

New Construction in Your Neighborhood

A lot of remodeling and rebuilds of existing homes are currently happening in the Highland Park and Macalester Groveland neighborhoods. The Ward 3 office has put together this fact sheet to explain the current rules, restrictions and laws that govern our neighborhood and the contact information for who you can call if something goes wrong.

Current Law

What are current building design standards for new construction or rebuilds?

- There must be a front door in the front 1/3 of the structure and it must have a direct pedestrian connection to the street.
- The front door must either face the sidewalk, or be off of a front porch, foyer, courtyard or similar architectural feature and be set back 8 feet from the side lot line.
- Window and door openings must be at least 15% of the front exterior wall. For new houses, window and door opening must be at least 10% of the total area of all exterior walls. Windows in garage doors count towards this percentage, however garage doors do not. Windows must be clear or translucent.
- If on a corner lot the material and architectural treatment of the side of the home must match that of the front of the home.
- A new attached garage can only be accessed off of a street if there is not an improved alley or if the property is on a corner lot and the garage faces the side street. If an attached garage faces a street, it cannot be closer to the street than the rest of the house, the garage door cannot exceed 9 feet in height, and the garage door cannot exceed 60% of the width of the house facing that street.

What are current zoning ordinances?

- The maximum height allotted for a single family home is 30 feet measured from the established grade to the average height between eaves and ridge.
- A house, and attached garage if there is one, shall not cover more than 35% of its lot including half of the alley width.
- A structure with a nonconforming setback shall not be expanded vertically or horizontally within the setback area. (Basically, if a house is too close to the lot line an addition is not allowed that extends higher or projects toward the front or back along the existing setback line without a variance, although an addition could be built that jogs in to meet the required setback line.)
- In an R4 one-family zoning district (which makes up the majority of Highland Park/Mac-Groveland) a lot size must be at least 5,000 square feet and have a width of 40 feet.
- Setbacks for a house and any attached garage in the R4 zoning district are:
 - Front: 25 feet
 - Or, the average setback of the block if at least 50% of the block is built up.
 - Side: 4 feet
 - Rear: 25 feet
- A minimum of one off-street parking space is required for a new single family dwelling; three are required for a new duplex.
- A detached garage cannot exceed 35% of the rear yard, must be setback at least 6 feet from the house, and cannot exceed 15 feet in height.

What are current construction management ordinances?

- Operation of construction equipment may only occur between 7am-10pm
- Construction and demolition equipment must not exceed a L10 sound level of 85 dBA at a distance of 50 feet from the source.
- When possible dumpsters must be located on the project site. If it needs to be in the public right of way a permit must be obtained. The dumpster and the area around it must be maintained and orderly. The owner is required to remove snow from around the dumpster.
- No construction equipment may be stored in the public right of way without a permit.
- The site shall be kept clean from equipment, waste, debris or refuse.
- Erosion must be prevented and drainage must not exceed that which existed prior to construction.
- Adjoining public and private property shall be protected. If damage is done during construction the contractor is responsible for all repairs.

Variances: Procedure and Options

If the rebuilding of a house or remodeling does not meet the zoning code standards, a zoning variance may be requested by the owner or contractor. This may be to decrease a setback, cover a larger percentage of the lot or to build higher than 30 feet. All of the property owners within 100 feet of the subject property receive written notification of a variance request for a remodeling of a single family dwelling, and within 350 feet for the rebuilding of a house, identifying the date and time of the public hearing before the Board of Zoning Appeals. As a neighbor, you have a voice in this. You can:

- 1) Contact your district council and ask them to take a stand on the variance AND/OR
- 2) Attend* the Board of Zoning Appeals (BZA) public hearing and testify as to how the proposed variance DOES NOT meet one of the following required findings:
 - 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 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 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.

The variance will only come before the City Council if the outcome of the BZA is appealed. For instance, if the BZA denied the variance the contractor or owner could appeal to the City Council to ask that the BZA decision be reversed. Additionally, vice versa, if the variance was approved by the BZA you could appeal that decision to the City Council. There is a \$440 filing fee for an appeal and **it must be submitted within 10 days of the BZA decision**. A public hearing before the City Council would be scheduled about a month later; written notification would again be sent to the adjacent property owners. If the City Council reverses the BZA's decision, it must be based on a finding that there was an error in fact, finding, or procedure by the BZA. Testimony should identify what the error was.

*You can also submit written testimony to the BZA. Testimony should be emailed to Yaya Diatta at yaya.diatta@ci.stpaul.mn.us

*You can sign up to receive alerts
about variance requests as well as
new permits and demolitions in your
neighborhood at:*
<https://public.govdelivery.com/accounts/STPAUL/subscriber/new?>

City Contacts

When something goes wrong with a remodel/rebuild project or its construction site there are many folks at the city you can call to get help or just to get your questions answered.

Property Complaints (untidy construction site, dust, drainage issues): **(651) 266-8989**

Items Stationed in the Public Right of Way (the street or the boulevard): **(651) 266-6151**

General Zoning: **(651) 266-9008**

Zoning Variances: **(651) 266-9080**

As always- feel free to contact the Ward 3 office. If we don't know the answer, we will look into it and get back to you. We can be contacted at **(651) 266-8630** or **ward3@ci.stpaul.mn.us**