

To: **Committee of Adjustments**
Through: **Ben Boike, Assistant Community Development Dir.**
From: **Melissa Sonnek, Community Development Coordinator**
Date: **May 21, 2019**

Variance Requests – 1720 Livingston Ave (Sola Salon Studios)

REQUEST:

Patrick Elgin, owner of the proposed Sola Salon Studios, is applying for multiple variances and site plan approval for the construction of a new retail building at 1720 Livingston Avenue. The requested variances are as follows:

- 1) Variance to allow parking in the front yard,
- 2) Variance to increase the maximum front yard building setback, and
- 3) Variance to allow a trash enclosure in the front yard.

Attachments:

Application and Narrative

Site Plan

Notice

Staff Presentation

Draft Findings of Fact



CURRENT USES AND ZONING:

	Use	Zoning
Subject Property	Parking Lot	B-3 General Business
Properties to North	Vector Marketing	B-3 General Business
Properties to East	Raising Cane’s	B-3 General Business
Properties to South	Guild Community Support	B4 – Shopping Center
Properties to West	Town Homes	R4 – Multi Family Residential

BACKGROUND:

In 2016, Robert St Investors and Venture Pass submitted plans for the redevelopment of Town Center Two. At the time, the properties consisted of two vacant bank buildings and a drive through restaurant. During the redevelopment, the existing buildings were cleared to construct what is now Cane’s Chicken, Jersey Mikes, QDoba, and Talecris Plasma. The parking lot from one of the previous buildings remains on this southwestern lot, which is the last component of this redevelopment effort.

Sola Salon rents private individual studio space to hair stylist and beauty professionals. Patrick Elgin owns six Sola Salon locations in the Twin Cities metro area (Roseville, Woodbury, St. Paul, Maplewood, Blaine, and Eden Prairie). The West St. Paul location would allow for approximately 40 different beauty professionals, each with their own space to work.

VARIANCE REQUESTS:

1. Variance to allow parking in the front yard

153.032D(4) PARKING, BUILDING, AND DRIVE AISLE SETBACK STANDARDS

	Building Setback	Parking Setback
Front Yard	10 – 40 ft	Not Permitted

The existing parking lot is along Livingston; therefore the building is proposed to face Livingston. Presently, the zoning code for B3 – General Business does not allow parking to be located in the front yard, which is an effort to bring the storefronts up to the street and make properties more visually appealing and pedestrian friendly. This site, however, is utilizing an existing parking lot. It was fully anticipated that the building would be constructed where it is proposed, which inevitably creates the need for a variance. There are other properties on Livingston with front yard parking lots, so this project will not be out of character with the neighborhood.

2. Variance to increase the maximum front yard building setback

153.032D(4) PARKING, BUILDING, AND DRIVE AISLE SETBACK STANDARDS

	Building Setback	Parking Setback
Front Yard	10 – 40 ft	Not Permitted

In the B3 zoning district, buildings are required to be between 10 and 40 feet from the front property line. However, locating the proposed building closer to the street is not feasible as the parking lot from the previous building remains in the front yard of the property. Therefore, to be compliant, the property would need a variance of 43 ft and 8 in. The proposed front yard building setback is 83 ft and 8 in.

3. Variance to allow a trash enclosure in the front yard

150.032(F)6a TRASH ENCLOSURES – Trash enclosures may not be located in the front or side yard adjacent to a street.

The location of the existing parking lot causes the building to be set back to the minimum rear yard setback (20 ft), this leaves no room for a trash enclosure that would be accessible to commercial trash hauler vehicles. Therefore, the applicant is requesting a variance to allow a trash enclosure in the front yard.

ANALYSIS:

In reviewing Variance requests, the following section of the Zoning Code, Section 153.027 A(2) (a-c), is utilized:

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

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

(3) Definition of Practical Difficulties: “Practical Difficulties” as used in connection with the granting of a Variance mean

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

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

- a) Economic considerations alone do not constitute practical difficulties;
- b) 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).

(5) Imposing Conditions: The Committee of Adjustments may impose conditions when granting a variance, however, conditions imposed must be directly related to and must bear a rough proportionality to the impact created by the variance.

REVIEW:

Staff recognizes that the location of the existing parking lot creates practical difficulties in complying with the city code. Staff believes that the applicant is proposing to utilize the property in a reasonable way, constructing a retail building in a general business district, and that the request would not alter the essential character of the neighborhood. Therefore, City Staff does not think that the request is detrimental to the public, nor does it present inconsistency with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the above comments, Staff recommends the Committee of Adjustments hold a public hearing and approve all three variance requests subject to the attached findings of fact, including the following conditions:

Conditions:

1. The applicant shall apply for and obtain all applicable sign and building permits, and
2. Approval of the variances is contingent upon Council approval of the corresponding Site Plan.

FINDINGS OF FACT:

A proposed resolution adopting findings of fact for the variances are attached for your consideration.