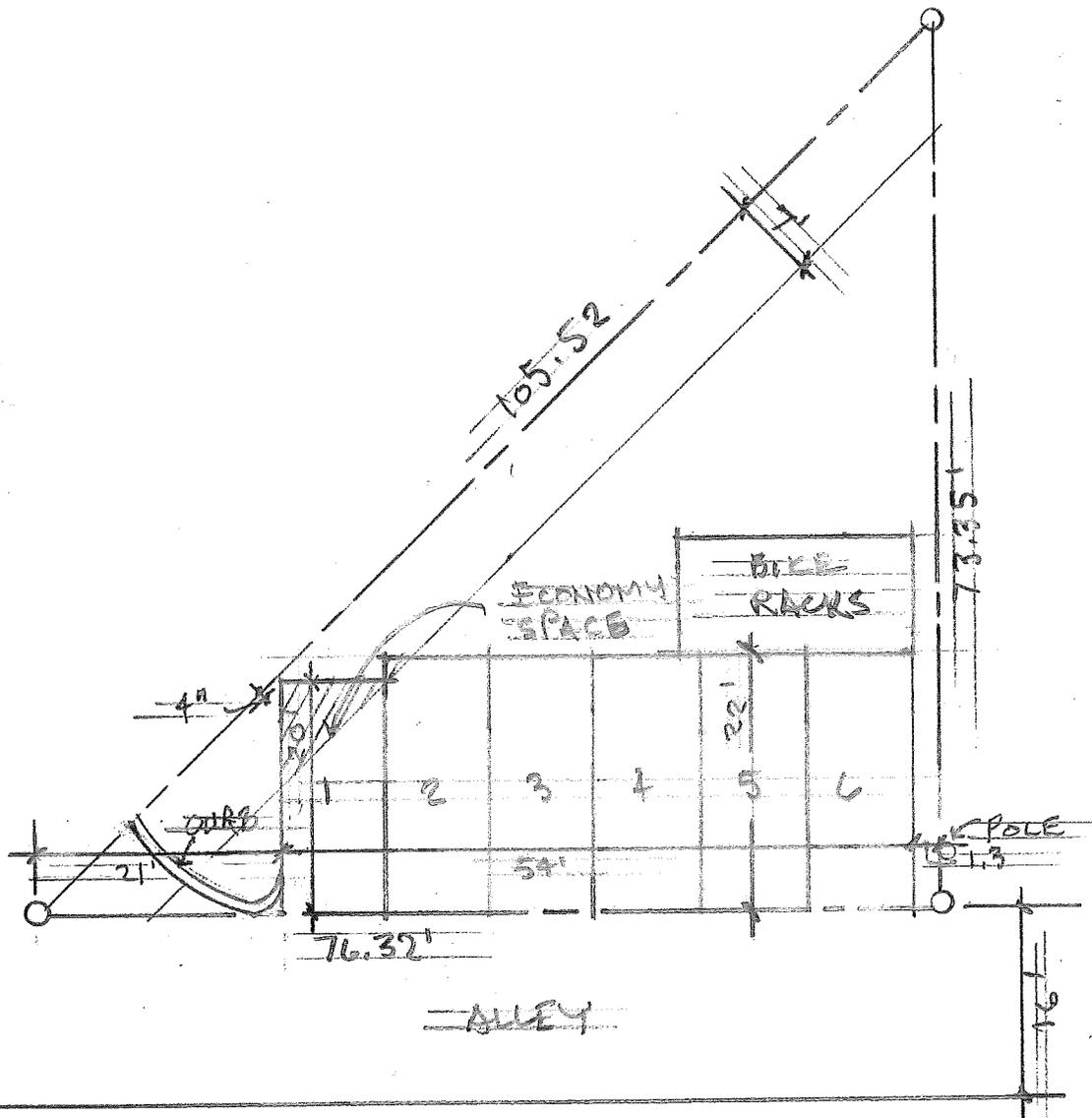
Pro Forma

Applicant's Signature

John H. [Signature]  
 Architect

Date

7/30/2015



1  
 A-6  
 STONE SALOON PARKING - SAINT PAUL  
 1/16" = 1'-0"  
 7/23/2015  
 JHY  
 REVISED 7/29/2015  
 REVISED 7/30/2015

