

ZONING COMMITTEE STAFF REPORT

FILE NAME: Evarson Azevedo

FILE # 20-085-208

APPLICANT: Evarson Azevedo

HEARING DATE: November 19, 2020

TYPE OF APPLICATION: Nonconforming Use Permit - Reestablishment

LOCATION: 1012 7th St E, NE corner at Ross Avenue

PIN & LEGAL DESCRIPTION: 282922340011; TERRY'S ADDITION EX E 1 FT LOT 6 AND ALL OF LOT 5 BLK 14

PLANNING DISTRICT: 4

ZONING CODE REFERENCE: § 62.109(e)

PRESENT ZONING: B3

STAFF REPORT DATE: November 12, 2020

BY: Bill Dermody

DATE RECEIVED: October 20, 2020

60-DAY DEADLINE FOR ACTION: December 17, 2020

- A. **PURPOSE:** Reestablishment of a nonconforming duplex
- B. **PARCEL SIZE:** 119 ft. (7th St. E.) x 98 ft. (Ross Ave.) 3,920 sq. ft. (triangular)
- C. **EXISTING LAND USE:** Single-family residential
- D. **SURROUNDING LAND USE:** Industrial to the west and north (I2), auto repair and vacant lot to the east (B3), and a mix of single-family, duplex, multi-family, mixed residential-commercial, and a fire station to the south (B3).
- E. **ZONING CODE CITATION:** § 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 3 parking spaces for a duplex with two 3-bedroom units. One off-street parking space is provided.
- G. **HISTORY/DISCUSSION:** The site was zoned B3 General Business District in 1975. In 2009, the Zoning Administrator noted that the legal nonconforming duplex had been vacant for more than one year and would require reestablishment approval. From 2013 to 2017 the site received a series of certificates of occupancy for a single-family residence.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The Dayton's Bluff District 4 Community Council recommends approval.
- I. **FINDINGS:**
 - 1. The application requests reestablishment of a nonconforming duplex residential use at 1012 7th Street E. The structure on the triangular lot is currently used as a single-family residence. The site is zoned B3 General Business.
 - 2. The Planning Commission's Duplex Conversion Guidelines (2009) state that staff will recommend denial of nonconforming use applications to convert single-family residences to duplexes unless the following guidelines are met:
 - (a) *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This guideline is not met because the lot size is only 3,920 square feet. However, it notably has far more than 40 feet of frontage, with a total of 217 feet of frontage.
 - (b) *Gross living area, after completion of duplex conversion, of at least 1500 square feet. Neither unit shall be smaller than 500 square feet.* This guideline is met. Ramsey County Assessor data indicates there is 2,328 sq. ft. of living area, which is approximately evenly divided between the 1st and 2nd floors, each floor proposed to be a distinct unit.
 - (c) *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline is not met. Although the application materials show a photograph with two off-street parking spaces drawn in, the 12'-wide driveway can only

accommodate one non-stacked parking space that meets code dimensions. However, there is much on-street parking along the site's atypically long frontage (217 feet) and on adjacent stretches of Ross Avenue and 7th Street East that serve to mitigate the lack of two off-street parking spaces.

- (d) *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Planning Commission.* This guideline is met. There are no plans for exterior changes.
 - (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.* This guideline can be met. If this application is approved by Planning Commission, a condition of approval could require a code compliance inspection and that necessary permits be obtained.
3. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
- (a) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The B3 General Business District does not permit either single-family or duplex residential uses. Many conforming uses, such as retail or office, are not suited to this residential-style building. Some conforming uses, such as adult care home or supportive housing, require specialized management and are not reasonable to expect at this property.
 - (b) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. A duplex is equally appropriate to the district as the previous legal nonconforming single-family residential use.
 - (c) *The proposed 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 is not met. The inability to meet Duplex Conversion Guidelines regarding lot size and off-street parking indicate that the proposed use is not consistent with promotion of the area's general welfare.
 - (d) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the site as part of a Mixed Use area, which allows for the use. The Near East Side Roadmap identifies the site as a potential redevelopment opportunity for housing or other uses.
 - (e) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This requirement has been suspended via Mayor Carter's Emergency Executive Order 2020-29 related to consent petitions during the pandemic.

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends denial of the reestablishment of a nonconforming duplex.



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) 266-6583

Zoning Office Use Only	
File #	_____
Fee Paid \$	<u>735⁰⁰</u>
Received By / Date	_____
Tentative Hearing Date	_____

PD=4

APPLICANT

Name EVARSON AGUIAR TOSCANO AZEVEDO
(must have ownership or leasehold interest in the property, contingent included)

Address 10130 SYCAMORE ST NW City COON RAPIDS State MN Zip 55433

Email EVARSONAZEVEDO@HOTMAIL.COM Phone 952-393-5081

Name of Owner (if different) _____ Email _____

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address/Location 1012 7TH STREET E ST. PAUL, MN, 55106

PIN(s) & Legal Description PARCEL ID: 282922340011 LOT 5 BLOCK 14
(attach additional sheet if necessary)

OF TERRY'S ADDITION Lot Area _____ Current Zoning BUSINESS/COMMERCIAL

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.

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)

Present / Past Use RESIDENTIAL SINGLE FAMILY

Proposed Use RESIDENTIAL TWO FAMILY (DUPLIX)

SUPPORTING INFORMATION: Demonstrate that each of the requirements in Zoning Code § 62.109 for the type of nonconforming use permit being requested is met. Attach additional sheets if necessary.

