

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Moises Romo **FILE #** 16-016-050
 2. **APPLICANT:** Moises Romo **HEARING DATE:** March 24, 2016
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 419 Sherburne Ave, between Arundel and Western
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.24.0072; Smiths Sub Of Stinsns Div B9 1 Lot 36 Blk 16
 6. **PLANNING DISTRICT:** 7
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** March 17, 2016 **BY:** Tony Johnson
 9. **DATE RECEIVED:** March 7, 2016 **60-DAY DEADLINE FOR ACTION:** May 6, 2016
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- A. **PURPOSE:** Reestablishment of nonconforming use as a triplex
- B. **PARCEL SIZE:** 5000 sq. ft.
- C. **EXISTING LAND USE:** R-Single Family Dwelling
- D. **SURROUNDING LAND USE:** A mix of one, two, and three family dwellings
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **HISTORY/DISCUSSION:** The building was originally constructed as a single family dwelling in 1885. Based on historic Sanborn insurance maps, it appears that the house was converted to a duplex in 1912. It is unclear exactly when the property was converted to a triplex. It has had a certificate of occupancy for 3 units from 1981 to 2010. On May 25, 2010, the former property owner, Kyle Colbert, submitted a residential use affidavit stating his intention to convert the triplex to a single family dwelling and was issued a building permit to make the necessary code compliance repairs. This building was inspected and received final approval for the repairs and conversion on November 11th 2010, and the building was then considered a single family dwelling. On May 14, 2013, the Department of Safety and Inspections (DSI), Fire Safety Division, received a complaint that the property was being illegally converted back to a triplex. In response to the complaint, an inspection was conducted on May 22, 2013, which resulted in the Fire Safety Division revoking the certificate of occupancy and putting the property back on the vacant building list as a category 2 vacant building. The former owner appealed this order and was given eight weeks to make the necessary repairs to have the building's certificate of occupancy reinstated. On August 1, the property was re-inspected and the first floor of the building was given a new Certificate of Occupancy and the building was recertified for 1 unit. On August 26, 2013 the property was sold to the applicant Moises Romo.
- G. **DISTRICT COUNCIL RECOMMENDATION:** No comments from District 7 as of March 17.
- H. **FINDINGS:**
 1. Section 62.106 (d) states: *When a nonconforming use changes to a use permitted in the district in which the property is located, a nonconforming use may not thereafter be resumed. When a nonconforming use changes to a use first permitted in a more restrictive district, nonconforming uses first permitted in less restrictive districts shall not thereafter be resumed.* A residential use affidavit was submitted to the zoning administrator on May 25, 2010 stating the owner's intention to convert the house to a single family dwelling. The building was inspected and received final approval for the repairs and conversion to a single family dwelling on November 11, 2010. Therefore, under section 62.106 (d), the house cannot now legally be converted back to triplex.

2. The Planning Commission's Triplex Conversion Guidelines state that for applications for nonconforming use permits for *triplexes* in residential districts, staff will recommend denial unless the following guidelines are met:
 - (a) *Lot size of at least 6,000 square feet with a lot width or front footage of 50 feet. This guideline is not met.* The property is 5,000 square feet with a 40 foot frontage width. The Planning Commission's *Duplex Conversion Guidelines* for a lot size of at least 5,000 square feet and a lot width of 40 square ft. could be met.
 - (b) *Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet. This guideline is met.* According to Ramsey county property records, the finished floor area of the structure is 2,575 sq. ft. According to floor plans submitted by the applicant the smallest (the 3rd floor unit) is larger the 500 sq. feet.
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum. This guideline is met.* The site has a parking pad with 4 off street parking spaces.
 - (d) *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Planning Commission or Board of Appeals. This guideline is met.* No exterior changes are proposed.
 - (e) *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This guideline could be met.* The 2013 certificate of occupancy only certified the first floor unit. If the planning commission approves the reestablishment of a nonconforming triplex, a new certificate of occupancy would need to be obtained for the whole building.
3. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* The structure was originally built as a single family home in 1885. It is a large house, with about 2500 sq. feet of finished floor area. It appears to have been converted to a duplex in 1912, with identical first and second floors laid out as a typical up-down duplex. It is unclear when a third unit was later added in the attic. The structure had a Certificate of Occupancy for three units from 1981 to 2010. On May 25, 2010, the former owner submitted a residential use affidavit to the Zoning Administrator stating his intention to convert the house back to a one-family dwelling, and took out a building permit to convert the house to a one-family dwelling and make necessary code compliance repairs. The building permit valuation to convert the house to a one-family dwelling and bring it up to code was \$12,500. It appears that the house has been used again as a triplex since it was sold in August of 2013. Converting the property back to a one-family dwelling would, at a minimum, require the property owner to remove two kitchens and remove any locks between the units. This finding is not met.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. The proposed use is the same use as the previous legally non-conforming triplex use. This finding is met.*
- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. The immediate area has a mix of one, two, and three unit dwellings. The property has adequate off street parking on the parcel. This finding is met.*
- (4) *The proposed use is consistent with the comprehensive plan. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. The District 7 plan calls for "increasing the level of home ownership and rental property for people with a variety of income levels and housing needs (H6, p.4). This finding is met.*
- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. The petition was found sufficient on March 7, 2015: 18 parcels eligible; 12 parcels required; 12 parcels signed. This finding is met.*

- I. **STAFF RECOMMENDATION:** Based on the findings 1, 2(a), and 3(1), staff recommends denial of the reestablishment of nonconforming use as a triplex at 419 Sherburne Ave.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 16-016050
 Fee: 700.00
 Tentative Hearing Date: 3-24-16

PD-7
 #3629 23 24 0072

APPLICANT

Name Moises Romo
 Address 419 Sherburne Ave apt 3
 City ST Paul St. MN Zip 55103 Daytime Phone 612 559-0507
 Name of Owner (if different) N/A
 Contact Person (if different) N/A Phone _____

PROPERTY LOCATION

Address/Location 419 Sherburne Ave
 Legal Description lot 36 BLK 16
 Current Zoning Single family
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- Change from one nonconforming use to another (para. c)
 - Re-establishment of a nonconforming use vacant for more than one year (para. e)
 - Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Triplex
 Proposed Use Triplex

Attach additional sheets if necessary

CK5052
 700.00

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature [Signature] Date 3-1-16 City Agent pd 3-2-16

- **The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose**

Each unit has a front entrance, back entrance, kitchen, bathroom, separate electric and gas meters. To be converted to a single family home would not be reasonable because it would require a complete change of floor plans and would be very costly. It would also cause me serious financial hardship losing the income from my tenants on the first and second floors and I'm unable to bear the expense of reconstructing the floor plans. It's worth mentioning that I live at the property and keep the units in great shape (see photos).

- **The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use**

The proposed use is equally appropriate to the district. There are a good mixture of multi-family homes as well as single family homes in the area.

- **The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare**

When I bought the home in 2013, it was vacant and a complete eyesore to the community. I really put great effort to make it nice again. I have been living at this property and renting out the units since I bought it and it's proved to work out great. Many long term neighbors have complimented the improvements and have expressed contentment with me for carefully choosing responsible tenants. This home is one of the most attractive on the block with a nice landscaping and great curb appeal.

419 Sherburne.

Each floor is a separate unit, each with a kitchen and bath.

I've lived on the 3rd floor for 3 years, and still live there.
I bought the property on August 26, 2013.

Each unit has a front entrance and a back entrance.

each unit entrance is accessed by common areas.

Each unit is completely private from the others.

Each unit has its own utility meters.

Heat and Electric are separated for each unit with a furnace serving the first floor, another furnace serving the second floor, and a base board heat serving the third floor.

Each unit has its own electric panel.

there is a separate electric panel for common areas.

Lightswitches are located at the top and bottom of each staircase.

3 mail boxes are installed in front.

This building was a triplex previously.

When I bought it, it was vacant and had been vacant for quite some time, so I believe it automatically was rezoned to single family status.

