

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Stone House Tap Room **FILE #:** 15-143-968
 2. **APPLICANT:** Thomas Schroeder **HEARING DATE:** August 27, 2015
 3. **TYPE OF APPLICATION:** Variance
 4. **LOCATION:** 445 Smith Ave N, between Goodrich and McBoal
 5. **PIN & LEGAL DESCRIPTION:** 012823410179, Ex S 60 Ft The Fol: Lot 14 & E 1/2 Of Lot 13
Blk 9 of Samuel Leeches Addition
 6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §§ 61.601; 61.202(b); 66.231
 8. **STAFF REPORT DATE:** August 19, 2015 **BY:** Bill Dermody
 9. **DATE RECEIVED:** July 28, 2015 **60 DAY DEADLINE FOR ACTION:** September 26, 2015
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- A. **PURPOSE:** Variance for side and rear setbacks
- B. **PARCEL SIZE:** 8,470 sq. ft.
- C. **EXISTING LAND USE:** Vacant single-family residence
- D. **SURROUNDING LAND USE:** One- and two-family residential to the south, west, and north (R4); single-family and multi-family to the east (RT1); live-work unit to the northeast (RT1); commercial to the northwest across the alley (T2) other mixed commercial and residential along 7th Street (T1, T2, B2).
- E. **ZONING CODE CITATION:** §66.231 provides dimensional requirements for the R4 district; §61.202(b) authorizes the planning commission to grant variances when related to permits, as guided by the required findings in §61.601.
- F. **HISTORY/DISCUSSION:** The subject site contains two (2) buildings: the northern building that is proposed to remain and be added to in conjunction with this application, and the southern building that is to be moved to another site in the city. The subject site and the surrounding R4-zoned properties were rezoned from RT1 since 1975. The subject site contained a legal nonconforming duplex residential use that lost its legal status after one (1) year of nonuse in 2009. The subject building was constructed in 1857 as a "territorial store" and residence, and was also used in subsequent years for a saloon. Records indicate that after 1863 the building was used primarily as a residence. The subject building was recently nominated for local historic designation as part of the Limestone Houses Heritage Preservation Sites.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Fort Road Federation has provided a letter of support, included among the attachments.
- H. **FINDINGS:**
 1. The application requests variances from the R4 required minimum side and rear setbacks in order to place a reconstructed building addition and a new building addition 3 feet from the side and rear property lines. The R4 required minimum rear yard setback is 25 feet, and the minimum side yard setback is ½ the building height or 9 feet, whichever is greater.
 2. The site has been nominated for local historic designation as part of the Limestone Houses Heritage Preservation Sites. Applications for a historic use variance and HPC design review on this site, and a zoning variance for an associated parking lot at 444 7th Street W. have been filed and are being processed concurrently.
 3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance

approvals effective May 6, 2011. The Board of Zoning Appeals and the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The proposed encroachments are in harmony with the general purposes and intent of the zoning code and R4 minimum setbacks, including ensuring adequate light, air, and privacy, conserving property values, and protecting from incompatible uses. The proposed encroachment into the side yard setback would be in the property's rear portion, across the alley from a commercial use (Bad Weather Brewing) zoned T2 rather than a residential use in a residential zoning district that would be more negatively affected. The proposed encroachment into the rear yard setback would most impact the adjacent property with a house facing Goodrich Avenue and no residential building located within 50 feet of the proposed new construction, a situation with lessened impact compared to other typical residential lot configurations.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The requested setback variances allow the building additions to be in the rear of the historic building, thereby protecting the property from alterations that would compromise its ability to convey its historic significance as viewed from Smith Avenue, as called for in Strategy HP-4.1 of the Comprehensive Plan's Heritage Preservation Chapter.
- (c) *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.* This finding is met. Complying with the minimum side and rear yard setbacks for the proposed use would require diminishing the site's historic significance by placing the additions in a more prominent location closer to Smith Avenue.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The proposed variance is intended to deal with an existing building located close to the northern end of a wide, shallow lot.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The variance from minimum side and rear yard setbacks does not permit a use that is not allowed in the R4 zoning district. A concurrent application for a historic use variance addresses the proposed use.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The proposed side yard encroachment is adjacent to a nonresidential use, and the proposed rear yard encroachment is located far from a residential building, so the area's residential character is not altered.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed side and rear setback variances subject to the following additional condition:

1. City Council designation of the Limestone Houses Thematic Nomination, including 445 Smith Avenue, as Saint Paul Heritage Preservation Sites.
2. Heritage Preservation Commission design review approval of any new construction.



APPLICATION FOR ZONING VARIANCE
Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

Zoning office use only
File Number 15-143968
Fee \$
Hearing Date 8-13-15
Section(s)
City agent 300.00

PD=9

012823410179

APPLICANT

Name Thomas S. Schroeder Company n/a
Address 194 McBoal St.
City St Paul St. MN Zip 55102 Daytime Phone (612) 385-8838
Property Interest of Applicant (owner, contract purchaser, etc) Owner
Name of Owner (if different) — Phone —

PROPERTY INFORMATION

Address / Location 445 Smith Ave
Legal Description E 1/2 of L13 and all of L14, 81.9 N. of the S. 60' of same, Leach's Addn
(attach additional sheet if necessary)
Lot Size 110.30' x 77.76' Present Zoning R4 Present Use Residence
Proposed Use Tap room/micro-brewery

Variance[s] requested: See Attached

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

See Attached

pd'd
7-23-15

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature

Thomas S. Schroeder

Date

7/23/15

Attachment to
Application for Zoning Variance

Variances requested:

1. Two variances from applicable side alley set-back requirements to permit:
 - (a) reconstruction of the existing wood frame addition currently joined to the rear of 445 Smith Avenue, to be rebuilt to its identical dimensions on the same footprint, within 5' of the north (side) lot line along the alley (4' variance); and
 - (b) construction of a new addition further to the rear of 445 Smith, to be positioned within 3' of the north (side) lot line along the alley (6' variance).
2. A single variance from applicable rear set-back requirements to permit construction of the same addition referenced in paragraph 1(b) above, to be positioned within 3' of the west (rear) lot line (22' variance).

