

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, ShaSha Holding LLC, File # 21-241-239, 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 603 Edmund Avenue, Parcel Identification Number (PIN) 36.29.23.23.0139, legally described as Lot 20, Block 12, Smith's Subdivision of Block 12; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 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 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.
  - 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*

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

*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 within 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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of ShaSha Holding LLC for a reestablishment of nonconforming use as a duplex at 603 Edmund Avenue is hereby approved subject to the additional condition:

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