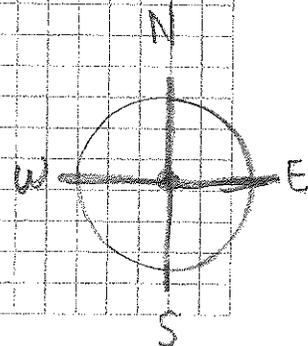
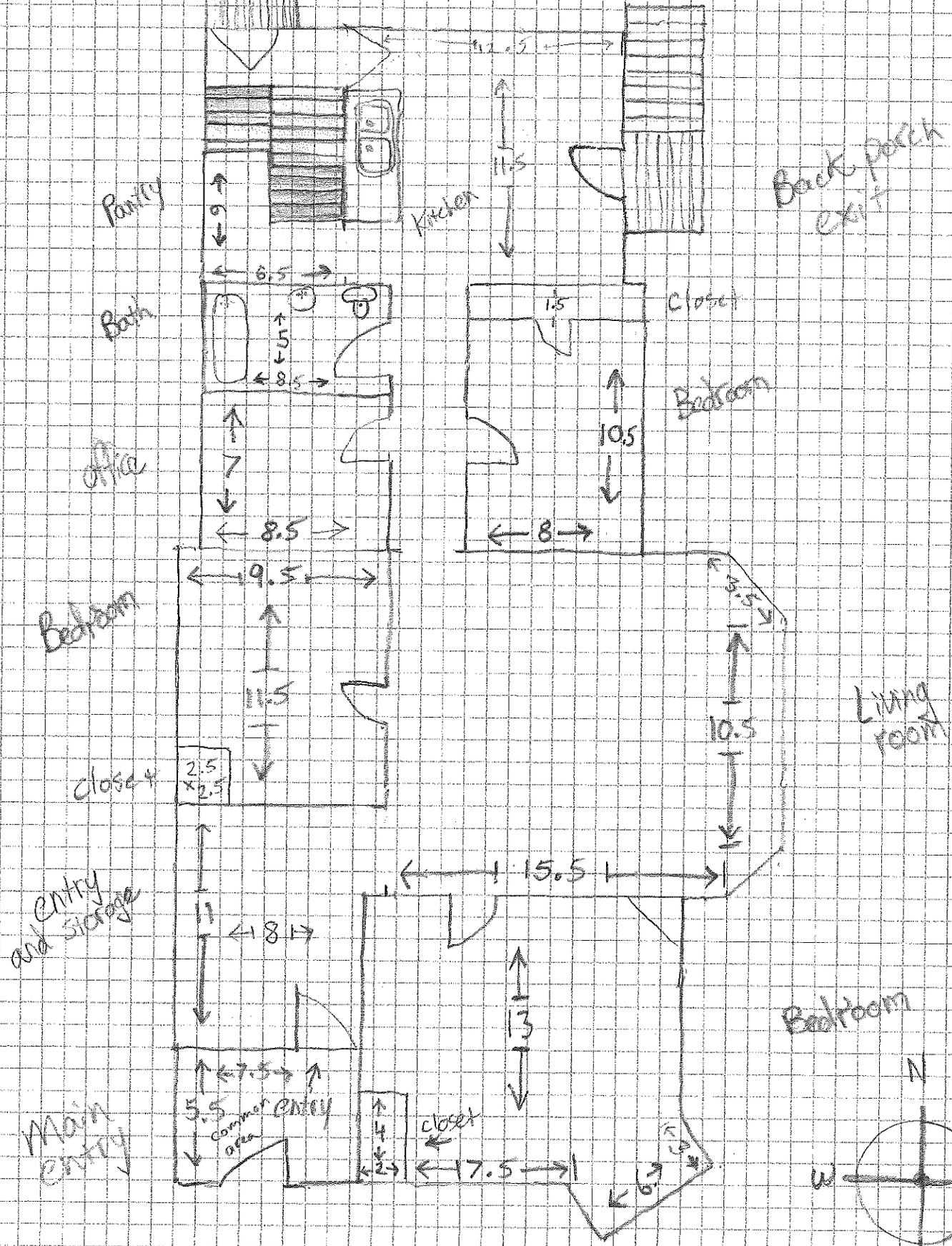
Please feel free to call/email me with any questions.

Moises

Romo 612-559-0507 moyromo1@gmail.com

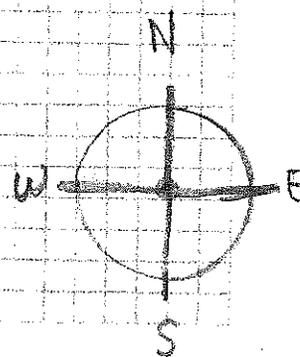
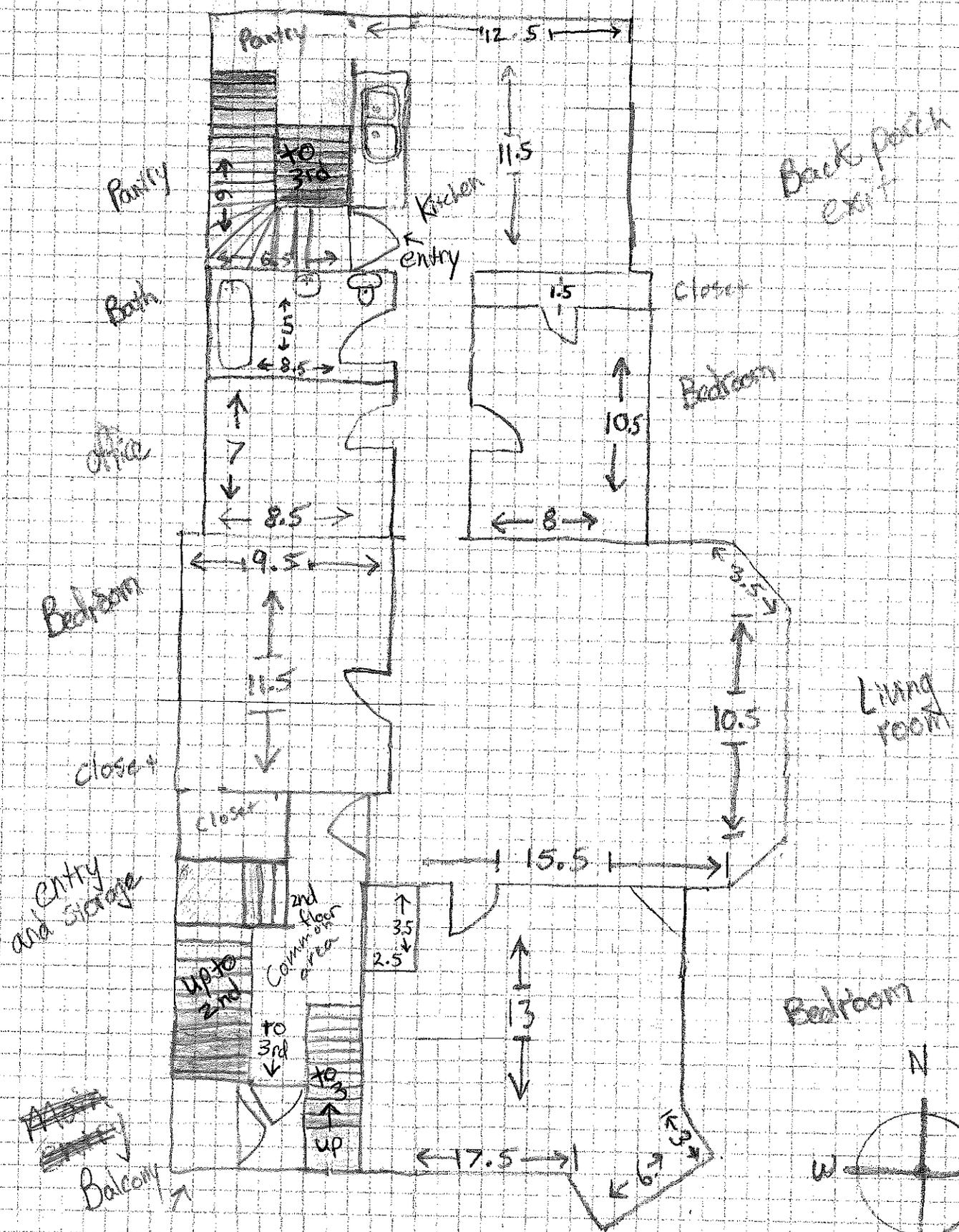
1st floor
4119 Starburne