**Stone Saloon  
Request for  
Parking Setback Variance  
July 29, 2015**

**The applicant requests a single variance from the setback requirement otherwise applicable to off-street parking adjacent to the property line along a public street/sidewalk right of way.**

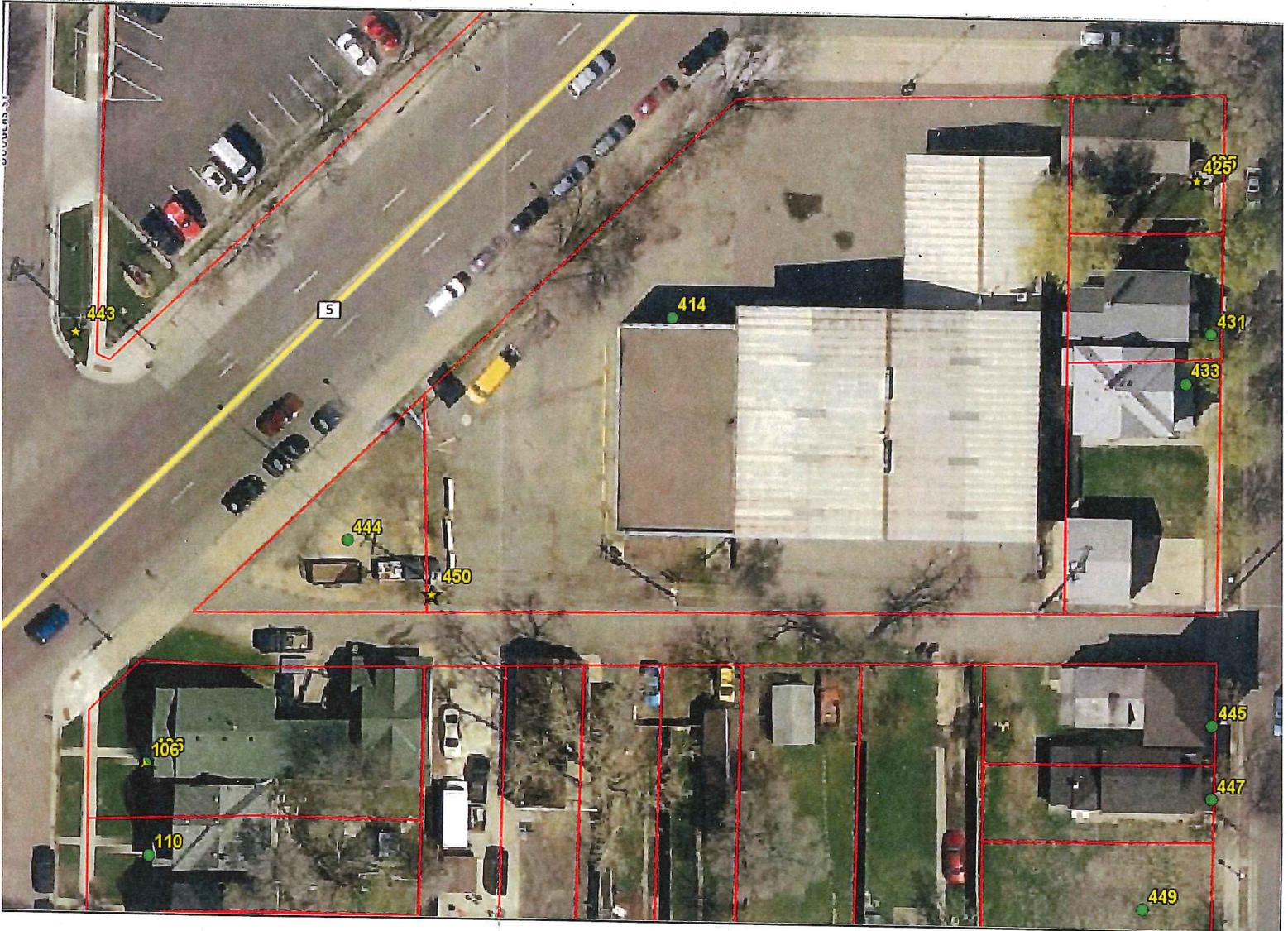
**As background, city staff have determined that the equivalent of 7 off-street parking spaces (6 automobile spaces and 4 bicycle racks) are needed for the Stone Saloon's operation as a tap house/brewery under a historic use variance (HUV) from R-4 zoning which the applicant is simultaneously seeking along with this variance. The Stone Saloon's owner (the present applicant) has executed a 10-year lease with a right of first refusal on a triangular lot less than 200' to the west of the Stone Saloon. The triangular lot is zoned T2 and currently used for unimproved parking. This variance would allow the triangular lot to fully satisfy the Stone Saloon's off-street parking requirements.**

