

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Stone House Tap Room (parking) **FILE #** 16-005-089
  2. **APPLICANT:** Thomas Schroeder **HEARING DATE:** February 11, 2016
  3. **TYPE OF APPLICATION:** Historic Use Variance
  4. **LOCATION:** 445 Smith Ave N, between McBoal and Goodrich
  5. **PIN & LEGAL DESCRIPTION:** 012823410179, Ex S 60 Ft The Fol: Lot 14 & E 1/2 Of Lot 13 Blk 9 of Samuel Leeches Addition
  6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** R4
  7. **ZONING CODE REFERENCE:** §61.601; §73.03.1
  8. **STAFF REPORT DATE:** February 2, 2016 **BY:** Bill Dermody
  9. **DATE RECEIVED:** January 22, 2016 **60-DAY DEADLINE FOR ACTION:** March 22, 2016
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- A. **PURPOSE:** Historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service.
- B. **PARCEL SIZE:** 8,470 square feet
- C. **EXISTING LAND USE:** Vacant single-family residence
- D. **SURROUNDING LAND USE:**

One- and two-family residential to the south, west, and north (R4); single-family and multi-family to the east (RT1); live-work unit to the northeast (RT1); commercial to the northwest across the alley (T2) other mixed commercial and residential along 7<sup>th</sup> Street (T1, T2, B2)
- E. **ZONING CODE CITATION:** §73.03.1 establishes the findings and review process for historic use variances; §61.601 further addresses requirements for historic use variances.
- F. **HISTORY/DISCUSSION:** On September 16, 2015, the City Council approved a Historic Use Variance (HUV) for the site in order to convert the structure for use as a taproom/microbrewery/restaurant, subject to six (6) conditions including substantial compliance with the site plan submitted at that time and prohibition of off-street parking on the subject site. The Applicant had intended to provide an ADA-compliant accessible parking space in front of the building on Smith Avenue, but was unable to obtain the necessary right-of-way approvals. Therefore, the Applicant requested a new Historic Use Variance for the same uses, but with an amended site plan providing an ADA parking space on the subject site that is accessed via the alley. The main customer parking lot remains one block to the west at 194 McBoal Street. Even though the proposed taproom/microbrewery/restaurant use has not changed since the September approval, a new Historic Use Variance is necessary because the requested on-site parking space conflicts with a condition of the original approval and also represents a significant change in the site plan.

HUVs are a tool for promoting historic preservation by allowing a departure from the uses permitted in Chapter 66 of the Zoning Code governing a designated heritage preservation site where strict adherence would prevent reasonable re-use of the structure in a manner consistent with either the structure's historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment. The Planning Commission and Heritage Preservation Commission (HPC) are to provide recommendations to the Mayor and City Council, who will make the final decision.

G. **DISTRICT COUNCIL RECOMMENDATION:** The West 7<sup>th</sup>/Fort Road Federation recommends approval of the application.

H. **FINDINGS:**

1. The application requests a historic use variance in order to permit establishment of a tap house and microbrewery with food service at the subject site, including with an on-site ADA-compliant accessible parking space. The application materials describe the proposed uses as producing beers and sodas for on-site service and filling of growlers, and food preparation and service; the proposed uses are roughly analogous to the Zoning Code-defined uses of restaurant and craft brewery, or possibly a restaurant and a small brewery accessory to a restaurant, all of which are first permitted in the T2 zoning district. Besides the one accessible parking space, other parking is proposed to be located off-site.
2. §73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, §73.03.1 requires the Planning Commission to make findings regarding the following:
  - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding can be met. A restaurant and craft brewery would be permitted in the T2 zoning district, such as is located adjacent across the alley to the northwest and elsewhere along West 7<sup>th</sup> Street. Such uses could be compatible with the surrounding residential uses if the proposed uses are maintained at a neighborhood scale and a full parking lot, beyond a single ADA-compliant space, is not added to the property.
  - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, which allows for consideration of commercial uses at the intersection of arterial and collector streets, such as Smith Avenue and West 7<sup>th</sup> Street (both arterials). The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The District 9 Area Plan Summary calls for historic storefronts to be restored to their historic condition, which is furthered by the application. It also calls for commercial land uses along West 7<sup>th</sup> Street to be confined to the 7<sup>th</sup> Street block face and not extend into the residential neighborhoods; however, the proposed historic use variance is a very limited commercial land use, not the full array of T2 or B2 uses likely envisioned by the plan.
3. §61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding can be partially met. The property has been designated as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites. However, the property could conceivably be used as a live-work unit or some other less intense use than proposed in order allow for restoration of its historic character without necessitating a building addition or bringing commercial customers to an area of residential character that does not face West 7<sup>th</sup> Street.

- I. **STAFF RECOMMENDATION:** Staff recommends approval of the historic use variance for a tap house / microbrewery with food service subject to the following additional condition:
  1. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate historic use variance application and approval.

**Attachments**

1. Application materials: text, photos, plans
2. 2015 HUV approval resolution
3. HPC recommendation
4. HPC staff report
5. Written public testimony
6. Maps

**Attachment to Application to Amend HUV**  
**(445 Smith Ave)**

This application seeks to modify a condition related to parking contained within a historic use variance (HUV) granted by the City Council in September 2015.

**Background**

After receiving recommendations for approval by the Heritage Preservation Commission (HPC), Zoning Committee and Planning Commission, on September 16, 2015 the City Council approved Resolution 15-1604, granting the applicant's request for a HUV to allow a tap house/ microbrewery with food service at 445 Smith Avenue, which lies within in a one-family residential district. The project involves the rehabilitation and historic re-creation of a nineteenth century German lager beer saloon, in a limestone building built in 1857 that housed such a business prior to and during the Civil War. (*See* the owner's original HUV application narrative set forth in **Exhibit A.**)

In the hearings on the HUV, the applicant stated that he disfavored locating a parking lot on the subject site, for which he had recently gained designation as a Saint Paul Heritage Preservation Site. Instead, the applicant's plans called for his code-required off-street parking spaces to be located in a separated parking lot down the alley, and one ADA accessible parking space to be located on Smith Avenue in front of the building. Consistent with these plans, in its resolution approving the HUV, the City Council included six conditions, the second of which stated that "[t]here shall be no off-street parking provided on the subject site." The applicant does not recall any discussion of ADA accessible parking at any of the hearings reviewing the HUV application. Rather, the concern expressed—including by applicant himself—was that there not be a parking *lot* (i.e., containing multiple general parking spaces) on the historic site.

Following the Council's approval of the HUV, the applicant learned that Saint Paul Public Works would not allow the ADA accessible parking space to be located on Smith Avenue. When the applicant explored placing the ADA space in the separated parking lot down the alley, he received feedback from Council on Disabilities and other stakeholders disfavoring that location due to its distance from the building (approximately 220 feet via the alley, or 670 feet via the public sidewalks).

After evaluating all of the options for ADA accessibility, and following a review of five separate conceptual plans with staff for HPC, Department of Safety and Inspections (DSI), Public Works, Council on Disabilities and the Minnesota Department of Transportation (MnDOT)<sup>1</sup>, the applicant has determined that the plans attached to this application offer the best solution to the ADA parking issue.

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<sup>1</sup> This portion of Smith Avenue is also a state trunk highway (State Highway 5).

Tentative Hearing  
2-11-16  
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### Description of Changes

The applicant's plans remain largely the same as before, but now call for a single ADA accessible parking space immediately behind the historic building complex, adjacent to and accessed from the alley to the north. In order to make room for this space, the applicant proposes to make certain changes (summarized below) to the designs attached to his prior HUV application, which were subsequently approved in modified form by the HPC at its October 8, 2015 hearing. Moreover, the applicant's revised plans include new mechanical/electrical information and incorporate feedback obtained during preliminary review meetings with the City, allowing the applicant to clarify certain other details such as exposed roof vents, skylights, trash pad, compressor unit, etc. These latter changes/additions are unrelated to the applicant's request to amend the HUV parking condition, and are offered here merely as updated information on the project. (See accompanying **plans and elevations**.)

The following summarizes the changes/additions to the plans and elevations submitted along with the applicant's original HUV application:

1. A single ADA accessible parking space has been added immediately to the rear of the historic building complex, adjacent to and accessed from the alley to the north.
2. In order to accommodate the ADA parking space, the "brew barn" (the new building in the backlot housing the restrooms, brewery equipment, kitchen, mechanicals, storage and office) has been moved 22 feet to the south.
3. The vestibule connecting the replacement 1880s addition, which previously ran along an east-west axis when the brew barn was located directly behind (to the west of) the replacement 1880s addition, now jogs to the south in order to connect with the relocated brew barn.
4. The ADA accessible entry is now located on the north side of the brew barn, immediately adjacent to the ADA parking space. An interior ramp spans the ADA accessible entry and the vestibule area, which is at the same level as the first floor of the building. The location of the accessible entry and use of an interior ramp are both changes from the prior plans, which depicted a 75 foot exterior pathway/ramp meandering from the public sidewalk on Smith Avenue, up to the stone porch and east-facing doorway on Smith Avenue.
5. A 4-foot wide marked, exterior path running along the south edge of the alley will connect the public sidewalk along Smith Avenue to the ADA accessible entry, in the event the on-site ADA parking space is occupied and disabled patrons approach from the public sidewalk.
6. Certain modifications have been made to the windows and doors of the brew barn to accommodate revisions to the interior floorplan, which revisions were in turn dictated by the changed location of the brew barn's connection with the vestibule. Although the locations and dimensions of some doors and windows have changed, they are rendered in

a style consistent with that previously approved by the HPC.

7. The location and approximate dimensions of all known roof-top skylights, vent stacks, exterior compressor, exterior trash pad, etc. associated with the brew barn have been added to the drawings. These elements have been concentrated on the west-facing roof slope, to reduce their visibility from Smith Avenue.
8. A six-foot square flat wooden cover is shown over the site's historic, hand-dug, stone-lined well, which lies a few feet to the south of the stone building. The well was found preserved underneath the front entryway of the house that had been moved to the site in June of 1897. (In September, this house was moved again to 41 Douglas Street). The owner is seeking a variance from the Minnesota Department of Health, Well Management Division, to preserve this feature in a safe and secure manner. Further research will be done on its appropriate treatment for future design review proposal to the HPC.
9. The revised designs satisfy all other elements of the HPC's written conditions following its October 8, 2015 Public Hearing. In particular:
  - a. The brew barn incorporates the lowered and steepened roof eaves selected by the HPC (i.e., 8/12 pitch, rather than the originally-proposed 6/12 pitch);
  - b. The length of the brew barn complies with the extended 58-foot footprint allowed by the HPC to accommodate the steepened roof pitch (all other dimensions remain the same, including width and roof peak height);
  - c. Glass continues to predominate in the vestibule, which is now even more transparent (a positive feature identified by the HPC) due to the elimination of a previously-proposed half-wall dividing the restroom and service corridors.

As no other changes are proposed, and no further modifications to the HUV other than that necessary to allow a single on-site ADA parking space, the applicant incorporates the remainder of his narrative responses to his original HUV application in **Exhibit A**.<sup>2</sup>

### **Assessment of Impact of On-Site ADA Parking Space**

Historic sites are not exempt from the requirements of the Americans with Disabilities Act. ADA accessible parking should be as convenient as possible, and the distance between the accessible parking and the building's entry should be as short and navigable as possible. Fortunately, in this case accessibility need not be at odds with historic preservation. The proposed on-site ADA parking space provides a high level of accessibility without compromising significant features or the overall character of the site.

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<sup>2</sup> The several exhibits and attachments to the applicant's original application submitted in July, 2015 have not been included with this application since they have no bearing on the proposed modification to the parking condition.

The same cannot be said of the alternatives. Locating the ADA parking further to the south on the historic lot would require a curb cut to Smith Avenue, significant excavation for the parking area to comply with maximum slopes, and approximately 75 feet of exterior ramp to surmount the nearly 3' grade differential—all of which would have a greater adverse impact on the historic integrity of the site. On the other hand, locating the ADA parking in the applicant's remote parking lot would not impact the historic site, but would require disabled users to navigate either a straight line of 220 feet down the alley, or an arc of approximately 670 feet down the public sidewalks—in all weather. (This latter option would likely be implemented if this application is denied.)

These and other options have been thoroughly vetted with DSI, Public Works, Council on Disabilities and MnDOT. The proposed plan represents the best overall solution.

### **Conclusion**

For all of these reasons, the applicant respectfully requests that the second condition to the HUV for 445 Smith Avenue be amended to allow a single, on-site ADA accessible parking space on the historic site. Thank you for your consideration.

## EXHIBIT A

### Attachment to [Initial] HUV Application Form [submitted July 2015]

#### **Project Background:**

This project involves the historic restoration of both a building and a business.

The Anthony Waldman House, also referred to as the Stone Saloon, was built in the fall of 1857—six months before Minnesota became a state, nearly four years before the Civil War began, and at a time when fewer than 10,000 people lived in the City of Saint Paul. The building is the City's the oldest surviving commercial building. Its vernacular design, solid limestone masonry and early period of construction provide the basis for its pending historic designation by the City of Saint Paul. Most relevant for purposes of this application, the Stone Saloon is one of only a few surviving Civil War-era saloon buildings in the region—and it is a very special one at that. Waldman's was a "lager beer saloon."