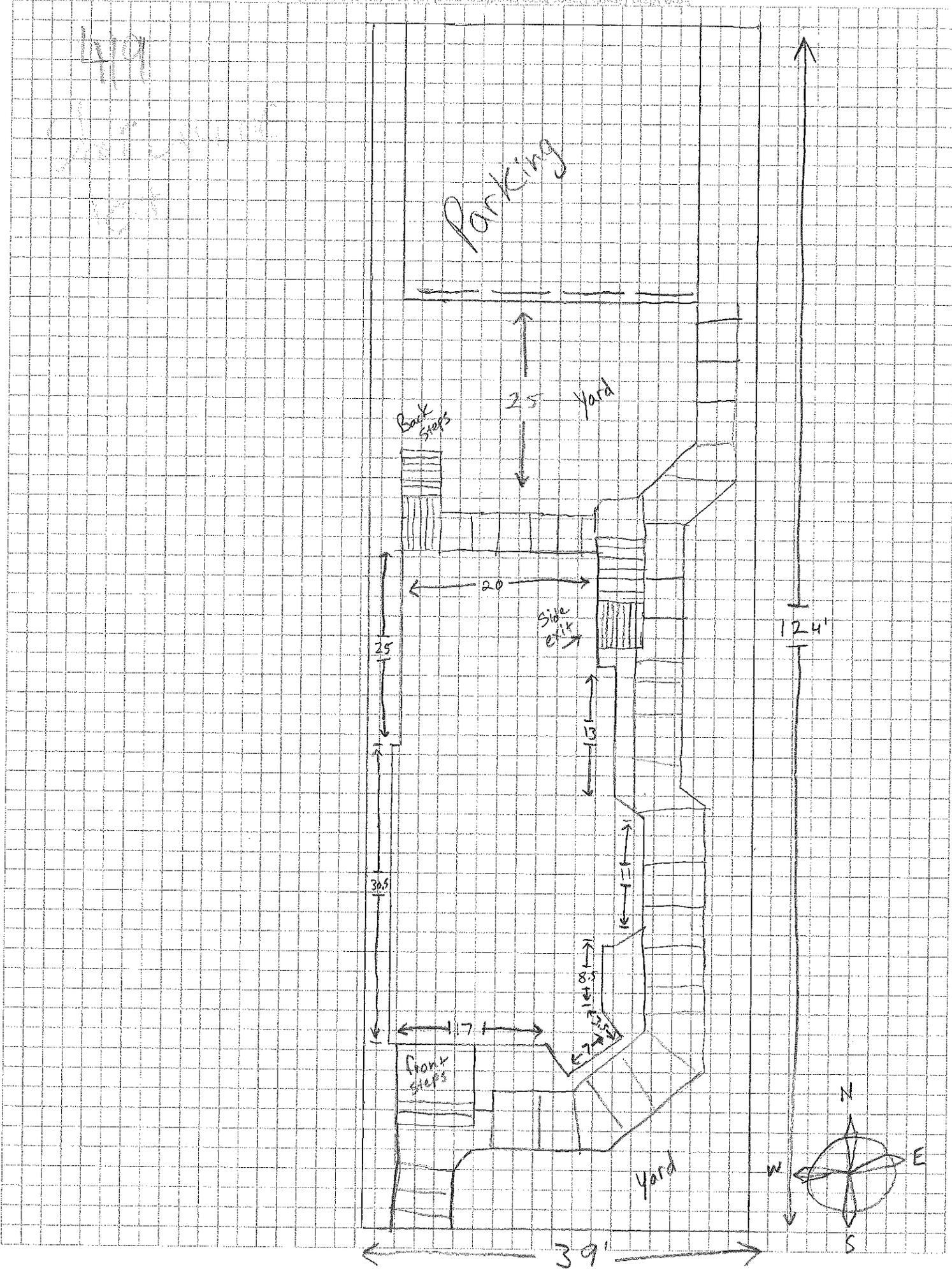
Back porch
common exit



2nd floor
419 Sterburne

~~Back porch~~
Common exit







2nd Floor door

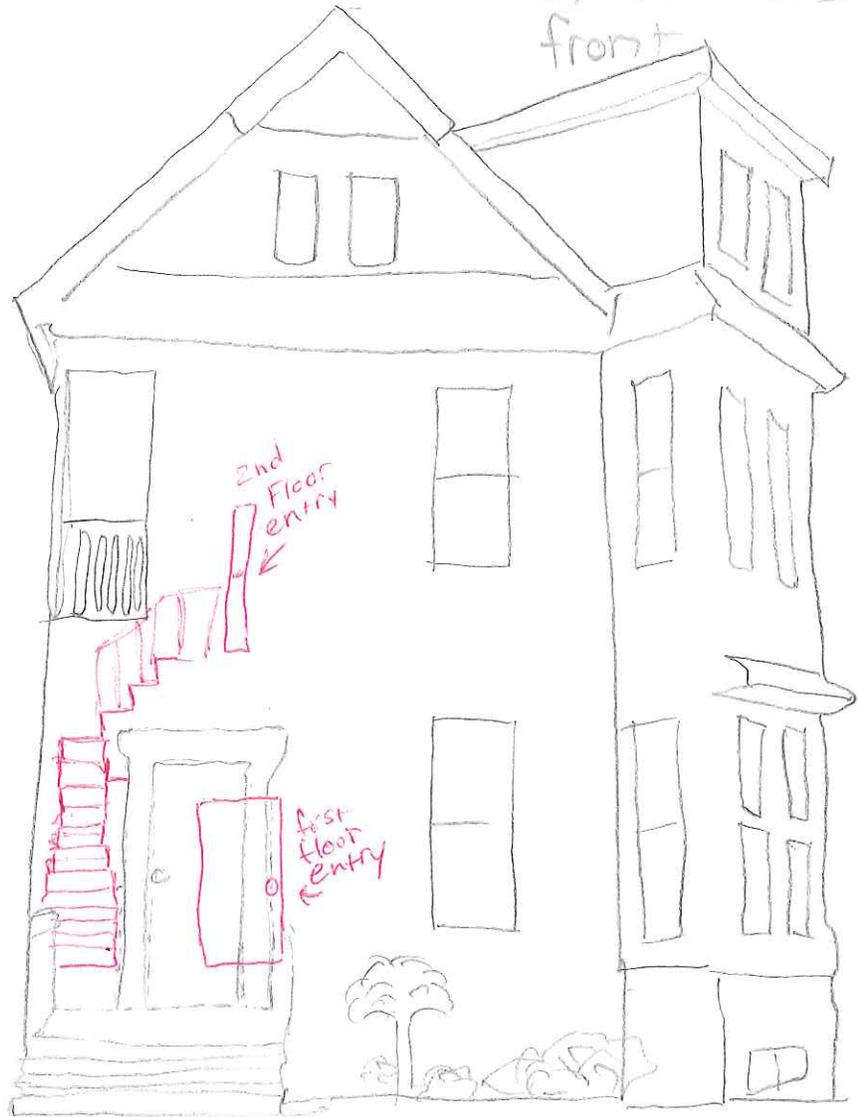
3rd floor door

to 3rd floor

first floor door

entry door

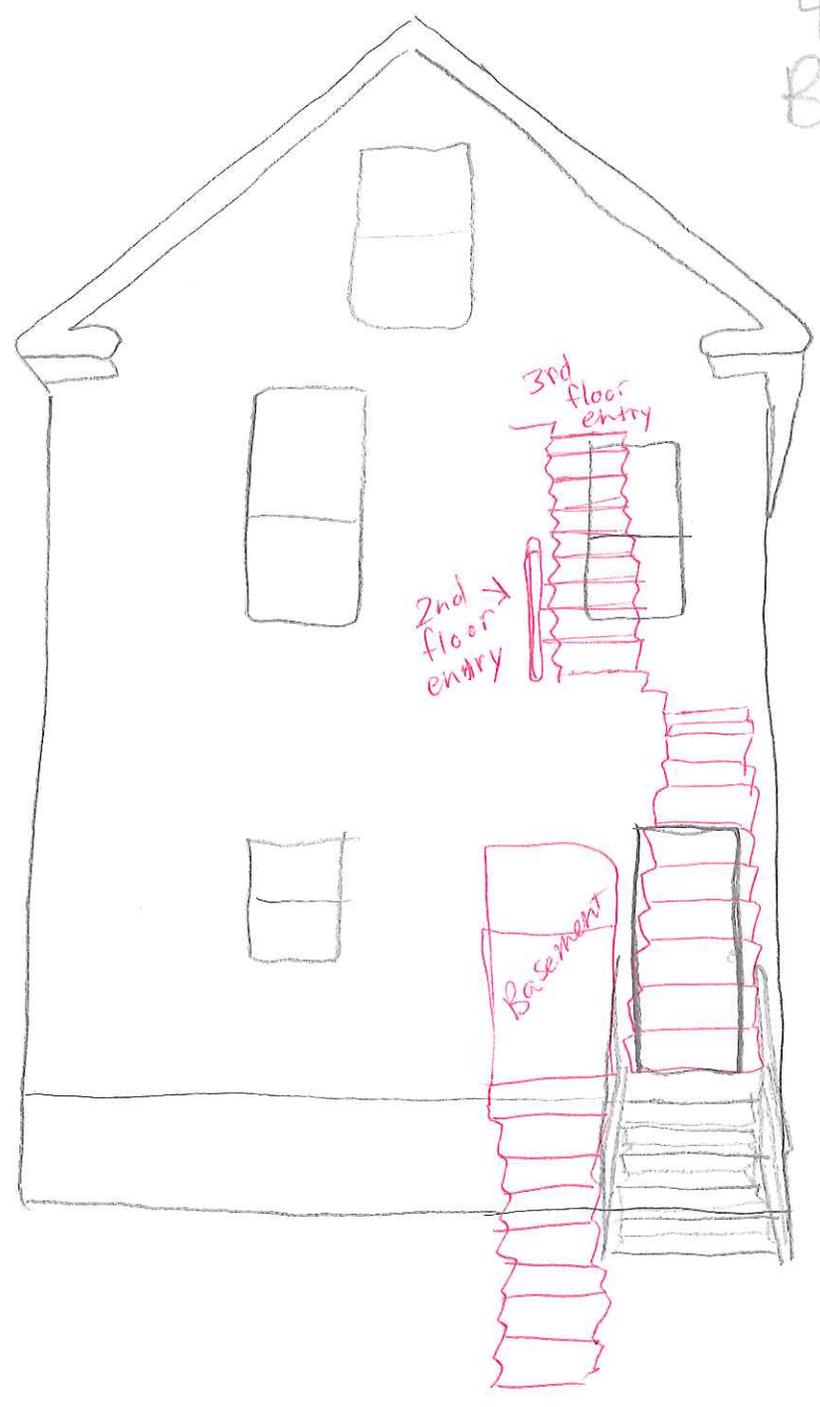
419 Sherburne
1st & 2nd floor
Entrances
front