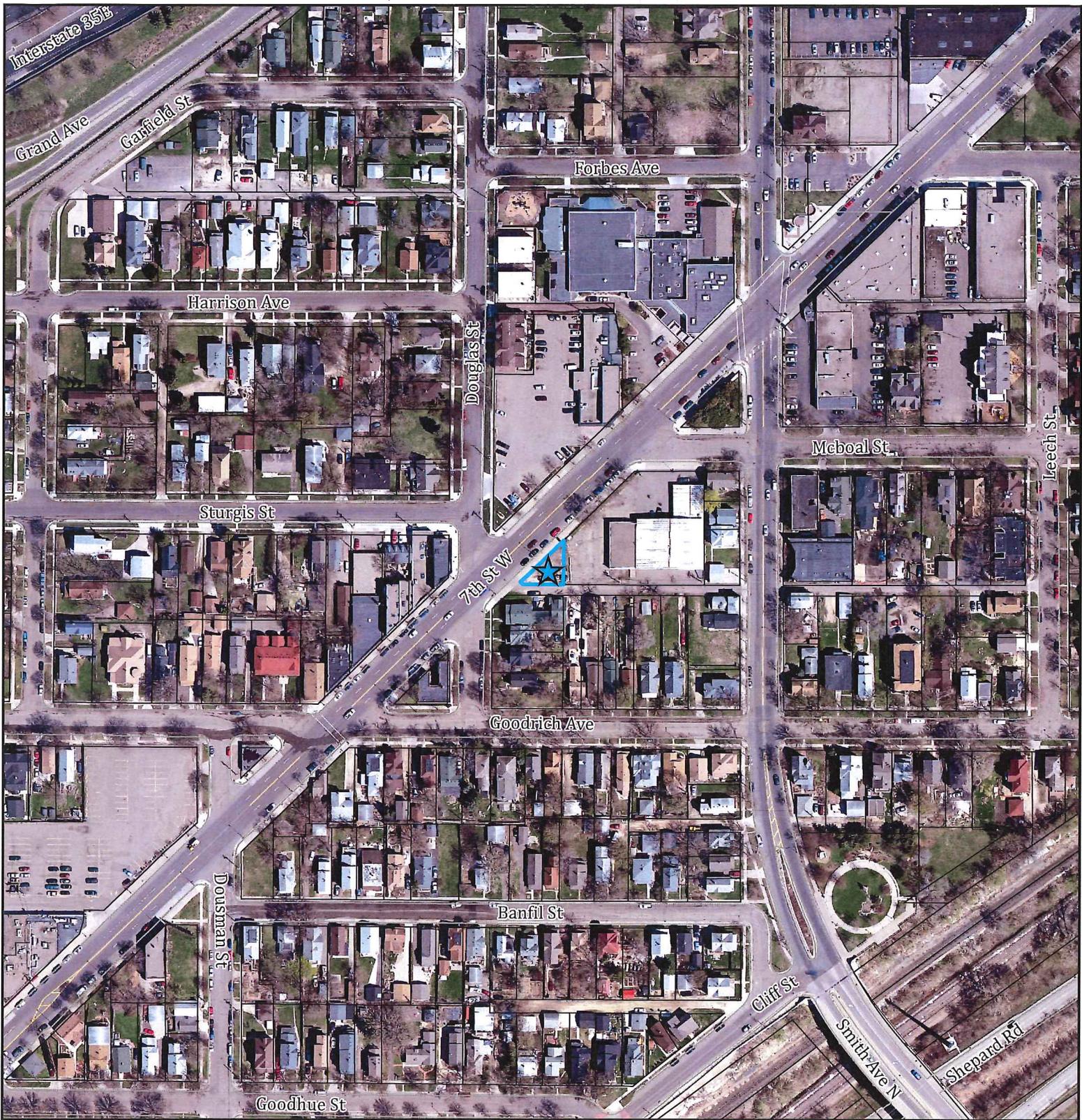
**The zoning code calls for a 7' setback from the property line along a public street/sidewalk right of way. The applicant is seeking a variance to allow one corner of a single parking to reach, at its western-most point, to 4" of the sidewalk along the property line at the street. The resulting area of the intrusion into the setback zone would be a small triangle of less than 43 square feet. For comparison, the area of the setback zone as a whole is 690 square feet. In other words, the area of the intrusion represents only 6% of the total setback area along the street.**