German lager beer (as distinguished from darker, heavier Yankee ales of the period) took Minnesota Territory by storm in the 1850s. By the time the Stone Saloon was built, Saint Paul had 12 breweries, all but two of which manufactured lager beer. At first these breweries served almost exclusively the local market, where much of the consumption took place in Saint Paul's lager beer saloons. In 1860 the growth of lager breweries and proliferation of lager beer saloons received an unlikely boost from the enactment of Minnesota's Lager Beer Act, a blatantly protectionist and oddly pro-Temperance measure that exempted the manufacture and sale of lager beer (and lager beer alone) brewed or sold within the State from all forms of licensure, sales tax or bonding requirements. Even when the Act was repealed in 1863, City ordinances continued to grant favorable treatment to lager beer saloons by licensing them separately from all other saloons, affording the former much-reduced fees and an exemption from the normally stiff enforcement bonds.

In addition to German-Americans' growing political power (which was bolstered by the election in 1860 of President Lincoln and many Republicans in Minnesota), the special status bestowed upon lager beer saloons reflected the distinctive drinking culture brought by Germans to their adopted homeland. In contrast to most Yankee saloons, which primarily served hard liquor and offered little by the way of food, lager beer saloons served beer almost exclusively, a variety of foods, and often hosted musical events or other forms of entertainment. For these reasons, and because lager beer's lower alcohol content made it more socially acceptable to teetotalers in the age of Temperance, lager beer saloons gained the reputation of being more family-friendly and community-oriented. More than just places to drink, nineteenth-century German-Americans saw their lager beer saloons as a kind of social institution.

This project seeks to recreate the conditions and attributes of a mid-nineteenth-century German lager beer saloon, in a meticulously restored building that once housed just such an establishment. Importantly, the term "saloon" is used here only in a limited, historical sense. Analogous to Anthony Waldman and other lager beer saloon proprietors of the 1850s and 1860s, we do not seek a variance for a liquor license, but for a beer-only tap house/micro-brewery. Substantial and costly exterior restoration work has already been completed on the roof, front façade and exterior stone masonry of the building, re-exposing the historic commercial façade which was filled in with stone work after 1885. (See "Before and After" image, **Tab 1**). Through our continued research and attention to detail, we seek to give people the chance to

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experience first-hand this unique historic, architectural and cultural asset; to create a landmark gathering place for the West 7<sup>th</sup> Street and surrounding communities; to fuel the interests, discussions and intellectual curiosity of architects, historians and preservationists everywhere; and to showcase the City's adeptness at leveraging its historic assets for redevelopment purposes.

This project and the proposed historic use variance has widespread public support, including the written support of Historic Saint Paul, Preservation Alliance of Minnesota, the Fort Road Federation/District 9 Council, and the Little Bohemia Neighborhood Association (~~see Letters of Support, Tab 2~~). The boards of each of these organizations have toured the site first-hand, and viewed the same materials submitted along with this application. As their support attests, and as has already been demonstrated by the enactment of the City's first historic use variance ordinance—prompted by this project—the Stone Saloon is small building with a potentially big footprint. We thank you for your consideration of the responses that follow.

### **1) Description of the proposed use and its consistency with the structure's historic use.**

We propose to use the Stone Saloon as a licensed tap house/micro-brewery, producing and serving historically inspired German-American beers similar to those brewed in Saint Paul during the state's Territorial and Civil War periods. Non-alcoholic sodas such as birch and root beers will also be produced and served on premises, as well as coffee and teas. True to most historic lager beer saloons, we will offer a limited menu of assorted cheeses, charcuterie, pickled and soured vegetables, artisan breads, German pretzels and mustards, and deserts. We hope later to expand the menu to include grilled and boiled wursts, leberkase, German potato salad and soups/stews. Other than filling a limited quantity of 64-ounce growlers, there will be no packaging, distribution or off-site sale of beer or other beverages from the site. (This is different from Bad Weather Brewery, whose business model includes off-site sales/distribution.)

The interior furnishing of the Stone Saloon will be guided by descriptions and inventories of 1850-60s lager beer saloons found in a variety of primary sources, including courthouse, real estate, newspaper and other records. Our current collection includes period saloon/steamboat chairs, saloon tables, pewter lighting fixtures and numerous other artifacts of the era. Wherever possible, modern building code, accessibility, food safety, sanitation and licensing requirements will be satisfied by blending today's technology with character-defining historic treatments (for example, the nine-light window sashes in the commercial façade are comprised of code-compliant safety glass laminated to distorted hand-blown glass panes). Most importantly, impacts on the integrity of the interior of the historic structure will be minimized by locating most modern functions (brewery, kitchen, restrooms, utilities, storage, etc.) in a new separate structure to be built in the backlot and connected to the historic structure by a vestibule. This design ensures that the proposed use will be consistent with the building's historic use to the maximum degree possible.

### **2) Description of any exterior modifications to the structure, property, and site including an assessment of the impact of these modifications on the historic integrity of the site.**

Stone portion: The 1857 stone portion at the front-lot will not be altered from its state at designation. A handicap accessible ramp will be installed at the sidewalk to the south, leading to an entrance at the south of the rear wood frame addition. A period-appropriate hand-painted sign

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complying with the Preservation Program developed by the City/HPC will be mounted at the front commercial cornice. Bicycle racks will be installed where permitted by Public Works or on site if not permitted. The location and design of either option will be done in consultation with City/HPC staff.

Rear wood frame addition: With the approval of the City/HPC, the rear wood frame addition to the stone building will be reconstructed in accordance with the Secretary of Interior's Rehabilitation Standards and the Preservation Program for the site. (~~See rear addition plans and elevations, enclosed~~). Our decision to replace the rear addition "in-kind" has been informed by an extensive structural analysis by a qualified engineering firm. This analysis concluded that too much existing material—approximately 80 percent—would need to be replaced or strengthened with additional new material for repair to be feasible and prudent. (~~See Align Structural, Inc. report dated 8/19/14; Memo by Historian Consultant Bob Frame to Amy Spong, Christine Boulware, HPC dated 8/19/14~~). Nevertheless, replacement of the rear addition "in-kind" will yield a reconstructed addition with the same footprint, floor levels, ceiling heights, roof peak, and interior stairway placement as the existing structure. As show in the enclosed plans and elevations, the exterior features of this addition have been designed in the Greek Revival style prevalent during the 1850s and 1860s and evidenced both at this site and others included within the Stone Saloon's thematic designation. Although the submitted plans alter the roof pitch of the circa-1885 addition now in place, the reconstructed roof pitch will match the pitch of the predecessor addition's historic, Greek Revival roof pitch (6"/12") which is clearly traced in the masonry along the rear façade of the stone building.

Newly constructed building: A newly building will be constructed at the backlot and connected to the historic structure by a vestibule. The new building will house the brewery equipment, kitchen, restrooms, storage, utilities and office. (~~See site plan and elevations, enclosed~~). The placement of these functions in a newly constructed building minimizes the impacts they might otherwise have on the integrity of the historic building. The new building and its connecting vestibule are designed to clearly differentiate themselves from the historic structure, while keeping with the character of the site and of other 19<sup>th</sup> accessory buildings in the area. The positioning of the new building at the backlot and the use of landscaping effects (including hop trellises along the south and east exterior walls of the new building) will keep the spotlight on the historic structure in front. Every design and engineering effort has been made to minimize the scale of the new addition, including employing stacked, horizontally mounted fermentation and lagering tanks, a ceiling trolley to maximize storage efficiency, and a highly compact kitchen preparation area. Finally, the new building will occupy nearly the identical footprint of an alley-house that once sat in the same location behind the Stone Saloon from 1874 to 1898. The positioning of the new building therefore relates to the historic context of the site during the final eleven years of the Waldmans' residency.

No other modifications are proposed to the site which would impact its historic integrity. Importantly, we have secured all [non-ADA accessible] off-street parking required by code at a location other than the historic site, further minimizing impacts on the site's integrity. ~~This means that there will be no parking on the historic property at all. (See parking layout, enclosed.)~~

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Moreover, the owners of the tap room/brewery Bad Weather Brewery immediately across the alley have agreed to work with us to consolidate supply purchases and deliveries, as well as to share the use of their wood-screened waste disposal pad and trash hauling and recycling services. (See Letter of Joe Giambruno and Zac Carpenter, Bad Weather Brewing, **Tab 3**).

### 3) **Description of all interior architectural features unique to the historic period.**

The Pioneer Era Houses context study cited in the Stone Saloon's historic designation established the temporal parameters for the historic period included in the thematic designation as 1854-1880. The stone portion of the Stone Saloon retains the following architectural features and materials from this historic period:

- original tongue-in-groove pine flooring on both first and second levels;
- original staircase between first and second levels;
- two original two-panel doors, with some original hardware; and
- one original window casing and sill in second level, south window.

As described in the designation, the rear wood frame addition post-dates the Pioneer Era, and in any event no longer contains any historic architectural or character-defining interior features.

### 4) **Site plan**

See enclosed.

### 5) **Photos of existing conditions**

See Tab 4. [enclosed]

### 6) **11" x 17" Architectural plans drawn to scale that include any proposed modifications.**

See enclosed.

### 7) **Information supporting the following findings.**

- a. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with Legislative Code Chapter 73.04(5).**

As discussed above, the proposed tap house/micro-brewery use closely approximates the historic business use of the site as a neighborhood beer-only saloon (in the historic sense) offering limited food service. The addition of a sensitively designed structure in the backlot is a reasonable accommodation to modern restrooms, equipment and utilities.

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### **b. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation.**

Aside from modifications dictated by public safety and handicap accessibility (e.g., the handicap ramp to the south) the most material modification caused by the proposed use is the new construction on the backlot. In keeping with Secretary of Interior's Rehabilitation Standards and the accompanying Rehabilitation Guidelines pertaining to new additions to historic structures, the new building and vestibule are designed in a manner that differentiates them from the historic structure, while being compatible with the massing, size, scale and features of the site and its surrounds. The roof peak of the new building is lower than the roof peak of the historic stone building, and the roof pitch matches that of the reconstructed rear wood frame addition as well as that of the historic stone building's hipped roof (both having a pitch of 6"/12"). The location of the new building at the backlot and future landscape treatments (including hop trellises along the south and east exterior walls of the addition) will keep the spotlight on the historic structure in front. (See Rehabilitation Standard 9; see also Secretary of Interior Rehabilitation Guidelines for New Additions). The north and west elevations of the new building will be visible only from the alley. Moreover, because Smith Avenue and the sidewalk in front of the Stone Saloon lie approximately 3' below the grade of the historic site, the lowered sightlines from the public right-of-way enhance the prominence of the historic stone structure at the front of the lot relative to the new construction to the rear.

Finally, the new structure allows for reversibility. In the event that the proposed use ever ceased, the new addition and its connecting vestibule could be removed without impairing the form or integrity of the original historic structures, or the historic site as a whole. (See Rehabilitation Standard 10)

### **c. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with Legislative Code Chapter 73.04(5) and that these difficulties were not created by the applicant.**

The Stone Saloon was designed, built and originally used as a commercial property. As established in its designation, it was historically used as a lager beer saloon. The practical difficulty that prevents the Stone Saloon from being used in a manner consistent with this historic use is the parcel's residential zoning classification (R4). This difficulty was not created by the applicant.

A broader practical difficulty is the initial and continued expense of the historic preservation and rehabilitation of the Stone Saloon. A historic property cannot be preserved and maintained without a viable and ongoing means of support, regardless of its level of significance.

This project began with a registered Vacant Building that had several outstanding nuisance and abate orders, extensive structural issues, and no independent water or sewer line (both T-ed off the adjacent, separately owned parcel). The adjacent parcel had to be acquired in order to access these essential utilities and provide for their upgrading. While

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stonemasonry in general has excellent longevity, stonemasonry repair after nearly 160 years of weathering and inappropriate maintenance can be (and in this instance, has been) extremely costly. For the present applicant this project has thus far been both a "labor of love" and "leap of faith," but the complete restoration/rehabilitation of this historic site, as well as its ongoing maintenance, must ultimately be sustained by a more rational economic calculus.

The proposed use as a beer-only tap house/micro-brewery is minimally tailored to leverage the unique history of this building for a sustainable, income-producing use. The proposed use not only respects the building's history, but allows the public to share in it. In comparison, use of the building as (for example) a private residence would not attract the level of investment required to rationally undertake the same level of rehabilitation, and would not yield the same "public good" of community access to this unique and historic lager beer saloon. The grant of a historic use variance in this instance would be in keeping with Policy 5.5 of the Historic Preservation Plan, part of the Saint Paul Comprehensive Plan, which establishes a goal to "develop land use and regulatory incentives to make it easier and more feasible to rehabilitate" historic resources by applying "an ordinance that allows historic variances in order to alleviate undue hardships created by the historic character of designated properties."

For these several reasons, a historic use variance for tap house/micro-brewery use is the minimum needed to enable this property to be used in a manner that will have the least impact on its historic character and the character of the surrounding area. (Leg. Code § 61.601(g).

**d. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

The use of the Stone Saloon as a tap house/micro-brewery is similar (although smaller in scale) to the current use of a much larger and partly contiguous TN2 site immediately across the 16'-wide alley to the northwest, newly operating as Bad Weather Brewery. Degidio's Restaurant and Bar operates with a full liquor license in B2 zoning approximately 330 feet to the northwest, across West 7<sup>th</sup> Street from Bad Weather Brewery. Garafolo's Automotive Repair operates from a T1 parcel approximately 180 feet down the alley from the Stone Saloon. A flat-roofed former factory building turned used clothing store turned artists' studio lies immediately across Smith Avenue (State Highway 13) to the north of the Stone Saloon. Bonfe's Auto Repair lies approximately 300 feet north and across Smith Avenue in T2 zoning. Within the immediate neighborhood and along West 7<sup>th</sup> Street, numerous T1-, T2-, B2- and B3-zoned parcels sit immediately adjacent to R4 and other residential zoning classifications.