419 Sherburne
3rd flr
front
entrance



419 Sherburne
Back
entrances



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 3/2/16

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 3/7/16

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 18

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 12

PARCELS REQUIRED: _____

PARCELS SIGNED: 12

PARCELS SIGNED: _____

CHECKED BY: Paul Dubruel

DATE: 3/7/16

CITY OF SAINT PAUL

**CONSENT OF ADJOINING PROPERTY OWNERS FOR A
NONCONFORMING USE PERMIT**

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Moises Romo
(name of applicant)

to establish a Multi-family/triplex
(proposed use)

located at 419 Sherburne Ave
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
415 Sherburne	Dde Wobbe	<i>[Signature]</i>	2-19-16
418 Sherburne	Dorothy Shing	Dorothy Shing	2-19-16
423 428	Tseebeeg Lee	<i>[Signature]</i>	Feb-19-16
428 CHARLES	Scott Brown	<i>[Signature]</i>	2-23-16
425 Sherburne	DAB#24, LLC	<i>[Signature]</i>	2-23-16
422 CHARLES	Russ Brown	<i>[Signature]</i>	2/24/16
408 CHARLES	Jimmie Johnson	<i>[Signature]</i>	2/24/16
418 CHARLES	Twana Williams	<i>[Signature]</i>	2/25/16
404 CHARLES	MART THISTLE C/O Freedom Place	<i>[Signature]</i>	2-25-16
416 Charles Ave	Andrew Goke	<i>[Signature]</i>	2/25/16
429 Sherburne	Andrew Goke	<i>[Signature]</i>	2/25/16
419 Sherburne	Moises Romo	<i>[Signature]</i>	2-25-16

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Moises Romo, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

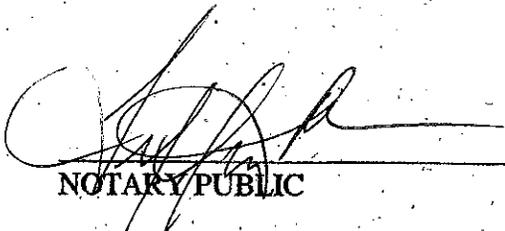
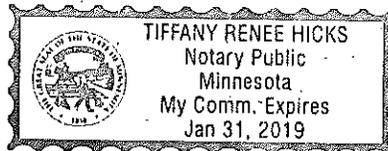


Moises Romo
NAME

419 Sherburne Ave Apt 3
ST Paul, MN 55103
ADDRESS

612-559-0507
TELEPHONE NUMBER

Subscribed and sworn to before me this
1 day of March, 2016


NOTARY PUBLIC

419 Sherburne



Main
Entrance



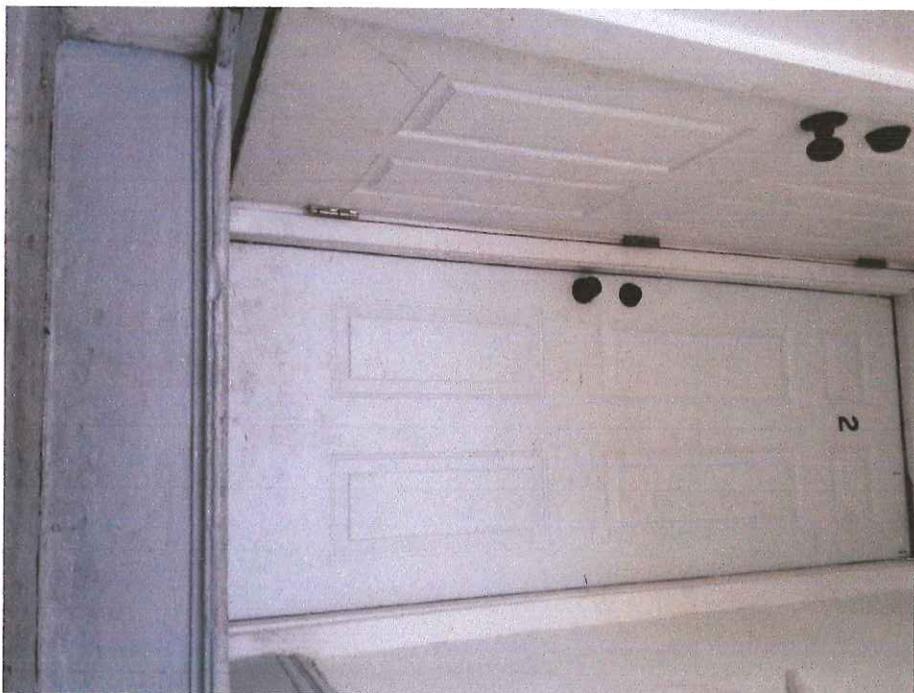
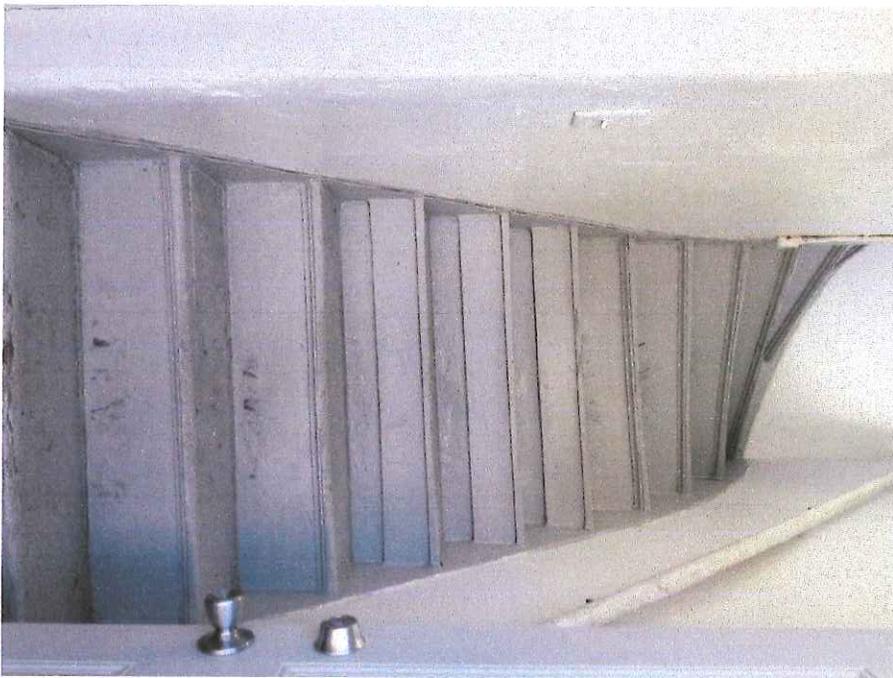
419
Sherburne