Attachments as required: Site Plan Consent Petition Affidavit

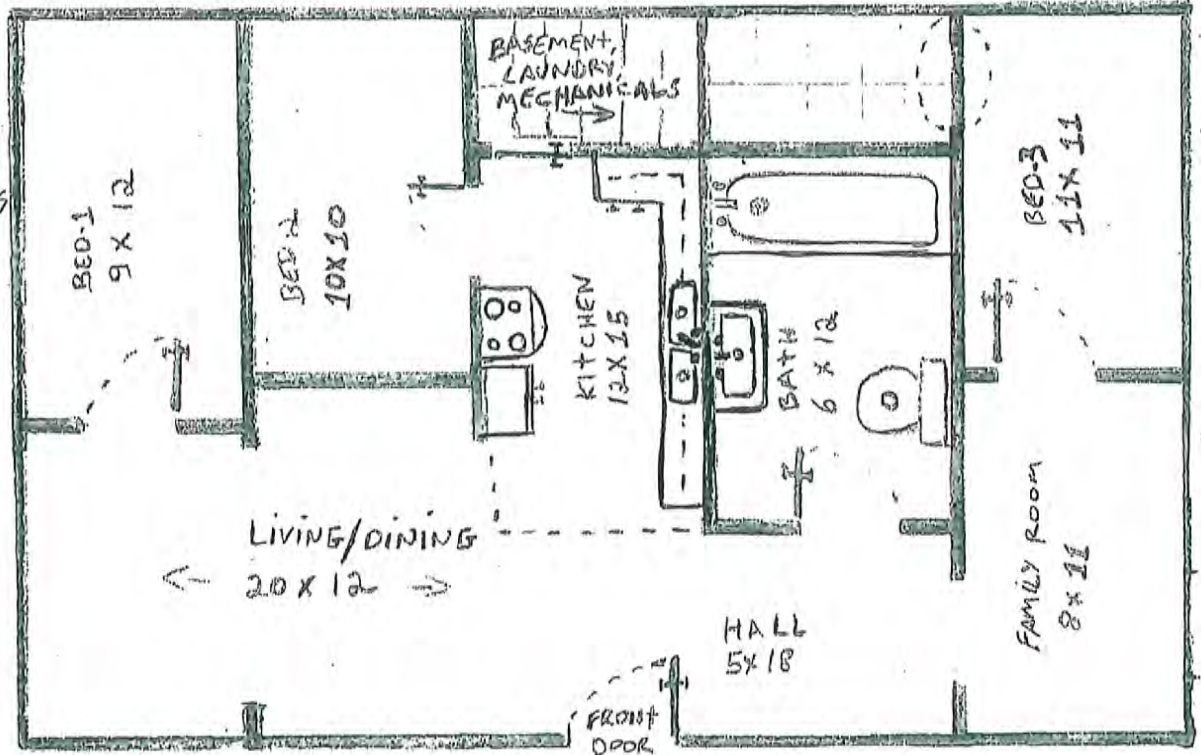
If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature EVARSON AZEVEDO Date 10-19-2020