The proposed use for the Stone Saloon is compatible with this mix of commercial and residential zoning classifications in the immediate and surrounding areas. The applicant is a 25-year resident of the neighborhood, living within approximately 250 feet of the Stone Saloon. He fully intends to address any concerns that may arise from the Stone Saloon's operations.

## EXHIBIT A

### e. The proposed use is consistent with the comprehensive plan.

The site of the Stone Saloon is within an Established Neighborhood of Uppertown/West 7<sup>th</sup> proximate to the Mixed Use Corridor of West 7<sup>th</sup> Street. The comprehensive plan defines Established Neighborhoods to include “scattered neighborhood-serving commercial, service and institutional uses at the juncture of arterial and collector streets.” (LU-1) Mixed Use Corridors “include areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional and open space uses.” (LU-1) The District 9 Area Plan supports “‘nodes’ of retail businesses at the intersections of West 7th and Kellogg, Smith, St. Clair, Jefferson, Randolph, and Montreal/Lexington.” (p.4) It further states that “when possible, storefronts that have been altered should be restored to, or close to, their original character. In some cases, the original building fabric may be found behind the alterations.” (p.7) Although the proposed use is not permitted by the underlying zoning of its individual parcel, it is broadly consistent with these principles set forth in the city’s comprehensive and area plans.

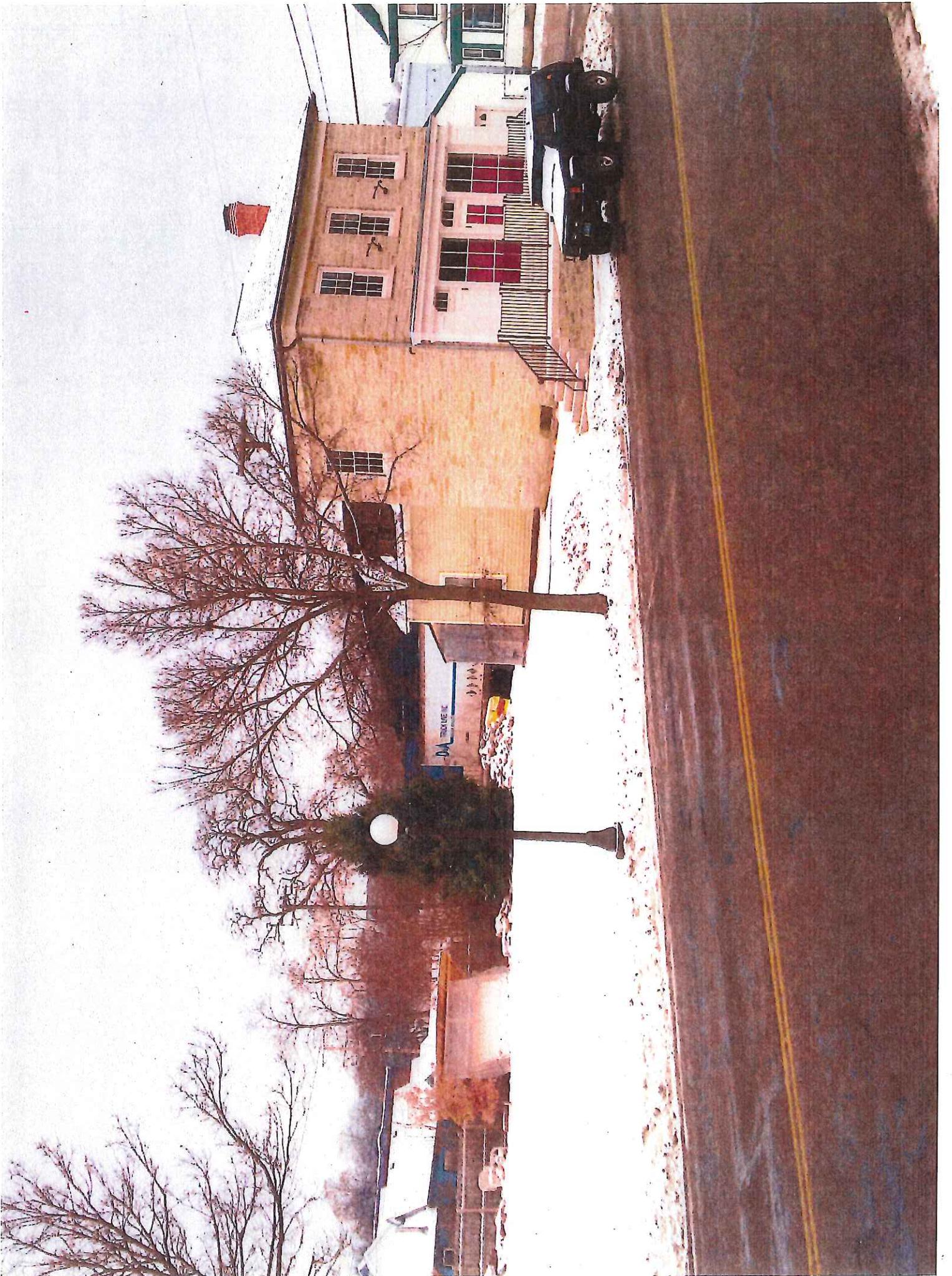
The Historic Preservation brochure for the Saint Paul Comprehensive Plan, cited in the preamble to the historic use variance ordinance being applied to this application, states that “the character and design features of historic properties make them desirable for new uses that recognize the community’s special identity.” Ironically, in this case it is an old use that recognizes the West 7<sup>th</sup> Street neighborhood’s special identity.

For historic context, when the Stone Saloon was initially built it was positioned along the original overland route running along the Mississippi river bluff between Saint Paul and the Fort Snelling Ferry. This unimproved but frequently trafficked route was known as the Old Fort Road. West 7<sup>th</sup> Street did not yet exist. By the close of Minnesota’s Territorial Period, a number of businesses lined the Old Fort Road, including a large limestone livery stable along Old Fort Road near the city limits, a major brewery, and several saloons. The latter included Henry Shearn’s Head Quarters Saloon on Leech Street near Ramsey Street; William Schimmel’s saloon on Wilkin Street near the Saint Paul College; Alexander Erb’s saloon and grocery at the corner of Smith (now Forbes) and Forbes (now Smith); John Fetzer’s one-story home and lager beer saloon on Forbes (now Smith) immediately across the alley from the Stone Saloon to the north; and the Cave House Saloon just past the city limits near Richmond and Old Fort Road. All of these establishments have long since vanished. While perhaps not relevant to modern land use planning, the Stone Saloon is one of the last remaining vestiges of the Old Fort Road. As such, its restoration and proposed (re)use helps define the West 7<sup>th</sup> Street neighborhood’s special identity, because it points to what came before. We take our historic assets where we find them—and if understood and used wisely, they have even greater value there.