See Site Plan, Property Surveys for 445 and 447 Smith Avenue, enclosed.

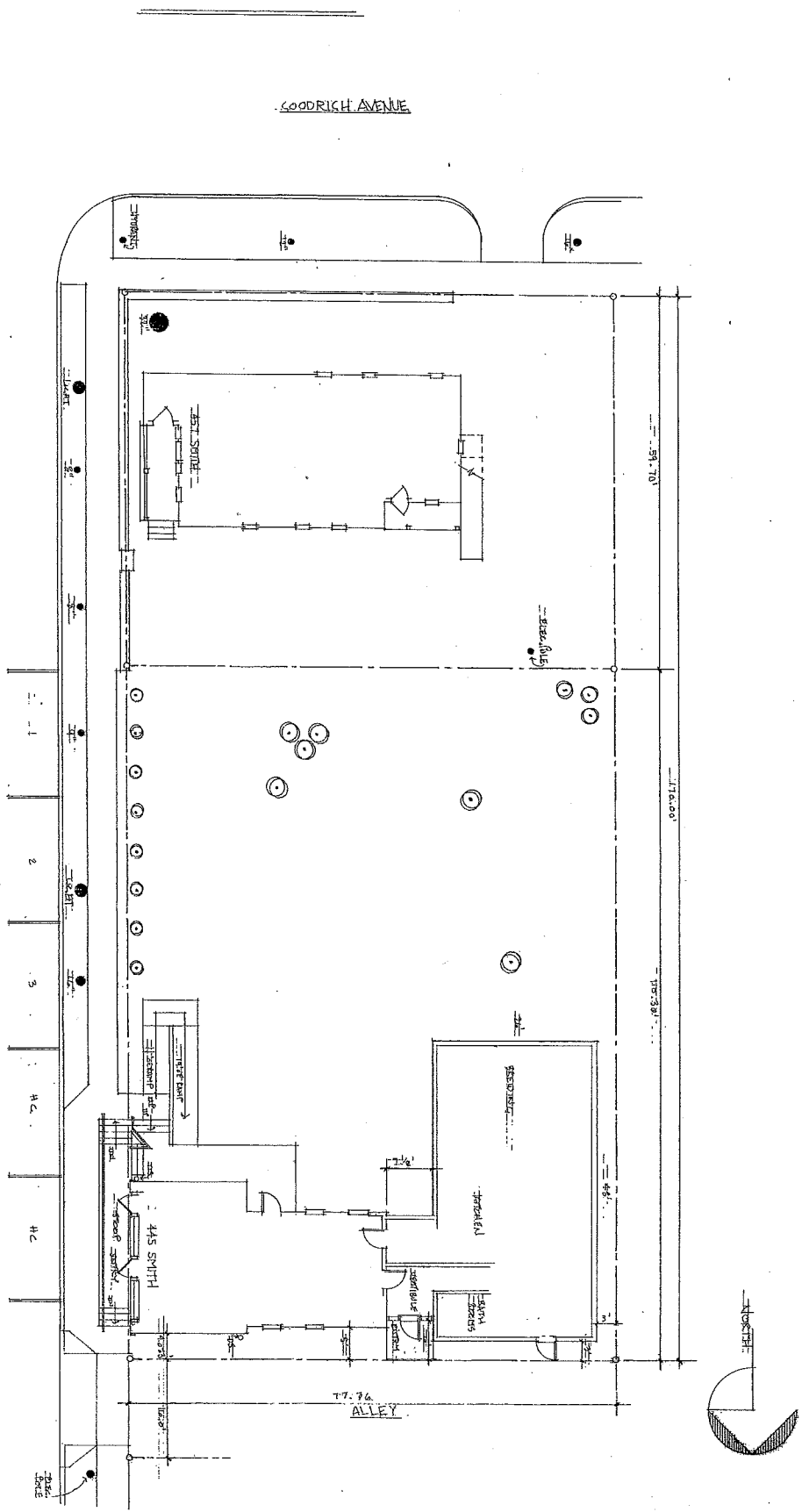
Supporting information:

The applicant has simultaneously submitted an application for a historic use variance to allow this residentially zoned lot (R4) to be used as a licensed tap house/microbrewery with limited food service.

Reconstruction of existing wood frame addition: With the approval of the City/HPC, the rear wood frame addition to the stone building at 445 Smith Avenue will be rebuilt in order to address current structural issues. (See site plan and elevations.) Because a historic designation is pending for the site, this addition needs to be reconstructed in accordance with the Secretary of Interior's Rehabilitation Standards and the Preservation Program for the site—i.e., on the same location and with the same footprint as the existing structure. This will require a 4' variance from the applicable 9' set-back requirement from the alley.

Construction of new building and vestibule: A new building connected by a vestibule to the historic building will be added at the backlot of 445 Smith, behind the reconstructed addition described above. This new building is required in order to house the brewery equipment, kitchen, restrooms, utilities and storage space. (See site plan.) The placement of these functions in a newly-constructed building minimizes the impacts they might otherwise have on the integrity of the historic building. Moreover, the positioning of the new addition at the backlot and in the same plane as the historic structures along the alley is necessary in order to minimize the visual impact of the new building and keep the spotlight on the historic structure in front. (See Rehabilitation Standard 9; see also Secretary of Interior Rehabilitation Guidelines for New Additions).

