

MINUTES OF THE ZONING COMMITTEE
Thursday, November 19, 2020 - 3:30 p.m.

PRESENT: Baker, Edgerton, Grill, Hood, Lindeke, Ochs, and Rangel Morales
EXCUSED: DeJoy
STAFF: Bill Dermody, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

Evarson Azevedo - 20-085-208 - Reestablishment of a nonconforming duplex, 1012 7th St E, NE corner at Ross Avenue

Bill Dermody presented the staff report with a recommendation of denial for the reestablishment of nonconforming use permit. He said District 4 submitted a letter recommending approval, and there were no other letters in support or opposition.

In response to Commissioner Edgerton, Mr. Dermody confirmed that staff is required to recommend denial if the Duplex Conversion Guidelines are not met, however if the Zoning Committee were to feel there were mitigating circumstances, they are not required to deny the permit. Their determination can be based strictly on the zoning code.

In response to Commissioner Lindeke, Mr. Dermody said the only reason for Finding 3c, the proposed use will not be detrimental to the existing character of development in the immediate neighborhood, not being met is the inability to meet Duplex Conversion Guidelines. The property does not have two spaces of off-street parking and the lot is not at least 5,000 square feet.

Evarson Azevedo, 10110 Sycamore Street NW, Coon Rapids, said he purchased the property last Friday and he has plans to renovate. The way it is now is not beneficial to the neighborhood. The parking area is shorter than needed, but he could easily do a modification by extending the concrete slab and opening the gate a foot on each side. It should accommodate two vehicles side by side with these changes. He said his goal with the property is to renovate and rent to low-income families and people in need of a second chance. Mr. Azevedo said he has a professional property manager in place, and he wants to give life back to this property. He believes this will be beneficial to the neighborhood.

In response to Commissioner Baker, Mr. Dermody said the site does have parking for two vehicles, but they have to be stacked. The throat of the driveway is only twelve feet wide and a legally sized parking space is 8' x 19'. The driveway would have to get to 16 feet wide to meet the guideline. It is only a guideline, not a code requirement to have the two off-street legally sized spaces.

In response to Commissioner Lindeke, Mr. Azevedo said the majority of the cars parked on the street in front of the property belong to the body shop located on the side of the property. The

body shop does have their own parking. They were using parking by his property for convenience because it was vacant. Mr. Azevedo said that if he were to extend the driveway it would need to go over some grass and he will need to check to see if utilities would be passing through that area.

No one spoke in support or opposition. The public hearing was closed.

In response to Commissioner Grill, Mr. Warner said that the Duplex Conversion Guidelines were adopted by the Planning Commission and are applicable. If there is a negative, staff is bound to recommend denial. If you are going to move approval it would be appropriate to explain the reasons why the Commission does not want to follow the Duplex Conversion Guidelines.

Commissioner Lindeke questioned the rationale of the minimum lot size requirement of 5000 square feet in the Planning Commission's Duplex Conversion Guidelines (2009). Mr. Dermody speculated that the reason is most likely to reduce the intensity of activity on the site, including noise, amount of people or number of vehicles. The Planning Commission in 2009 most likely instituted this because of an issue of too much intensity coming from duplexes or triplexes in parts of the City where lots were very small, and people may have found that it was too intense of a use at that time.

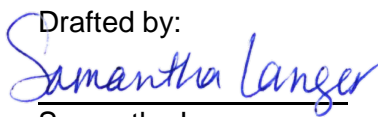
Commissioner Lindeke said he doesn't understand the logic of this guideline. A lot of historic parts of Saint Paul don't have this development pattern. It is an out-of-date guideline that should be discussed by the Planning Commission in the future.

Commissioner Baker moved approval of the reestablishment of nonconforming use permit. The Duplex Conversion Guidelines states in 2a that the lot size need to be at least 5,000 square feet with a lot width or footage of 40 feet, and although the lot size does not meet 5,000 square feet, the lot has far more than 40 feet of frontage with a total of 217 feet. The Guideline in 2c states that 2 onsite parking spaces are required, but there is adequate off-street parking along the frontage. Commissioner Nate Hood seconded the motion.

Commissioner Grill added that Finding 3c would be met based of Findings 2a and 2b not being followed in the Duplex Conversion Guidelines. Commissioner Baker and Commissioner Hood accepted the amendment.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Bill Dermody (Jan 4, 2021 08:51 CST)
Bill Dermody
City Planner

Approved by:

Dan Edgerton (Jan 4, 2021 09:11 CST)
Dan Edgerton
Chair









zf 20-085-208 Evarson Azevedo minutes-BD

Final Audit Report

2021-01-04

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