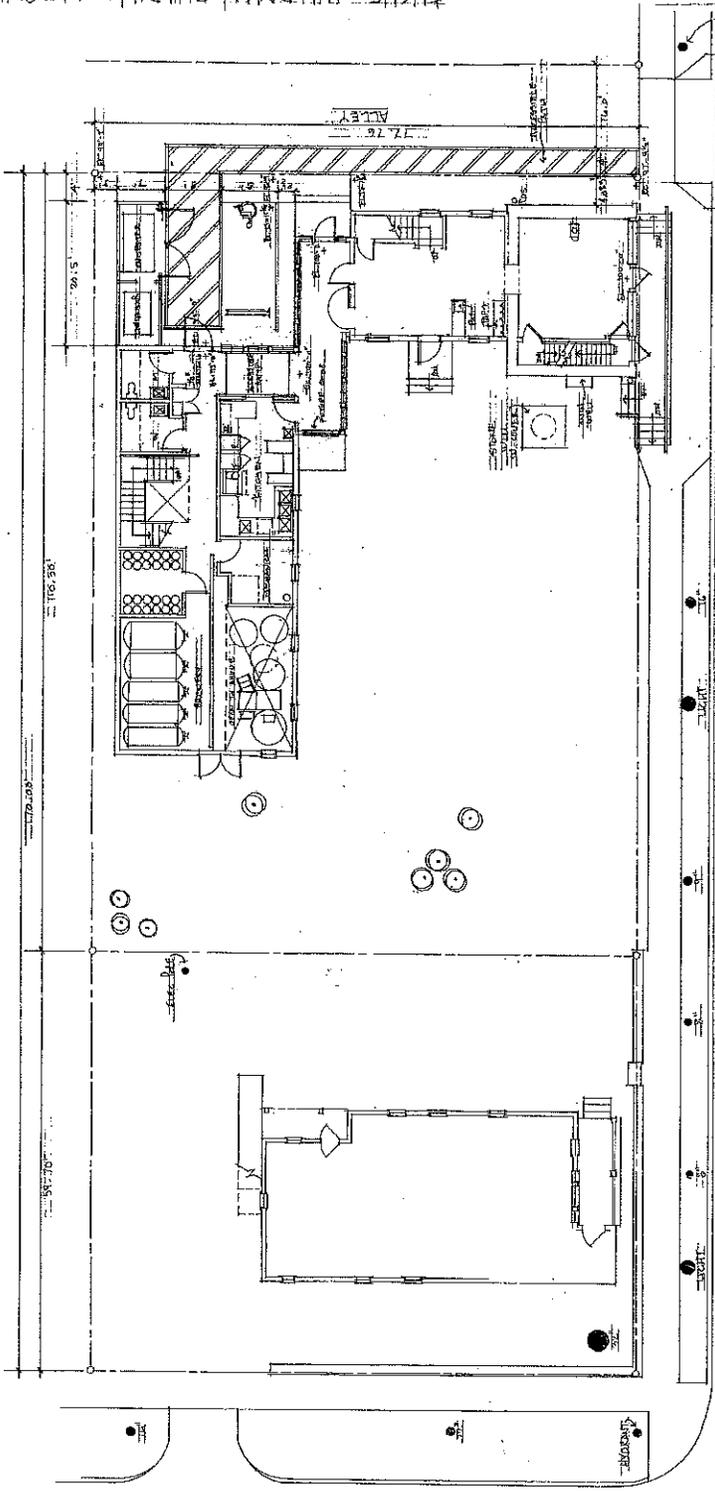




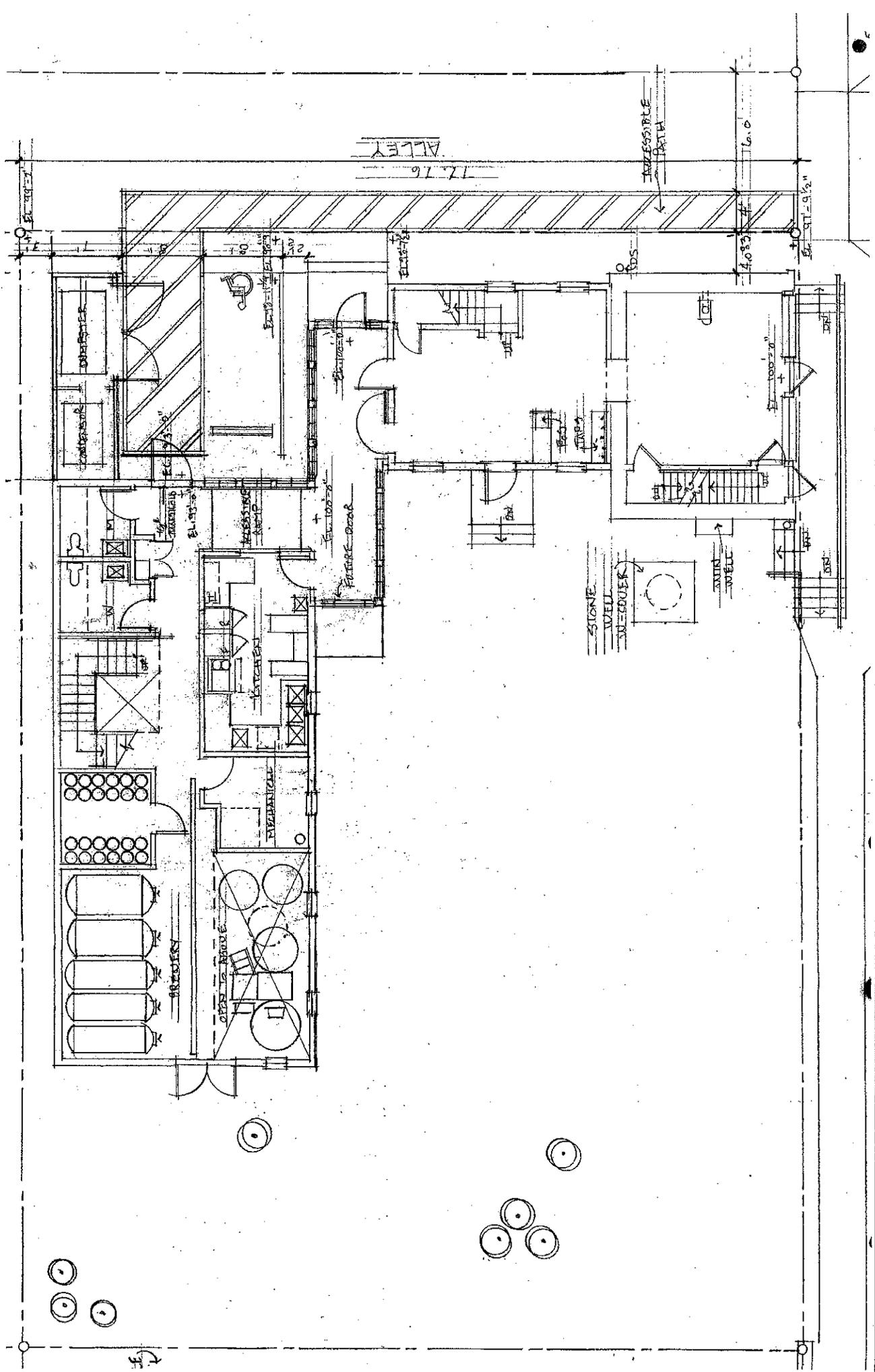


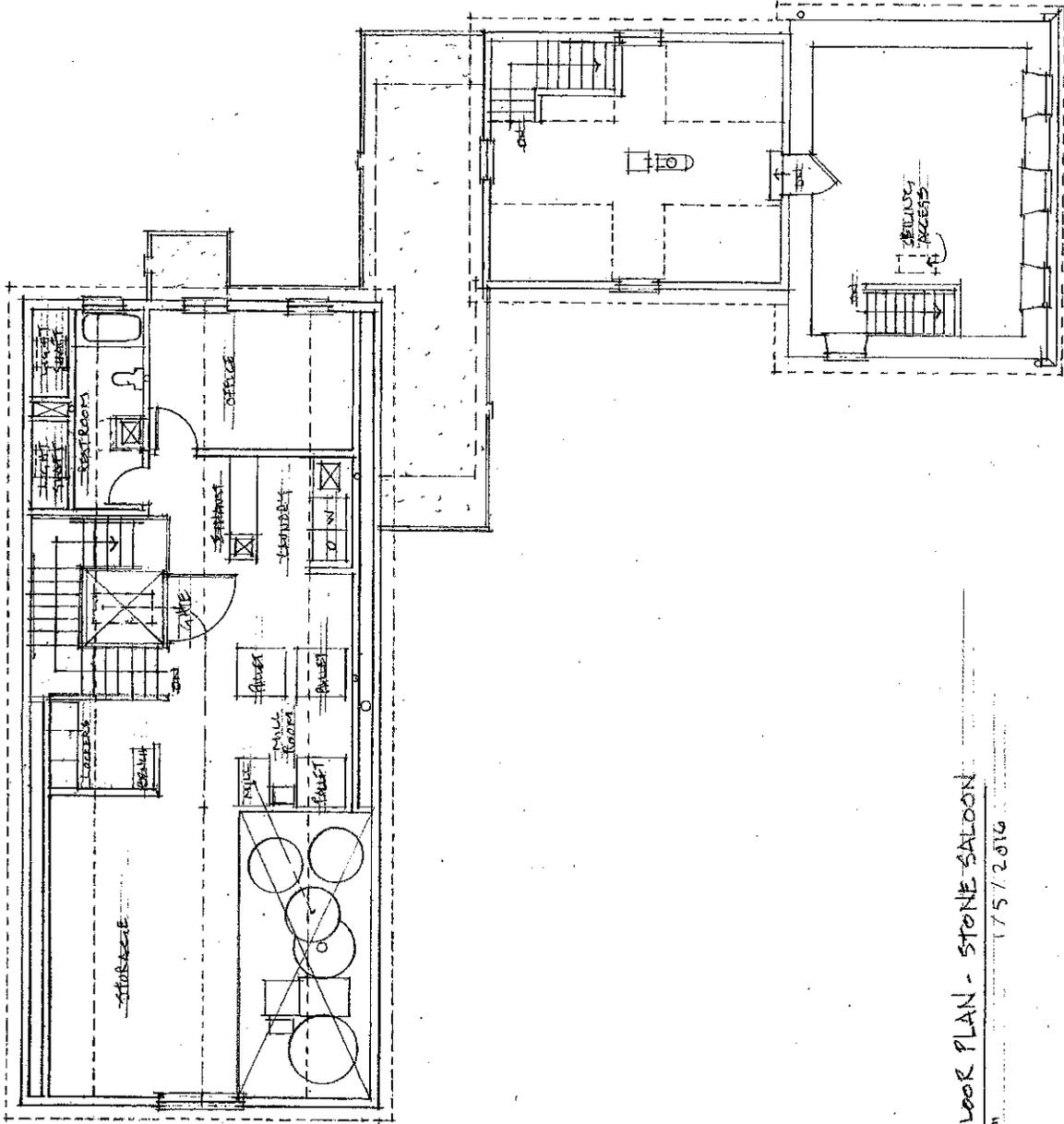
SITE PLAN

476 West 7th Street ■ Saint Paul, MN 55102  
YUST ARCHITECTURAL SERVICES  
TOM AND ANN SCHROEDER • 154 E. 12TH ST. ST. PAUL, MINNESOTA 55102  
RICHES & WALDMAN BUILDING, 445 SMITH AVE

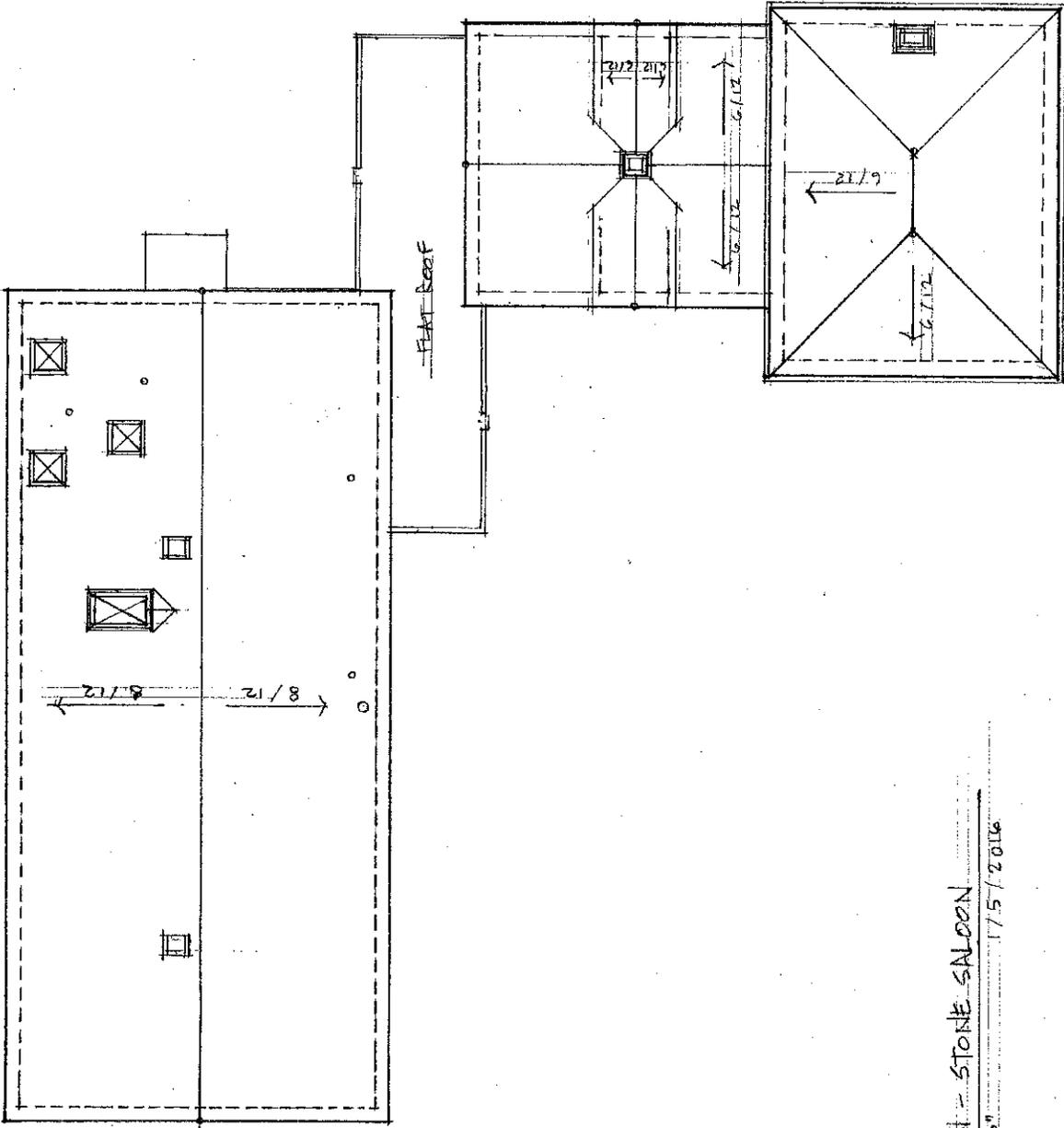


11/19/15  
12/17/2015





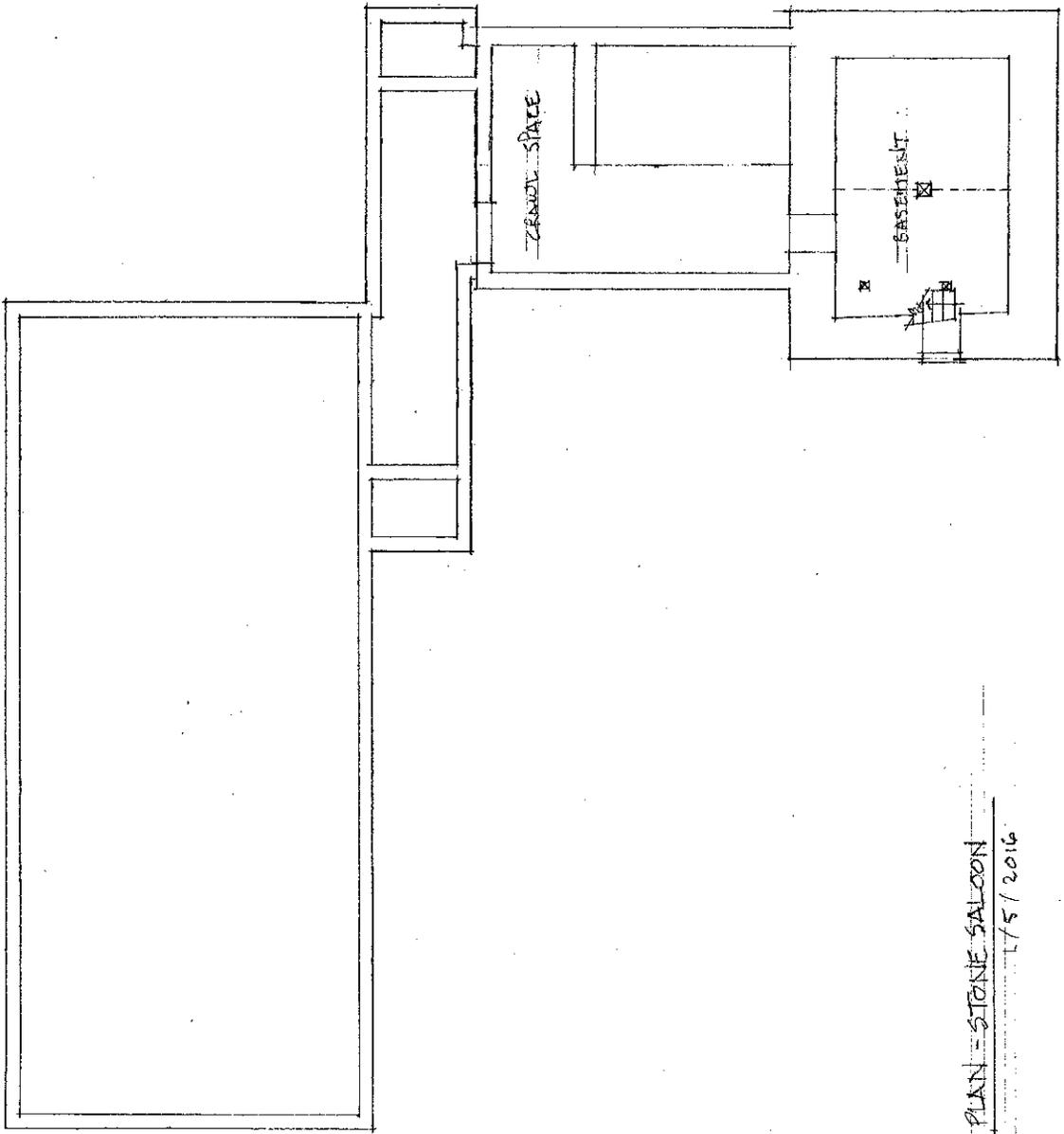
1 SECOND FLOOR PLAN - STONE SALOON  
 A-1 1/8" = 1'-0" 1/5/2016