SITE PLAN
 40% of 1/8" SCALE
 3/15/2015



SITE PLAN

3/15/2015
 3/16/2015
 3/23/2015

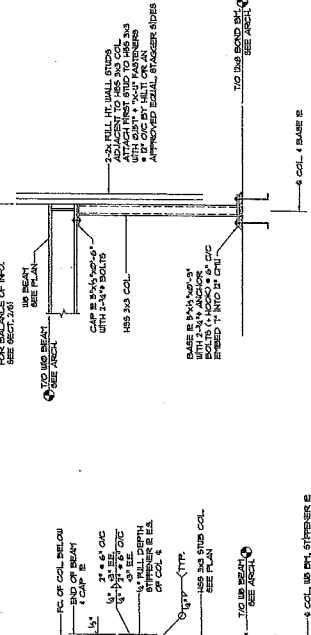
DATE • REVISIONS

FUCHS - WALDMAN BUILDING, 445 SMITH AVE.
 THERESA ANN SCHROEDER • 194 HUBBARD STREET • SAINT PAUL, MINNESOTA 55102

YUST ARCHITECTURAL SERVICES

476 West 7th Street, Saint Paul, MN 55102 (651) 225-9601

	H-60 3x8's	CAP/BASE TO SEE SECT. 3/91
	6x6 WOOD COL.	* SEE ARCH FOR MATERIAL (IMPORTED TO WEATHER) * SEE SECT. -10- FOR BASE
SEE	WOOD COLLING SHALL RUN CONTINUOUS FROM BEAT	



- c. **Dimensions:** Lumber:
 - a. Joists and beams—minimum design values except as noted on the plan; $P_w=850$ psi, $F_v=135$ psi, $E=1,300$ ksi, F_c (parallel to grain)=1,150 psi, and F_c (perpendicular to grain)=405 psi.
 - b. Wall studs—minimum design values:
 - Fc=675 psi, $F_v=130$ psi, $E=1,200$ ksi, F_c (parallel to grain)=725 psi, and F_c (perpendicular to grain)=405 psi.
 - c. All lumber to have minimum moisture content of 19%.
- d. **Blowwood:**

A. Engineer will review Contractor's shop drawings with respect to the quality of the detailed work, when complete, to be done in the State of Massachusetts.

9. 95% of the maximum dry density as determined by ASTM D698, Standard Proctor. Moisture content at the time of placement should be controlled to within $\pm 3\%$ of the optimum moisture content. Contractor to verify these values with the Geotechnical Consultant prior to construction.
3. Soil compaction around and above utilities passing under foundations to conform to foundation compaction criteria.
6. Provide minimum 3'-6" soil cover for foundation frost protection along perimeter of holed areas, 5'-0" in

A. Design Code: Masonry Standards Joint Committee Code (MSJC), latest adopted edition.

[illegible]



FOR: Thomas & Ann Schroeder
447, 449 & 451 Smith Ave.
St. Paul, MN 55102

No. 447 - The South 24.30 feet of the North 56.30 feet of Lot 14; and the South 24.30 feet of the North 56.30 feet of the East 1/2 of Lot 13, all in Block 9, Samuel Leech's Addition.

