



## MGCC ZONING AND VARIANCES

- Mac-Groveland is a “built out neighborhood”.
- Existing structures within the neighborhood either (1) comply with current zoning, or (2) if they don’t comply with current zoning but were built before the zoning code was adopted, then they are “grandfathered in” and can remain “non-conforming”.
  - A frequent example is pre-War single-family residences that do not meet the minimum side-yard setback requirements. Because these residences were built before the zoning code was enacted, they are permissible.
- Zoning on commercial corridors is a mix of residential and commercial zoning types.
- Zoning on residential streets is mostly either **R3** (medium lot single-family) or **R4** (medium & small lot single-family).
- Zoning applies when structures change form or use or when new construction occurs.
- Changes or construction that comply with the zoning code are subject to “site plan review” but are not generally subject to public feedback

### ZONING CODE SUMMARY

Zoning District	Lot Size Minimum (per unit)		Height Maximum		Yard Setbacks Minimum (feet)		
	Area (sq. ft.)(b)	Width (feet)	Stories	Feet	Front	Side	Rear
RL one-family large lot	21,780(d)	80	3	30	30(g),(h)	10(h)	25(h)
R1 one-family	9,600(e)	80	3	30	30(g),(h)	10(h)	25(h)
R2 one-family	7,200	60	3	30	25(g),(h)	8(h)	25(h)
✓ R3 one-family	6,000	50	3	30	25(g),(h)	6(h)	25(h)
✓ R4 one-family	5,000	40	3	30	25(g),(h)	4(h)	25(h)
RT1 two-family	3,000(f)	25	3	40	25(g),(h)	9(h)	25(h)
RT2 townhouse	2,500(c),(f)	20	3	40	25(g),(h)	9(h),(i)	25(h)
RM1 multiple-family	2,000 (c),(f)	n/a	3	40	25(g),(h)	½ height (h),(i)	25(h),(i)
RM2 multiple-family	1,500(c),(f),(k)	n/a	5(k)	50(k)	25(g),(h)	½ height (h),(i),(k)	25(h),(i)
RM3 multiple-family	800(c)	n/a	no max.	no max.	(g),(h),(i)	(h),(i),(j)	(h),(i),(j)

*See City of Saint Paul Zoning Code § 66. 231.*

## **ZONING VARIANCES: SUMMARY**

Zoning variances are exceptions from regulation that are in the zoning code and are made for a specific case. The Board of Zoning Appeals ("BZA") has the authority to grant zoning variances. The seven member Board, appointed by the Mayor with the consent of the City Council, is comprised of private citizens who live in Saint Paul.

The BZA holds a public hearing before deciding on each case. There are two types of variances cases - minor and major. Minor variances are for single family additions, garages, fences and pools; all other variances are major variances. The Citizen Participation District Council for the area is notified by mail at least 10 days prior to the public hearing as well as all property owners within 350 feet of the subject property for major variances and within 100 feet for minor variances. Anyone may testify at the hearing or send in written comments either in support or opposition to the request. A zoning staff report is given for each case, including a recommendation for approval or denial, a copy of which is sent to the applicant prior to the hearing.

The Board of Zoning Appeals will conduct a public hearing within 4 weeks of the application's submission. By State Law 15.99, a decision is required on zoning-related requests within 60 days of submission or automatic approval will be given. An extension of 60 days may be given, provided the applicant is given written notice. The Board of Zoning Appeals holds public hearings every other Monday. The hearings start at 3:00 p.m. in Room 330 of the City Hall/ Courthouse. It is essential that the applicant or their representative attend the hearing.

Any affected party may appeal the decision of the Board of Zoning Appeals to the City Council within 10 days of the date of the decision. See Appeal of Board of Zoning Appeals Decision.

See <http://www.stpaul.gov/index.aspx?NID=1868>

## ZONING VARIANCES: POINTS TO REMEMBER

- A requestor “starts the clock” by initiating the variance request with an application.
- By **state law**, automatic variance approval occurs if no action is taken after 60 days.
- A variance is an exception ... made for a **specific** case (does **not** imply ‘precedence’).
- “Minor” variance is for a single-family residence, everything else is a “major” variance.
- Variance-only applications are submitted to the Department of Safety and Inspections (“DSI”) and are heard by the Board of Zoning Appeals (“BZA”). If, however, a variance application is accompanied by another zoning application, like a Conditional Use Permit, then it is submitted with the other application to the Department of Planning and Economic Development (“PED”) and is heard by the Zoning Committee (“ZC”) of the Planning Commission (“PC”).
- The St. Paul BZA or ZC public hearing must be held **within four weeks** of the application.
- Before the hearing:
  - Citizen Participation District Council makes a recommendation regarding whether the BZA or ZC should approve or deny the variance request.
  - City Staff prepares “Zoning Staff Report” recommending approval or denial of the variance request.
- At least 10 days before the hearing, notifications are sent to:
  - Minor – anyone living within 100 feet of the subject property.
  - Major – anyone living within 300 feet of the subject property.
- Anyone can testify or submit comments at a BZA or ZC hearing; or if unable to attend, can submit comments for the public record prior to the hearing by mailing, emailing or calling the city staff person assigned to the case (official comments require full name and address).
- An “affected party” can appeal a BZA or PC decision within ten days of the decision.

## ZONING VARIANCES: STAFF REPORT

According to the Zoning Code, the BZA must make the following findings before they can grant a variance:

- The variance is in harmony with the general purposes and intent of the zoning code.
- The variance is consistent with the comprehensive plan.
- 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.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner
- The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
- The variance will not alter the essential character of the surrounding area.

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitute a practical difficulty in the 3rd point above.

## ZONING VARIANCES STAFF REPORT: POINTS TO REMEMBER

- Prepared by City Staff and distributed to District Councils before the Hearing date.
- Same criteria are used to evaluate "minor" and "major" requests.
- The "findings section" criteria are **set by state law**.
- **HLU provides input to the "Recommendation" and "Community Feedback"**.
- HLU input on variances is most effective if it addresses the "findings" criteria.

## RESOURCES

[https://www.municode.com/library/mn/st\\_paul/codes/code\\_of\\_ordinances?nodeId=PTIILECO\\_TITVIIIZOCO](https://www.municode.com/library/mn/st_paul/codes/code_of_ordinances?nodeId=PTIILECO_TITVIIIZOCO)

<http://www.stpaul.gov/index.aspx?NID=798>