

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, Brian Nofzinger and Jane Rauenhorst, File # 21-309-190, have applied for a nonconforming use permit for expansion of a nonconforming triplex to replace an existing rear exterior stairway with an enclosed stairway under the provisions of § 62.109(d) of the Saint Paul Legislative Code, on property located at 1688 Dayton Avenue, Parcel Identification Number (PIN) 04.28.23.11.0155, legally described as Lot 5 & E 10 ft of Lot 6, Block 3; Kuhl's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 4, 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 applicants request an expansion of nonconforming use to permit construction of an enclosed stairway at the rear of the existing triplex building to make it safer and quieter for residents to come and go. The applicants own the property and reside in one of the units of the triplex. There is a dwelling unit on each level of the house and an existing 10' x 19' exterior stairway at the rear of the property that provides access to the second and third floor units. The proposed stairway is three stories and 35 feet in height and would provide access to the units on the second and third floors. The stairway addition will match the roof line, height, materials, and color of the existing house, using the same grey siding with white trim as the rest of the house. If the applicants were simply replacing the exterior stairway, no expansion of nonconforming use permit would be needed. Because the footprint of the building is being expanded, a nonconforming use permit is required.
2. Section 62.109(d) *Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:*
  1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* This finding is met. The proposed stairway will not result in an increase in the number of dwelling units.
  2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is met. The proposed stairway is at the rear of the existing building. The required setback requirements for the proposed expansion are met. The required rear yard setback is 25 feet and the proposed setback is 34 feet. The required side yard setbacks are 9 feet. The proposed easterly side yard setback is 9 feet and the proposed westerly sideward setback is 22.5 feet. The height of the proposed stairway will match the existing roofline of the house and at 35 feet meets the 40 foot height requirement. There is no maximum lot coverage restriction in RT1 zoning districts.

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

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

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

against \_\_\_\_\_

3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding is met. The appearance of the proposed enclosed stairway is consistent with the design and height of the existing house and will be constructed with similar materials and windows as neighboring properties and the grey siding and white trim will match the existing house.
4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding is met. The proposed stairway does not require additional off-street parking.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The property is in an RT1 zoning district that extends five blocks from Fry Street to Fairview Avenue. Rezoning the property to permit a triplex would result in spot zoning. The Union Park Community Plan does not support rezoning to permit the triplex use based on land use policy LU2.1, which calls for maintaining and establishing zoning that preserves lower-density, single-family homes and duplexes outside of mixed-use corridors.
6. *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; 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 stairway will not result in an increase in noise, vibration, glare, dust, or smoke and will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.
7. *The use is consistent with the comprehensive plan.* This finding is met. Policy H-45 in the Housing chapter of the 2040 Comprehensive Plan calls for supporting the preservation and maintenance of historic housing stock as an affordable housing option. Policy H-48 in the Housing chapter calls for expanding 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. Policy LU-5 in the Land Use Plan encourages flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities. The proposed enclosed stairway expansion will allow the existing triplex to function well for all its residents. Policy LU-34 in the Land Use chapter of the plan calls for providing for medium-density housing that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods. Policy H1.5 in the Union Park Community Plan encourages owner occupation of single-family and multi-family homes. The applicants lives in one of the units in the triplex.
8. *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 expansion or relocation.* This finding has been superseded by Mayor's Executive Order 2021-35 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 Brian Nofzinger and Jane Rauenhorst for a nonconforming use permit for expansion of a nonconforming triplex to replace an existing rear exterior stairway with an enclosed stairway at 1688 Dayton Ave is hereby approved, subject to the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application.