Scale: 1 inch = 20 feet

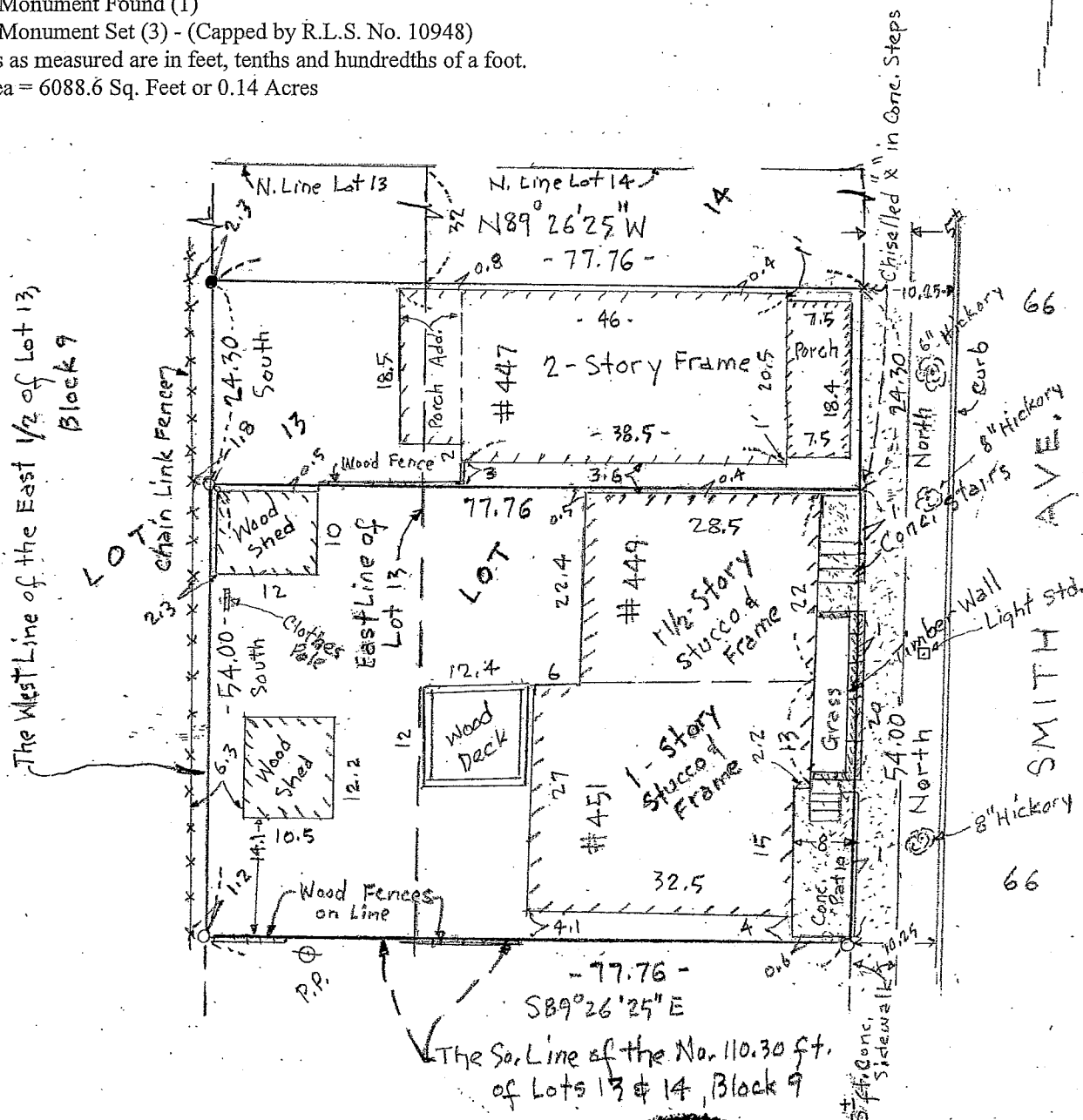
Bearings as shown are assumed

● Denotes Iron Monument Found (1)

○ Denotes Iron Monument Set (3) - (Capped by R.L.S. No. 10948)

Note: Distances as measured are in feet, tenths and hundredths of a foot.

Note: Total Area = 6088.6 Sq. Feet or 0.14 Acres



I hereby certify that this survey was prepared by me and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. As surveyed by me this 21st day of April 2009.

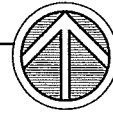
Larry Z. Becker

Garv I. Backer Land Surveyor Mn License No. 10948

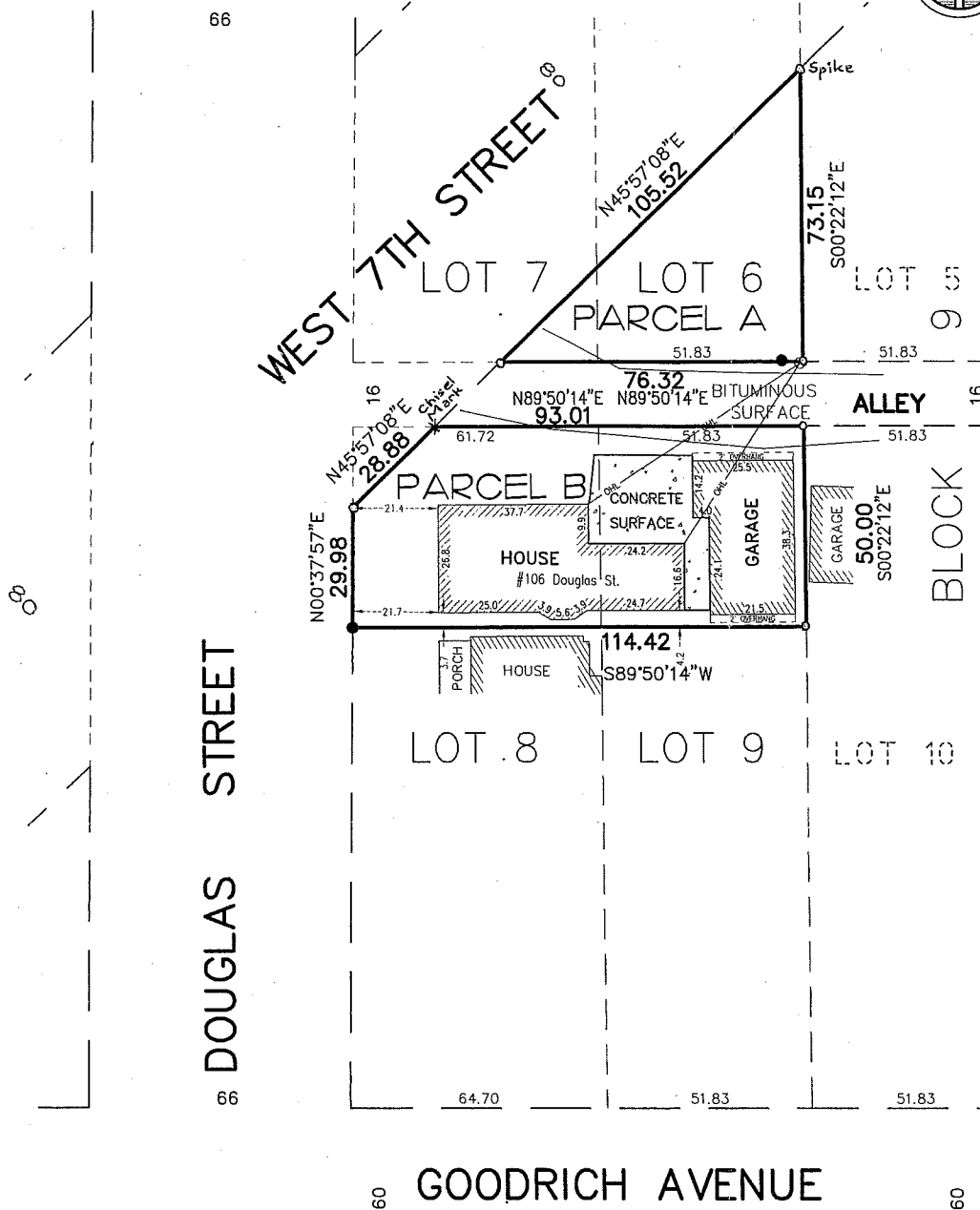


CERTIFICATE OF SURVEY

For: TROY BUEGE



66



DESCRIPTION: (Furnished by client)

Part southeasterly of West 7th Street of Lots 6 and 7 and North 50 feet of Lots 8 and 9, Block 9, SAMUEL LEECHE'S ADDITION, Ramsey County, Minnesota.