off
Street
Parking

419 Sterburne

Back
Entrances

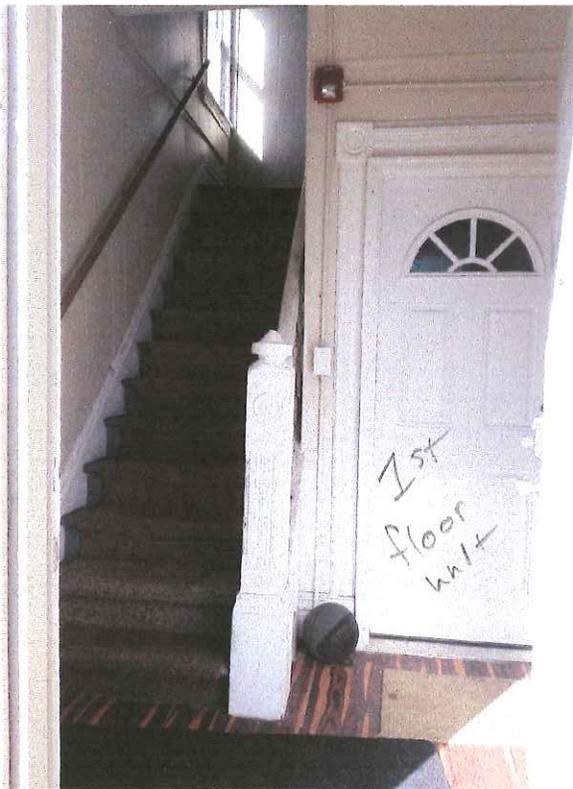


419
Sherburne



Back
entrance
3rd floor

front
entrance



1st
floor
hall



front
entrance
2nd
floor

up to
second
floor
and 3rd
floor
entries

main
entrance



3rd floor
entry

419
Sterburne



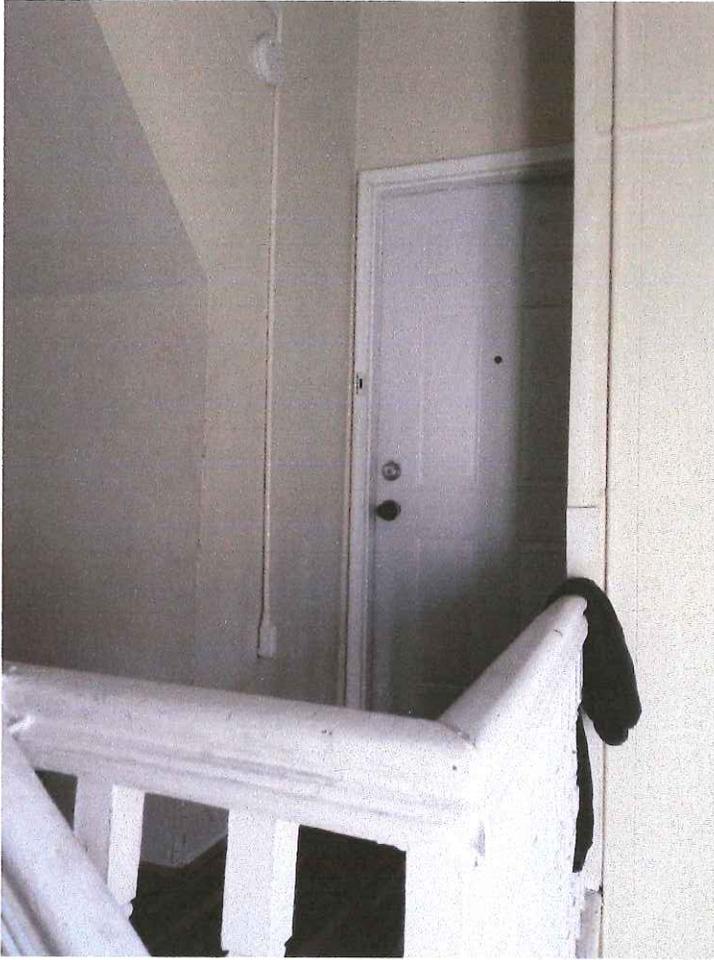
Balcony
Behind
this
wall

?

Staircase
to
front
exit
or to
1st floor
entry door

2nd floor
entry where
photo was
shot from
↓

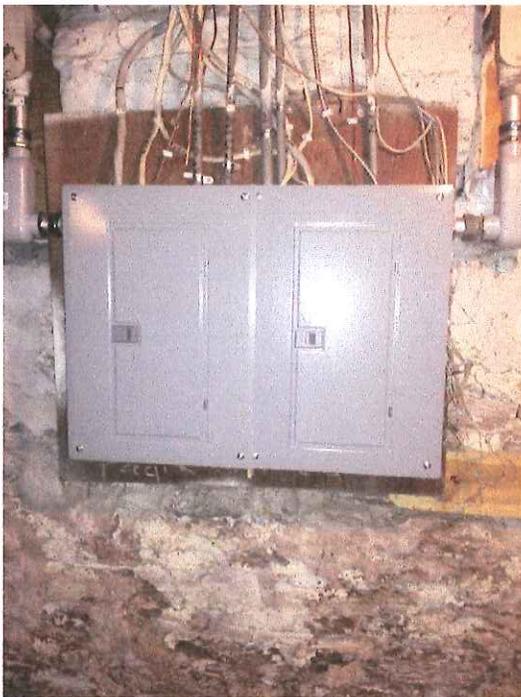
419
Sherburne
Ave



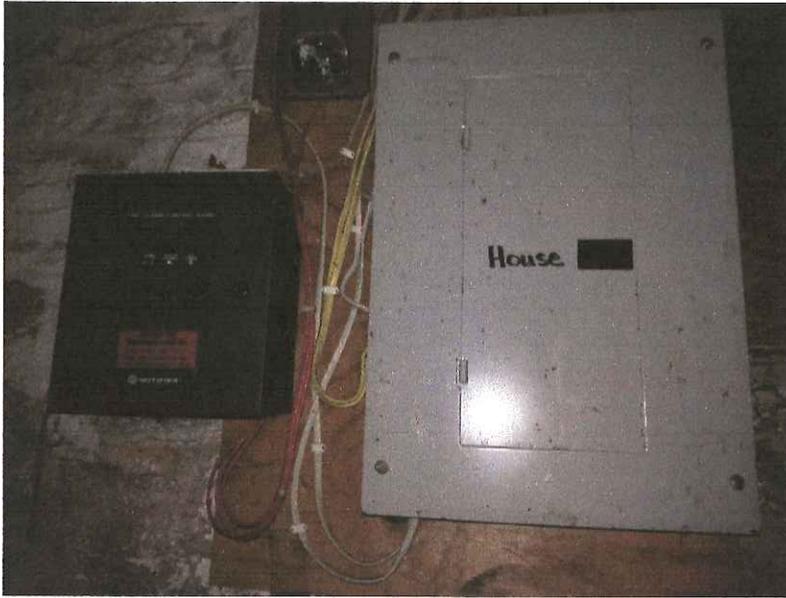
3rd
floor
entry

(+ second floor level)