LOWER LEVEL

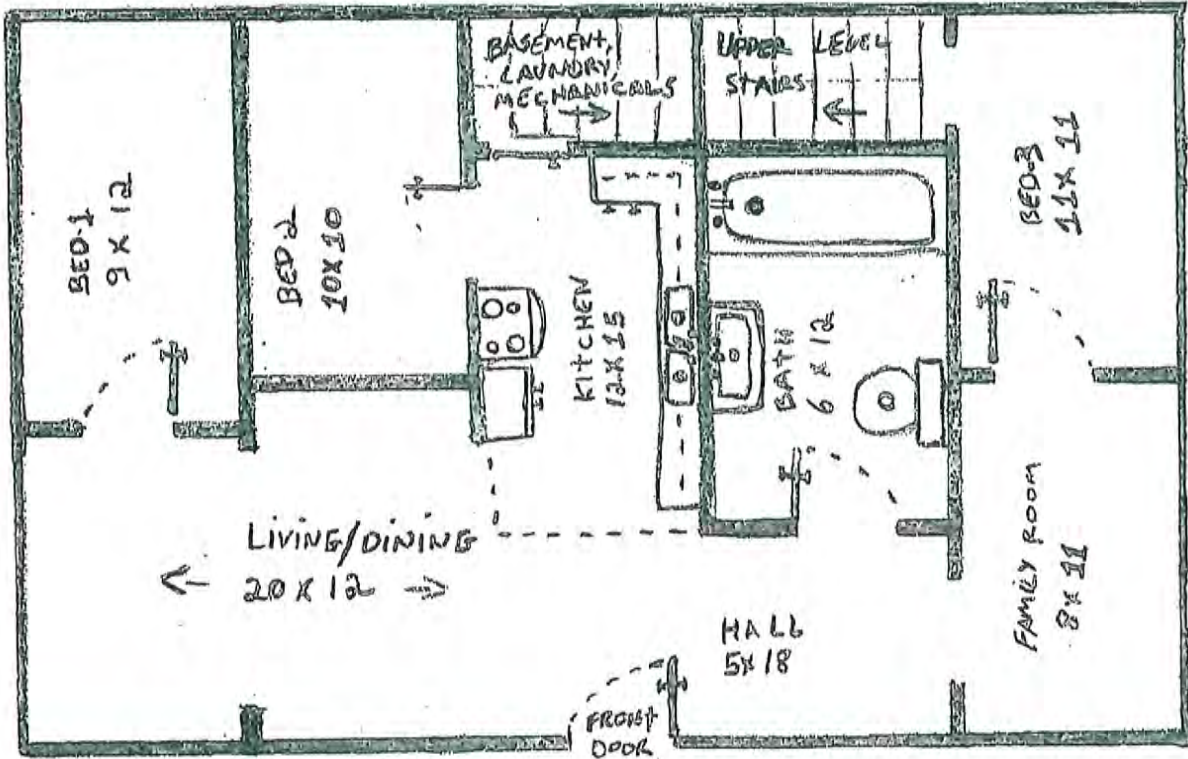
PROPOSED CHANGE

- CLOSE ACCESS TO UPPER LEVEL



