

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Nicholas Davis **FILE #** 14-354-654
 2. **APPLICANT:** Nicholas Davis **HEARING DATE:** January 8, 2015
 3. **TYPE OF APPLICATION:** NUP - Establishment
 4. **LOCATION:** 1393-1395 Breda Ave, between Albert and Hamline
 5. **PIN & LEGAL DESCRIPTION:** 272923210024, Como Place St Paul Minn Lot 23 Blk 1
 6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** RT1
 7. **ZONING CODE REFERENCE:** § 62.109(a)
 8. **STAFF REPORT DATE:** December 31, 2014 **BY:** Josh Williams
 9. **DATE RECEIVED:** December 18, 2014 **60-DAY DEADLINE FOR ACTION:** February 16, 2015
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- A. **PURPOSE:** Establishment of legal nonconforming status for a third dwelling unit on the lot
- B. **PARCEL SIZE:** 6000 sq. ft.
- C. **EXISTING LAND USE:** R-Two Single Family Dwellings
- D. **SURROUNDING LAND USE:**
 - North: Residential (RT1)
 - East: Residential (RT1)
 - South: Residential (RT1)
 - West: Residential (RT1)
- E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status. §60.207 gives the definition of family who may occupy a single dwelling unit.
- F. **HISTORY/DISCUSSION:** 1393 and 1395 Breda are separate residential structures located on the same lot. There is no previous zoning history for the property. Department of Safety and Inspections Fire Inspector Adrian Nies has estimated that major work on 1393 Breda adding additional living space and a bathroom and kitchen on the second floor was completed sometime between approximately 1960 and 1980 without a permit. Additional work on the unit was performed by the applicant, without permits, between approximately 2006 and 2012 when he occupied the structure. In November of 2014, the applicant applied for after-the-fact building, electrical, plumbing, and warm air/ventilation permits for the work; those permits are currently on hold pending the resolution of this zoning case. Also in 2014, an order to vacate one of the two "units" was issued subsequent to a Certificate of Occupancy inspection. The applicant appealed the order to the Legislative Hearing Officer. The appeal was denied and the applicant was referred for zoning review.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council has recommended approval of this application.
- H. **FINDINGS:**
 1. Guidelines for duplex and triplex conversions adopted by the Planning Commission in 2009 state that staff shall recommend denial of establishment of non-conforming use as a duplex unless the findings enumerated in §62.109(a) can be made and the following guidelines are met:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.*
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.*
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.*
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)*
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a*

condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.

Subject to conditions of approval, these guidelines are roughly met. The subject property is approximately 6,000 square feet, with approximately 50 feet of front street frontage. The proposed lower unit is approximately 860 square feet and the proposed upper unit approximately 620 square feet in area, for a total area of approximately 1480, exclusive of front porch and basement common areas. The lot currently provides only 1 off-street parking spot, reserved for use by the applicant who resides at 1395 Breda. However, a limit on total occupancy of 1393 Breda to the standard definition of family in §60.207 (a maximum of four (4) unrelated adults) would not increase the existing parking demand, and should be a condition of approval. The single off-street parking space is not currently paved, and should be paved with asphalt or cement as a condition of approval. No remodeling work is proposed by the applicant. Major work without a permit was done on 1393 Breda to add additional living space and a bathroom and kitchen on the second floor sometime between approximately 1960 and 1980, prior to ownership of the property by the applicant. Between approximately 2006 and 2012, additional unpermitted work to improve but not expand the structure was performed by the applicant. In 2014, the applicant applied for after-the-fact building and trade permits. Bringing the structure into full code compliance should be a condition of approval.

2. §62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in §62.102 if the commission makes the following findings:
 - (1) *The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.* This finding is met. Based on inspection of the property, the Department of Safety and Inspections fire inspector has estimated the structure to have been in use as two residential units for at least 34 years. In addition, the applicant has provided letters from former tenants documenting this use as far back as 1998.
 - (2) *The off-street parking is adequate to serve the use.* This finding can be met. There is currently one off-street parking space serving 1393 and 1395 Breda. While this does not meet the required off-street parking for new uses under §63.207, it has provided parking adequate to serve 1-3 occupants of 1393 Breda for more than 10 years. Provided the number of occupants of 1393 Breda does not increase substantially, off-street parking should continue to be sufficient. Limiting total occupancy of 1393 Breda to the standard definition of family in §60.207 should be a condition of approval.
 - (3) *Hardship would result if the use were discontinued.* This finding can be met. The applicant purchased the property on which 1393/1395 Breda are located based on an understanding that 1395 was one standard unit and 1393 two (2) smaller units with a total occupancy similar to one (1) unit, or a total at 1393 Breda of four (4) unrelated adults. Designation of 1393 Breda as one unit would require, based on the definition of a dwelling unit in §60.205, removal of the kitchen including removal of all kitchen appliances and capping of gas, water supply, and/or sanitary sewer lines from the unit. Limiting total occupancy of 1393 Breda to the standard definition of family in §60.207 should be a condition of approval.
 - (4) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to the surrounding land uses.* This finding is met. The subject property is located in a large, contiguous area of RT1 (Two-Family Residential) zoning. Rezoning of the property to RT2 to allow a total of three (3) units would constitute spot zoning.
 - (5) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding can be met. 1393 Breda has been occupied by 1-3 occupants for over ten (10) years. Establishment of 1393 Breda as a legal, non-conforming duplex with a limit on the total occupancy of the two

units in 1393 Breda combined to the standard definition of family in §60.207 will not result in an impact detrimental to public health, safety, or general welfare.