ROOF PLAN - STONE SALOON

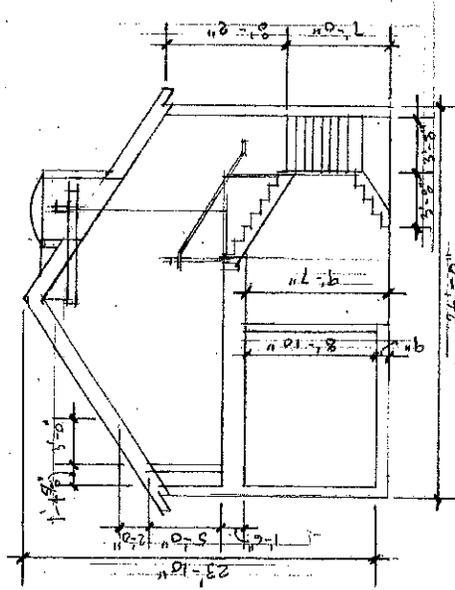
1/8" = 1' = 0" 1/5/2016

A-8



1. BASEMENT PLAN - STONE SALOON  
1/8" = 1' - 0"  
7/5/2016

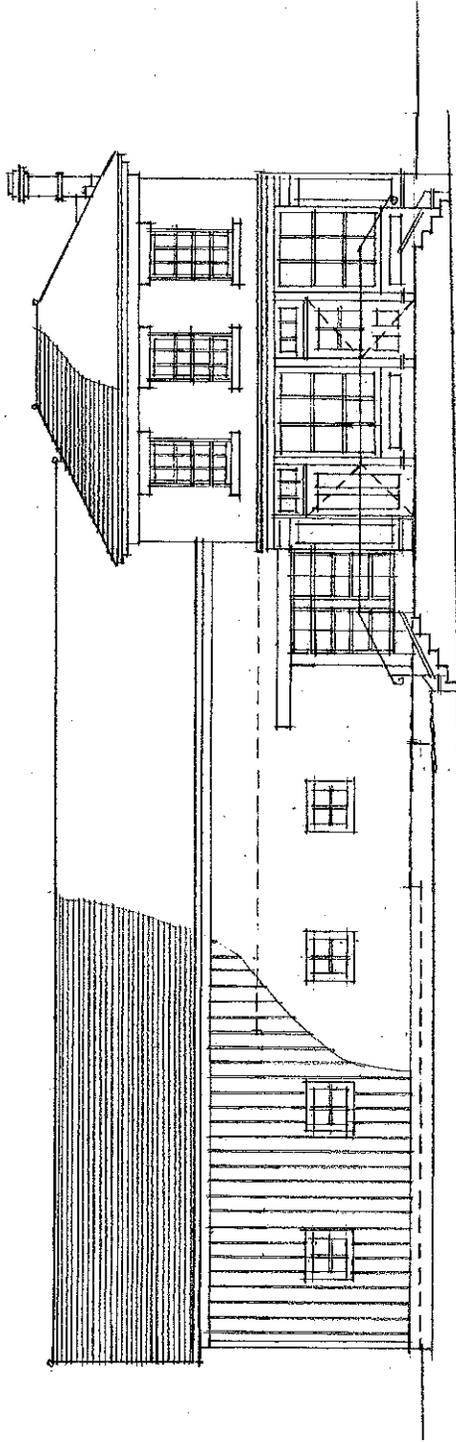
A-9



SECTION - STONE SALOON

1/8" = 1'-0" 1/5/2016

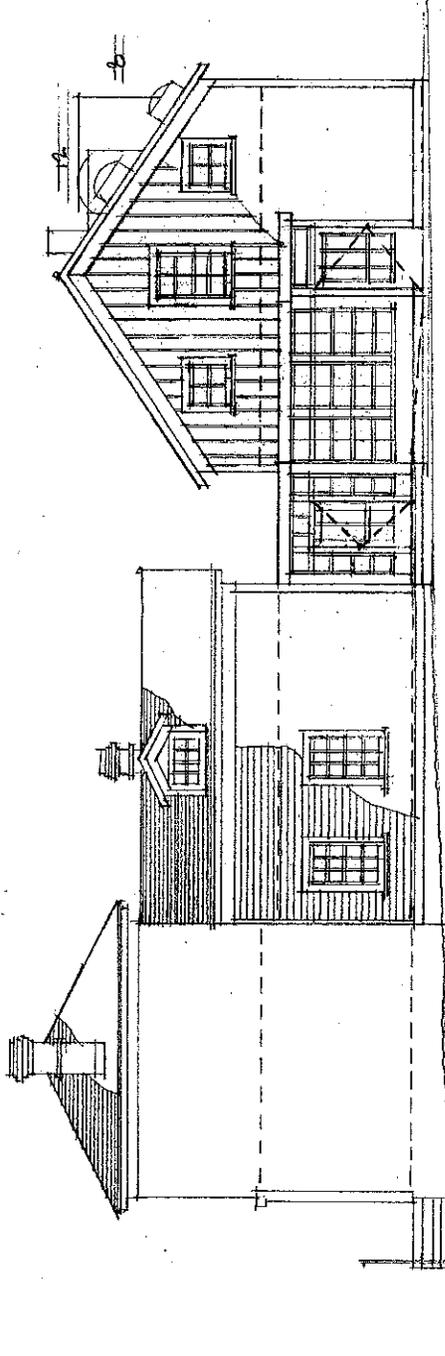
A-10



1. EAST ELEVATION - STONE SALOON

A=11

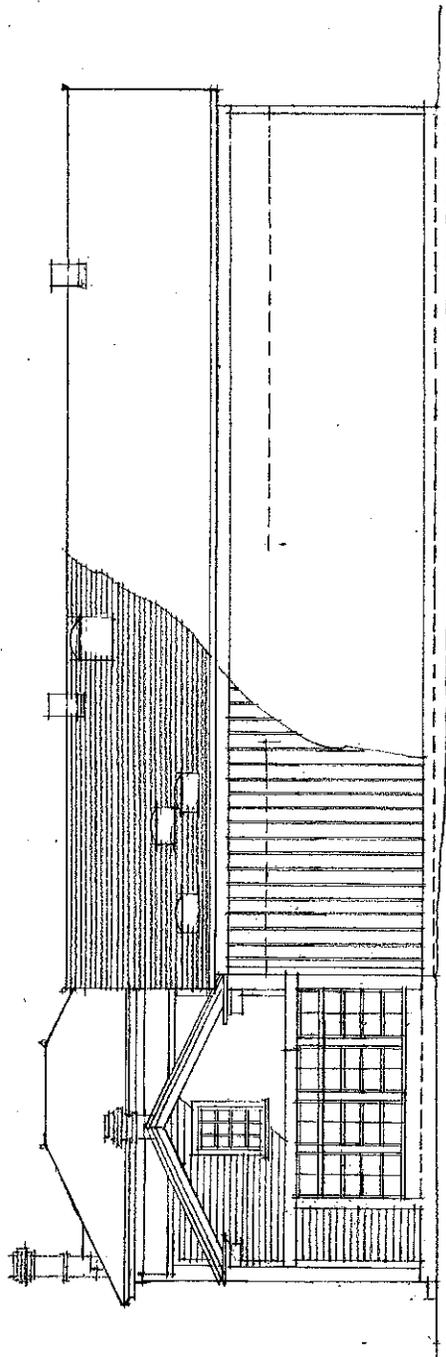
1/8" = 1'-0" 1/5 / 2016



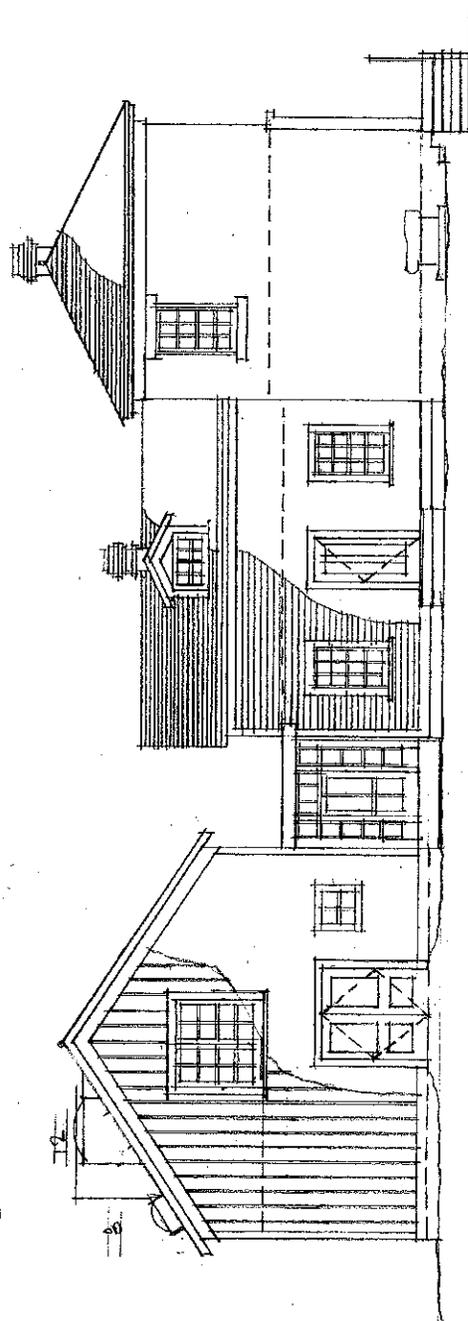
2. NORTH ELEVATION - STONE SALOON

A=11

1/8" = 1'-0" 1/5 / 2016



1 WEST ELEVATION - STONE SALOON  
 A-10 1/8" = 1'-0" 1/5/2016



2 SOUTH ELEVATION - STONE SALOON  
 A-12 1/8" = 1'-0" 1/5/2016



# City of Saint Paul

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

## Signature Copy

Resolution: RES 15-1604

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**File Number: RES 15-1604**

Granting the application of Thomas Schroeder for a historic use variance to allow a tap house / microbrewery with food service in a one-family residential district. (This item will be moved to the public hearing portion of the agenda.)

**WHEREAS**, pursuant to §73.03.1 of the Legislative Code, Thomas Schroeder, in HPC File 15-037 and Zoning File 15-143-784, duly applied for a historic use variance to allow a tap house / microbrewery with food service at 445 Smith Avenue N., Parcel Identification Number (PIN) 01.28.23.41.0179, legally described as Samuel Leeches Addition Ex S 60 Ft The Fol; Lot 14 & E 1/2 Of Lot 13 Blk 9; and

**WHEREAS**, pursuant to §73.03.1 of the Legislative Code, the Heritage Preservation Commission held a public hearing on August 13, 2015 for the purpose of considering the historic use variance application, and having considered the report and recommendation of staff and testimony received, made a recommendation to conditionally approve the application and forwarded the recommendation, application, staff report, and all other materials relative to the application to the Planning Commission; and

**WHEREAS**, pursuant to §73.03.1 and §61.303 of the Legislative Code, the Zoning Committee held a public hearing on August 27, 2015 for the purpose of considering the historic use variance application, and pursuant to §107.03 of the Administrative Code, submitted its recommendation to the Planning Commission for approval; and

**WHEREAS**, the Planning Commission considered the historic use variance application at its meeting held on September 4, 2015, and made a recommendation to conditionally approve the application and forwarded the documentation and recommendation of the heritage preservation commission together with its own findings and recommendation to the City Council; and

**WHEREAS**, a public hearing before the City Council has been duly conducted at which all interested parties were given an opportunity to be heard; and

**WHEREAS**, the City Council has considered all the testimony and recommendations concerning the proposed historic use variance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Saint Paul City Council hereby approves the historic use variance to allow a tap house / microbrewery with food service at 445 Smith Avenue N. subject to the following conditions:

1. City Council designation of the five properties within the Limestone Properties Thematic Nomination, including 445 Smith Avenue, as Saint Paul Heritage Preservation Sites.
2. There shall be no off-street parking provided on the subject site.
3. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate

- historic use variance application and approval.
4. HPC design review approval of any proposed site and building repairs, demolition, alterations and new construction. All work shall meet the applicable Preservation Program and the Secretary of the Interior's Standards for Rehabilitation.
  5. Final site plan approval by the Zoning Administrator and all other necessary City approvals prior to the commencement of any work.
  6. By ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion of intent approving the application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

At a meeting of the City Council on 9/16/2015, this Resolution was Passed.

**Yea:** 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney, and City Council President Stark

**Nay:** 0

**Vote Attested by**   
**Council Secretary** Trudy Moloney

**Date** 9/16/2015

**Approved by the Mayor**   
Chris Coleman

**Date** 9/21/2015

**CITY OF SAINT PAUL**

**HERITAGE PRESERVATION COMMISSION RESOLUTION**

**FILE NUMBER** 16-016; 445 Smith Avenue

**DATE:** January 28, 2016

**Memorializing the Saint Paul Heritage Preservation Commission's January 28, 2016 decision recommending approval of a Historic Use Variance at 445 Smith Avenue.**

**WHEREAS**, the Saint Paul Heritage Preservation Commission (HPC) is authorized by Chapter 73 of the Saint Paul Legislative Code to review Historic Use Variance applications and provide a recommendation that is forwarded to the Planning Commission and the City Council; and

**WHEREAS**, a similar application was approved by the City Council in October 2015, after having received recommendations from the HPC and the Planning Commission; and

**WHEREAS**, a second application was received for a Historic Use Variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery at 445 Smith Avenue North; and

**WHEREAS**, the subject property is located within the Saint Paul Pioneer Era Limestone Houses Heritage Preservation Site, adopted by the Mayor and City Council in September 2015; and

**WHEREAS**, on January 28, 2016, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were given an opportunity to be heard; and

**WHEREAS**, in accordance with Sec. 73.03.1, the HPC considered a staff report addressing the following five (5) findings, as follows:

- 1. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with section 73.04(5) of this chapter.**

Analysis of this finding has not changed from the previous application.

Per the submitted plans, the proposed use requires more than a minimal change to the site, the stone building and the historic wood frame addition in order to accommodate the proposed use. The original use was a territorial "store" and residence when first constructed in 1857 by Charles C. Fuchs and after 1863 records would indicate the property was used more as a residence. Waldman's name appears on the property's title in 1860 but there is indication that he had some ownership in the property earlier. Waldman held liquor licenses in 1858 and 1859 and did not own any other properties during this time.

During the 1870's and 1880's the remaining space on the large lot was developed with three more residences. Waldman and his family moved into the Italianate at 457 (1872, extant) and then constructed a double house in stages at 449-453 (circa 1874/1880, razed) and obtained a single residence at 447 (circa 1874, extant) originally constructed behind the stone house. The properties remained mostly residential and rentals with the exception of 457 where Waldman lived until circa 1882.

In 1947 John and Francis Dreyling purchased the stone house for owner-occupancy and Francis Dreyling remained in the house until 2008 when purchased by the current owners and applicant. The building then became a registered vacant building and the owner has been rehabilitating the masonry portion and is proposing to use the stone house as a German lager saloon, reconstructing the circa 1880's wood-frame addition and then construct a new vestibule and building for brewing, kitchen, restroom and office space. The 1903 Sanborn Insurance Map updated to 1925 shows all four buildings still on one lot (445 through 457) and at some point the parcels were divided. More recently the current owner bought lots 453 through 445 and has joined them into one larger parcel.

