

TO: Committee of Adjustments
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: September 20, 2016
SUBJECT: Case #16-05



City of West St. Paul

REQUEST

The City of West St. Paul is requesting a Variance to reduce the required minimum lot size in an R1-A Single-Family District from 4,900 sq. ft. to 4,641 sq. ft.

Attachments:

Draft Findings of Fact
Application
Notice



EXISTING LAND USES

The subject property consists of a vacant lot. Adjacent properties consist of single family homes.

ZONING

The subject property and all adjacent properties are zoned R1-A, Single Family Residential.

BACKGROUND

The West St. Paul EDA recently sold five (5) vacant lots to a residential builder, including 158 Haskell St. E. During the recession, the property was purchased by the EDA and the foreclosed home was demolished. In order to rebuild on the property, the requested variance is needed. The EDA has a purchase agreement in place for the sale of the property to a builder pending approval of the variance.

VARIANCE REQUESTED

Variance to allow a reduction in minimum lot size:

153.053 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter.

<i>Lot Area</i>	
Corner lot	9,100 square feet
Interior lot	7,000 square feet

153.007 LOT PROVISIONS.

(A) A lot of record existing upon the effective date of this chapter in an R Residence District, which does not meet the requirements of this chapter as to area or width may be utilized for single-family dwelling purposes in R-1 zones and two-family dwelling purposes in R-2 zones; provided the measurements of the area and width are within 70% of the requirements of this chapter, but the lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter.

The Zoning Ordinance requires a minimum lot size of 7,000 sq. ft. in the R1-A District at noted in Section 153.053 above. However, Section 153.007 allows lots of record to reduce the minimum lot size to 70% of the requirements (due to the small size of many lots in the district). As a result, the minimum lot size for the subject property is 4,900 sq. (7,000 X .70). The subject property is 37.5 feet by 123.75 feet in dimension, measuring a total of 4,641 sq. ft. As a result, the requested variance is to allow for a reduction in minimum lot size of 259 sq. ft. (variance of 5 percent).

ANALYSIS

In reviewing Variance requests, the following section of the Zoning Code, Section 5.3 (1) (b-d), is utilized:

(b) Criteria for Granting a Variance. A Variance may only be granted by the Committee of Adjustments when:

- i. The Variance is in harmony with the general purpose and intent of the Ordinance;
- ii. The terms of the Variance are consistent with the Comprehensive Plan; and
- iii. The applicant for the Variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

(c) Definition of Practical Difficulties. “Practical Difficulties” as used in connection with the granting of a Variance means that:

- i. The property owner proposes to utilize the Property in a reasonable manner;
- ii. The plight of the property owner is due to circumstances unique to the Property that were not created by the property owner; and
- iii. The Variance will not alter the essential character of the neighborhood.

(d) Restrictions on Granting Variances. The following restrictions shall be applied when considering granting a Variance:

- i. Economic considerations alone do not constitute practical difficulties.
- ii. The Committee of Adjustments may not permit as a Variance any Use that is not allowed in the Zoning Ordinance for Property in the district where the affected person’s land is located (i.e. a Use Variance).

The subject property is unique in that most single-family lots in the R1-A District have lot widths of 40 or 50 feet. The subject property has a lot width of 37.5 feet, therefore reducing the lot size of the property slightly below the minimum requirement of 4,900 sq. ft. The property was originally platted at the current dimension and, as mentioned, the property was previously occupied by a single-family home.

Staff does not feel that the request is detrimental to the public nor does it present inconsistency with the Comprehensive Plan. Staff believes that the applicant is proposing to utilize the property in a reasonable manner (construction of a new single family home in a single family neighborhood) and that the practical difficulties are unique to the property (existing lot size). Since the property was formally occupied by

a single-family home, the proposed request should not alter the essential character of the neighborhood.

The perspective builder will be providing a concept plan which Staff will present at the meeting.

STAFF RECOMMENDATION

Based on the above comments, Staff recommends APPROVAL of the VARIANCE to allow for a reduction in minimum lot size (variance of 259 sq. ft.):

1. The applicant shall apply for all applicable building permits for the construction of the new home.

FINDINGS OF FACT

A proposed Resolution adopting findings of fact for the Variance is attached for your consideration.