- (6) *The use is consistent with the comprehensive plan.* This finding is met. One of the major strategies of the Housing Chapter of the Saint Paul Comprehensive Plan is to *[B]uild upon Saint Paul's Strengths in the Evolving Metropolitan Housing Market.* Policy H1.1 is to *[I]ncrease housing choices across the City to support economically diverse neighborhoods.* Policy H1.3 is to *[R]evitalize the City by developing land-efficient housing.* The applicant is seeking to legalize a use that supports these goals by providing smaller, more affordable units and makes efficient use of a relatively small parcel to provide multiple units.
- (7) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on December 18, 2014: 12 parcels eligible; 8 parcels required; 12 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the establishment of legal nonconforming status for a third dwelling unit on the lot by establishing 1393 Breda as a legal, nonconforming duplex subject to the following conditions:

- 1) Maximum total occupancy of 1393 Breda shall not exceed the definition of family in §60.207 and this limitation shall be executed as a restrictive covenant filed with the Ramsey County Recorder and provided in original form to the Zoning Administrator within 90 days from this approval.
- 2) Within 90 days of this approval, the applicant shall hire a qualified professional to conduct a code analysis of 1393 Breda and submit building plans and apply for any permits required to bring the structure into full code compliance.
- 3) All work necessary to bring the structure into full code compliance shall be completed and a fire certificate of occupancy shall be issued within 90 days of plan approval and permit issuance, whichever comes later, unless an extension is granted by the Department of Safety and Inspections.
- 4) A maximum of one (1) dwelling unit within 1393 Breda shall be occupied until such time as conditions of approval one (1), two (2) and three (3) above are satisfied.
- 5) The off-street parking space at the rear of the lot adjacent to 1395 Breda shall be paved with asphalt or concrete or similar durable, dustless surface on or before May 31, 2015.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only

File #: 14-354654

Fee: 700

Tentative Hearing Date: 1-8-15

PD = 10

272923210024

APPLICANT

Name NICHOLAS T. DAVIS
 Address 1395 BREDA AVE
 City ST Paul St. MN Zip 55108 Daytime Phone 651-675-6959
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 1393 BREDA AVE
 Legal Description See Attached.
 Current Zoning RT-1 R- Single Family Dwelling
legal Non-Conforming
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Change of nonconforming use (para. c)
 Expansion or relocation of nonconforming use (para. d)
 Reestablishment of a nonconforming use vacant for more than one year (para. e)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use 1393 Dwelling as 2 unit 1395 as SFD non-conforming three Dwelling Unit Parcel
 Proposed Use 1393 Dwelling as 2 unit 1395 as SFD
non-conforming three dwelling unit parcel
 Attach additional sheets if necessary

Attachments as required Site Plan

Consent Petition

Affidavit

Applicant's Signature Nicholas T. Davis

Date 12-11-14 City Agent pdh

12-16-14



Nicholas Davis
1395 Breda Ave.
Saint Paul, MN 55108

651-675-6959
quantum186@comcast.net

Department of Planning and Economic Development

To whom it may concern,

Thank you for taking the time to review my application for variance. We are applying to have Property Identification Number 27293210024 continue use as a three dwelling parcel with 1393 Breda (Front House) having two dwelling and 1395 Breda (Back House) as a single family dwelling. I will show that the property has been used continuously in this fashion for over 10 years and will also make the case that having the front house as a two dwelling structure is a benefit to the neighborhood when compared to having the house as a single family home. We have full support of all neighbors within 100ft and have also gained letters of active support. Below is an index of what is attached in this application:

- Non-Conforming Use Permit Application
- Non-Conforming Use Petition
- Affidavit of Petition (Notarized Copy)
- City Letter sent to affected neighbors
- Assorted City Records
- Proof of continuous use of 1393 Breda (Front House)
- Floor Plans of both units
- Insurance Records showing the Property insured for 3 dwelling units
- Pictures of updates/improvements

As there is only one space for off street parking and this area is allotted to the Back house, we did not include a site plan for parking purposes. All parking for the 'front house' is regulated to on-street parking. To my or any of my neighbors knowledge, on-street parking has never been a concern. I have letters of support from neighbors across the alley (Como), next door and directly across the street (Breda) all stating that parking has never been an issue. Also of note is the proximity to the 3A line and the ease of access to the Green Line

This process has been a great emotional and financial burden to my family. When updating this property, my thoughts were to create high-end units to attract tenants who will become part of the fabric of the neighborhood. To re-convert the front house to a single family dwelling would be financially devastating for my family in not only cost to renovate but loss of future potential income.

If I have left any unanswered questions of there are items of ambiguity, please let me know and I will answer them to the best of my ability.

Again, thank you for your time and consideration.

-Nick Davis

Davis, Nick

From: Nick Davis <quantum186@comcast.net>
Sent: Tuesday, November 18, 2014 7:34 AM
To: Davis, Nick
Subject: Fwd: 1393 Breda Ave, St Paul MN

From my Android phone on T-Mobile. The first nationwide 4G network.

----- Original message -----

From: Mike Wright
Date: 11/17/2014 10:28 PM (GMT-06:00)
To: quantum186@comcast.net
Subject: 1393 Breda Ave, St Paul MN

To whom it may concern,

I lived at 1393 Breda, Saint Paul MN from Spring 1997 through Fall 2002. During that time, the upper and lower floors were separated, secured, and rented out as individual living units.

During that time, I rented the main floor unit which was listed as a two bed, single bath duplex property. This included basic utilities, shared washer and dryer access, and basement storage area. I was responsible for choosing and paying for separate cable, phone, and internet services from the upper unit.

During the period of time I rented the lower unit, there were 2 different tenants who rented the upper unit.

Feel free to contact me directly to review any additional details.

Regards,

Michael Lawrence Wright
[612-877-2448](tel:612-877-2448)

Mike Wright
Service Manager
2420 Long Lake Road
Roseville, MN 55113
d. 651-366-6516 | p. 612-659-9800 | f. 612-659-9200 | www.mytech.com



Davis, Nick

From: Nick Davis <quantum186@comcast.net>
Sent: Tuesday, November 18, 2014 9:03 AM
To: Davis, Nick
Subject: Fwd: Residence at 1393 Breda Ave., St. Paul

From my Android phone on T-Mobile. The first nationwide 4G network.