The proposed use is more intense than the historic uses. There is indication from photos prior to 2009 that the original storefront was filled in sometime between 1863 and the 1880's. The applicant has removed the early infill and constructed a new storefront opening. Using the building as a "store and flats" or single-family residence would be consistent with historic uses.

**2. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation, as applicable.**

This finding can be met via design review approval through the HPC. The project received design review approval in October 2015, but now needs new design review to address the proposed site and building changes. A public hearing regarding the design review application was held on January 28, 2016 where the proposed revisions were conditionally approved under file #16-015.

**3. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with section 73.04(5) of this chapter, and that these difficulties were not created by the applicant.**

Analysis of this finding has not changed from the previous application.

The current owner and applicant removed the early stone infill where the original storefront was at the time of construction in 1857. A new storefront was constructed and based on a few physical clues left in photos and shadow lines at the property. A commercial use on the first floor given the historic building's original construction characteristics is consistent with Sec. 73.05(5).

**4. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

Analysis of this finding has not changed from the previous application.

This finding can be met. The proposed use can be compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.

Multiple surveys of the Uppertown neighborhood have identified a four block area west of the Irvine Park Historic District eligible for the National Register of Historic Places and for local designation. The development of Uppertown dates from the 1840's when John R. Irvine built a river landing near Chestnut Street. The Upper Landing became an important shipping center and point of arrival as much of the early development was organized around the Upper and Lower levees. The old Fort Road between Fort Snelling and St. Paul was the area's main artery. Irvine Park and the area to the west was a focus of early residential development and today contains the city's largest concentration of Greek Revival, Federal, Second Empire, and Italianate Styles. St. Paul had a building boom in the early 1850's and by 1858 Uppertown (1992 survey boundaries) contained 67 buildings. More than half were located in Leech's Addition where 445 Smith is located. One record confirmed a saloon at the corner of Smith and McBoal streets in 1858 but it is very difficult to determine commercial uses of buildings at this time as often one or two rooms would be used in a residence as a place of business as well.

The first "permanent" frame and masonry dwellings came in the 1850's and many were modest one-story structures in a Greek Revival style with low-pitched roofs and 6-over-6 double hung windows. "Residential, commercial, and industrial land uses were largely mixed in early St. Paul but by the Civil War, as the rise of industrial capitalism gradually separated the workplace from the place of residence, especially for the upper classes" (Zellie, 2001, *Pioneer Houses*). Given the distance between the two landings, Lowertown became the major commercial center and Uppertown became primarily residential while Uppertown's business district was developing east of Irvine Park which became known as Seven Corners and spread west along Fort Road and West Seventh Street (Mead & Hunt, 2011, *Walking City*). The area of Smith Avenue did not take off as a commercial corridor but the early adjacent and

extant structures including 445 Smith did have some combined uses. Today 445 Smith and the immediate area are zoned for single-family but the West Seventh Street commercial corridor is nearby.

**5. The proposed use is consistent with the comprehensive plan.**

Analysis of this finding has not changed from the previous application.

This finding may be met. The proposed use is consistent with the Heritage Preservation Chapter of the Comprehensive Plan, specifically, recommending an ordinance to allow historic use variances in order to alleviate undue hardships created by the historic character of designated properties and is consistent with the authority granted by the State statute (HP 5.5a). Additionally, the HP Chapter recommends designating significant historic resources (HP 4.2) and to utilize design review controls to protect designated properties from destruction or alterations that would compromise their ability to convey their historic significance (HP 4.1). The Planning Commission is best suited, by matter of expertise, to provide a finding regarding consistency with other portions of the Comprehensive Plan.

and

**WHEREAS**, the HPC also considered the staff report's 6<sup>th</sup> finding addressing a requirement of Sec. 61.601, as follows:

**6. The use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.**

Analysis of this finding has not changed from the previous application.

This finding is not met. Other uses, such as single-family housing or a live-work unit with a small office on the first floor would not require a large building addition, the demolition of the circa 1885 addition or the moving of the nearby circa 1870's cottage outside the potential West Seventh Street historic district, and therefore would have less impact on the site's and neighborhood's historic character. The 2011 Mead and Hunt survey recommended this four block area for historic designation given it possibly represents the largest collection of the earliest houses constructed in the City. These Pre-Civil War houses are primarily modest vernacular forms or more formal Federal and Greek Revival architectural styles. By 1925 there were four buildings on one lot (445 to 457 Smith), all oriented at the front sidewalk and three of them were very close together. The overall character of this area is of modest homes, some with multiple dwellings on one lot and few accessory structures.

**NOW THEREFORE, BE IT RESOLVED,** that the Heritage Preservation Commission adopts the six (6) findings as presented in the staff report as detailed above; and

**BE IT ALSO RESOLVED,** the Heritage Preservation Commission recommends approval of the Historic Use Variance subject to the following conditions:

1. HPC design review approval of any proposed site and building repairs, demolition, alterations and new construction. All work shall meet the applicable Preservation Program and the Secretary of the Interior's Standards for Rehabilitation.
2. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals prior to the commencement of any work at the property.
3. By ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion of intent approving the application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

**MOVED BY**                **D. Riehle**  
**SECONDED BY**        **S. Trimble**

**IN FAVOR**                **8**  
**AGAINST**                **0**  
**ABSTAIN**                **0**

**CITY OF SAINT PAUL  
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: 445 Smith Avenue N., Anthony Waldman House

DATE OF APPLICATION: January 7, 2016

APPLICANT: Thomas S. Schroeder

OWNER: Thomas S. and Ann M.P. Schroeder

DATE OF MEETING: January 28, 2016

HPC SITE/DISTRICT: Limestone Houses Heritage Preservation Sites

CATEGORY: Contributing

CLASSIFICATION: Historic Use Variance      WARD: 2      DISTRICT COUNCIL: 9

STAFF INVESTIGATION AND REPORT: Amy Spong & Bill Dermody

DATE: January 15, 2016

**A. BACKGROUND/SUMMARY OF APPLICANT'S PROPOSAL:**

In September 2015, the Applicant received City Council approval of a Historic Use Variance to convert the structure for use as a taproom/microbrewery/restaurant, subject to six (6) conditions including HPC design review approval, substantial compliance with the site plan submitted at that time, and prohibition of off-street parking on the subject site. The Applicant had intended to provide an ADA-compliant accessible parking space in front of the building on Smith Avenue, but was unable to obtain the necessary right-of-way approvals. Therefore, the Applicant requested a new Historic Use Variance for the same uses, but with an amended site plan providing an ADA parking space on the subject site that is accessed via the alley. Accommodation of the ADA space prompts a few other site plan changes, such as removal of the previously proposed wheelchair ramp near Smith Avenue, a new entrance near the parking space, and a shifting of the kitchen/prep area from the vestibule to the brew building. Design details are addressed through the accompanying design review application. The main customer parking lot remains one block to the west at 194 McBoal Street. Even though the proposed taproom/microbrewery/restaurant use has not changed since the September approval, a new Historic Use Variance is necessary because the requested on-site parking space conflicts with a condition of the original approval and also represents a significant change in the site plan.

**B. PROPERTY INFORMATION:**

<b>CLASSIFICATION:</b>	
Local Heritage Preservation Site	Limestone Properties Thematic Nomination
Period of Significance	1850-1899
Criteria of Significance	Territorial Settlement, Native Masonry Construction, Architecture
Historic Contexts	Native Limestone Construction, Pioneer Houses: 1854-1880, Neighborhoods at the Edge of the Walking City: 1849-1900, Federal Style Architecture
Date of Local Designation	September 9, 2015

Date of National Register Designation	N/A
Applicable Design Guidelines	Preservation Program and Secretary of the Interior's Standards for Rehabilitation
<b>PROPERTY INFORMATION:</b>	
Current Name	The Stone Saloon
Historic Name	Charles C. Fuchs/Anthony Waldman House
Current Address	445 Smith Avenue North
Historic Address	same
Original Construction Date	1857 stone portion/circa 1885 woodframe addition
Original Builder/Contractor	Jacob Amos, Stonemason
Original Architect	N/A
Historic Use(s)	Territorial store and residence, saloon and residence, single-family residence
Current Use	Vacant
Proposed Use	German lager saloon/taproom/microbrewery/restaurant

**C. FINDINGS REQUIRED FOR A HISTORIC VARIANCE:**

Sec. 73.04 (5) states: *In order to encourage the preservation and rehabilitation of designated heritage preservation sites, the commission shall review use variance applications and may recommend uses consistent with any historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment in any zoning district where such uses are not permitted under current zoning.* Sec. 73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing the following five (5) findings:

**1. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with section 73.04(5) of this chapter.**

Analysis of this finding has not changed from the previous application.

Per the submitted plans, the proposed use requires more than a minimal change to the site, the stone building and the historic wood frame addition in order to accommodate the proposed use. The original use was a territorial "store" and residence when first constructed in 1857 by Charles C. Fuchs and after 1863 records would indicate the property was used more as a residence. Waldman's name appears on the property's title in 1860 but there is indication that he had some ownership in the property earlier. Waldman held liquor licenses in 1858 and 1859 and did not own any other properties during this time.

During the 1870's and 1880's the remaining space on the large lot was developed with three more residences. Waldman and his family moved into the Italianate at 457 (1872, extant) and then constructed a double house in stages at 449-453 (circa 1874/1880, razed) and obtained a single residence at 447 (circa 1874, extant) originally constructed behind the stone house. The properties remained mostly residential and rentals with the exception of 457 where Waldman lived until circa 1882.

In 1947 John and Francis Dreyling purchased the stone house for owner-occupancy and Francis Dreyling remained in the house until 2008 when purchased by the current owners and applicant. The building then became a registered vacant building and the owner has been rehabilitating the masonry portion and is proposing to use the stone house as a German lager saloon, reconstructing the circa 1880's wood-frame addition and then construct a new vestibule and building for brewing, kitchen, restroom and office space. The 1903 Sanborn Insurance Map updated to 1925 shows all four buildings still on one lot (445 through 457) and at some point the parcels were divided. More recently the current owner bought lots 453 through 445 and has joined them into one larger parcel.

The proposed use is more intense than the historic uses. There is indication from photos prior to 2009 that the original storefront was filled in sometime between 1863 and the 1880's. The applicant has removed the early infill and constructed a new storefront opening. Using the building as a "store and flats" or single-family residence would be consistent with historic uses.

**2. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation, as applicable.**

This finding can be met via design review approval through the HPC. The project received design review approval in October 2015, but now needs new design review to address the proposed site and building changes. The proposal is scheduled for HPC design review at the January 28, 2016 public hearing.

**3. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with section 73.04(5) of this chapter, and that these difficulties were not created by the applicant.**

Analysis of this finding has not changed from the previous application.

The current owner and applicant removed the early stone infill where the original storefront was at the time of construction in 1857. A new storefront was constructed and based on a few physical clues left in photos and shadow lines at the property. A commercial use on the first floor given the historic building's original construction characteristics is consistent with Sec. 73.05(5).

**4. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

Analysis of this finding has not changed from the previous application.

This finding can be met. The proposed use can be compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.

Multiple surveys of the Uppertown neighborhood have identified a four block area west of the Irvine Park Historic District eligible for the National Register of Historic Places and for local designation. The development of Uppertown dates from the 1840's when John R. Irvine built a river landing near Chestnut Street. The Upper Landing became an important shipping center and point of arrival as much of the early development was organized around the Upper and Lower levees. The

old Fort Road between Fort Snelling and St. Paul was the area's main artery. Irvine Park and the area to the west was a focus of early residential development and today contains the city's largest concentration of Greek Revival, Federal, Second Empire, and Italianate Styles. St. Paul had a building boom in the early 1850's and by 1858 Uppertown (1992 survey boundaries) contained 67 buildings. More than half were located in Leech's Addition where 445 Smith is located. One record confirmed a saloon at the corner of Smith and McBoal streets in 1858 but it is very difficult to determine commercial uses of buildings at this time as often one or two rooms would be used in a residence as a place of business as well.

The first "permanent" frame and masonry dwellings came in the 1850's and many were modest one-story structures in a Greek Revival style with low-pitched roofs and 6-over-6 double hung windows. "Residential, commercial, and industrial land uses were largely mixed in early St. Paul but by the Civil War, as the rise of industrial capitalism gradually separated the workplace from the place of residence, especially for the upper classes" (Zellie, 2001, *Pioneer Houses*). Given the distance between the two landings, Lowertown became the major commercial center and Uppertown became primarily residential while Uppertown's business district was developing east of Irvine Park which became known as Seven Corners and spread west along Fort Road and West Seventh Street (Mead & Hunt, 2011, *Walking City*). The area of Smith Avenue did not take off as a commercial corridor but the early adjacent and extant structures including 445 Smith did have some combined uses. Today 445 Smith and the immediate area are zoned for single-family but the West Seventh Street commercial corridor is nearby.

**5. The proposed use is consistent with the comprehensive plan.**

Analysis of this finding has not changed from the previous application.

This finding may be met. The proposed use is consistent with the Heritage Preservation Chapter of the Comprehensive Plan, specifically, recommending an ordinance to allow historic use variances in order to alleviate undue hardships created by the historic character of designated properties and is consistent with the authority granted by the State statute (HP 5.5a). Additionally, the HP Chapter recommends designating significant historic resources (HP 4.2) and to utilize design review controls to protect designated properties from destruction or alterations that would compromise their ability to convey their historic significance (HP 4.1).