NOTES:

- Denotes iron monument found
 - Denotes iron monument set March 2002 & marked with MN License No 17765
- Bearings are on an assumed datum

DESCRIPTION: PROPOSED PARCEL A

That part of Lots 6 and 7, Block 9, SAMUEL LEECHE'S ADDITION, Ramsey County, Minnesota, lying southeasterly of West 7th Street.

DESCRIPTION: PROPOSED PARCEL B

That part of the North 50 feet of Lots 8 and 9, Block 9, SAMUEL LEECHE'S ADDITION, Ramsey County, Minnesota, lying southeasterly of West 7th Street.

SURVEYOR'S NOTES:

This survey indicates an excess length in the block of about 13 feet on the south line and about 6 feet on the north line. Normal surveying practice would be to prorate the excess to all lots. This would cause several houses to encroach on the adjoining properties. The lot lines shown on this survey have been set using plot distances westerly from Smith Street. This seems to be the best fit with occupation lines of the properties on the south half of the block. However, one property on the north half of the block seems to use the proration method. An attorney should be consulted to verify the method used for this survey. There may have been a portion of Lot 6 taken for alley.

M:\P\Projects\2002-09005\0833-BUEGE-0833-002-0833-002L.dwg 1/31/2005 2:35:31 PM CST

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the state of Minnesota.

Dated this 31st day of January, 2005

By: Ronald P. Alwin
 Ronald P. Alwin, Land Surveyor
 Minnesota License No. 17765

METRO LAND SURVEYING & ENGINEERING

412 EAST COUNTY ROAD D
 LITTLE CANADA, MINNESOTA 55117

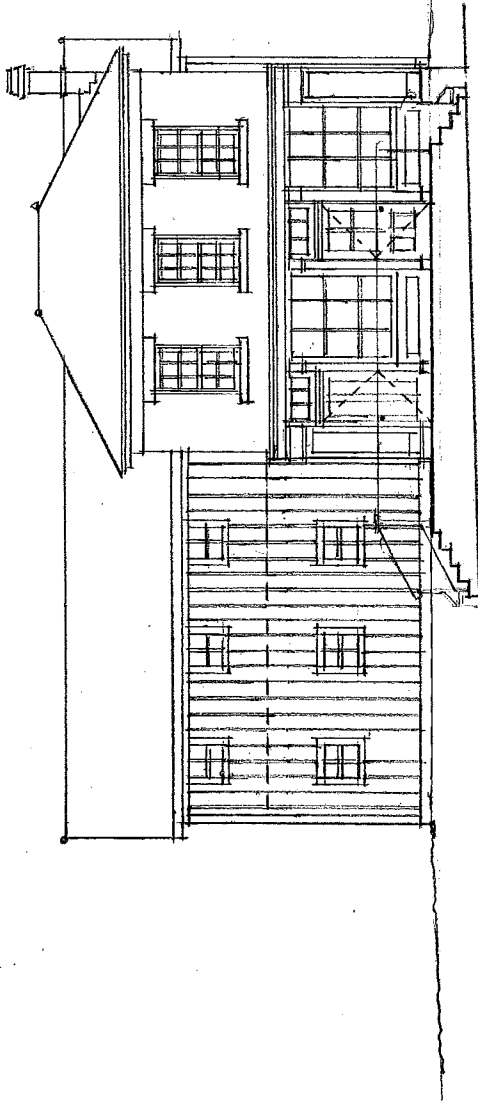
TEL: (651) 766-0112 FAX 766-0612 EMAIL: survey@metrois.com

Job No. 833.002

Scale: 1"=30'

