

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 603 Edmund Nonconforming Duplex **FILE #** 21-241-239
 2. **APPLICANT:** ShaSha Holding LLC **HEARING DATE:** March 25, 2021
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 603 Edmund Ave, between Dale Street and Kent Street
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.23.0139; Lot 20, Blk. 12, Smith's Subdivision of Block 12
 6. **PLANNING DISTRICT:** 7
 7. **ZONING CODE REFERENCE:** § 62.109(e) **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** March 18, 2021 **BY:** Tony Johnson
 9. **DATE RECEIVED:** March 2, 2021 **60-DAY DEADLINE FOR ACTION:** May 1, 2021
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- A. **PURPOSE:** Reestablishment of nonconforming use as a duplex
- B. **PARCEL SIZE:** 40 ft of frontage on Edmund x 124.45 ft = 4,978 sq. ft. With half of width half of the alley included for density purposes per Zoning Code § 63.101, the lot area is 5,278 sq. feet.
- C. **EXISTING LAND USE:** Duplex
- D. **SURROUNDING LAND USE:** One- and Two-Family Dwellings
- 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 off street parking spaces.
- G. **HISTORY/DISCUSSION:** The property was originally built as a single-family dwelling in 1895. In 1922, when the first zoning code was enacted, the subject property was zoned "B" residential. According to Sanborn maps the subject property was converted to a duplex sometime between 1909 and 1925. In 1975 when the modern zoning code was enacted the property was rezoned to RT1 two family residential. In 1996, as a part of a neighborhood wide zoning study, the property was rezoned to R4 single family residential, making the subject property a legal nonconforming duplex. In 2019 the property was put on the vacant building list, and the property subsequently lost its legal nonconforming status because it has been vacant for more then a year.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 District Council has not made a recommendation at the time of this staff report.
- I. **FINDINGS:**
 1. 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 Edmund Avenue and the total lot area is 5,278 sq. feet. with half of the width of the alley applied to the lot area requirement for density purposes per zoning Code § 63.101.
 - 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.* The total square footage of the structure is 1,685 sq. feet. It is an up-down duplex with roughly 842 sq. foot units.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. This guideline met.* There is a two-car garage and a parking pad with two parking space on the property.

- 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 changes exterior changes are proposed as a part of this application.
- 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.* The property is a category II vacant building. If the applicant is granted the reestablishment of nonconforming use permit, the applicant will can obtain the necessary building permits to make the required code compliance repairs.
2. 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:*
- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met.* According to the Sanborn maps the subject structure has been a duplex since at least 1925. The structure is configured as an up-down duplex, with separate kitchens and entrances. Because of the existing layout as an up-down duplex and the property's long history as a two-unit structure, this property cannot reasonably or economically be converted to a conforming single-family residential use.
- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met.* The proposed duplex use is the same as the previous duplex use.
- (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 property has been a duplex since at least 1925. There are numerous two-family dwellings on the block and in close proximity to the subject property. The use of this property as a duplex is consistent with the historic pattern of development in the immediate area and the continued use of this property as a duplex will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.
- (4) *The proposed use is consistent with the comprehensive plan. This finding is met.* The subject property is in an area defined by the 2040 comprehensive plan as an urban neighborhood and it's within the Dale Street neighborhood node. Within Urban Neighborhoods a range of housing types are appropriate, including duplexes, and therefore the continued use of this property as a duplex is consistent with this underlying general land use designation. The subject property is also with a quarter mile of the Dale Street light rail station and is within a block of a route 65 and 67 bus stop. Policy LU-1 of the 2040 comprehensive plan calls for encouraging transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. The continued use of this property as a duplex will maintain transit supportive density in the immediate area and is consistent with this policy.
- Policy H1. of the Frogtown neighborhood plan calls for supporting the reestablishment and

rehabilitation of nonconforming duplex and multifamily residential uses in Frogtown's urban neighborhoods. Policy L5 of the Frogtown neighborhood plan calls for supporting the retention and development of new missing middle housing types in Frogtown's urban neighborhoods. The proposed reestablishment of a nonconforming duplex is consistent with these policies.