----- Original message -----

From: John Wurm
Date: 11/18/2014 9:00 AM (GMT-06:00)
To: Nick Davis
Subject: Residence at 1393 Breda Ave., St. Paul

To Whom It May Concern,

This letter is to confirm that I, John Wurm, maintained residence at the home of 1393 Breda Ave. in St. Paul, MN from 1998 to 2005. Throughout these years, this residence was under the ownership of Pat Davis and was divided into two separate units -- a two-bedroom unit (with full bath and kitchen) on the first floor and a two bedroom unit (with full bath and kitchen) on the second floor. The second floor unit had separate locks for the interior entrance. Both units shared main and rear entrances and the basement storage and laundry.

From approximately 1998 through 2001, I maintained residence in the first floor unit with my cousin, Michael Wright. We each split the unit's rent (which included utilities, but not cable or internet service). Throughout this time, a young couple (I do not remember their name, but I believe he was a police officer) lived in the second floor residence.

In 2001, I relocated to the second floor residence as a result of my cousin and his girlfriend/fiance wanting more space for themselves in the main floor residence. I lived in the second floor residence from that time until 2005, when I purchased a townhome in Oakdale. In my time in the second floor unit, I had three different neighbors occupying the first-floor unit for various periods of time -- Mike Wright (and his girlfriend/fiance, Michelle), a single mother and her son (forgotten their names), and a young woman named Belva and her boyfriend. Each unit/tenant paid separate rent (which again, included utilities, but not cable or internet services). At the time of my departure from the residence, Pat Davis was still the owner of the property.

It should be noted that throughout my entire time residing at the 1393 Breda Ave. residence, the division of units was in place. At no time was any construction done to make separate units -- this had taken place prior to my time at the duplex.

If you have any questions about my residence, or need any clarification, please do not hesitate to get in touch with me at [651-503-3894](tel:651-503-3894) or jjwurm@gmail.com. I am happy to assist in this matter in any way that I'm able.

Sincerely,
John Wurm
Oakdale, MN

To whom it may concern/Zoning Department of Saint Paul,

I lived/occupied in the upstairs apartment at the address of
1393 Breda Ave W St. Paul, MN from the dates of September
1st, 2006 to July 31, 2014.

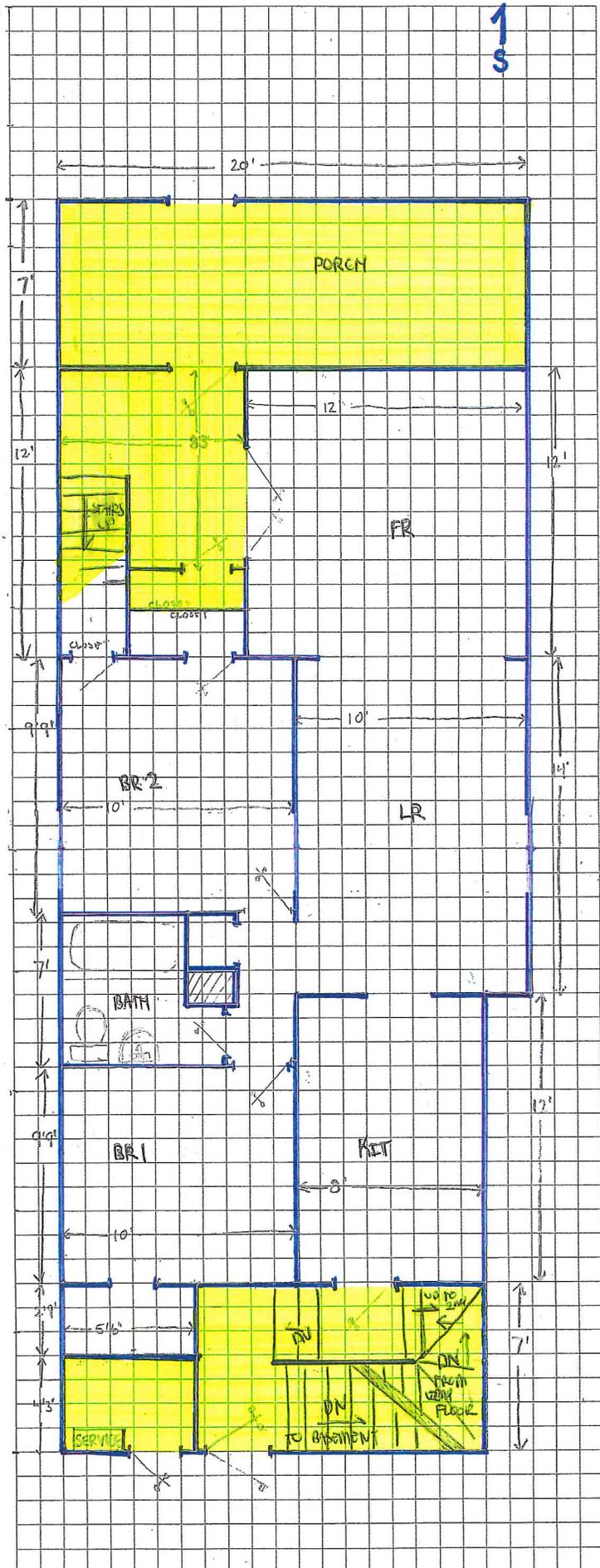
A handwritten signature in black ink, appearing to read "Robb Shaw", with a horizontal line extending to the right.

Robb Shaw



1st Floor UNIT 1

Date: _____
Page Of _____
By: _____





Lower Level Shared.

