

city of saint paul
planning commission resolution
file number
date

WHEREAS, Evarson Azevedo, File # 20-085-208, has applied for reestablishment of a nonconforming duplex under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1012 7th Street E, Parcel Identification Number (PIN) 28.29.22.34.0011, legally described as TERRY'S ADDITION EX E 1 FT LOT 6 AND ALL OF LOT 5 BLK 14; and WHEREAS, the Zoning Committee of the Planning Commission, on November 19, 2020, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

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) lay out the following guidelines for nonconforming use applications to convert single-family residences to duplexes:
 - (a) *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* Although this guideline is not met because the lot size is only 3,920 square feet, it is notable that the subject lot has far more than 40 feet of frontage due to its triangular shape. The triangular shape is unique and results in the lot having with a total of 217 feet of total frontage, which, on balance, mitigates the guideline's front footage lot size concern. The site's B3 zoning also mitigates the guidelines' lot size concern. Although the lot size of the subject parcel is undersized by approximately 20% of the lot size standard under the current guidelines, the planning commission finds that the spirit and intent of the lot size guideline is reasonably met for this particular application. The site is located on a block that the Near East Side Roadmap has identified as a potential redevelopment opportunity for housing. The proposed duplex will provide additional housing through the rehabilitation of an existing non-conforming single-family home. The site abuts the 7th street mixed use corridor, is proximate to the Phalen Blvd. industrial job center and is within 3 blocks of local transit services. Providing for additional housing near employment and transit opportunities is consistent with the City's housing goals despite the lot being modestly undersized. Increasing use density on the subject lot by establishing a duplex is as equally appropriate, given the pattern of surrounding

moved by _____
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in favor _____
against _____

- development, as the previous legal nonconforming single-family residential use.
- (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.* Although this guideline is not met because there is only one non-stacked off-street parking space provided, it is notable that the site has much on-street parking nearby. The application materials show a photograph with two off-street parking spaces drawn in, but 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. The planning commission finds that the spirit and intent of the off-street parking guideline is reasonably met for this particular application.
 - (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 met. The proposed duplex use will not be detrimental to the immediate neighborhood.
 - (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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission that the application of Evarson Azevedo for reestablishment of a nonconforming duplex for property at 1012 7th Street E be approved subject to the following condition:

1. The property owner shall receive a code compliance inspection and obtain any necessary permits for the site.