- 1. The variance is in harmony with the general purposes and the intent of the zoning code. The lot is zoned T2. The intrusion into the setback zone is minimal, does not impinge on the sidewalk area, and does not compromise public safety. The parking configuration was developed in consultation with city staff at DSI.**
- 2. The variance is consistent with comprehensive plan. The variance would allow a T2 lot currently used for unimproved parking to fully satisfy the off-street parking needs of the Stone Saloon. The Stone Saloon is situated on a residentially-zoned (R4) lot that is**

undergoing designation as a St. Paul Heritage Preservation Site. If the HUV is granted for the Stone Saloon, 7 off-street parking stalls will be required. The applicant has worked through various configurations with DSI staff that allow the triangular T2 lot less than 200' to the west of the Stone Saloon to fully satisfy the Stone Saloon's parking requirements, without the need to compromise the historic integrity of a heritage preservation site by building a parking lot on it. Preserving the historic integrity of the heritage preservation site is consistent with the Preservation Chapter of the Comprehensive Plan, as well as the Preservation Program applicable to the Stone Saloon's site. Moreover, the chosen parking configuration leaves a substantial portion of the triangular lot for landscape area, which will visually benefit the West Seventh community street-scape.

3. The practical difficulty arises from the triangular shape of the lot. The parking configuration developed with DSI's input represents a reasonable use of the lot, with minimal intrusion into the setback area (only 43 square feet, or 6% of the total setback area).
4. The plight of the owner is due to the unique shape of the lot. Many different parking configurations were reviewed with city staff; the chosen configuration was the one most recommended by DSI zoning staff. Appropriate off-street parking is very difficult to find in this neighborhood.
5. The variance will not permit any use that is not already allowed in the zoning district. The lot is currently zoned T2.
6. The variance will not alter the essential character of the surrounding area. The lot is already unimproved parking, however the re-grading, paving, and landscaping will very much enhance this parcel of land, while preserving the historic integrity of the Stone Saloon's historically designated site. Moreover, the lot immediately adjacent to the east is another parking lot and is also zoned T2.