Date:

Page Of

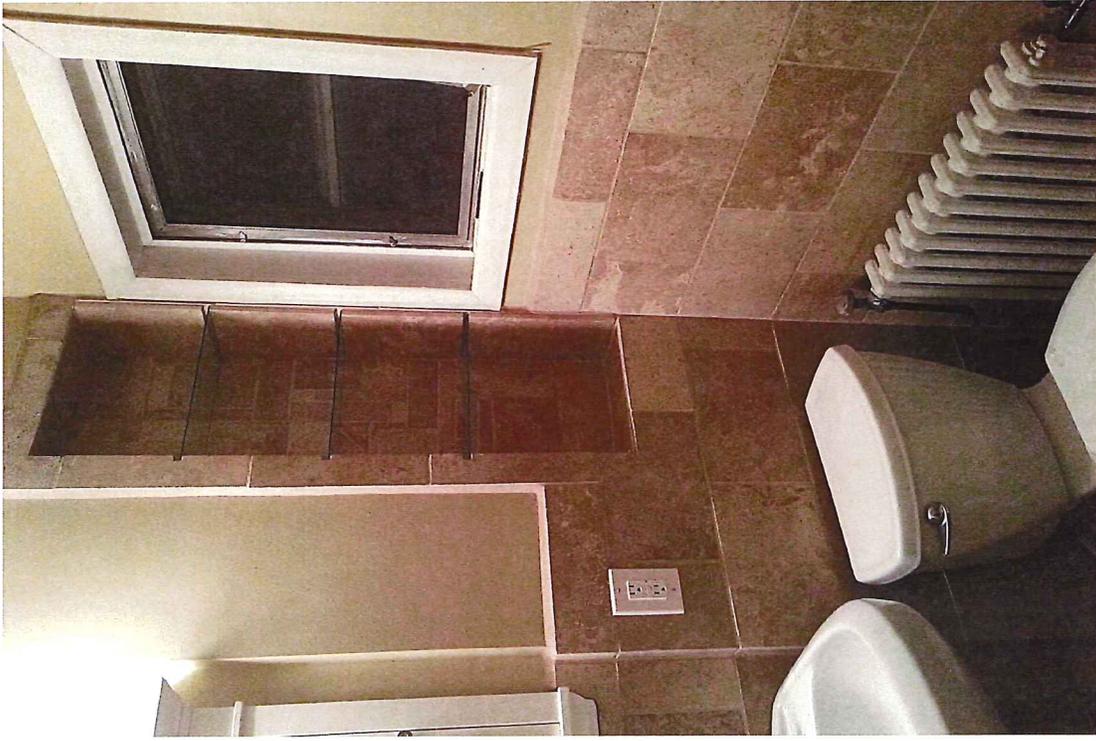
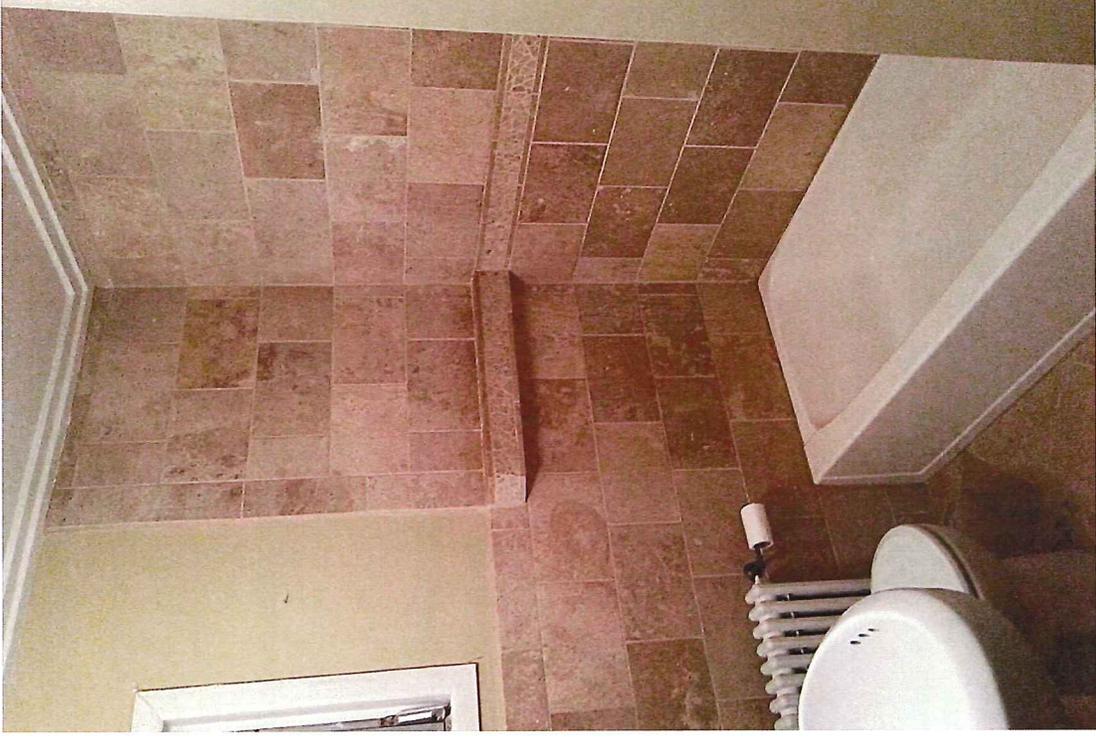
By:



1393 1st Floor KITCHEN



1393 1st Floor KITCHEN



1393 2nd Floor KITCHEN



1393 2nd Floor Bath



EXTERIOR PICTURES





January 5, 2015

Bureau of Zoning Appeals
15 West Kellogg Boulevard - Room 330
Saint Paul, Minnesota

Mr. Diatta,

The District 10 Land Use Committee discussed the zoning variance request made by Nick Davis for work at 1393 Breda. Considering that no one in the neighborhood objected to the variance and the property use is not changing, District 10 supports their requests. The City grants the variance.

Sincerely,

Kim Moon
Land Use Chair
(651) 488-0956
District 10 Como Community Council
Historic Streetcar Station
1224 Lexington Parkway North, Saint Paul, MN 55103
district10@district10comopark.org
www.district10comopark.org

To Whom It May Concern,

For almost 23 years, we have resided at 1397 Breda Ave, directly next door to 1393/1395 Breda Ave.

We have never had an issue with the property being a duplex, and we would prefer it to stay a duplex, and not convert to single family. No issues with renters or parking have ever occurred.

Mr. Davis has made many improvements to his property, not only to enhance his property, but the neighborhood, as well. The Davis family have been very selective with renters. We are concerned if the property must convert to single family dwelling, that our property value may decrease.

Our hope is that the property will remain a duplex, as it has been for at least 23 years.