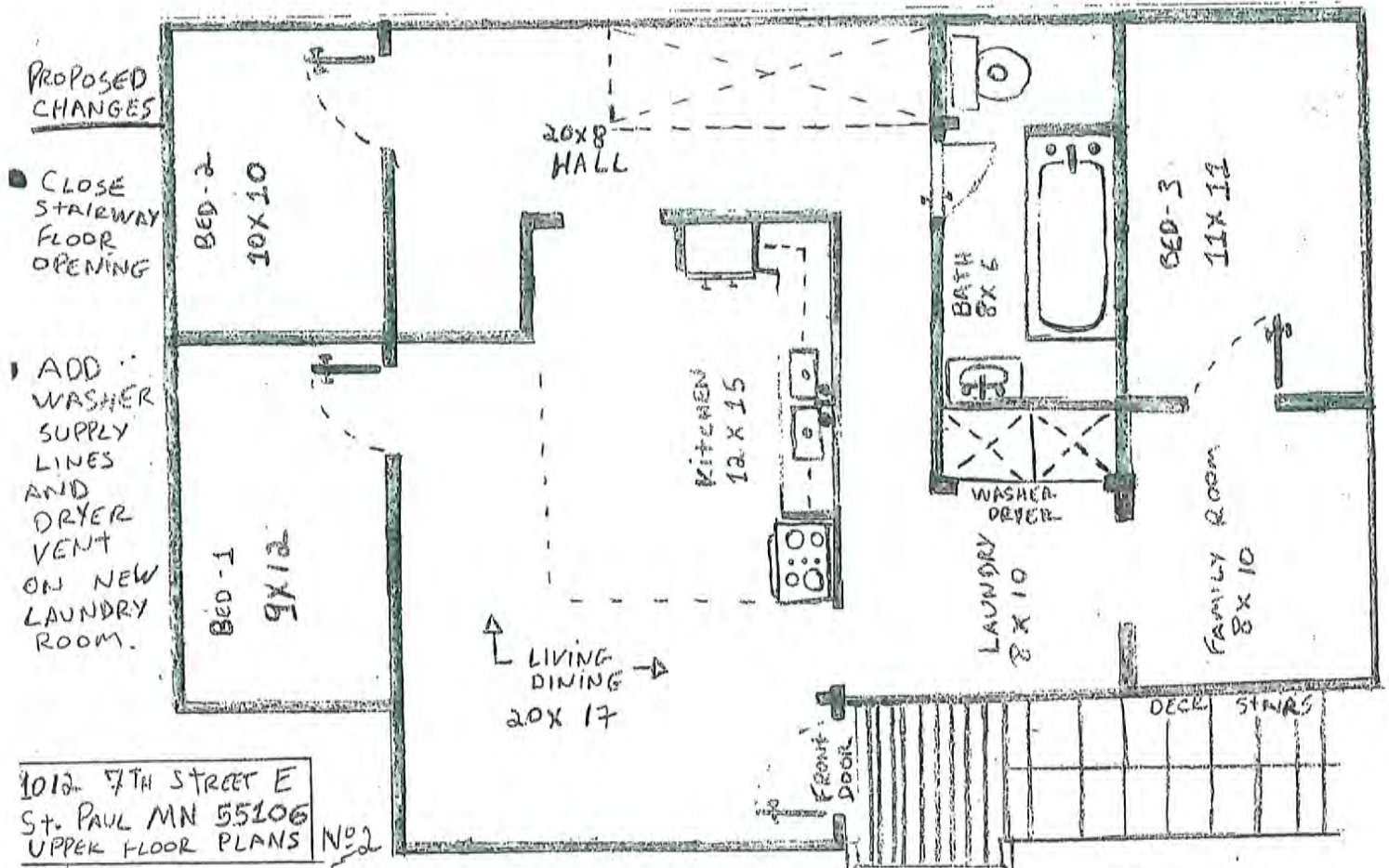
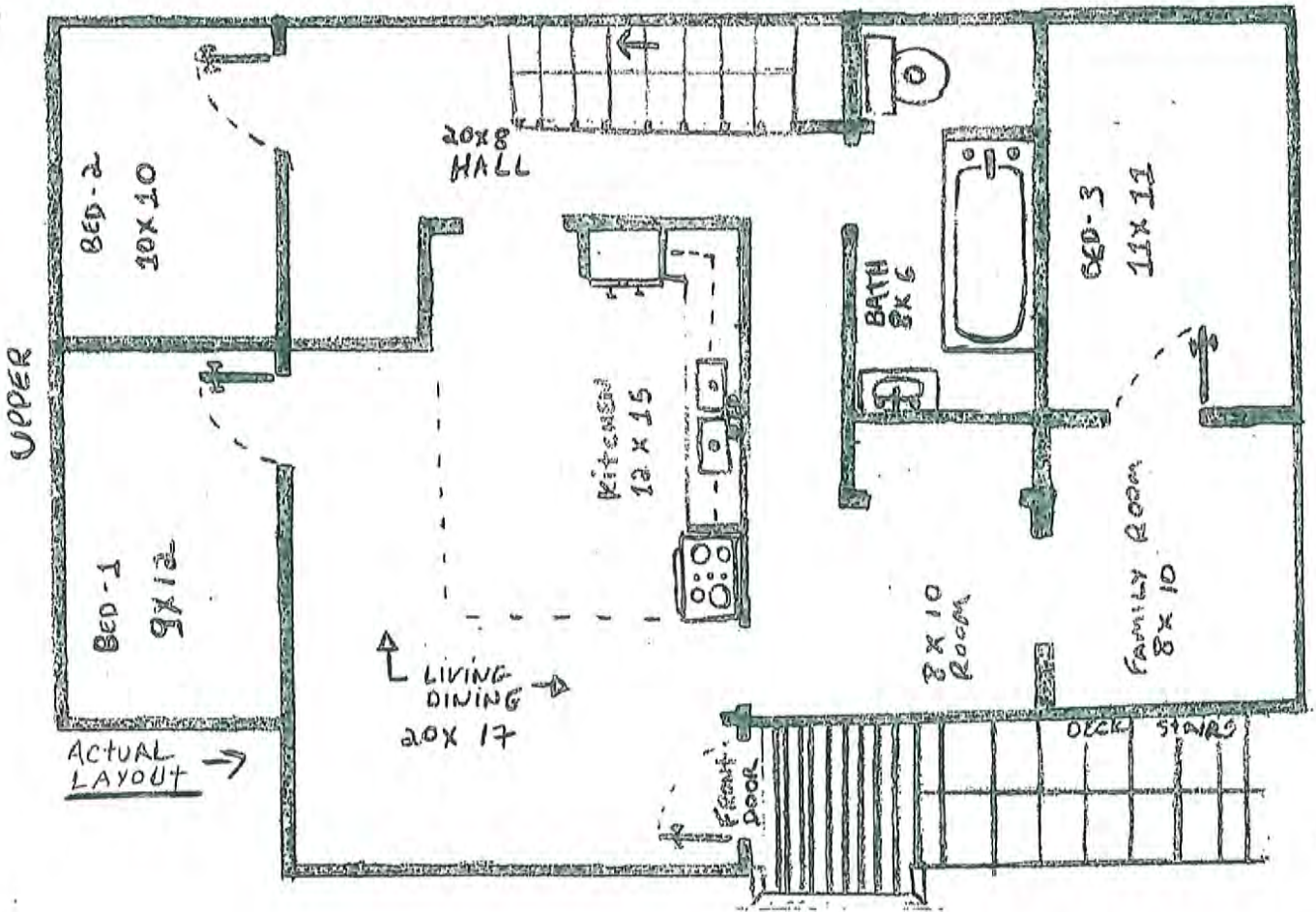
LOWER LEVEL