FILE NAME: Stone House Parking

Aerial

APPLICATION TYPE: PC-Variance

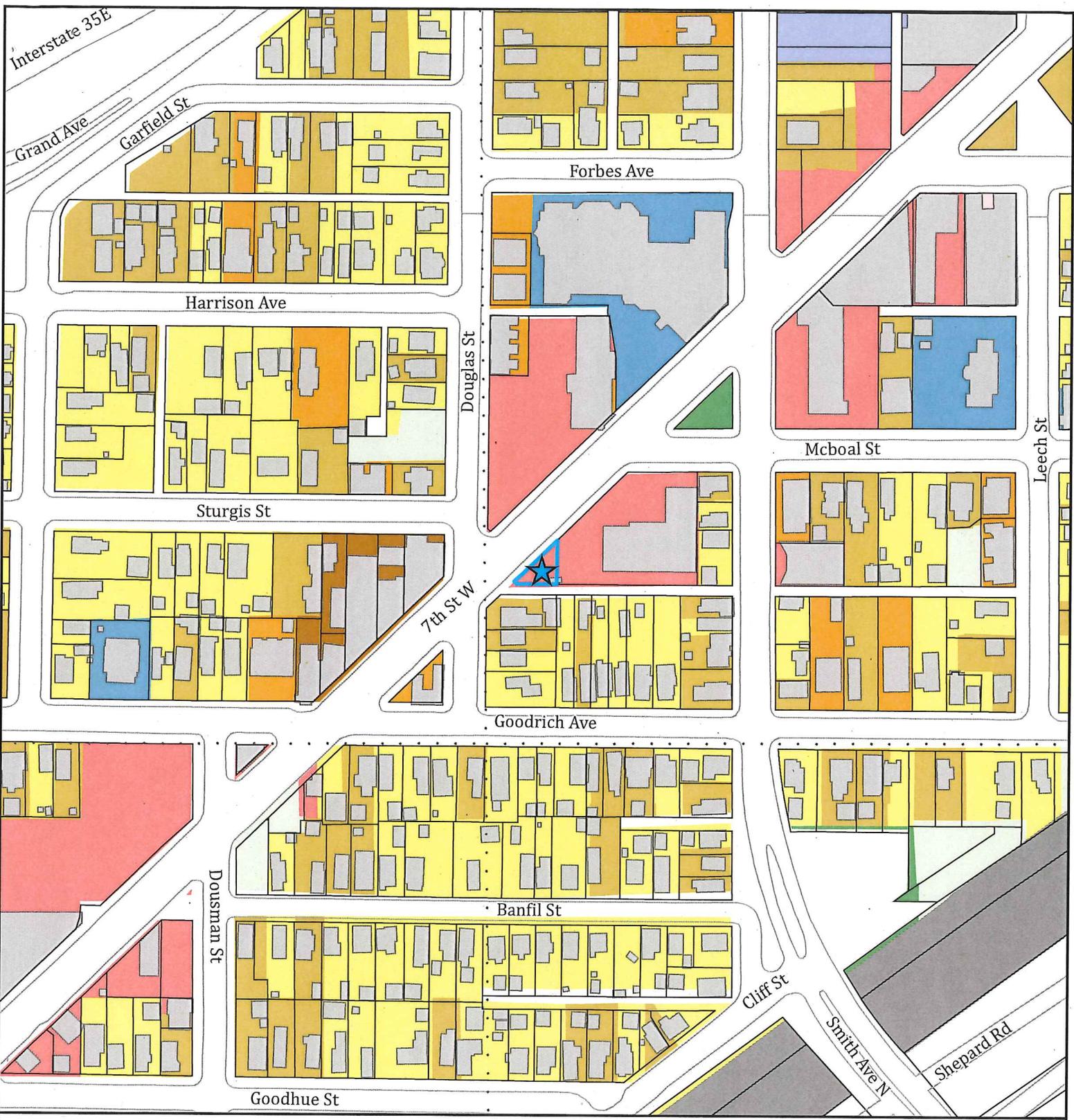
 Subject Parcels

FILE #: 15-146534      DATE: 8/4/2015

PLANNING DISTRICT: 9

ZONING PANEL: 15





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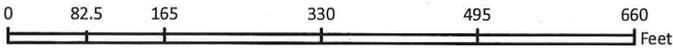
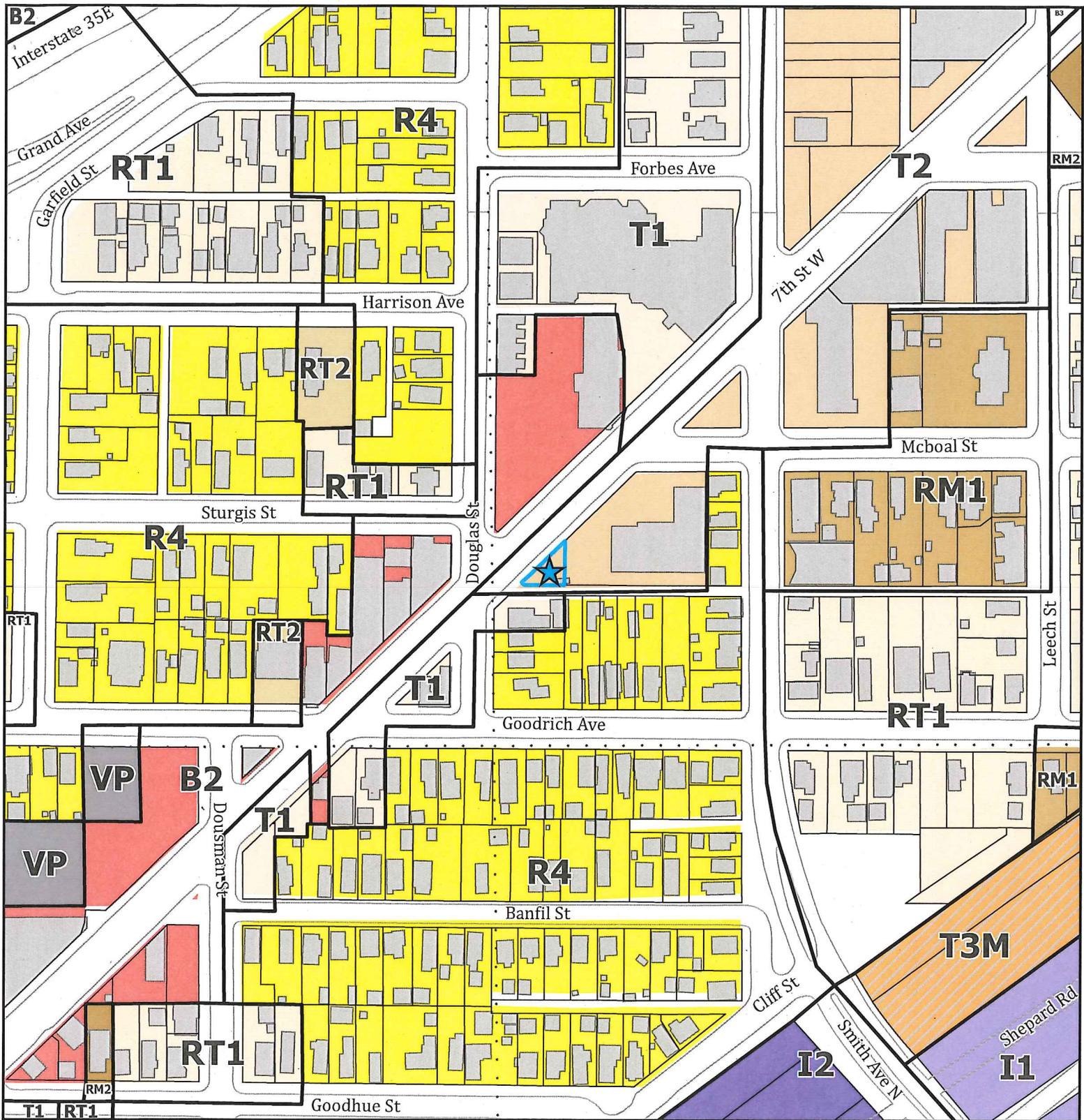
PLANNING DISTRICT: 9

ZONING PANEL: 15

**Land Use**

 Single Family Detached	 Industrial and Utility
 Single Family Attached	 Institutional
 Multifamily	 Park, Recreational or Preserve
 Office	 Railway
 Retail and Other Commercial	 Undeveloped
 Mixed Use Residential	 Subject Parcels
 Mixed Use Commercial and Other	 Section Lines





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FILE #: 15-146534      DATE: 8/4/2015

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ZONING PANEL: 15

**Zoning**

- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- T3M T3 with Master Plan
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking
- Subject Parcels
- Section Lines