Tanya Daniels 1-4-15

Thelma Daniels 1-4-15

Tracey Daniels 1-4-15

Kurt Daniels 1-4-15

Dec 31, 2014

To: Mr. Josh Williams,
Zoning Committee

File # 14-354-654

address 1393-1395 Breda Ave
File Name Nicholas Davis

I am writing on behalf of our
neighbor, Nick Davis, and the properties he
owns at 1393-1395 Breda Ave.

This property is directly across the street
from our home. We own the property at
1386 Breda, and have for 37 years. We
have never had any issues with parking,
traffic etc from the properties across
the street.

Nick has been a wonderful neighbor,
and always has been!

We've never had any problems with
Nick or the properties, and we wish to
keep it as is.

Thank you

Kevin & Deb Donnelly

1398 Como Avenue
Saint Paul, MN 55108
(651) 788-2970

December 13, 2014

Saint Paul Planning & Economic Development Department
ATTN: Zoning Section

City Hall Annex
25 W. 4th St., Suite 1300
Saint Paul, MN 55102

Re: 1393/1395 Breda Avenue

Dear Sir or Madam,

I am one of the owners and residents of 1398 Como Avenue. I am writing in support of the petition of Nicholas and Christy Davis for a nonconforming use permit pursuant to Saint Paul Code of Ordinances § 62.109 recognizing the historical use of one of the two buildings on Lot 23, Block 1 Como Place (1393 & 1395 Breda Avenue) as a duplex.

I understand that the Davises are seeking this permit because they currently do not possess information regarding the permitting process for the duplex in 1393 Breda Avenue. The only information that Mr. Davis appears to possess dates back to the 1980s when his parents acquired the property, and the property was already being used as a duplex at that time. However, I would like to point out that if Mr. Davis is able to establish that 1393 Breda Avenue was converted to a duplex prior to October 25, 1976 pursuant to a permit issued by the city; or if he can establish that 1393 Breda Avenue was converted into a duplex prior to December 13, 1956 even without a permit, then it is presumed to be a legal nonconforming property. Code § 62.102.

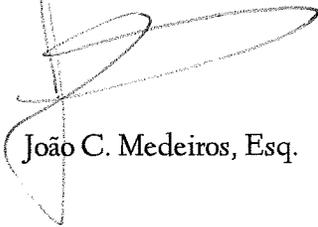
The zoning for our neighborhood recognizes the existence of older homes that are converted into duplexes in order to extend the useful life of its older housing stock. Duplexes are generally permitted in our neighborhood. My house has been a duplex in the past, as has my neighbor's house and numerous other residences on my street. The use of 1393 Breda Avenue as a duplex conforms to the historical use of other properties in its neighborhood. I believe that it would be fundamentally unfair not to permit the Davises to make the same use of their own property that is permitted to their neighbors. Therefore, I fully support their petition.

In fact, the only irregularity on the lot appears to be a nonconforming carriage house dwelling (1395 Breda Avenue). But Ramsey County's property records indicate that the two buildings were erected in 1910 and 1916 respectively. Because it has existed for almost a century, the nonconforming carriage house is certainly protected by Code § 62.102.

I have not observed any issues with on-street parking related to this lot. It appears that there is ample space on the lot to meet its parking needs.

I have no complaints with respect to the property or the manner in which Mr. Davis intends to use the property. His property is across the alley from mine, and I have observed the significant effort he has made to renovate it, an effort which has improved the neighborhood. I believe that Mr. Davis should be commended for his effort and that he should be entitled to rely on the use to which the property was being put at the time that his parents acquired it.

Best Regards,

A handwritten signature in black ink, appearing to be "João C. Medeiros". The signature is stylized with a large loop and a long horizontal stroke.

João C. Medeiros, Esq.

To Whom it may concern.

We are writing this letter in regard to the property at 1393 Breda Ave St Paul, Ma 55108.

We have lived across the street at 1392 Breda Ave for more then 47 years, in that time the property at 1393 Breda has always been a duplex with rental up stairs as well as down stairs.

There has never been a parking problem or any other problem with renters respecting the property as well as our's.

We would very much like to keep this property (1393 Breda Ave)

as the duplex that it is. This
is a quiet family type neighbor-
hood and we would very much
like to keep it that way.

Marlene R. Vincent
Hemp Hunt

Saint Paul Planning & Economic Development Department Zoning Section:

To Whom it may concern,

CHARLOTTE SVOBODA 1382 BREDFA AVE
I, _____, who resides in the property at _____ fully support Nicholas and Christy Davis is converting the 1393/1395 property into a three (3) dwelling unit parcel. This is with the assumption that the intended use of this property is to remain the same as it has been used in past.

I understand, to the best of my knowledge, this property has been used as a three dwelling unit for as long as I have lived at my property.

As a home owner within 150 feet of the property in question would prefer the property to be used as 3 dwelling property as opposed to the zoning as SINGLE FAMILY DWELLING. I fully support Mr. and Mrs. Davis in their actions.

I have no complaints in regards to the property or the manner in which Mr. Davis has conducted or attended to the property as it applies in this situation.

There has never been an issue with on-street parking and would not foresee any concerns with parking as this property has been used as a 3 dwelling parcel continuously for a very long time.

Thank you.

X CSvoboda

THIS PROPERTY HAS BEEN A
WONDERFUL NEIGHBOR AND WOULD
HAVE NO PROBLEM WITH IT

REMAINING AS A 3 DWELLING

UNIT —

CSvoboda

Saint Paul Planning & Economic Development Department Zoning Section:

To Whom it may concern,

I, Bruce Sether, who resides in the property at 1392 COMO AVE. fully support Nicholas and Christy Davis is converting the 1393/1395 property into a three (3) dwelling unit parcel. This is with the assumption that the intended use of this property is to remain the same as it has been used in past.

I understand, to the best of my knowledge, this property has been used as a three dwelling unit for as long as I have lived at my property.

As a home owner within 150 feet of the property in question would prefer the property to be used as 3 dwelling property as opposed to the zoning as SINGLE FAMILY DWELLING. I fully support Mr. and Mrs. Davis in their actions.