ACTUAL LAYOUT



1012 7TH STREET E
 ST. PAUL MN 55106
 LOWER FLOOR PLANS

Nº1



1012 7TH STREET E
 ST. PAUL MN 55106
 UPPER FLOOR PLANS No. 2

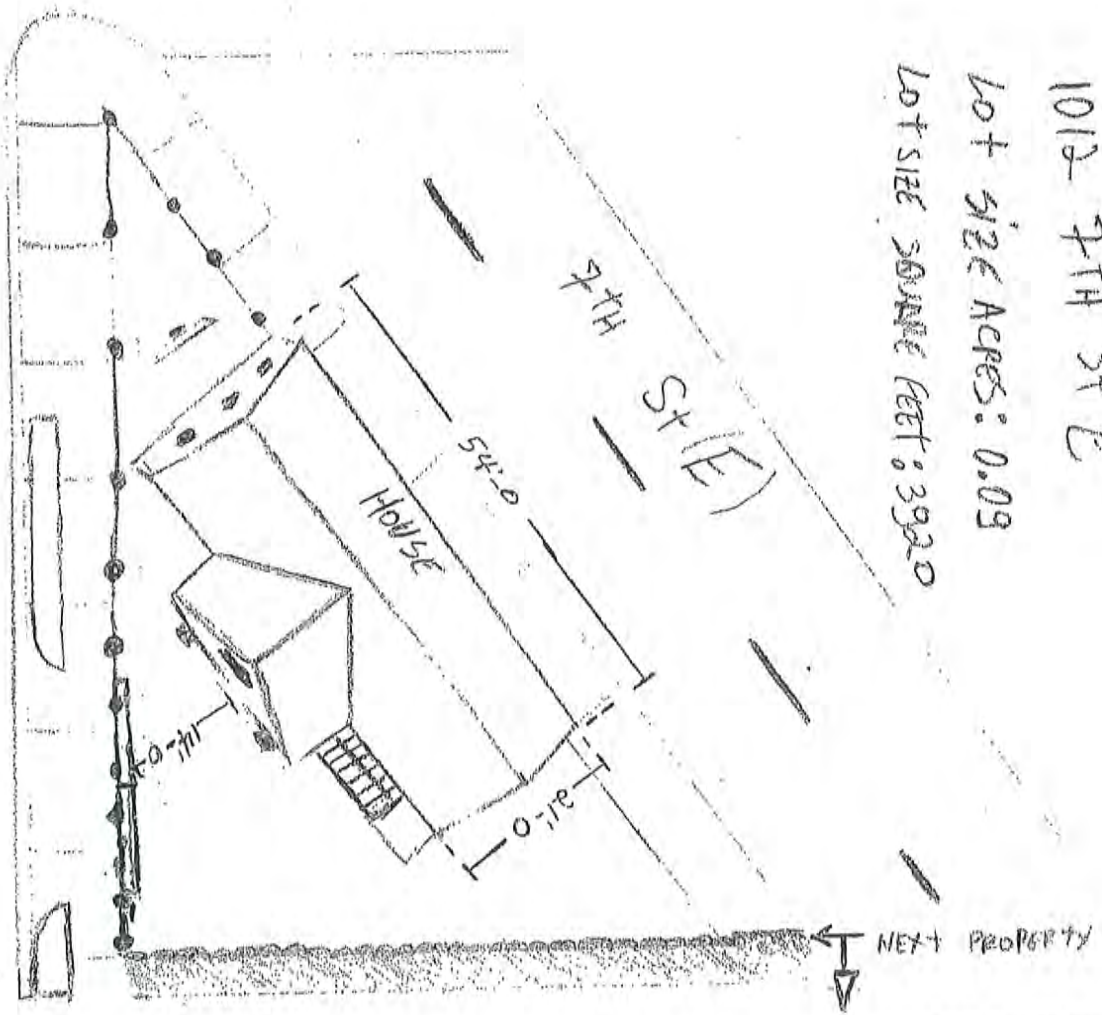
SITE PLAN

SITE PLAN

1012 7TH ST E

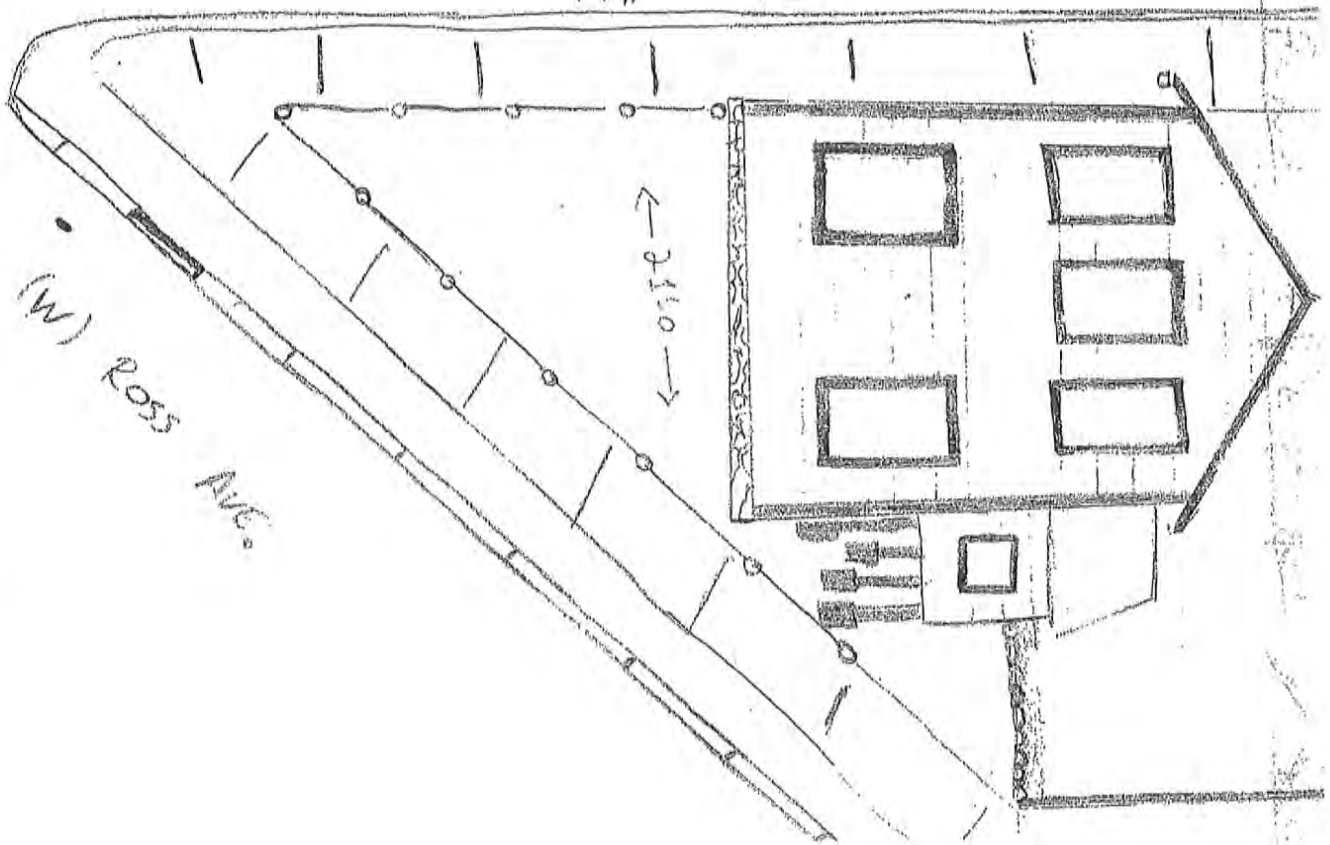
LOT SIZE ACRES: 0.09

LOT SIZE SQUARE FEET: 3992.0



(W) ROSS AVE.

7TH ST E



(W) ROSS AVE.

Dubruiel, Paul (CI-StPaul)

From: evarson azevedo <evarsonazevedo@hotmail.com>
Sent: Monday, October 12, 2020 4:07 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: RE: 1012 E 7th Street application

Think Before You Click: This email originated **outside** our organization.

Description of bulding set up

october 12 of 2020.

ADRESS: 1012 7th Street E, St Paul MN 55106

APPLICATION TYPE: Nonconforming up and down duplex, Two families dwelling units.

PURPOSE OF BULDING: Provide housing FOR TWO , low income families who are been assisted by any government programs like section 8,The Veterans, long term homeless, or others.

MANAGEMENT: The property will be professionally managed by . WITS PROPERTY MANAGEMENT

UTILITIES: All the utilities are going to be provided by the owner to the residents. Water/sewer, Gas, electricity and maintenance.

All the utilities are going to be splited by the lower and upper units.

UTILITIES METERS:

The property only has one meter per utilitie. One water meter, One gas meter, one electricity meter, one larger water heater And one Boiler.

The Heating system is Hidronyc (boiler) and Radiators.

GARAGE/PARKING: The property currently has one driveway, with enough room for two 8'x15' parking spots.

Both vehicles can be parked INSIDE THE PREMISSES with gate closed, and with enough room to safely and independently,drive in or out of premisses.

LAUNDRY: Each floor will have its own laundry room ,The lower unit Laundry is located at the basement. (Washer and dryer)

Upper unit Laundry will be provided (washer and dryer)

HOUSE NUMBER: There's one house Number at the property, 1012 7th street E. However,theres evidence of stickers on the wall of property of two different adresses. 1012 7th E Lower and 1012 7th E Upper.

A new number or adress will be requested at the competent entity, to locate the second unit, whenever allowed by the city zoning authorities.

SAFETY DEVICES: Both units will be equipped with all required safety devices as requested on the rental license inspection list of the city of St Paul.
Such as, co², smoke detectors, egress windows, shut off valves for gas and water, fire extinguishers etc..

REPAIR/ALTERATIONS: All necessary repairs, will be executed by licensed contractors such as Plumbers, electricians or general contractors, with exception of those, that doesn't require a city permit to be executed.

Such small projects, will most likely be executed by the owner.

Evarson Azevedo

Dubruiel, Paul (CI-StPaul)

From: evarson azevedo <evarsonazevedo@hotmail.com>
Sent: Monday, October 12, 2020 5:30 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: RE: 1012 E 7th Street application

Think Before You Click: This email originated **outside** our organization.