(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 is met. This finding has been superseded by a Mayor's Executive Order that eliminates certain petition requirements during the pandemic.

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use as a duplex at 603 Edmund Avenue subject to the following conditions:

1. The property shall adhere to all applicable code requirements and obtain a Certificate of Occupancy or a Certificate of Code Compliance.



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 \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

APPLICANT

Name	_____		
	<i>(must have ownership or leasehold interest in the property, contingent included)</i>		
Address	_____	City	_____
		State	_____
		Zip	_____
Email	_____	Phone	_____
Name of Owner (if different)	_____	Email	_____
Contact Person (if different)	_____	Email	_____
Address	_____	City	_____
		State	_____
		Zip	_____

PROPERTY INFO

Address/Location	_____		
PIN(s) & Legal Description	_____		
	<i>(attach additional sheet if necessary)</i>		
	Lot Area	_____	Current Zoning
		_____	_____

TYPE OF PERMIT:	Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.
The permit is for:	<input type="checkbox"/> Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
	<input type="checkbox"/> Change of nonconforming use (para. c)
	<input type="checkbox"/> Expansion or relocation of nonconforming use (para. d)
	<input type="checkbox"/> Reestablishment of a nonconforming use vacant for more than one year (para. e)

Present / Past Use	_____
Proposed Use	_____
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:	<input type="checkbox"/> Site Plan <input type="checkbox"/> Consent Petition <input type="checkbox"/> Affidavit
<input type="checkbox"/>	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 _____ Date 2/23/21

February 23, 2021

RE: Re-establishment of Non Conforming Use
Property Address: 603 Edmund, St Paul, MN

To the City of St. Paul PED Committee,

In regards to the establishment application for the property located at 603 Edmund, which has been vacant for over 365 days, we would like to further expand on the use and plans of the property as we focus on making the community of St. Paul more desirable.

The property is currently a 2 family layout with a single entrance into the building and 2 individual doors to access the 2 bedroom units and one bathroom each unit poses, one unit accessing the entire first floor and one unit utilizing the entire second floor. The building has separate electric breakers and has individual access to the basement. In summary, the current duplex layout will remain the same and its use will be the same.

Our plans include a complete renovation of the property bringing it to 2021 standard and with all work done under a licensed general contractor to ensure great craftsmanship and sustainability for the local community.

There will be no additional change in traffic, there is an existing 2 car garage that has two individual bays on site that provide each unit with an assigned parking space.