I have no complaints in regards to the property or the manner in which Mr. Davis has conducted or attended to the property as it applies in this situation.

There has never been an issue with on-street parking and would not foresee any concerns with parking as this property has been used as a 3 dwelling parcel continuously for a very long time.

Thank you.

x Bruce W. Sether

Bruce W. Sether

Saint Paul Planning & Economic Development Department Zoning Section:

To Whom it may concern,

Aaron T. Salaseth
I, Sarah Adams, who resides in the property at 1387 Breda Ave. fully support Nicholas and Christy Davis is converting the 1393/1395 property into a three (3) dwelling unit parcel. This is with the assumption that the intended use of this property is to remain the same as it has been used in past.

I understand, to the best of my knowledge, this property has been used as a three dwelling unit for as long as I have lived at my property.

As a home owner within 150 feet of the property in question would prefer the property to be used as 3 dwelling property as opposed to the zoning as SINGLE FAMILY DWELLING. I fully support Mr. and Mrs. Davis in their actions.

I have no complaints in regards to the property or the manner in which Mr. Davis has conducted or attended to the property as it applies in this situation.

There has never been an issue with on-street parking and would not foresee any concerns with parking as this property has been used as a 3 dwelling parcel continuously for a very long time.

Thank you.

X [Signature] 12/14/2014
Sarah Adams 12/14/2014

Dear Board,

We have lived in the neighborhood (and own the property adjacent) for a year-and-a-half. We love our home and this neighborhood! Nick and Christy have been tremendously generous and open neighbors, and have had a large impact on this experience. They have conducted their rental property's management in a manner that contributes to the neighborhood's positive dynamics. Please consider their plea to keep things as is, especially as there seems to be such a healthy and vibrant neighborhood intact! Respectfully

- Aaron T. Salaseth

Jean E O'Leary

Saint Paul Planning & Economic Development Department Zoning

Re: 1393 Breda, St Paul, 55108

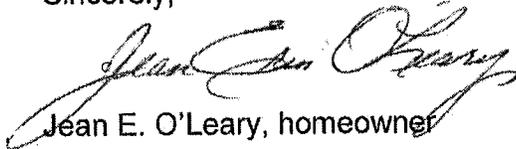
Dear Planning & Economic Development Committee:

My name is Jean O'Leary, I own and have lived in my home at 1382 Como Ave since 1987. During the entire time I have lived in my home, 1393/1395 Breda has been a three (3) dwelling parcel. Over the years we have had stable neighbors living on this property who have become friends and raised their small families. In fact my daughter rented from Nicholas and Christy Davis for a period of time with her young daughter. It was an ideal situation and similar to other renters that have lived on this property for extended periods of time.

I fully support Nicholas and Christy Davis in their petition to keep this property a three dwelling unit as it has always been. I have no complaints regarding the property or in the manner in which Mr. Davis conducts or attends the property.

Please feel free to contact me personally if you would like further clarification. I would be happy to speak with you on the Davis' behalf.

Sincerely,



Jean E. O'Leary, homeowner

1382 Como Avenue, St Paul, 55108

612.321.6588

CITY OF SAINT PAUL

**CONSENT OF ADJOINING PROPERTY OWNERS FOR A
NONCONFORMING USE PERMIT**

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of NICHOLAS T. DAVIS,
(name of applicant)

to establish a THREE DWELLING UNIT PARCEL,
(proposed use)

located at 1393/1395 BREDA AVE.,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1397 Breda	Kurt & Tracy Daniels		12-10-14
1398 BREDA	COLIN PIERCE		12-10-14
1392 Breda	George & Marlene Vincent	Marlene R. Vincent	12-10-14
1382 BREDA	CHARLOTTE DVOBODA		12-10-14
1383 Breda	George & Patricia Malloy	Pat Malloy	12-10-2014
1392 Como Ave	BRENDA W. SETHUR	B. W. Sethur	12-10-2014
1398 Como Ave	Joao Medeiros		12-10-2014
1386 Como Ave.	Melissa Anderson		12-10-2014
1387 Breda Ave.	Aaron T. Salomon; Sarah Adams		12/10/2014
1382 Como Ave	Jean Erin O'Leary		12/10/2014
1386 Breda	Richard D. B. Donat		12/10/14
1395 Breda	Nicholas Davis		12/10/14

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Nicholas T. Davis, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Nicholas T. Davis