419
Sherburne

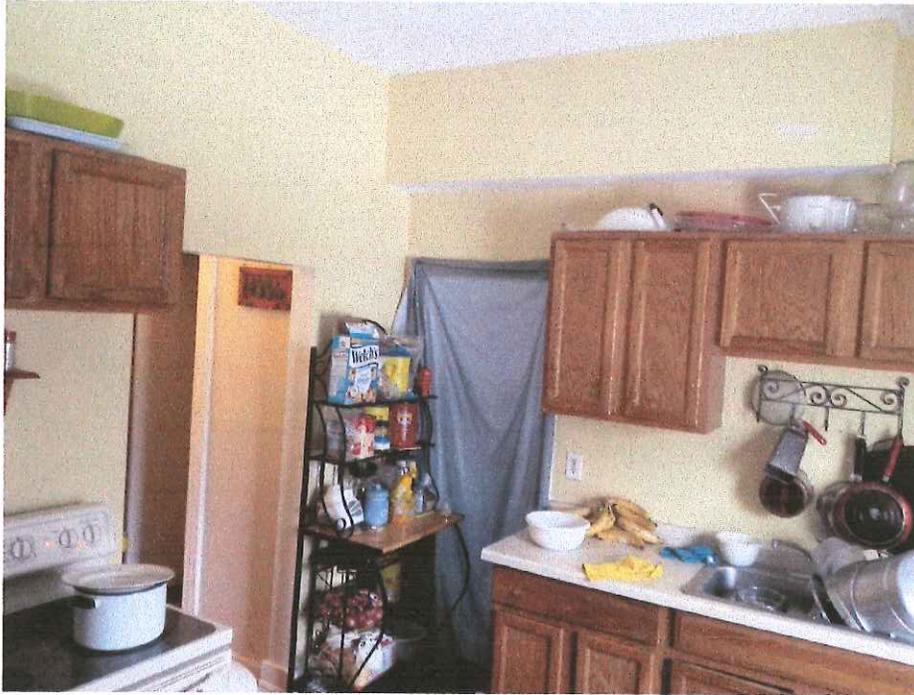


489
Sherburne

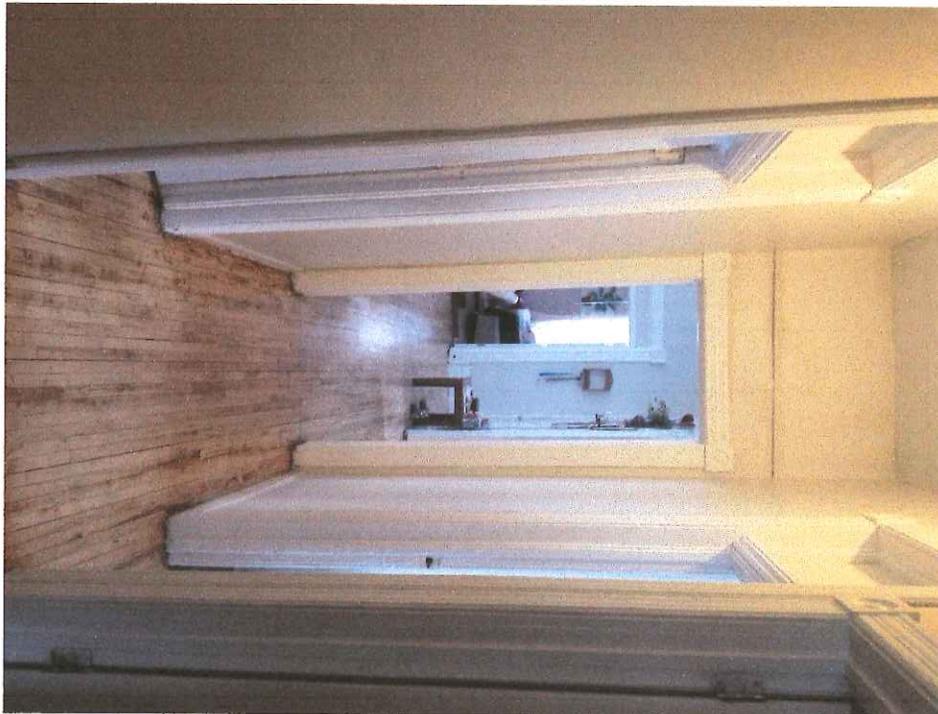


Back

1st floor
414 Sherburne



Kitchen



Hall

1st floor
419 Sherburne



Kitchen

1st floor

419 Sherburne



Bath



office

1st Floor
419 Sherburne



Living

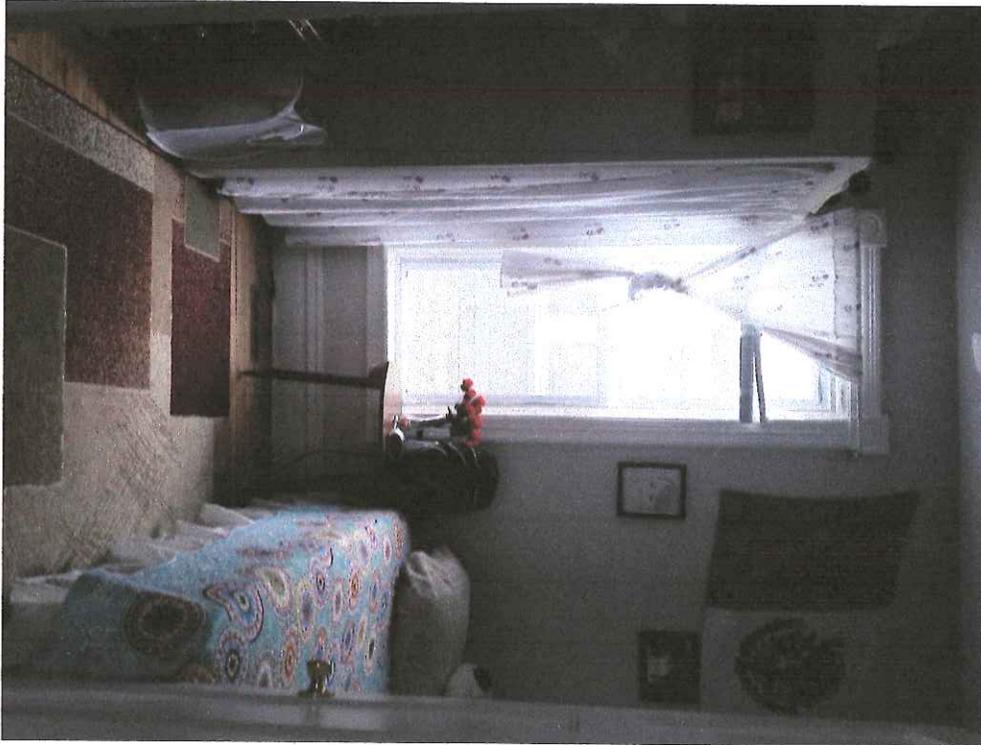


East
Bedroom

1st floor
495 Kerburne

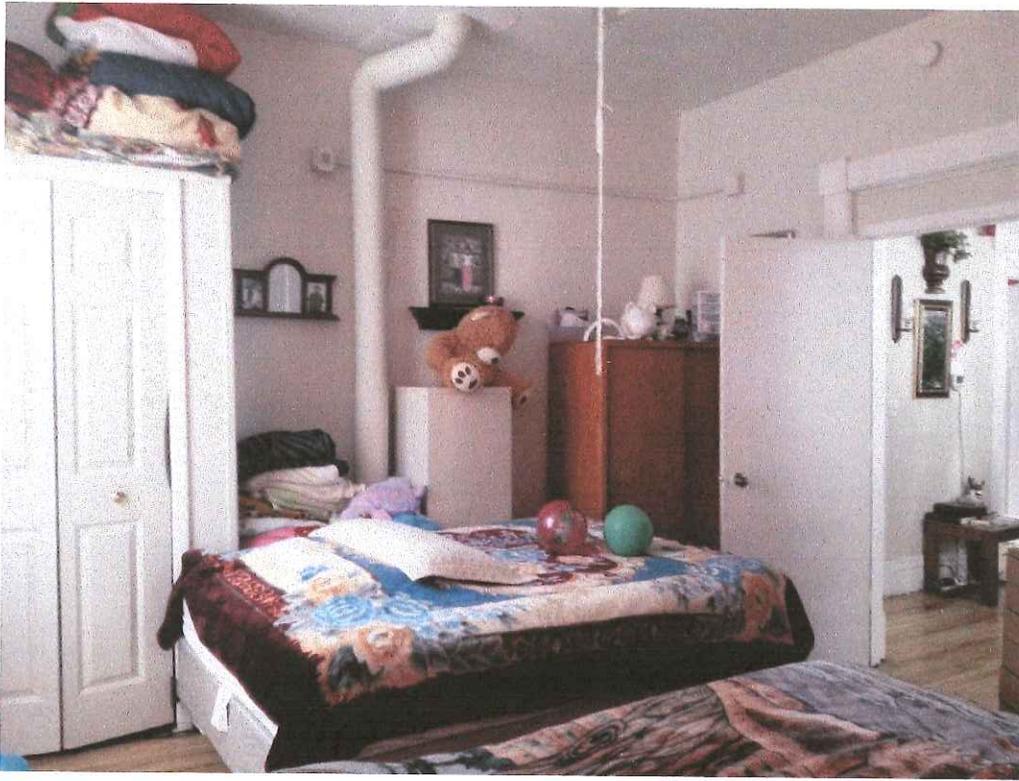


East
Bedroom

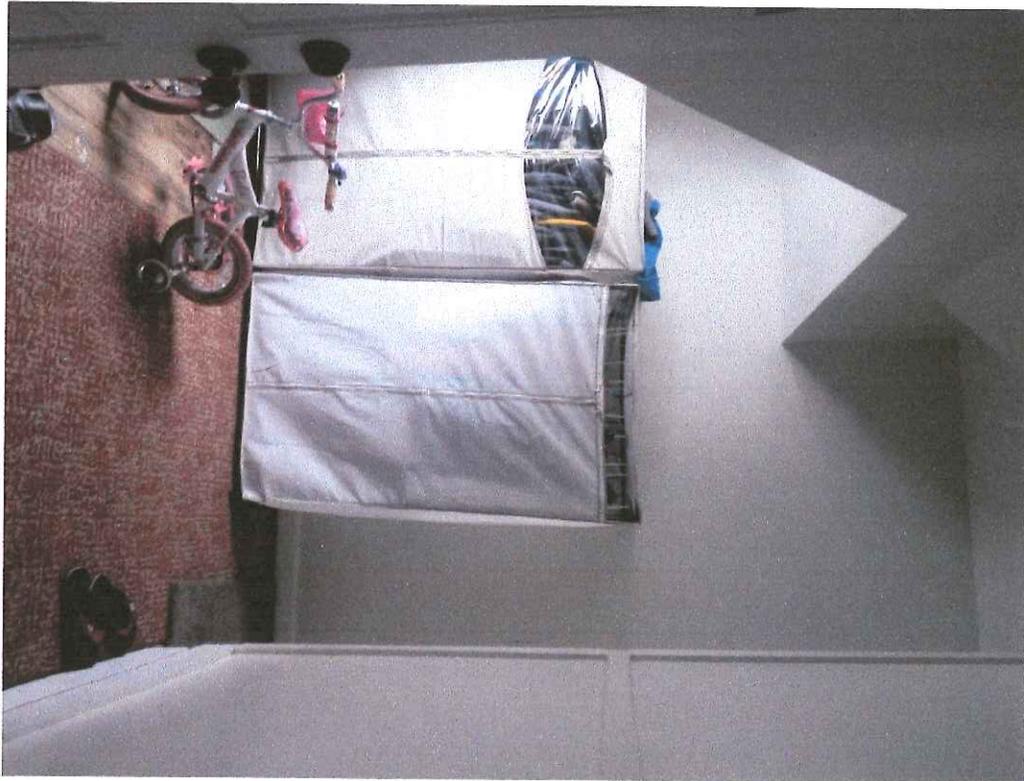


West
Bedroom

1st floor
419 Sherburne Ave