The Planning Commission is best suited, by matter of expertise, to provide a finding regarding consistency with other portions of the Comprehensive Plan.

**Additionally, Sec. 61.601 requires that a historic use variance be granted only to a property that is a locally designated heritage preservation site and imposes a 6<sup>th</sup> finding:**

**6. The use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.**

Analysis of this finding has not changed from the previous application.

This finding is not met. Other uses, such as single-family housing or a live-work unit with a small office on the first floor would not require a large building addition, the demolition of the circa 1885 addition or the moving of the nearby circa 1870's cottage outside the potential West Seventh Street historic district, and therefore would have less impact on the site's and neighborhood's historic character. The 2011 Mead and Hunt survey recommended this four block area for historic designation given it possibly represents the largest collection of the earliest houses constructed in the City. These Pre-Civil War houses are primarily modest vernacular forms or more formal Federal and Greek Revival architectural styles. By 1925 there were four buildings on one lot (445

to 457 Smith), all oriented at the front sidewalk and three of them were very close together. The overall character of this area is of modest homes, some with multiple dwellings on one lot and few accessory structures.

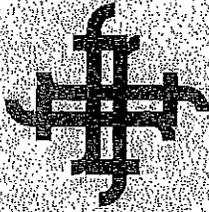
**D. STAFF RECOMMENDATIONS:**

Staff recommends that the Heritage Preservation Commission adopt staff findings and approve the historic use variance to convert the use from residential to commercial (taproom/microbrewery/restaurant) subject to the following conditions:

1. HPC design review approval of any proposed site and building repairs, demolition, alterations and new construction. All work shall meet the applicable Preservation Program and the Secretary of the Interior's Standards for Rehabilitation.
2. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals prior to the commencement of any work at the property.
3. By ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion of intent approving the application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

**E. ATTACHMENTS**

1. HPC Historic Use Variance Application
2. HUV ordinance



**West 7th/Fort Road Federation**  
974 West 7th Street  
Saint Paul, Minnesota 55102

651-298-5599  
FortRoadFederation.org

January 28, 2016

Mr. Richard Dana, Chair  
Saint Paul Heritage Preservation Commission

RE: 445 Smith Avenue

Dear Richard,

The Federation supports the application of Limestone Properties to revise the site plan in order to meet off street parking requirements for accessibility and a trash enclosure.

Sincerely,



Shawn Devine, President

**From:** joann.schreiner@usbank.com [mailto:joann.schreiner@usbank.com]  
**Sent:** Thursday, January 28, 2016 1:45 PM  
**To:** amy.spong@ci.stpaul  
**Cc:** Dermody, Bill (CI-StPaul); Noecker, Rebecca (CI-StPaul)  
**Subject:** Heritage Preservation Commision Hearing (1/28/16)

Hellò Amy,

Just want you to see how close we get to 445 Smith when backing out of our garage into the alley going onto Smith Ave, it would be that close going out the other way to head towards 7th street. It is very narrow now, there really is no room for a walkway (sidewalk). Even less room when you have to pile snow on that side and that is where it would have to go, there is no boulevard in front of 445 Smith because of the entrance to the Stone House.

This is my husband's truck, I drive a Chevy Cruze which is smaller, however I too get that close, because of the way our garage is situated, we have to be very careful not to hit the building (445 Smith), which we can see, not to sure if we will be able to see someone in a wheelchair, it will definitely be more difficult and extremely dangerous.

Joann Schreiner  
433 Smith Ave  
St. Paul, MN 55102





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**From:** [dickhaus@comcast.net](mailto:dickhaus@comcast.net) [mailto:dickhaus@comcast.net]  
**Sent:** Wednesday, January 27, 2016 8:23 PM  
**To:** City of Saint; Dubruiel, Paul (CI-StPaul)  
**Subject:** Re: 445 Smith Ave zoning application early notification

Planing Division this is in response to the plan to move the brew building to the south 22 feet in order to allow a handicap parking place and a 4 foot sidewalk on the side of the alley. The objections to this plan are numerous the alley is narrow and is currently used by a number of trucks and as a short cut by people going from Smith to 7th street this is done at all hours of the day and evening. The plan to move the brew house (building) changes the view of the property from seeing 20-30 ft of the building to seeing all but 4-6 feet of it with the glass connection will become a very visible part of the building if it's even possible to be built and used. The other question that this raises is the level of brewing that will be at this location; the larger building has a capacity of 28 bbl's with the smaller building having a 42 bbl ability with cold storage for 30 bbl's this doe's not match what Tom S told the city council back last year. Again I object to the fact that Tom doe's not feel that the handicap entrance needs to be the same as the one his friends will use. Richard P. Haus 444 Smith Av N St Paul Mn 55102

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**From:** joann.schreiner@usbank.com [mailto:joann.schreiner@usbank.com]  
**Sent:** Friday, January 22, 2016 12:39 PM  
**To:** Noecker, Rebecca (CI-StPaul)  
**Cc:** Spong, Amy (CI-StPaul)  
**Subject:** Heritage Preservation Commission Agenda for January 28, 2016

Hello Rebecca and Amy,

Happy Friday to you both! Rebecca congratulations on being our representative for Ward 2.

I am sending this email to you in regards to the hearing on January 28, 2016 regarding 445 Smith Ave, Tom Schroeder's property which is right across the alley from our property, 433 Smith Ave. According to his plan (#5 in the attachment below) he would like to cut a 4' wide sidewalk in the alley. I definitely hope and pray that this request is denied. Not only would this be extremely dangerous for disabled people, it would be extremely dangerous for any person walking in the alley. With Bad Weather Brewing at the other end of the alley we have more vehicle traffic in the alley then we ever have had, in the last 28 years we have lived at 433 Smith Ave.

We use the alley daily to get in and out of our garage, the alley is not very wide and pulling in and out is tight, no matter which end, which way, we pull in or out of the alley or the garage, we come very close to the building at 445 Smith Ave, and to have a walkway (sidewalk) right there it will be too dangerous. Disabled or not, backing out of our garage into the alley is hard enough to see vehicles coming from either end of the alley, and if someone is in a wheelchair, it will be even more dangerous. Also we have to consider the weather conditions, if icy or slippery will cause even more dangerous conditions for pedestrians (disabled or not) and vehicles. The alley is used by vehicles daily, not only by the people that live there and use the alley however, garbage trucks, service trucks for Bad Weather Brewing and also their employees and their customers.

I am in fear for people's lives if approved to have a walkway (sidewalk) in the alley for 445 Smith Ave.

If Tom Schroeder needs a walkway (sidewalk), I don't mind, I just ask that it be on the other side of his building not in the alley.

Sincerely,

Terrance and Joann Schreiner  
433 Smith Ave  
St. Paul, MN 55102  
(651) 340-1749

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**From:** Lindsay Marie Lopez [mailto:LXLopez@primetherapeutics.com]  
**Sent:** Thursday, January 28, 2016 4:13 PM  
**To:** Spong, Amy (CI-StPaul); Noecker, Rebecca (CI-StPaul)  
**Subject:** HPC File 16-014 / 16-016 445 Smith Avenue

Good Afternoon Amy and Rebecca -

I am writing to bring into testimony for this evenings hearing in regard to the request of 445 Smith Avenue

for a single ADA parking space in the rear of the property along with the request of a 4 foot walkway to be conjoined into the alleyway. As a neighboring resident of the location in question for more than 25 years, that has no other choice but to use that entryway of the alley to access parking on my private property, it is the most hideous proposal I've ever read. This particular alleyway joins one busy street to yet another and had already been highly traveled by people cutting through from West 7th Street to Smith Ave or vice versa. Now that Bad Weather Brewer occupies the other end of the alley business patrons are also in use of traveling through.

I would like to bring attention to specific statements within Title III of the ADA: Public Accommodations - Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources.

#### ADA Parking Space

Point number 1 of the "Description of Changes" states that there has been an ADA accessible parking space added. Let me elaborate that a cement slab had been added behind the property shortly after construction of the project started. Meaning that an ADA parking space has not been "added", rather that the space has been deemed as a convenient ADA parking space. This ADA parking space has limited visibility on both the left and the right side of the space, as the proposing property is directly on one side and a privacy fence boarding the neighboring property is on the other. Directly behind this parking space is a wooden electrical pole and an attached deck to the Bad Weather Brewing Company's building. The limitations of visibility and the physical limitations of accessibility to the parking space are considered barriers depending on an individual's disability. Because not all of these barriers are not public property it would be impossible to remove or better accommodate the parking space for the safety of a disabled person and the rest of the public that uses the alleyway to get through.

Point number 5 requesting the "4-foot wide marked, exterior path running along the south edge of the alley..." Let me point out (pics have been provided via email by other neighbors in which have addressed similar concern, please reference those if needed) that a 4-foot wide walkway would not run along the edge of the alley, rather it would take up more than half the alley. To create a walkway with the intention for a disabled person to use, if need be, in a busy alleyway is putting a person with a disability in extreme danger. With the size of the alleyway, amount of traffic that travels through, the type of people (leaving the brewery after an evening of having a few), and the remaining residents trying to get on and off of our private properties the idea of a walkway is ridiculous.

Bike paths have been added to public streets around St. Paul, in which the City had to build room to accommodate the safety of the cyclists and the motor vehicle operators, this should be viewed no differently.

I would like to recognize the first portion of the ADA listed above: Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. - this proposal is separating those without disability to those with disabilities by one class being capable to use the front doors verses the incapable having no other choice but to use the back door. Almost reminds me of the old times where it was "man" or "woman", "white" or "colored" people. We shouldn't have to be subject to limitations of access to a venue because planning chose to not securely and physically make it possible for convenience.

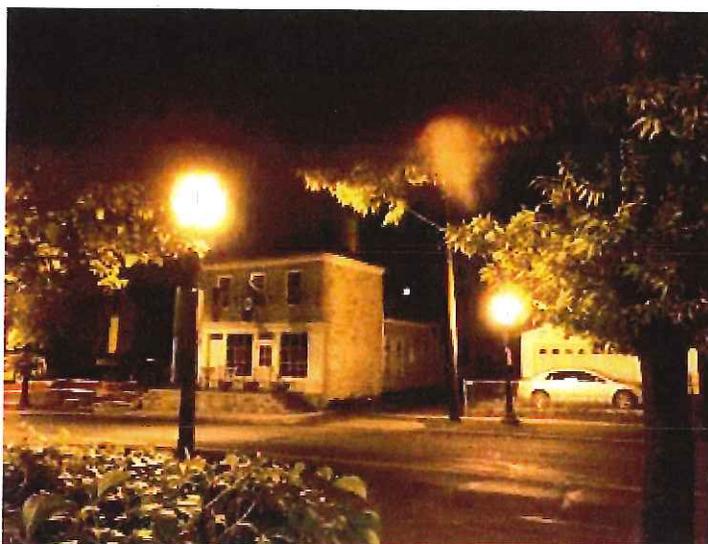
Thank you for your time,  
-Lindsay Lopez

433 Smith Ave North, St. Paul, MN 55102

**Lindsay Lopez**  
Insurance Specialist  
Family Planning  
Prime Specialty Pharmacy  
Prime Therapeutics

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**From:** Paulette Myers-Rich [mailto:pmrich22@hotmail.com]  
**Sent:** Tuesday, January 26, 2016 11:49 AM  
**To:** Spong, Amy (CI-StPaul)  
**Cc:** #CI-StPaul\_Ward2  
**Subject:** HPC File 16-014 and 16-016 445 Smith Avenue



I am writing to oppose the addition of a parking spot and adjoining sidewalk to accommodate handicapped access at 445 Smith. The attached photos are the view from my window. I am somewhat startled that this plan is even being considered, much less officially submitted for approval.

I've lived across the street from this property for 14 years and have witnessed numerous times the large garbage trucks and semi-trucks that enter and exit this alley with barely inches to spare between the stone house and the garage on the north side of the alley. Vacating four feet for a sidewalk is logistically impossible for the vehicles that use it, and hazardous to any able-bodied person, much less a handicapped one. There simply isn't the room. The grass alongside the stone house is driven over all the time, and it is where snow piles up in the winter when the alley is plowed. You can see in the photo above that a car parked alongside the building has narrowed the distance for a car to pass, making it a very tight fit. How can a walkway work in this location?