Nicholas T. Davis

NAME

1395 BREDA AVE

ADDRESS

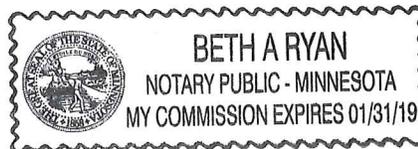
651-675-6959

TELEPHONE NUMBER

Subscribed and sworn to before me this

11th day of DECEMBER, 2014

Beth A. Ryan
NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 12-16-14

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 12

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 8

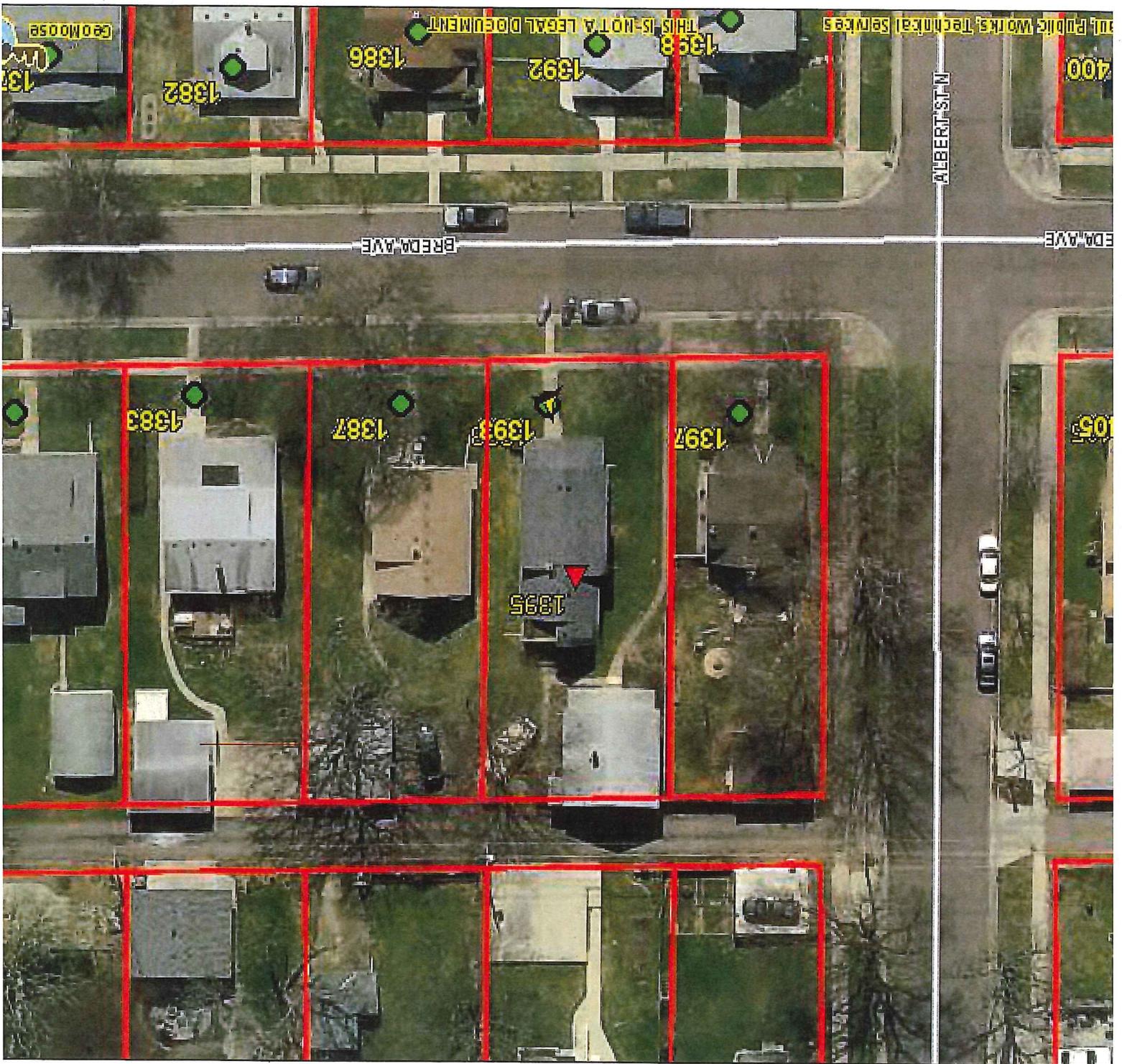
PARCELS REQUIRED: _____

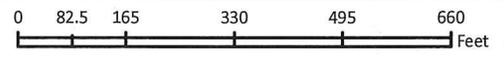
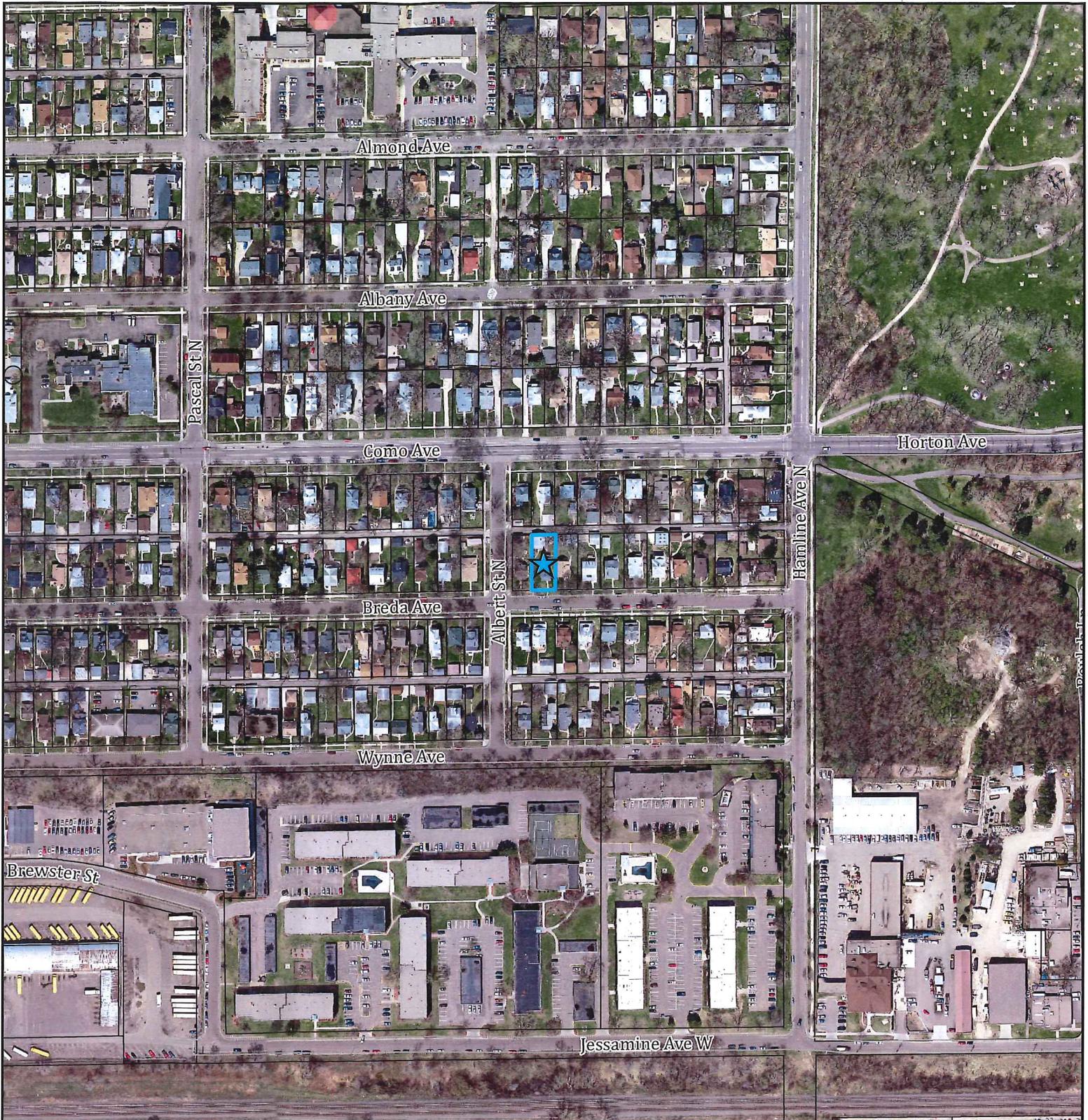
PARCELS SIGNED: 12