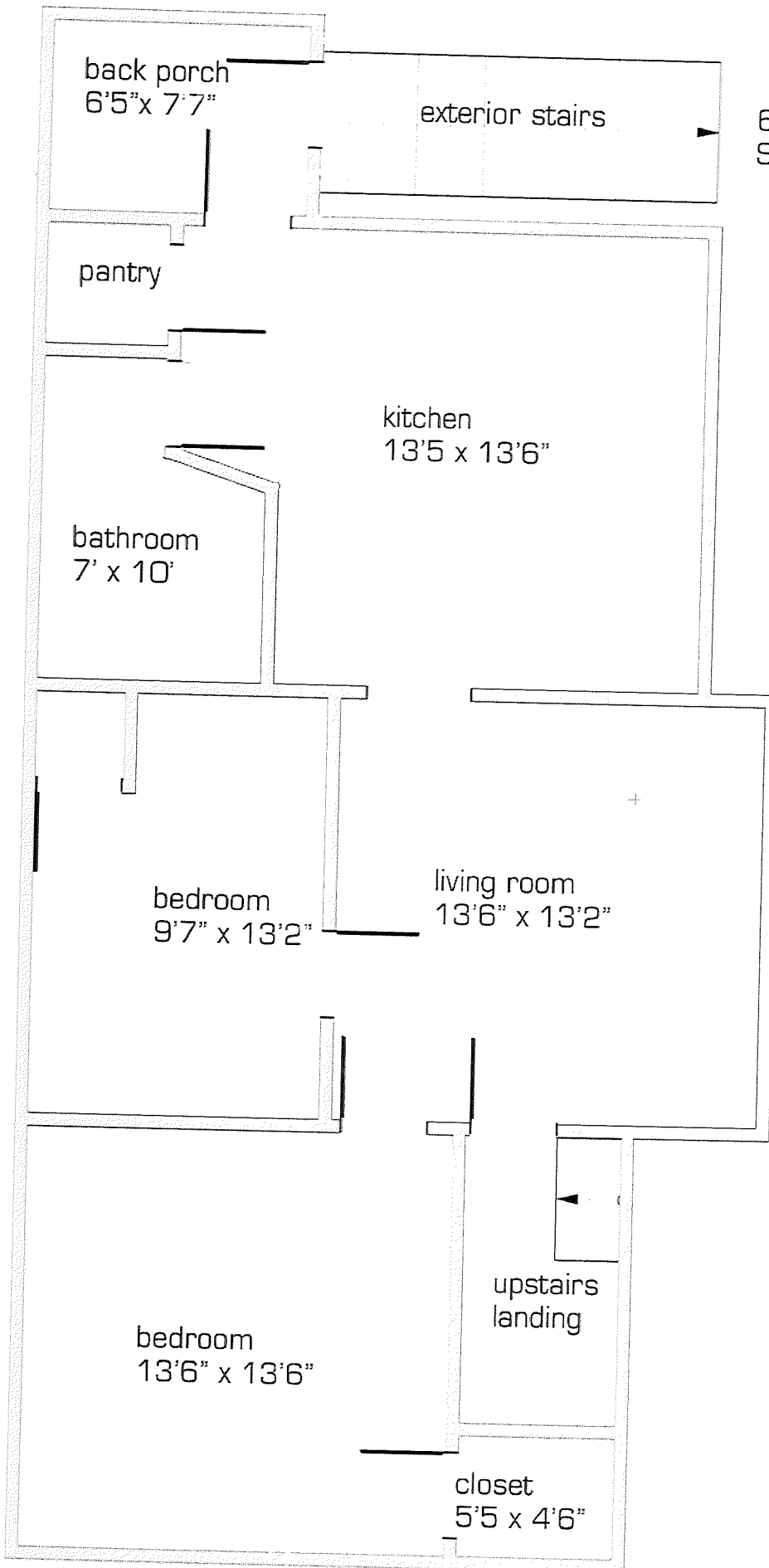
This unit provides safe, healthy, and affordable housing in alignment with the City of St. Paul's mission. There is a current shortage of available units for rent, especially with a 2 bedroom layout per our research. The community will embrace the significant upgrades, curb appeal, and availability of safe housing. The property will not be detrimental, in fact it will be beneficial, to the community as there is no significant change to the current structure or layout. The upside is substantial as we continue to expand and grow in population with a clear focus on creating neighborhoods that thrive.

Thank you in advance for your consideration and time.