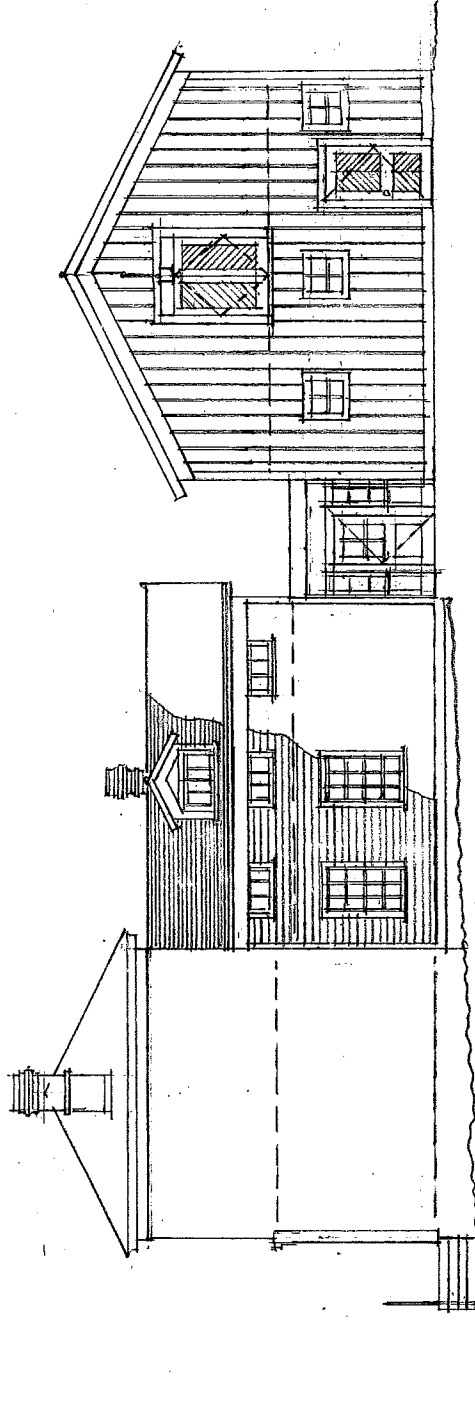
Drawn by: GSO

City ST. PAUL



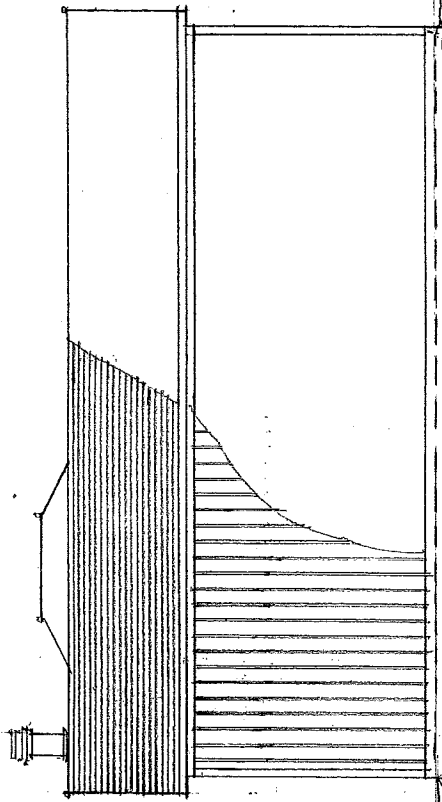
1 EAST ELEVATION
A-1
1/8" = 1'-0"

1/23/2015



2 NORTH ELEVATION
A-1
1/8" = 1'-0"

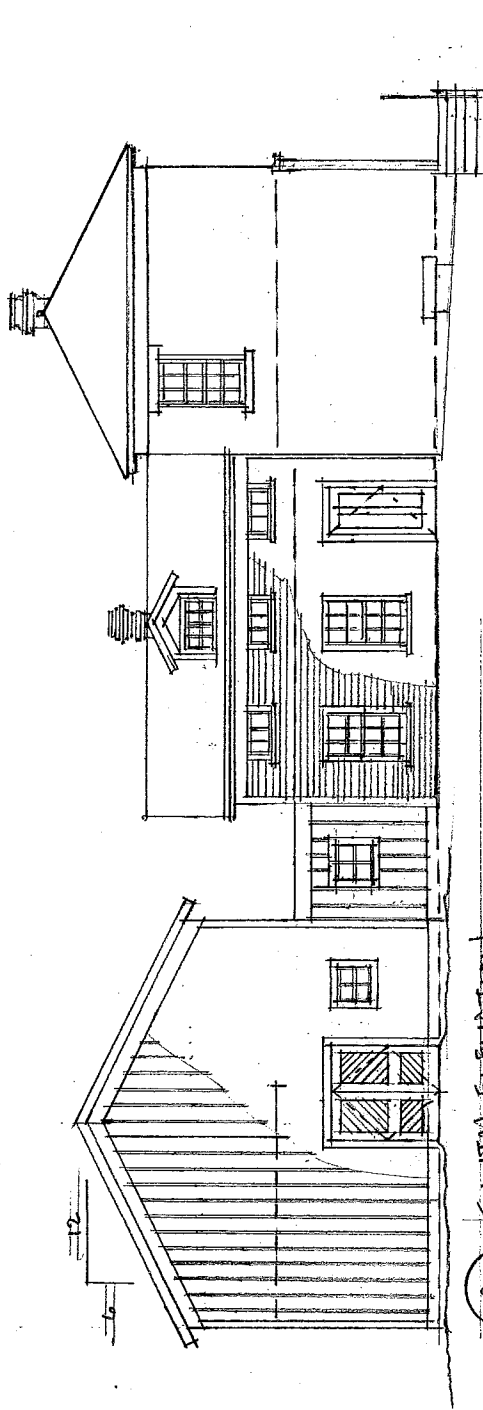
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WEST ELEVATION

