

city of saint paul
planning commission resolution
file number
date

WHEREAS, Eyob Gebrekristos, File # 21-236-115, has applied for a reestablishment of nonconforming use as a duplex under the provisions of § 62.109(e) of the Saint Paul Legislative Code on property located at 275 Erie Street, Parcel Identification Number (PIN) 122823220026, legally described as Lot 28, Block 3, Stinson's Subdivision of Block 3, Stinson, Brown and Ramsey's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 25, 2021, 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 is to reestablish the use of the property as a duplex, which prior to 1975 was a permitted use subject to a minimum lot width of 50 ft. and a minimum lot area of 6000 sq. feet. The property received a variance for lot size from the Zoning Committee (ZF 6588) to allow the conversion of the church to a legal duplex in 1968 (Council File 240948). The property is currently zoned R4 residential, which does not permit a duplex. The property lost its legal nonconforming status as a duplex when it was listed as a "Category 2" vacant building in 2013. The 40 ft. wide, 5400 sq. ft. property was purchased as a vacant property in 2015 and was renovated to be a single-family home at that time.
2. The duplex conversion guidelines adopted by the Planning Commission state that staff will recommend denial of applications for reestablishment of legal nonconforming status for a duplex in a residential district unless, in addition to the required findings in § 62.109(e) of the Zoning Code, 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 met. The lot has 40 feet of frontage on Erie Street and the total lot area with half of the alley applied to the lot area requirement is 5,400 sf.
 - 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.* This guideline is met. The total square footage of the units will be 2,420 sf. It is an over-under duplex with roughly 1,300 sf for the main floor unit and 1,120 sf for the upper-level unit.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline met. There is a parking pad with two parking spaces on the property.

moved by _____

seconded by _____

in favor _____

against _____

- 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).* This guideline is met. No exterior changes are proposed.
- 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 is met. The applicant will bring the build up to code.
2. Zoning Code § 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:*
- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was built as and used as a church for most of its existence. The large footprint, height of the first floor, and lack of interior circulation make it more conducive to use as a duplex.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous legal nonconforming use was a duplex. This permit would reestablish that use making it equally appropriate.
 - (3) *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 housing use will not endanger the public health, safety, or general welfare. The structure has been part of the character of the immediate neighborhood for over a century. Reinvestment in the structure will contribute to general quality of housing in the neighborhood.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met.

The use is consistent with the site's Future Land Use designation of Urban Neighborhood from the approved *2040 Comprehensive Plan*:

Urban Neighborhoods are primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit.

Because it is less than one block from St. Clair Avenue and two blocks from W. 7th Street, which are both served by transit, it is consistent with Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.

And it is consistent with the following housing policy:

Policy H-48. Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The use is also generally consistent with the *District 9 Plan*, which states:

The plan emphasizes the need to preserve and improve existing housing stock while allowing new, large housing developments in specific geographic areas. The neighborhood's housing stock spans 150 years, and new construction should respect and complement the character of existing housing in the community. Housing stock, both new and refurbished, should continue to provide a mix of incomes with affordable places to live.

- (5) *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 finding has been superseded by a Mayor's Executive Order that eliminates certain petition requirements during the pandemic.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Eyob Gebrekristos for a reestablishment of nonconforming use as a duplex at 275 Erie Street is hereby approved subject to the following condition:

1. The applicant shall adhere to all applicable code requirements and obtain a certificate of occupancy for the two duplex units.