Thank you,



Shai Leibovich
Sha Sha Holdings LLC

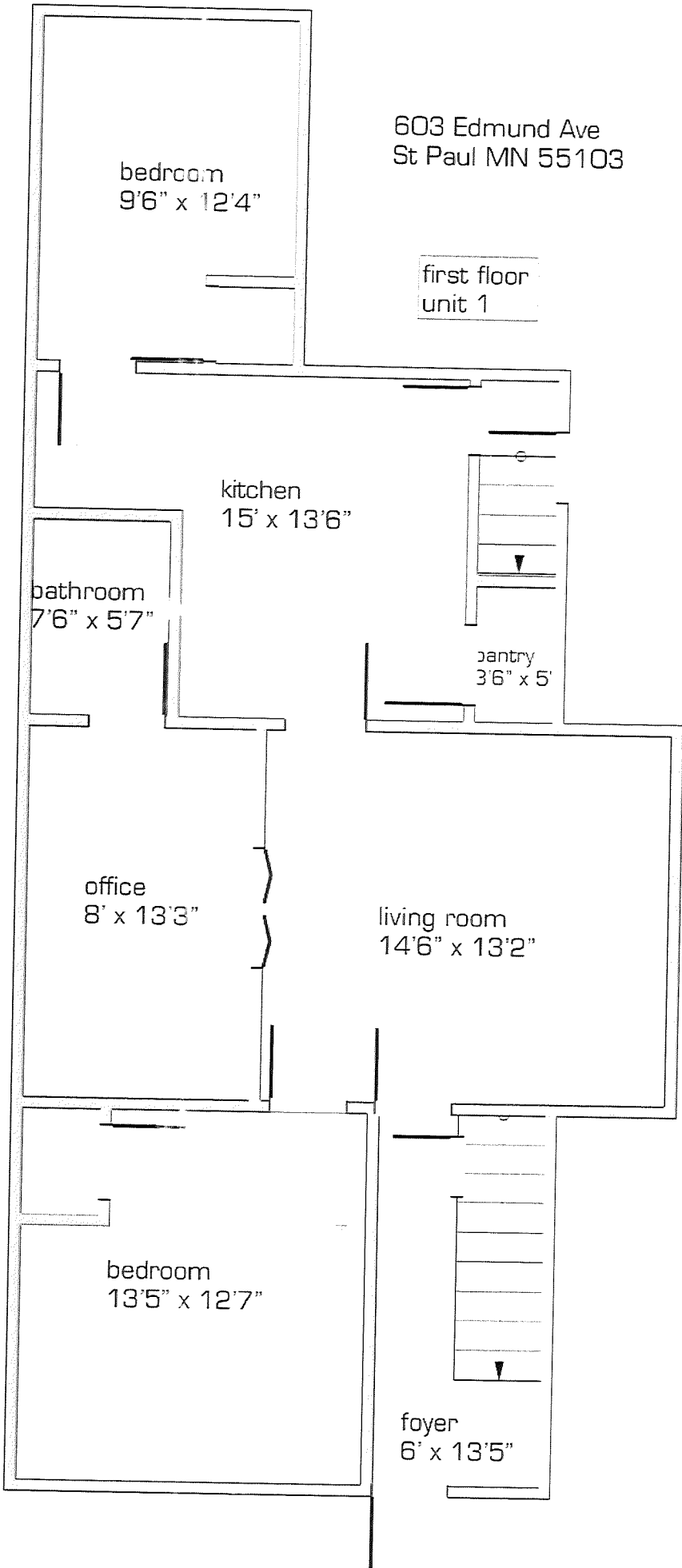


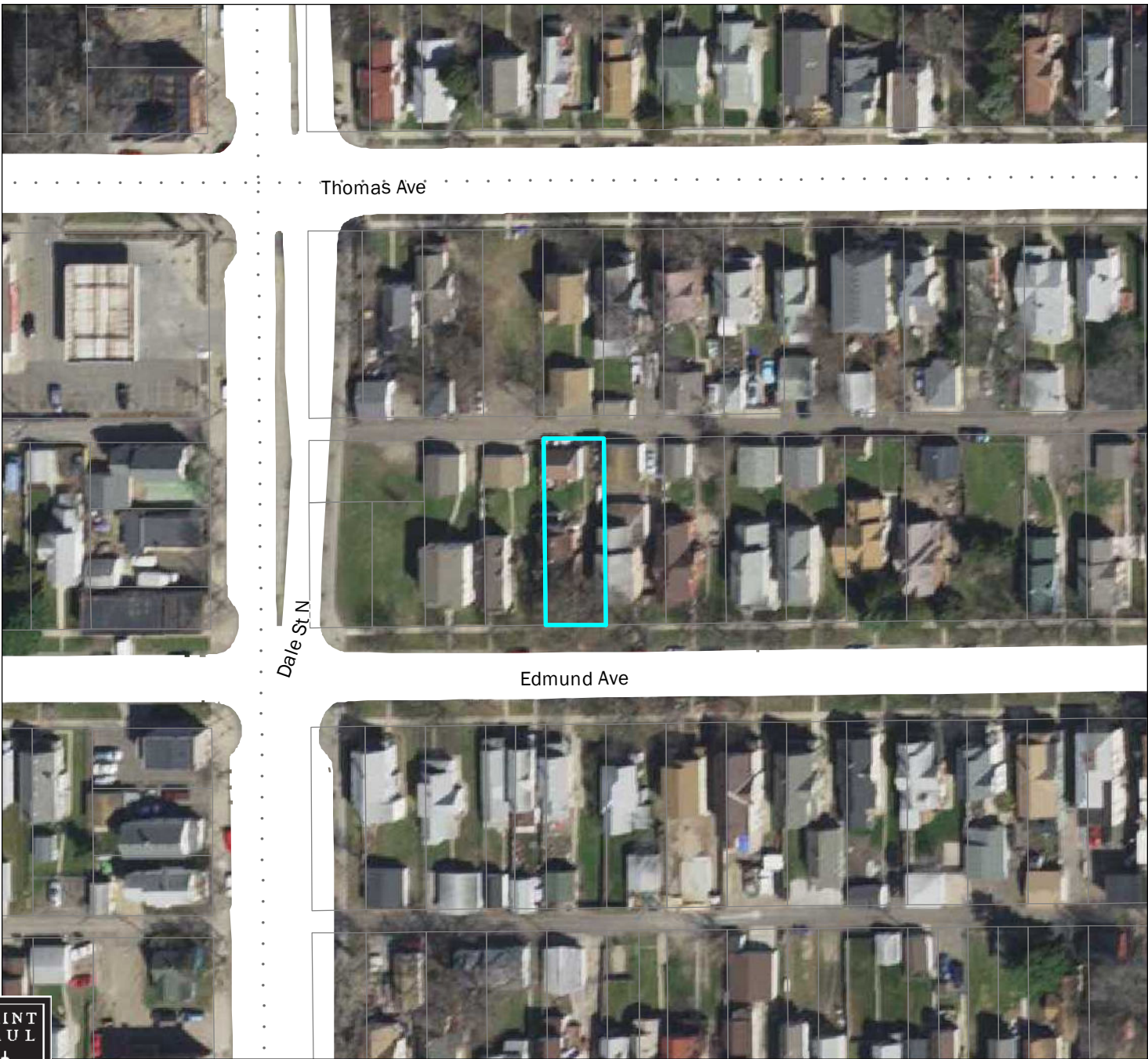
603 Edmund Ave
St Paul MN 55103

second floor
unit 2

603 Edmund Ave
St Paul MN 55103

first floor
unit 1





Thomas Ave

Dale St N

Edmund Ave

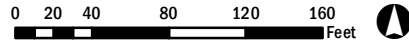


FILE #21-241-239 Aerial Map
Application of ShaSha Holdings LLC

Application Type: ReEst. NCUP
 Application Date: February 23, 2021
 Planning District: 7