ANSWER FOR THE FOLLOWING QUESTIONS... 10/12/2020

1 The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use?

More appropriate.

2 The traffic generated by the proposed use is similar to that generate by the existitng nonconforming use? The traffic will be less or similar.

3 The use will not be detrimental to the existitng character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

The use will not be detrimental to the neighbohood, it will actually help its development and consequently, will add value for it.

I want to provide decent living condiction that are clean, safe and desired by any community members.

We will improve the overall condition and performance of the property.

Evarson Azevedo.



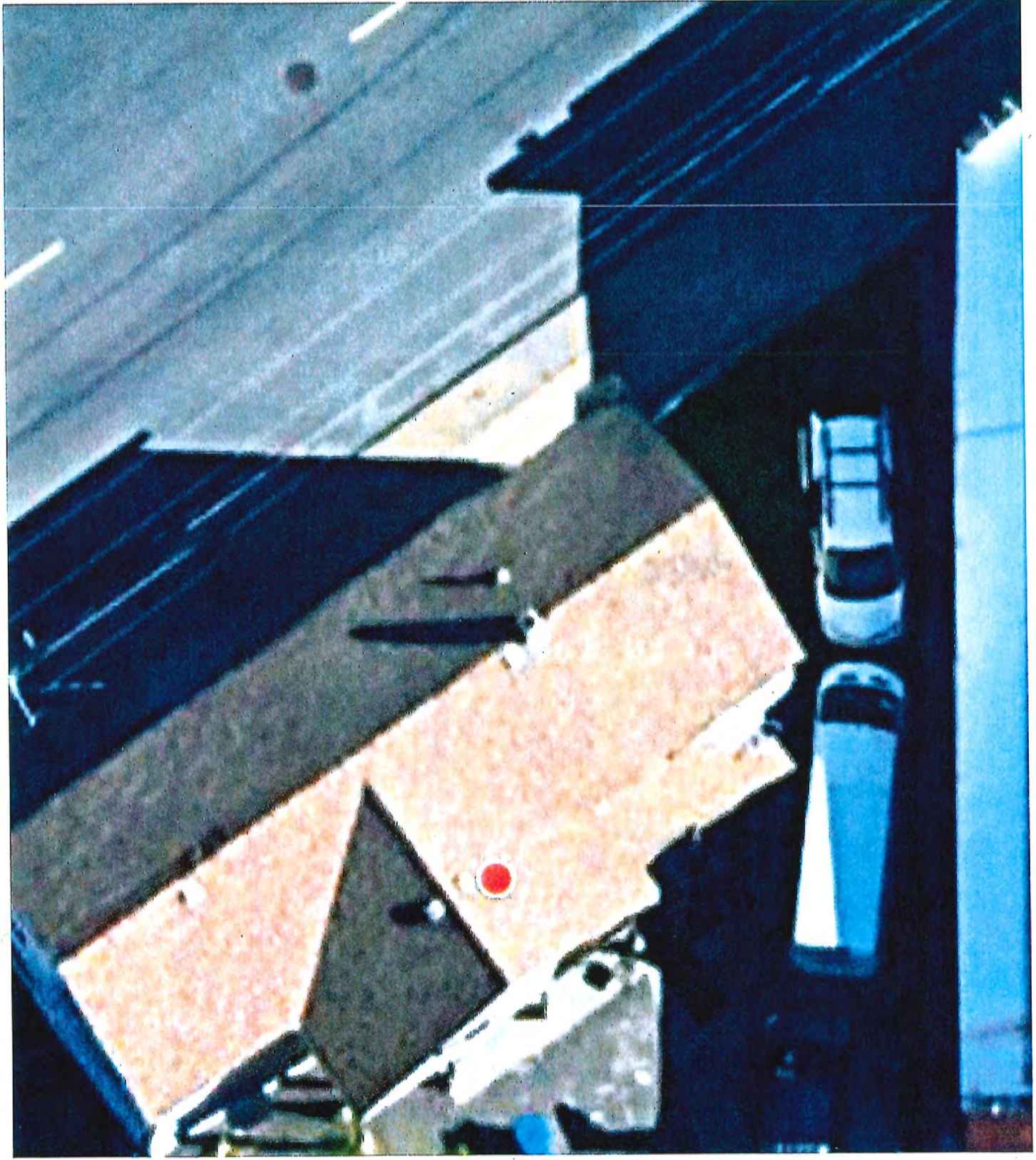
5:56



68%



Satellite View





PROPOSED PARKING SPACES

1 car

2 car



PARKING LOT.

X Satellite View



THESE PICTURES ARE JUST TO EXEMPLIFY THE POSSIBLE WAYS HOW CARS HAVE BEEN PARKED INSIDE THE LOT

X Street View





More details

1012 7th St E

Additional Key Facts

- Neighborhood: Dayton's Bluff
- MLS# 5433950
- Presented by Man Huynh
- Brokered by Edina Realty, Inc. - Grand Avenue
- Updated 5 hours ago
- \$164,900

Interior Features

- BathsFull: 2

Bedrooms

- Bedrooms: 6
- Bedroom 1 Dimensions: 11 x 11
- Bedroom 2 Dimensions: 10 x 10
- Bedroom 3 Dimensions: 9 x 12
- Bedroom 4 Dimensions: 11 x 11
- Bedroom 5 Dimensions: 10 x 10
- Bedroom 6 Dimensions: 9 x 12
- Bedroom 1 Level: Main
- Bedroom 2 Level: Main
- Bedroom 3 Level: Main
- Bedroom 4 Level: Upper
- Bedroom 5 Level: Upper
- Bedroom 6 Level: Upper

Heating and Cooling

- Cooling Features: Window
- Heating Features: Hot Water
- Heating Fuel: Natural Gas

Bathrooms

ASK A QUESTION





More details

1012 7th St E

Bathrooms

- Full Bathrooms: 2

Kitchen and Dining

- Kitchen Dimensions: 12 x 15
- Kitchen Level: Main
- 2nd Kitchen Dimensions: 12 x 15
- 2nd Kitchen Level: Upper