7/23/2015

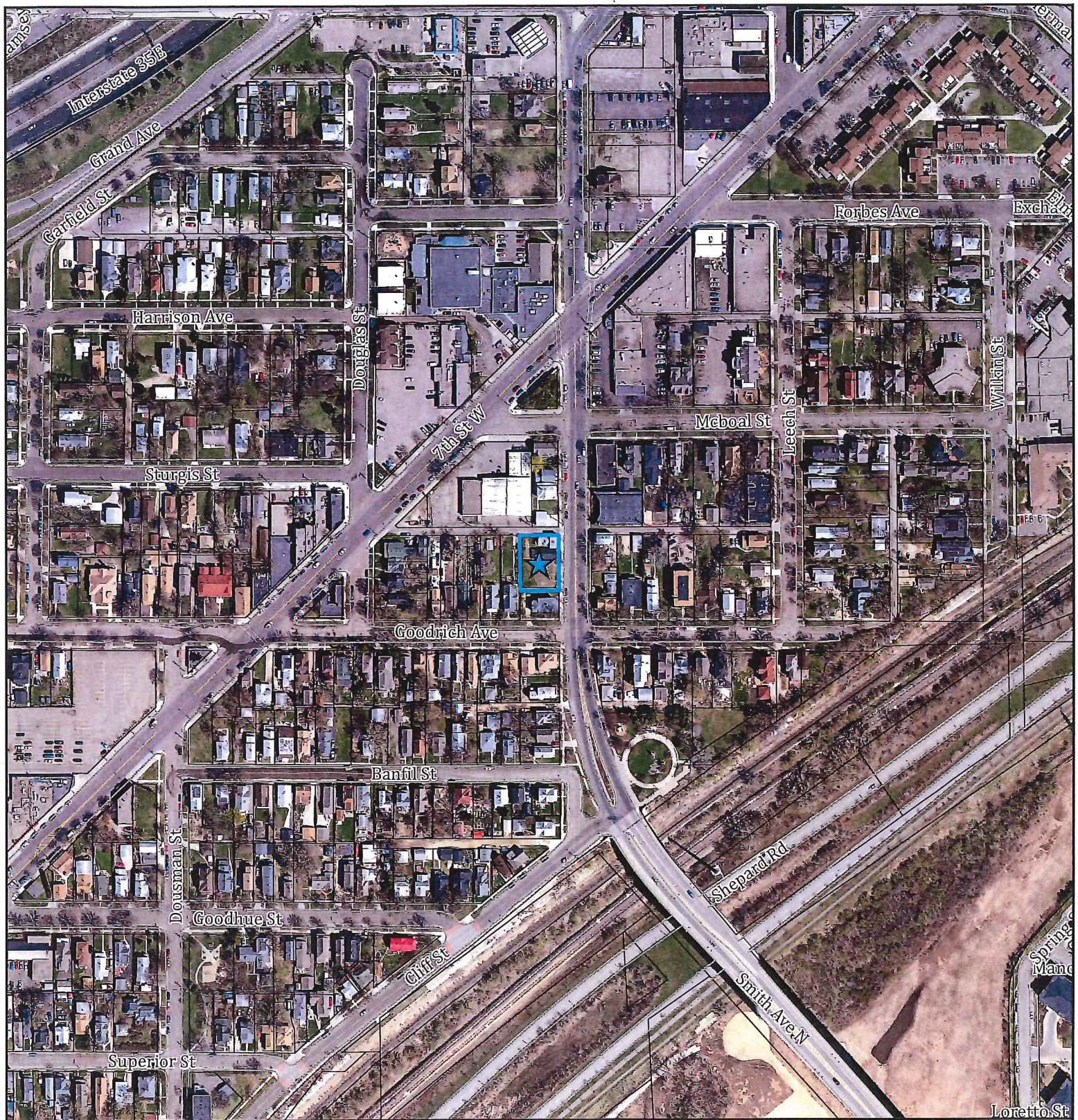
1/8" = 1'-0"



SOUTH ELEVATION

7/23/2015

1/8" = 1'-0"



