



333 Washington Ave N
Suite 210 | Union Plaza
Minneapolis MN 55401
612.676.2700 | www.djrarch.com

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FRONT YARD VARIANCES

The minimum front yard setback per RM2 zoning district requirement is twenty-five feet from the Property line. The proposed multifamily building will be positioned on the existing ten feet setback throughout the front façade on James Avenue. The proposed front yard setbacks meet the following criteria for a variance.

The variance is in harmony with the general purposes and intent of the zoning code.

The general purposes of yard controls are to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed project will be with harmony with the intent of the zoning district as it will maintain a sufficient space between the building and the curb with no conflicts to the surroundings. The proposed building will also have balconies that would protrude into the required setback, the balconies will not interfere with light or air for surrounding property. Balconies projecting into the front yard will not impact the open space character of the street. There are no neighboring buildings on either side that will be impacted by the reduced front setbacks.

The variance is consistent with the comprehensive plan.

As discussed above, the proposed development is consistent with the policies of the comprehensive and neighborhood plans. The reduction in setback of the building and the proposed balconies will promote land use policies that encourage traditional urban design and enhancement of the pedestrian environment through placement of active uses that engage the street. As well as capturing the corner as well as the front of the street and by that achieve a more desirable urban fill. In addition to the above policies mentioned for the height variance, the following policies are also support the variance request:

- LU Policy 1.2 Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor, and Downtown.
- LU Policy 1.21 Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit.
- LU Policy 1.24 Support a mix of uses on Mixed-Use Corridors.
- LU Policy 1.25 Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development.

- LU Policy 1.28 Promote conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.
- H Policy 1.1. Increase housing choices across the city to support economically diverse neighborhoods.
- H Policy 1.2. Meet market demand for transit-oriented housing.
- H Policy 1.3. Revitalize the city by developing land-efficient housing.

The applicant has established that there are practical difficulties in complying with the provision and 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 site on this block presents a difficult physical condition by having a very steep slope on both axes. On the Lexington avenue side, there is over a six-foot drop from the north corner of the building to the south corner. And on the James Avenue side there is a twenty-four-foot drop from the west corner of the building to the east corner. These conditions present few practical difficulties to comply with the zoning code.

The first practical difficulty would be constructing a longer accessible route in and out of the building if the building were positioned twenty-five feet away from the property line. This ramp would not only have to get longer but also overcome a steeper slope on the north south axis. The closer the building will be to the curb or property line, the easier it would be for a disabled person to egress the building in case of an emergency as well as in their daily routine.

The second practical difficulty would be to maintain an urban feel to the street continuity from west to east. Coming from the west side of Lexington Avenue on James Avenue, the street does not have a straight line from one side of the street to the other, one would have to make a slight right turn and then a left turn into James Avenue which creates a bigger buffer between the curb and the building. A twenty five foot setback per the RM2 zoning code would hurt the urban feel that the city envision and the comprehensive plan attempt to achieve since it will create a bigger gap between the building and the curb and the building would not capture the corner of the street. The curb is already about eighteen foot away from the property line and adding twenty five feet to that will create a forty three foot distance from the curb to the face of the building and to ass the non-straight turn into the building from west to east James Avenue will even distant it more.

The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The steep slope on both axes and the distance created by the jog on James Avenue are unique circumstances that were not created by the applicant or property owner.

The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The proposed multiple-family use is allowed in the RM2 district.

The variance will not alter the essential character of the surrounding area.

The proposed front setbacks will not alter the essential character of the area. The twenty-five-foot setback required by RM2 would be unusually large setback from other properties and would not exemplify the desired urban character.

REAR YARD VARIANCES

The minimum rear yard setback per RM2 zoning district requirement is twenty-five feet from the Property line. The proposed multifamily building is proposing ten feet as the rear yard, in this case the alleyway between James and Randolph Avenue. The proposed rear yard setbacks meet the following criteria for a variance.

The variance is in harmony with the general purposes and intent of the zoning code.

The general purposes of yard controls are to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The proposed projects rear setbacks will be harmonies with the zoning code as it will allow a more dense building with a better urban feel to it as it will minimize the negative space between the proposed building and any future proposed building from the other side of the alley. RM2 zoning district seeks for a multifamily apartment building that fit in a more urban, metro and transit related communities and this variance request is in harmony with the intent of the zoning code.

The variance is consistent with the comprehensive plan.