Other Rooms

- Family Room Dimensions: 12 x 12
- Living Room Dimensions: 12 x 12
- Family Room Level: Upper
- Living Room Level: Main
- Basement Description: Partial

Land Info

- Lot Size Acres: 0.09
- Lot Size Square Feet: 3920

Garage and Parking

- Garage Description: Driveway - Concrete

Homeowners Association

- Association: No
- Association Fee Amenities: Dayton's Bluff
- Calculated Total Monthly Association Fees: 0

School Information

- School District: 625 - St. Paul

Other Property Info



More details

1012 7th St E

- Annual Tax Amount: 819
- Source Listing Status: Pending
- County: Ramsey
- Current Use: Yearly
- Directions: 7th St. to Ross, property on the corner.
- Tax Year: 2020
- Source Property Type: Single Family
- Source Neighborhood: Terrys Add
- Ownership Type: No
- Parcel Number: 282922340011
- Subdivision: Terrys Add
- Zoning: Business/Commercial
- Source System Name: C2C

Building and Construction

- Total Square Feet Living: 2200
- Year Built: 1880
- Building Exterior Type: Fiber Board
- Levels: 2 Stories
- Property Age: 140
- Property Condition: Previously Owned
- Levels or Stories: 2 Stories
- Building Total Stories: 2
- Structure Type: Property Type: SF
- House Style: (SF) Single Family

Utilities

- Sewer: City Sewer/Connected

Legal and finance

- HOA Frequency: Monthly/0
- HOA fee: \$0

← Search

1012 7TH ST E
OLD LISTING FOUND ON
REDFIN.COM
EVIDENCE THAT BUILDING
USE TO BE A DUPLEX

About This Home

Duplex with two, 4 bedroom units. This building generates ~~2,000~~ per month in income. Maybe not the prettiest building, but spacious and updated on the inside. It has in unit laundry and other nice features. \$5,000 landscape allowance to buyer.

Price Insights

Redfin Estimate \$245,547

Home Facts

Year Built 1880
Status Sold

Listed by William Cullen, Better Homes and Gardens Real Estate - All Seasons

Source: NORTHSTARMLS

Redfin last checked: 3 minutes ago |
Last updated Oct 17, 2005


Redfin has the best data. [Why?](#)

I'm the owner
Track this home's value in our Home Report email



BASEBOARD AND
RADIATOR INSTALLED
AS IF IT WAS A
CONTINUOUS FLOOR

CLOSET RIGHT
AROUND STAIR OPENING



EVIDENCE OF
2ND KITCHEN
INSTALLED
ON UPPER
LEVEL.



dayton's bluff
COMMUNITY COUNCIL

MANY CULTURES.
BUILDING THE FUTURE.

To advance equity and enhance quality of life through partnerships and community engagement

November 1, 2020

Mr. Azevedo,

On behalf of the Board of Directors of the Dayton's Bluff District 4 Community Council, I thank you for attending the October board meeting to share your vision for development at 1012 7th Street East in Saint Paul.

I am pleased to confirm the Board's support for your vision with this letter of support!

Welcome to Dayton's Bluff!

Lissa

Lissa Jones-Lofgren, Interim Executive Director

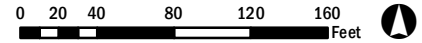


FILE #20-085-208 Aerial Map
Application of Evarson Azevedo

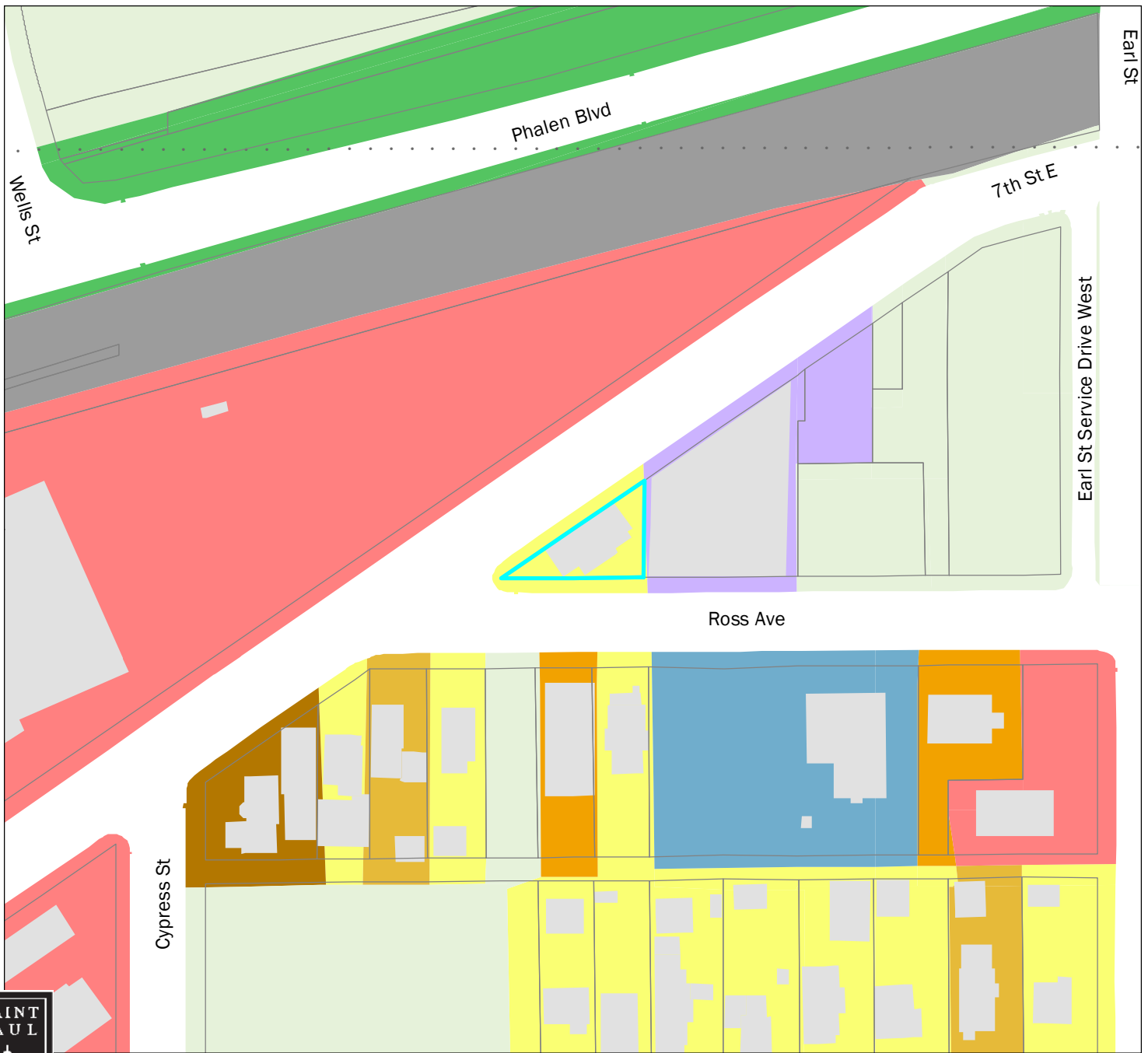
Application Type: Reest NCUP
 Application Date: October 19, 2020
 Planning District: 4