FILE NAME: Thomas Schroeder

Aerial

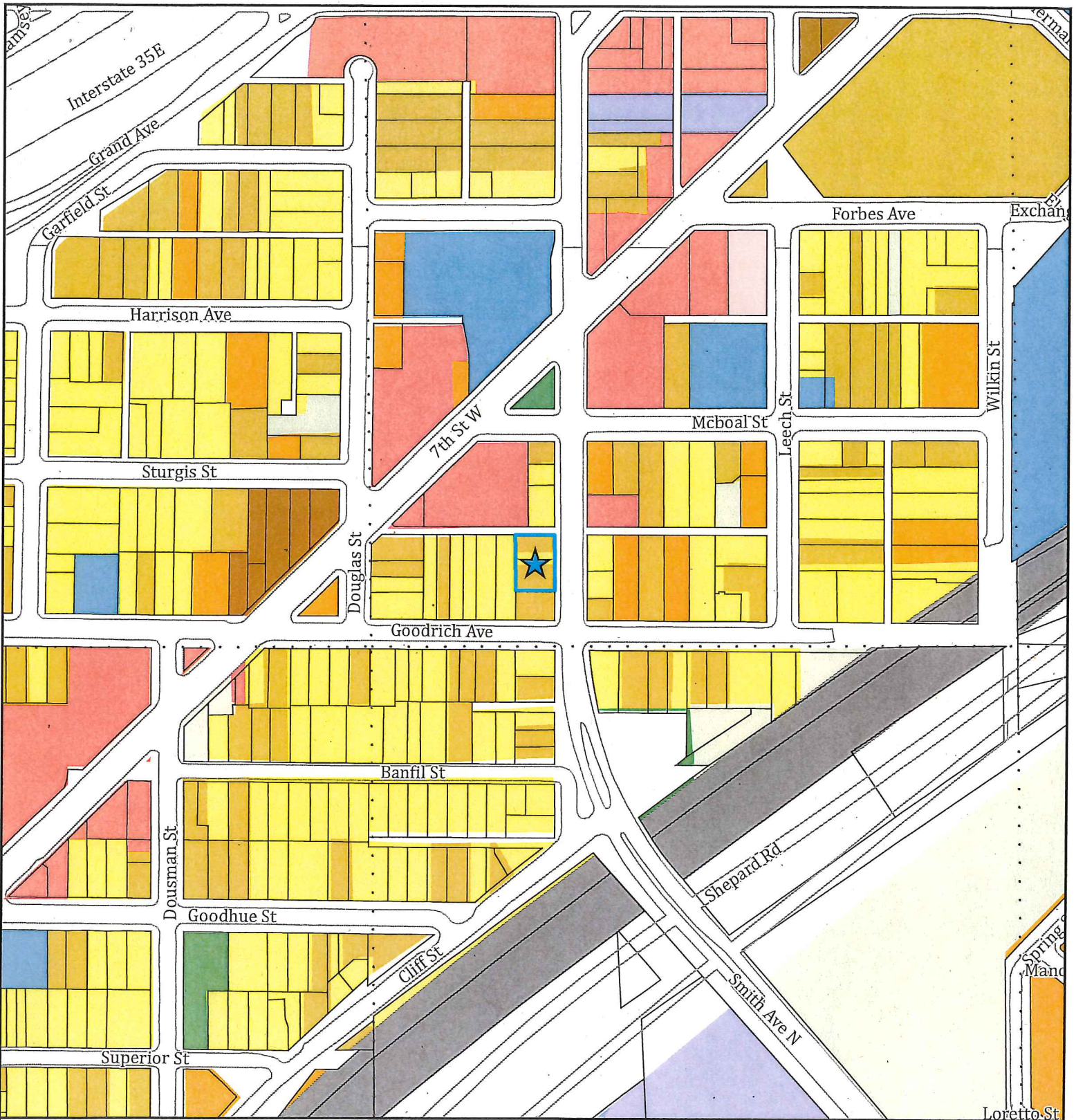
APPLICATION TYPE: PC variance

 Subject Parcels

FILE #: 15-143968 DATE: 7/30/2015

PLANNING DISTRICT: 9

ZONING PANEL: 15



FILE NAME: Thomas Schroeder

APPLICATION TYPE: PC variance

FILE #: 15-143968

DATE: 7/30/2015

PLANNING DISTRICT: 9

ZONING PANEL: 15

Land Use

Single Family Detached

Single Family Attached

Multifamily

Office

Retail and Other Commercial

Mixed Use Residential

Mixed Use Commercial and Other

Industrial and Utility

Institutional

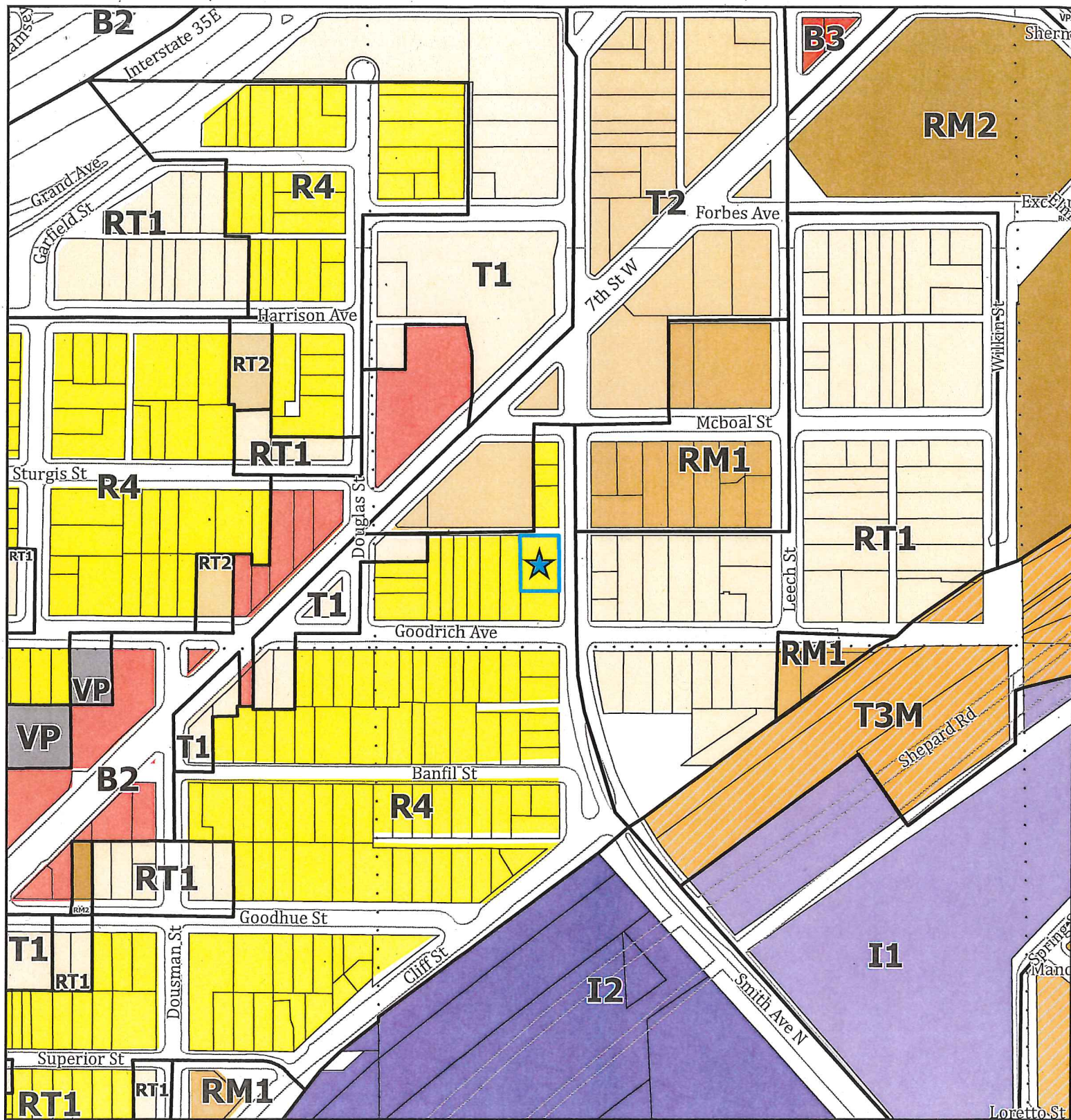
Park, Recreational or Preserve

Railway

Undeveloped

Subject Parcels

Section Lines



FILE NAME: Thomas Schroeder

APPLICATION TYPE: PC variance

FILE #: 15-143968 DATE: 7/30/2015

PLANNING DISTRICT: 9

ZONING PANEL: 15

Saint Paul Department of Planning and Economic Development and Ramsey County

Zoning

 R4 One-Family

 RT1 Two-Family

 RT2 Townhouse

 RM1 Multiple-Family

 RM2 Multiple-Family

 T1 Traditional Neighborhood

 T2 Traditional Neighborhood

 T3M T3 with Master Plan

 B2 Community Business

 B3 General Business

 I1 Light Industrial

 I2 General Industrial

 VP Vehicular Parking

 Subject Parcels

 Section Lines