PARCELS SIGNED: _____

CHECKED BY: Paul Dubravel

DATE: 12-18-14





FILE NAME: Nicholas Davis

Aerial

APPLICATION TYPE: Establishment of nonconforming use

 Subject Parcels

FILE #: 14-354654 DATE: 12/18/2014

PLANNING DISTRICT: 10

ZONING PANEL: 2





FILE NAME: Nicholas Davis

APPLICATION TYPE: Establishment of nonconforming use

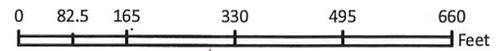
FILE #: 14-354654 DATE: 12/18/2014

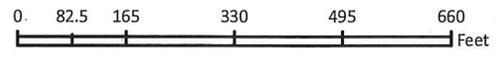
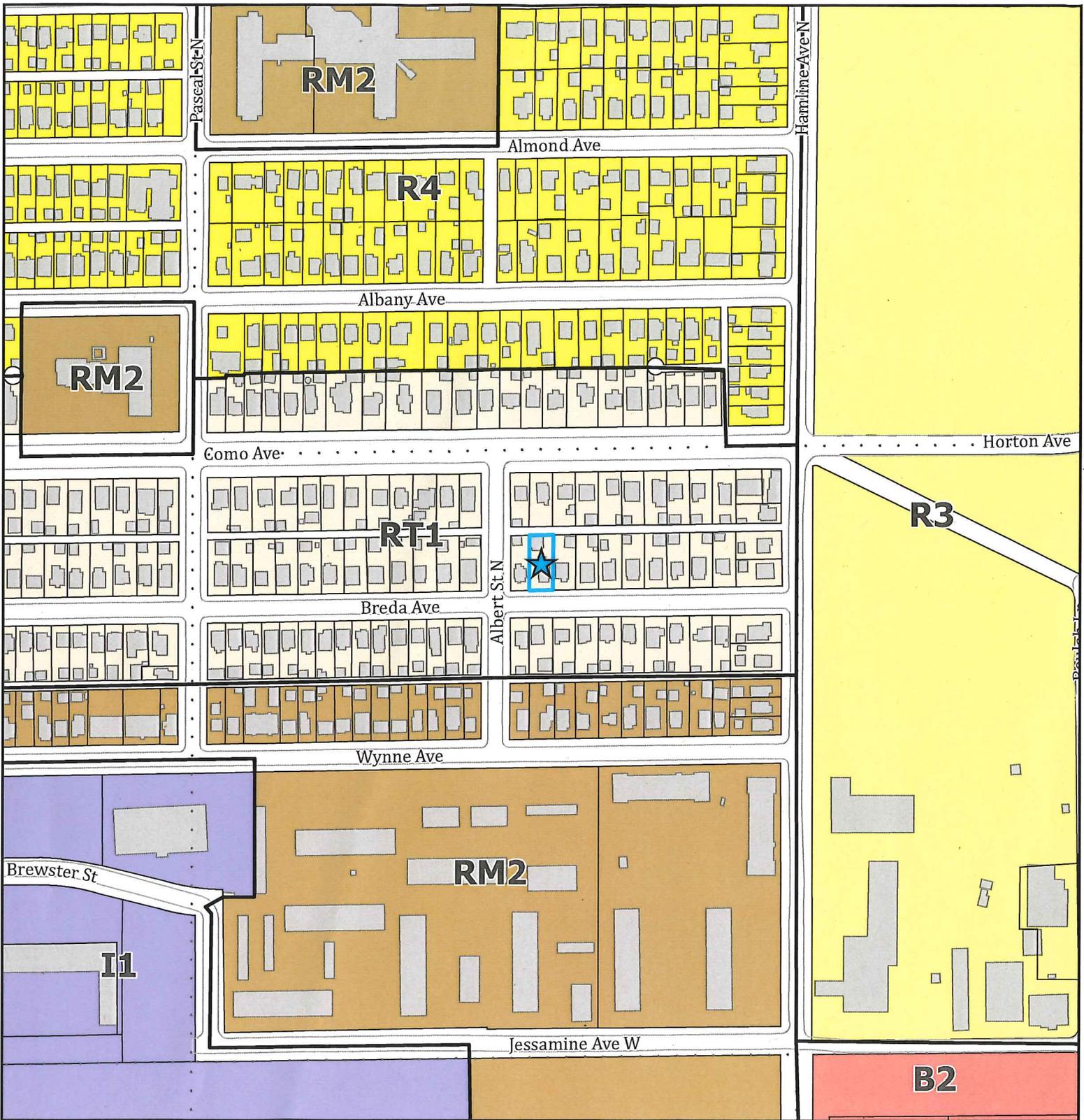
PLANNING DISTRICT: 10

ZONING PANEL: 2

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Mixed Use Residential
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Subject Parcels
- Section Lines





FILE NAME: Nicholas Davis
 APPLICATION TYPE: Establishment of nonconforming use
 FILE #: 14-354654 DATE: 12/18/2014
 PLANNING DISTRICT: 10
 ZONING PANEL: 2

- Zoning**
- R3 One-Family
 - R4 One-Family
 - RT1 Two-Family
 - RM2 Multiple-Family
 - B2 Community Business
 - I1 Light Industrial
 - Subject Parcels

· · · Section Lines