As discussed above, the proposed development is consistent with the policies of the comprehensive and neighborhood plans. The reduction in setback in the rear of the building will help to minimize negative space between buildings will promote land use policies that encourage traditional urban design and enhancement of the pedestrian environment through placement of active uses that engage the street, as well as hiding "back of the house" areas such as parking areas along the building from the alley side and by that achieve a more desirable urban fill. From a mass stand point, this variance will help capture the street more and allow for more active uses along Lexington Avenue and at the same time, extending this mass towards the alley, will help in hiding the internal court yard between the two sides of the alley as well as all the cars parking along the south side of the proposed building. In addition to the above policies mentioned for the front yard variance, the following policies are also support the variance request:

- Policy 1.21 of the 2030 Comprehensive Plan seeks to balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit.
- Policy 1.25 promotes the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development.
- Policy 1.26 permit residential development in Mixed-Use Corridors at densities contemplated in Policy 1.2.
- Policy 1.27 encourages provision of connections by bicycle and pedestrian facilities in Mixed-Use Corridors to adjacent areas.
- Policy 1.28 promotes conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.

The applicant has established that there are practical difficulties in complying with the provision and 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 current RM2 zoning district front and rear setbacks is twenty-five feet from the property line. Complying with these setbacks on this specific site will not be within the spirit of the comprehensive plan, in fact it would contradict its own vision. If one was to build a mass according to the 25' rear setback, this mass would not be able to hide any of the back alleyway parking and the result would have been a 70' long negative space between the two masses on both sides of the alley. This presents a practical difficulty to comply with the spirit of the comprehensive plan to create a walkable and pedestrian friendly environment. To overcome this difficulty, the proposed development offers to shorten the rear setback, and to allow the building to present a more active façade with a smaller gap between the proposed building and the existing, or any future mass on the south side of the alley.

The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The steep slope on both axes and the distance created by the setbacks on James Lexington are unique circumstances that were not created by the applicant or property owner.

The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The proposed multiple-family use is allowed in the RM2 district.

The variance will not alter the essential character of the surrounding area.

The proposed rear setbacks will not alter the essential character of the area. The twenty-five-foot setback required by RM2 would be unusually large setback from other properties and would not exemplify the desired urban character.

FAR VARIANCES

The maximum allowed FAR for the RM2 zoning district is 2.25. The proposed multifamily building seeks a 2.58 to allow for more density and unit diversity throughout the building. The proposed FAR meet the following criteria for a variance.

The variance is in harmony with the general purposes and intent of the zoning code.

The general purposes of FAR is to control density over space. The RM2 zoning district seeks to allow for more density over a certain area which can also be counted as how many dwelling units would be allowed in an acre. The intention of the district is to allow for five story apartment building and to have it geared to as many family statuses as possible: single, young or older couple and families. The propose project is offering 90 dwelling units ranging for efficiency units to 2-bedroom units, and over four and a half stories instead of full five story building the required FAR I slightly over the allowed. These needs are well spoken in the 2030 Saint Paul Comprehensive Plan while specifying a 30 – 150 du/acre desired ratio. More about that in the following finding,

The variance is consistent with the comprehensive plan.

As discussed above, the proposed development is consistent with the policies of the comprehensive and neighborhood plans. The proposed larger FAR of 2.58 for the building will promote land use policies that encourage traditional urban design and enhancement of the pedestrian environment by allowing for more density in urban transit-oriented zones. The allowed FAR will limit the possibility of maximizing density and it would be impossible to reach to a higher number of units as well as have a better unit mix. The proposed FAR of 2.58 maximize this intention of the Comprehensive plan by enabling a 90 dwelling unit building over 0.6 acre which is the recommended ratio.

The following policies are also support the variance request:

- LU Policy 1.2 Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor, and Downtown.
- LU Policy 1.21 Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit.
- LU Policy 1.24 Support a mix of uses on Mixed-Use Corridors.
- LU Policy 1.25 Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development.
- LU Policy 1.28 Promote conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.
- H Policy 1.1. Increase housing choices across the city to support economically diverse neighborhoods.
- H Policy 1.2. Meet market demand for transit-oriented housing.
- H Policy 1.3. Revitalize the city by developing land-efficient housing.

The applicant has established that there are practical difficulties in complying with the provision and 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.

As mentioned above, the intention of the comprehensive plan is to promote conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices. The sites physical conditions are spoken in both the setbacks variance findings and in the CUP for height findings and they show the reasons for trying to maximize a footprint of an already tight and very steep slope site and how

well it is aligned with the Comprehensive plan goals for density and unit mix diversity. While doing so, one must recognize that the FAR increase is a result of both prior requests, and therefore to reach to the most desirable numbers of: unit mix and diversity as well as density that reaches to 150 du/acre, the FAR must be increased. In meaning not to go over the 150 du/acre, the fifth level was reduced to 65% of its footprint.

The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The steep slope on both axes and the distance created by the jog on James Avenue are unique circumstances that were not created by the applicant or property owner.

The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The proposed multiple-family use is allowed in the RM2 district.

The variance will not alter the essential character of the surrounding area.

The proposed front setbacks will not alter the essential character of the area. The proposed 2.58 FAR is 0.3% more than the 2.25 required by RM2 and would better exemplify the desired urban character by allowing a more diverse unit mix with a higher density ratio.