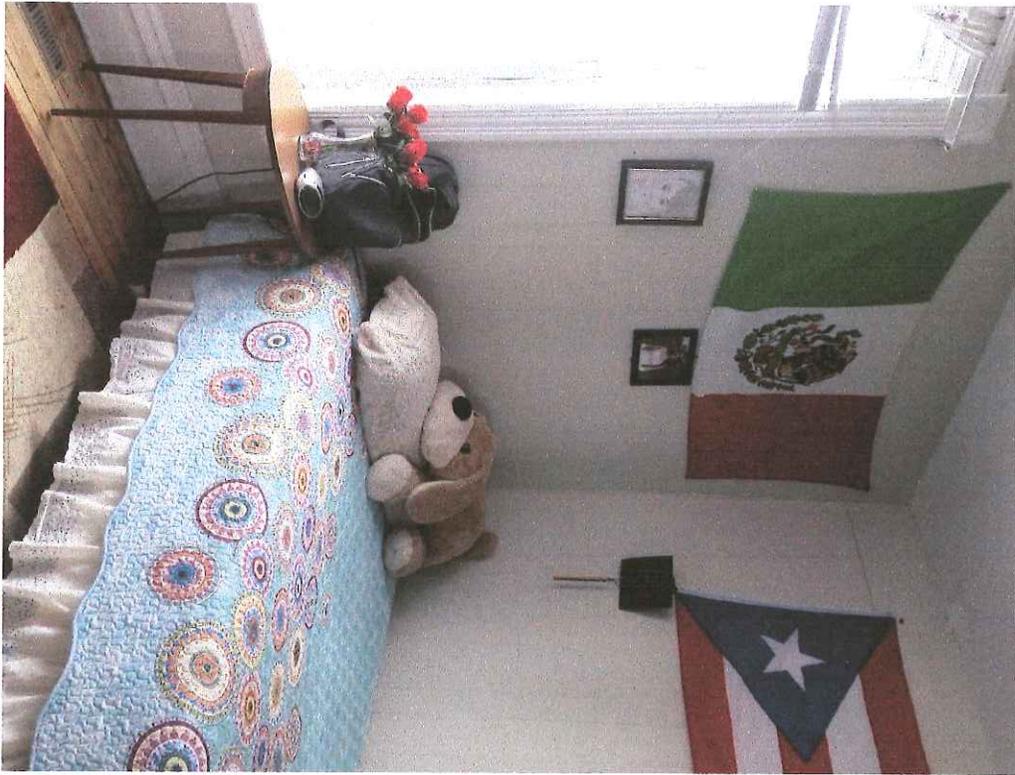


South
Bedroom

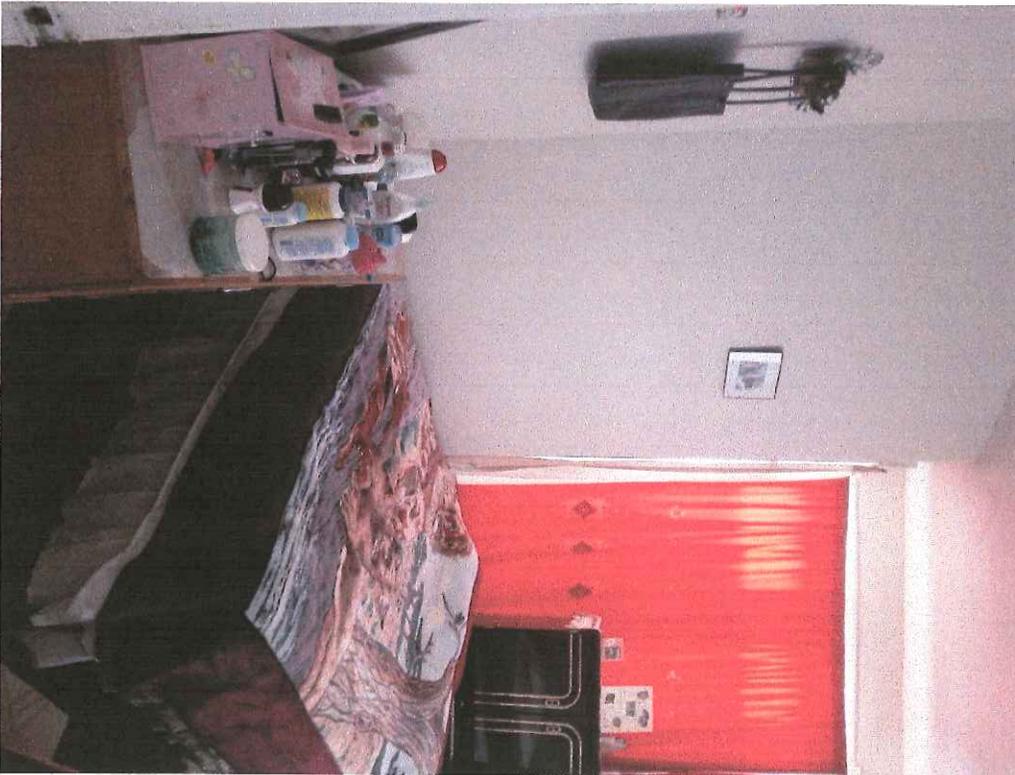


entry
Storage
area

1st \$1000
419 Sherburne



West
Bedroom

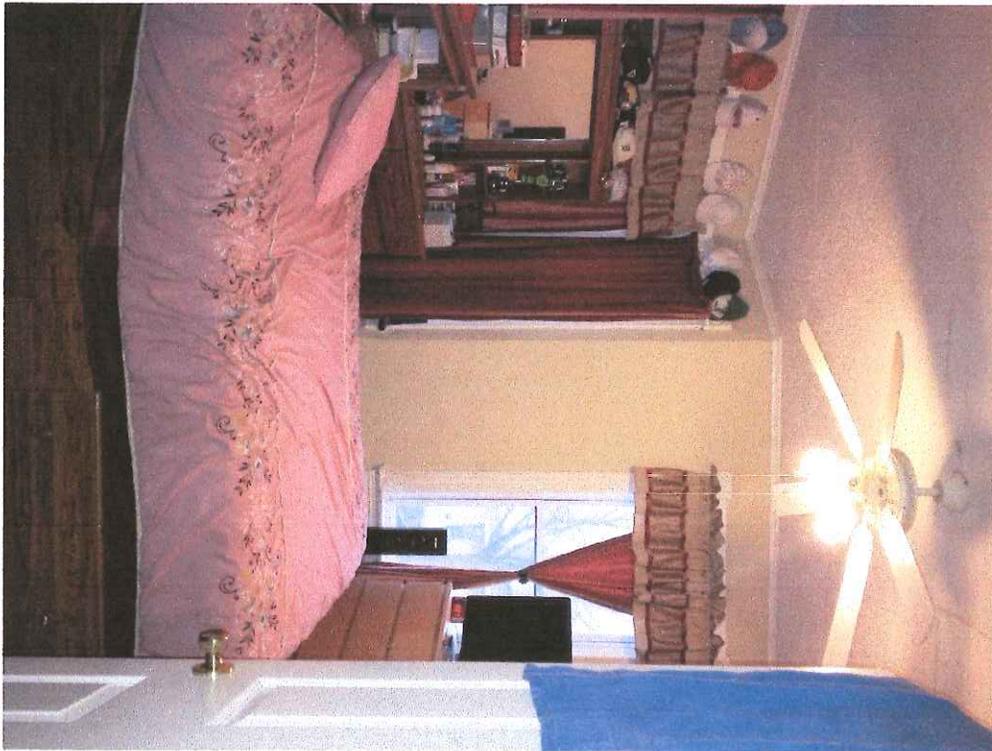


South
bedroom

2nd floor
419 Sherburne



Living



South
Bed room

2nd floor
499 Sherburne

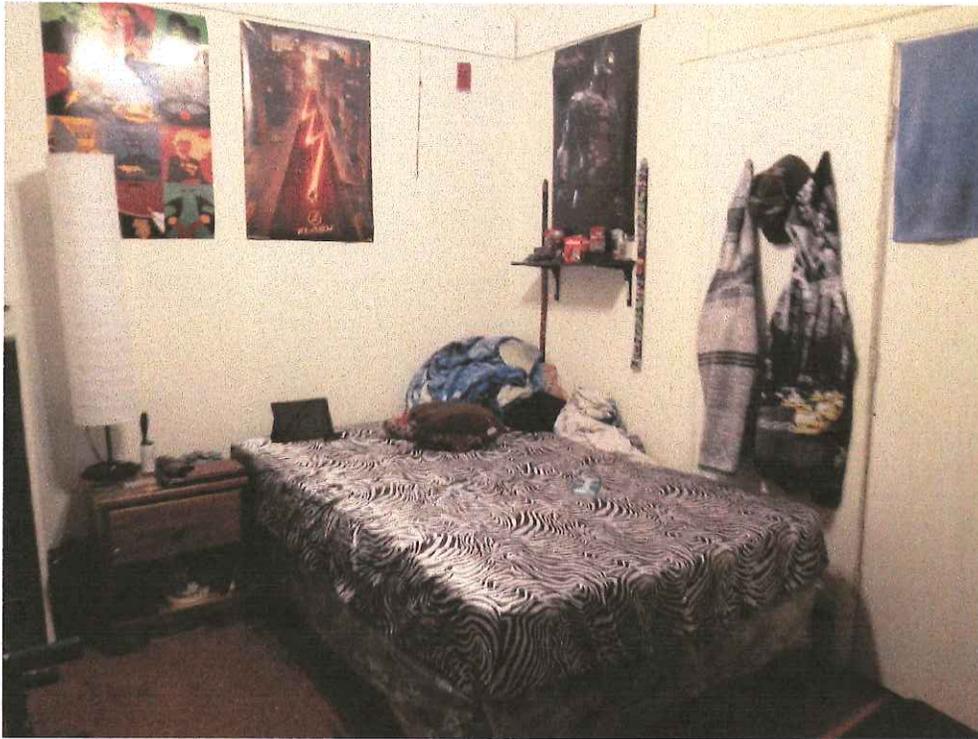


Hall



Bath

2nd floor
419 Sherburne



West
Bedroom

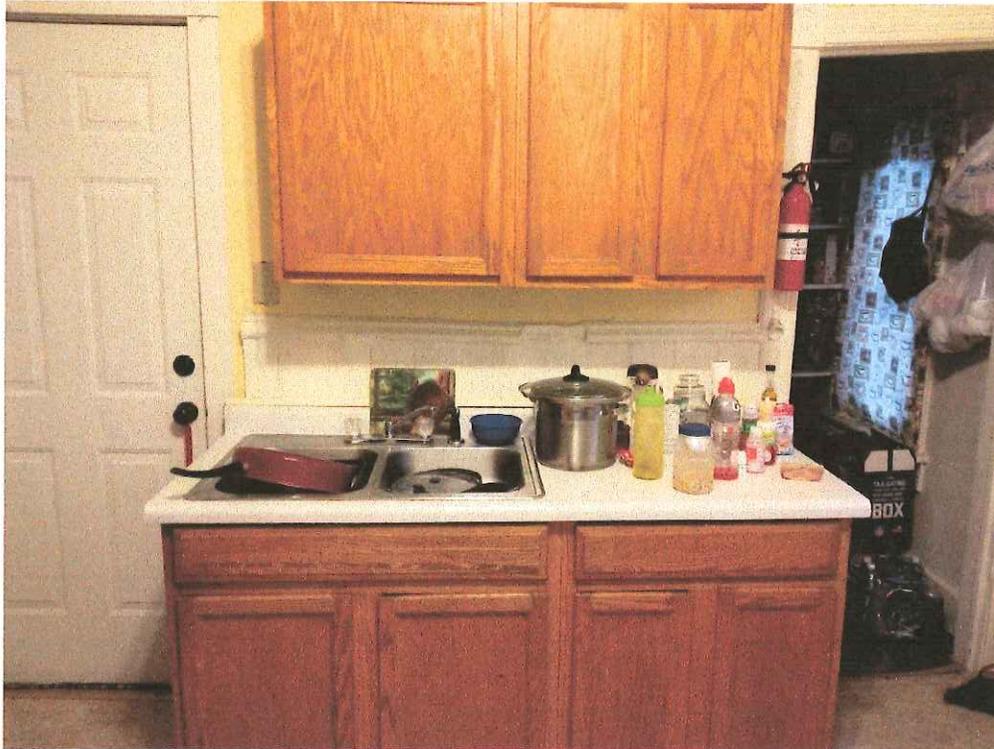


Living

2nd floor
419 Sherburne



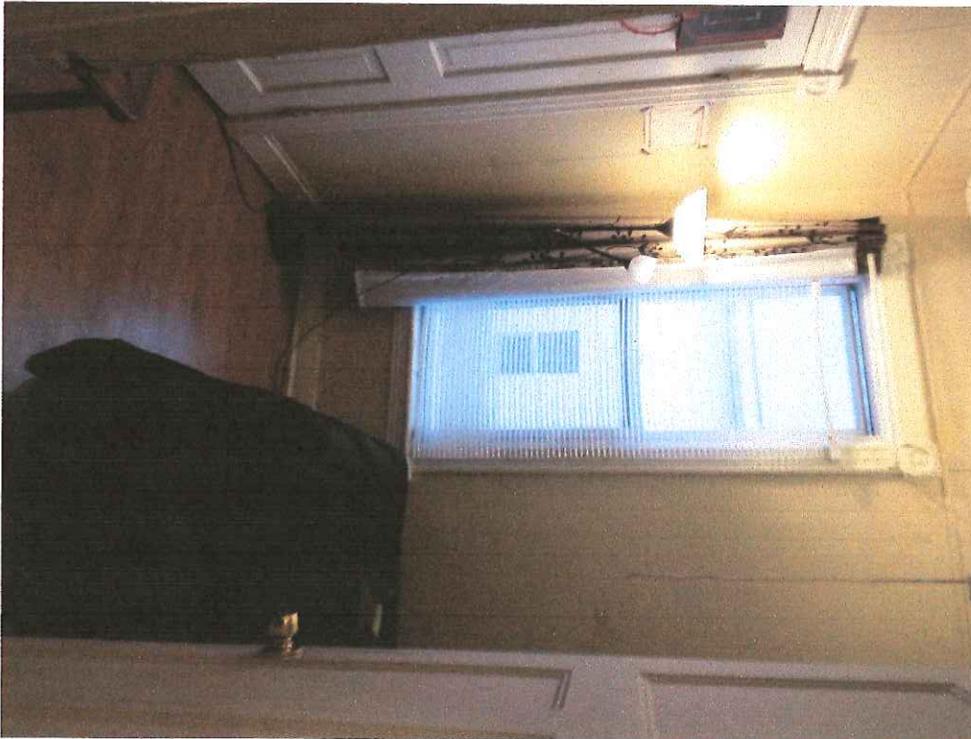