Subject Parcel(s) Outlined in Blue

ParcelPoly on



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



Thomas Ave

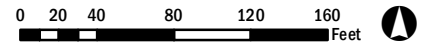
Dare St N

Edmund Ave



FILE #21-241-239 Existing Land Use Application of ShaSha Holdings LLC

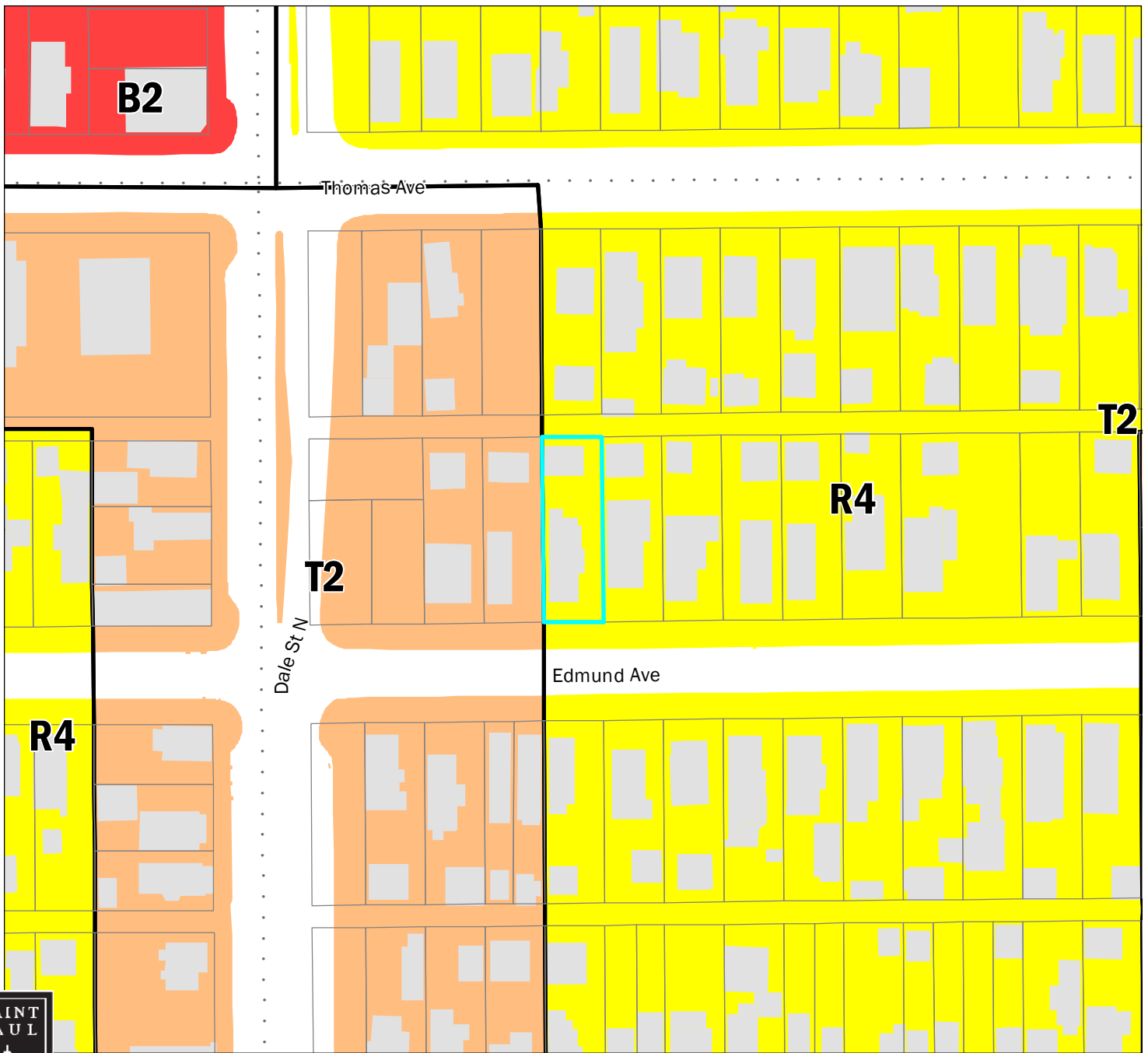
Application Type: ReEst. NCUP
Application Date: February 23, 2021
Planning District: 7



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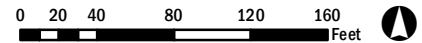
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 #21-241-239 Zoning Map Application of ShaSha Holdings LLC

Application Type: ReEst. NCUP
 Application Date: February 23, 2021
 Planning District: 7



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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 | |