Subject Parcel(s) Outlined in Blue

ParcelPoly on

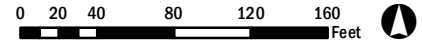


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FILE #20-085-208 Existing Land Use
Application of Evarson Azevedo

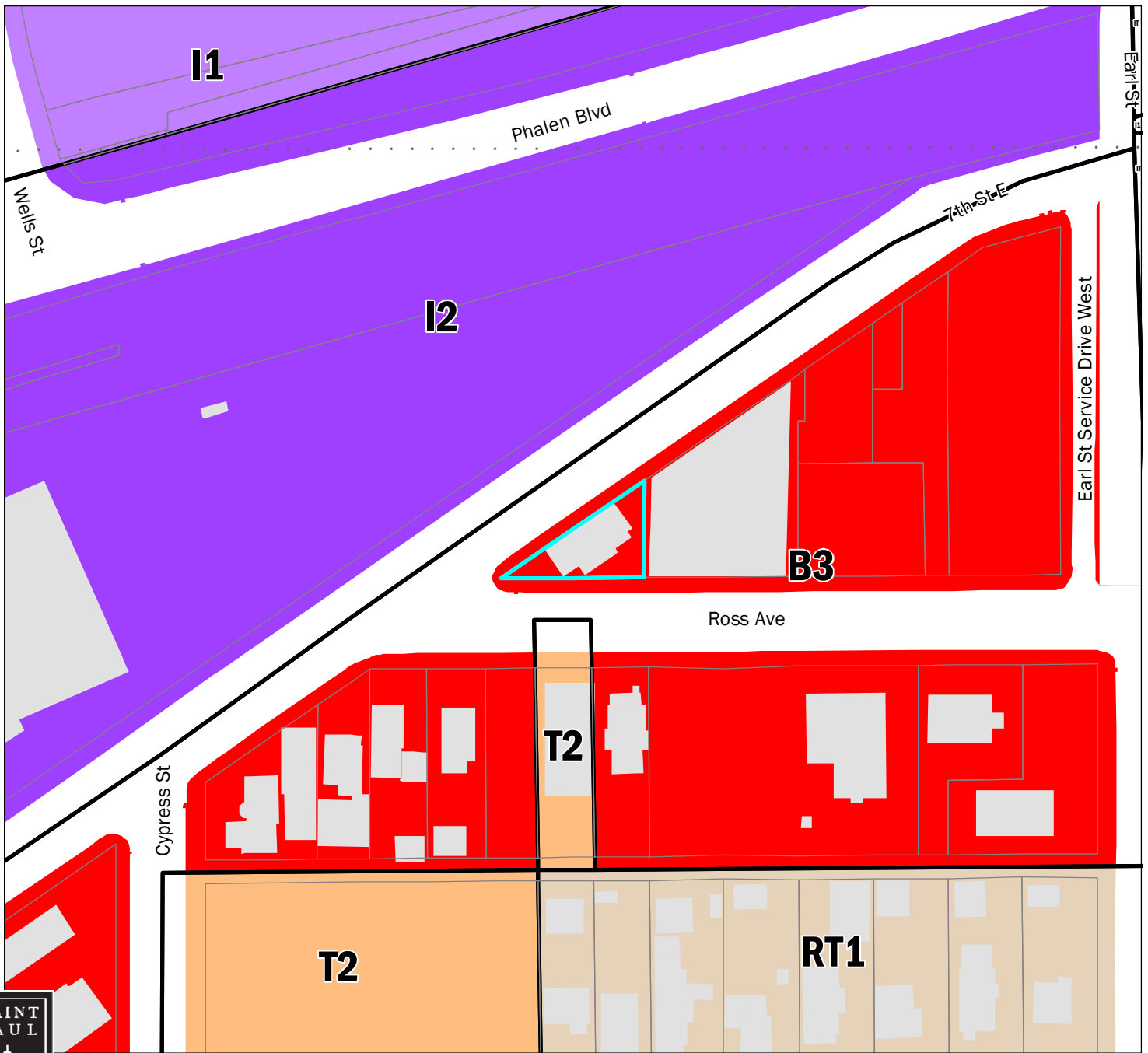
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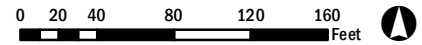
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |



FILE #20-085-208 Zoning Map Application of Evarson Azevedo

Application Type: Reest NCUP
 Application Date: October 19, 2020
 Planning District: 4



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Subject Parcel(s) Outlined in Blue

ParcelPoly on	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	