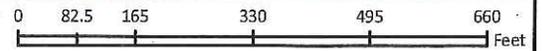
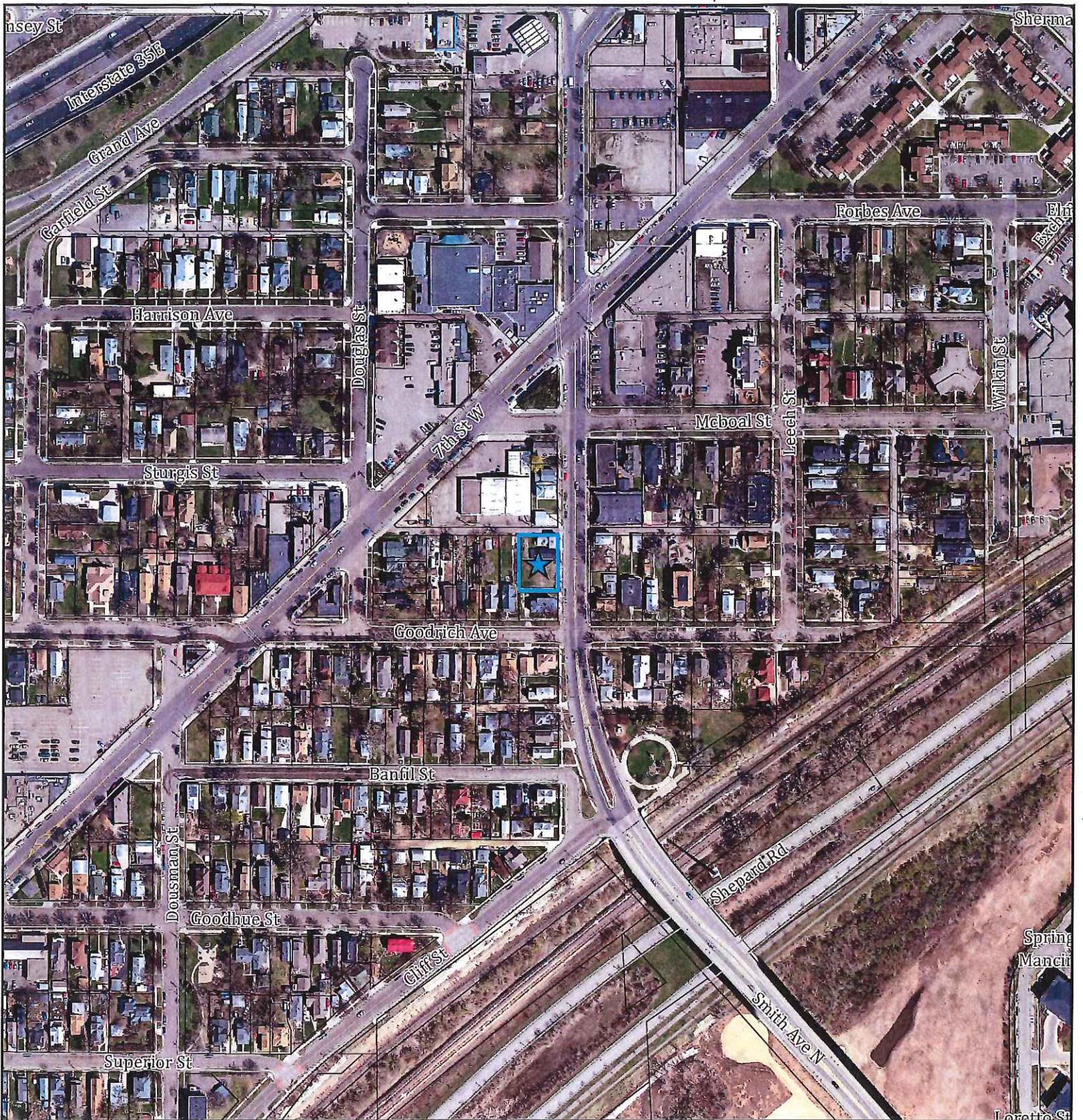
Also, the adjoining property on Smith Avenue has a driveway directly across from the area proposed for a sidewalk. There is just enough room for them to back out without making contact with the stone house. A walkway would impede their ability to use their drive. The loading dock for Bad Weather Brewery is also adjoining this walkway. Needless to say, this alley is much more active than it was formerly- and as it is, too narrow for larger trucks. In fact a complaint was sent to the Fort Road Federation about this years ago when the building was operating as Armstrong Tires, as their trucks would knock the bollards over that protected the gas meter on the side of the stone house. That meter was relocated due to this hazard. The issue of the trucks was resolved only when Armstrong Tires closed. Semis and large trucks are frequent in the alley once again now that a new business has moved into that site. And there are numerous taproom customers that use this alley at all hours to exit onto Smith Avenue, without regard to the signage directing them to vacate the alley at W. 7th St. This plan is hazardous, and ill conceived in terms of the needs and activity of the other users of this public right-of-way.

There is also the ongoing issue with icing conditions in this part of the alley, which has been diligently cared for by neighbor Terrence Shriner, who has always taken care of that area for his driveway. He will not be there in the future to do so, as he is moving. This area of the alley must be very well-maintained due to the slope that is present. Melting snow tends to turn to ice in that section and it can get very slippery for both vehicles and pedestrians. Therefore, once again, this is not a good location for access for a wheelchair or walker due to these conditions. Needless to say, a very busy Smith Avenue is at the base of this slope with a drive that runs right into it. Anything on wheels is liable to slide back into Smith. And there really is nowhere for snow to be placed now that the large walkway recently installed in the front of 445 Smith by the owner has removed the boulevard. This means snow gets piled up in areas that creates a

barrier and a blind entrance for drivers entering the alley from the north on Smith Avenue. Another hazardous condition. I simply cannot imagine that the city could approve this plan given the significant exposure and liability for any accident that would result from these conditions. I ask that you deny this plan for handicapped access for these reasons.

Sincerely,

Paulette Myers-Rich  
David Rich  
436 Smith Avenue  
St. Paul, MN 55102



FILE NAME: Stone House Tap Room (parking)

**Aerial**

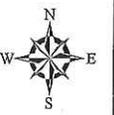
APPLICATION TYPE: Historic Use Variance

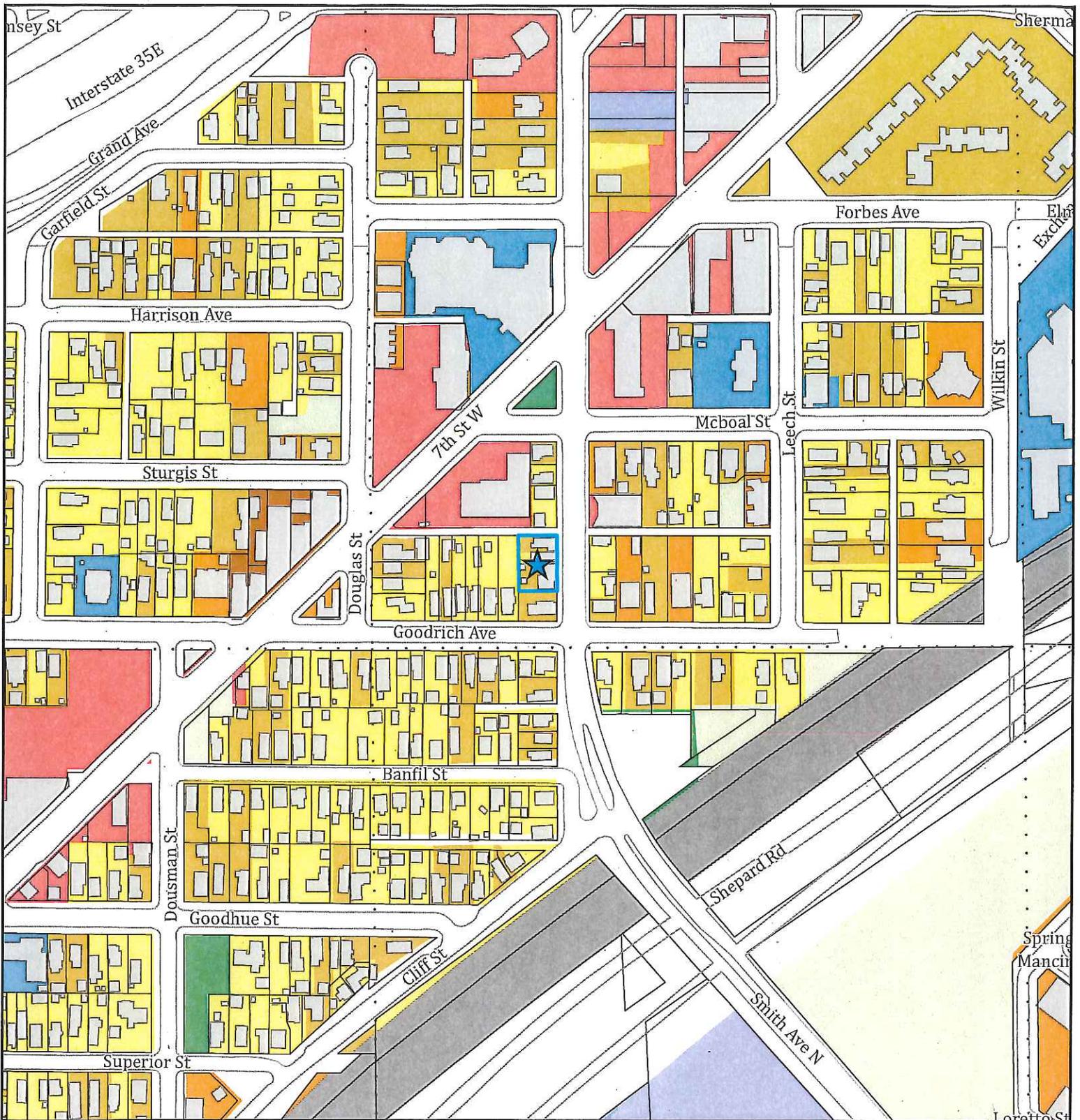
 Subject Parcels

FILE #: 16-005089      DATE: 1/22/2016

PLANNING DISTRICT: 9

ZONING PANEL: 15





FILE NAME: Stone House Tap Room (parking)

APPLICATION TYPE: Historic Use Variance

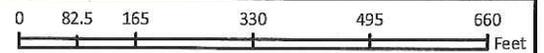
FILE #: 16-005089      DATE: 1/22/2016

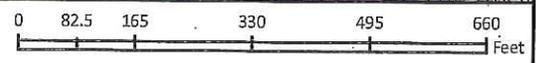
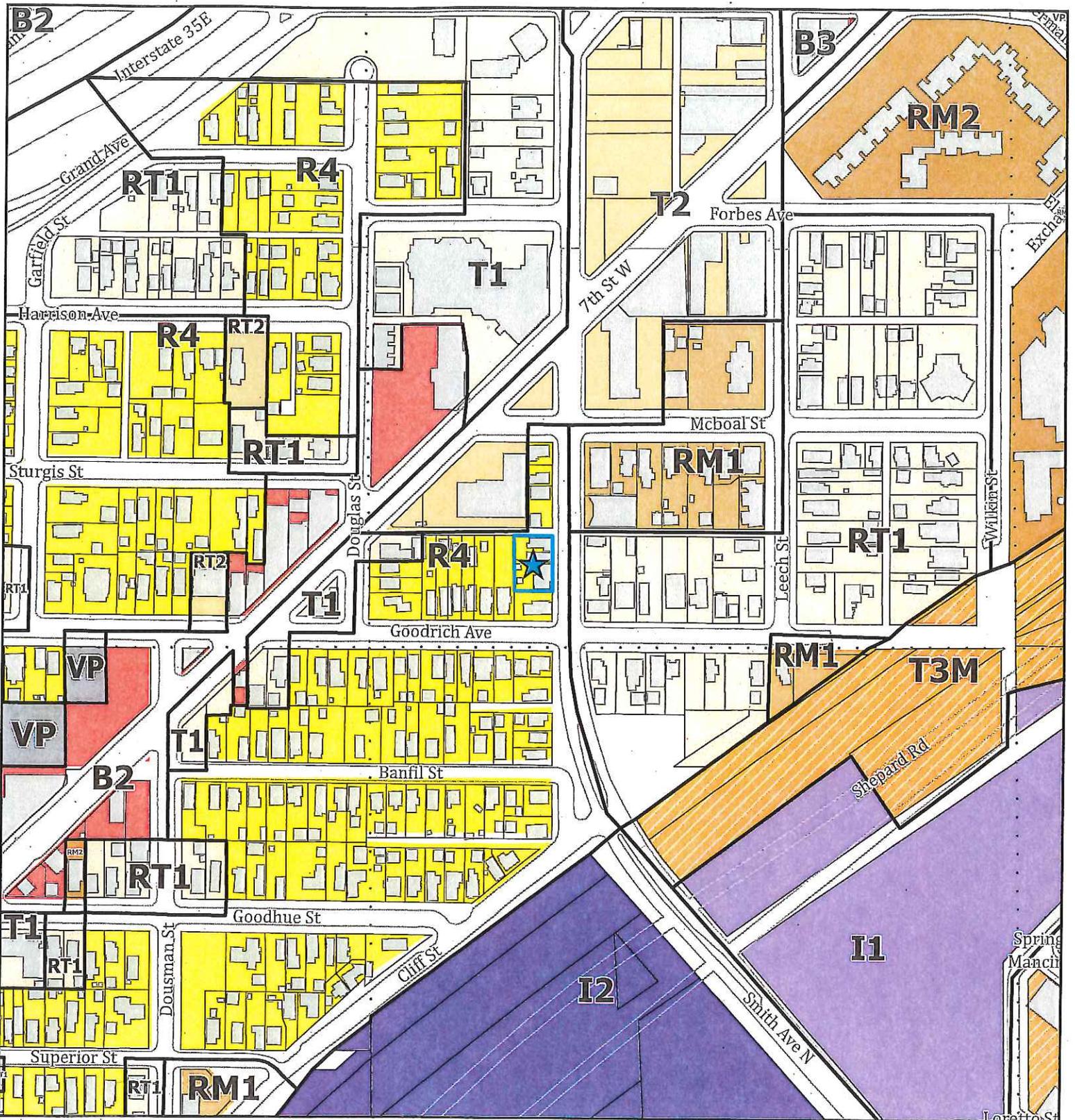
PLANNING DISTRICT: 9

ZONING PANEL: 15

**Land Use**

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines





FILE NAME: Stone House Tap Room (parking)

APPLICATION TYPE: Historic Use Variance

FILE #: 16-005089      DATE: 1/22/2016

PLANNING DISTRICT: 9

ZONING PANEL: 15

**Zoning**

R4 One-Family	B2 Community Business
RT1 Two-Family	B3 General Business
RT2 Townhouse	I1 Light Industrial
RM1 Multiple-Family	I2 General Industrial
RM2 Multiple-Family	VP Vehicular Parking
T1 Traditional Neighborhood	Subject Parcels
T2 Traditional Neighborhood	Section Lines
T3M T3 with Master Plan	