Kitchen



2nd floor
419 Sherburne



office



§ East
Bedroom

3rd floor
419
Sherburne



3rd floor
419 Sherburne



3rd floor
419 Sherburne



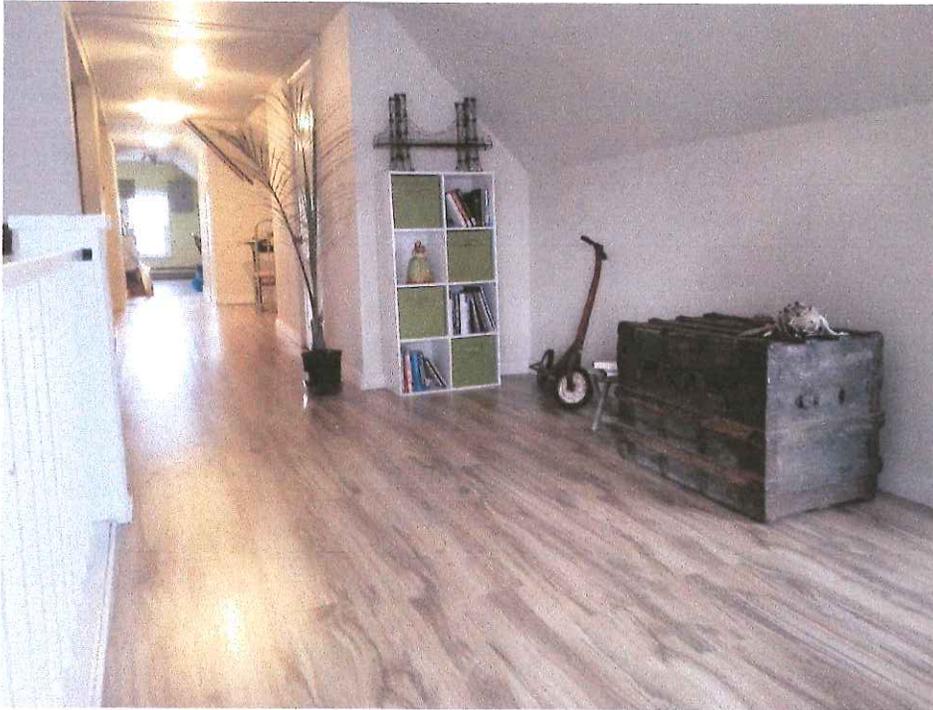
3rd floor
419 Sherburne



3rd floor
419
Sherburne



3rd floor
419 Sherburne



3rd floor
419 Sherburne



3rd floor
419 Sterburne



The balcony
is at 2nd floor
level, but is only
accessed by third
floor unit



Kitchen

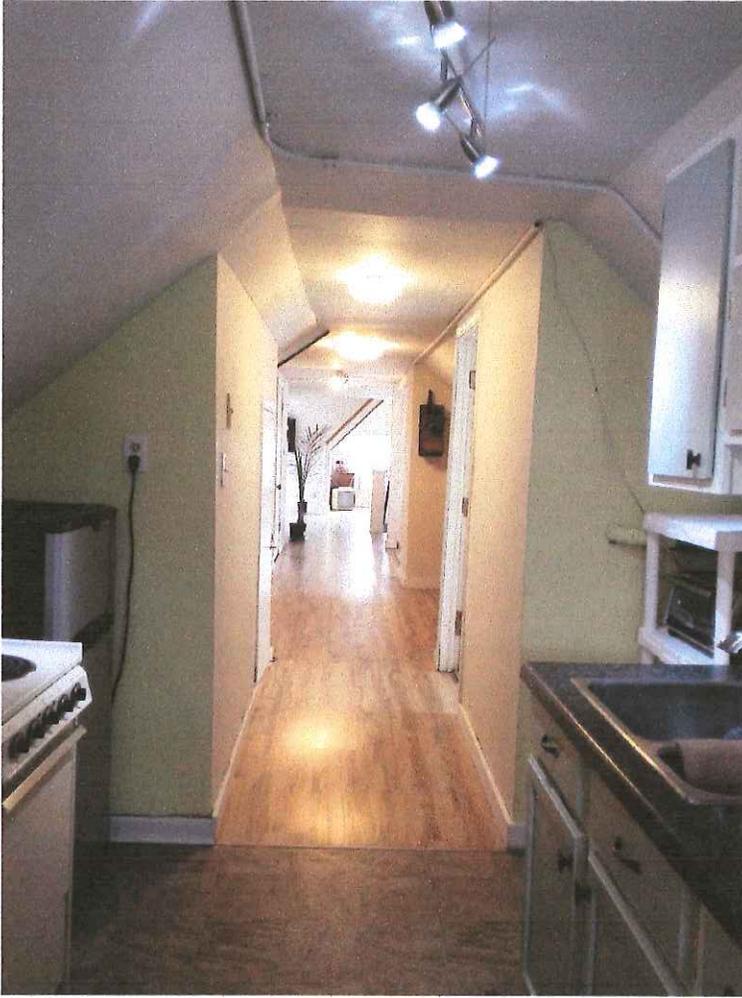
3rd floor
419 Starburne



Kitchen

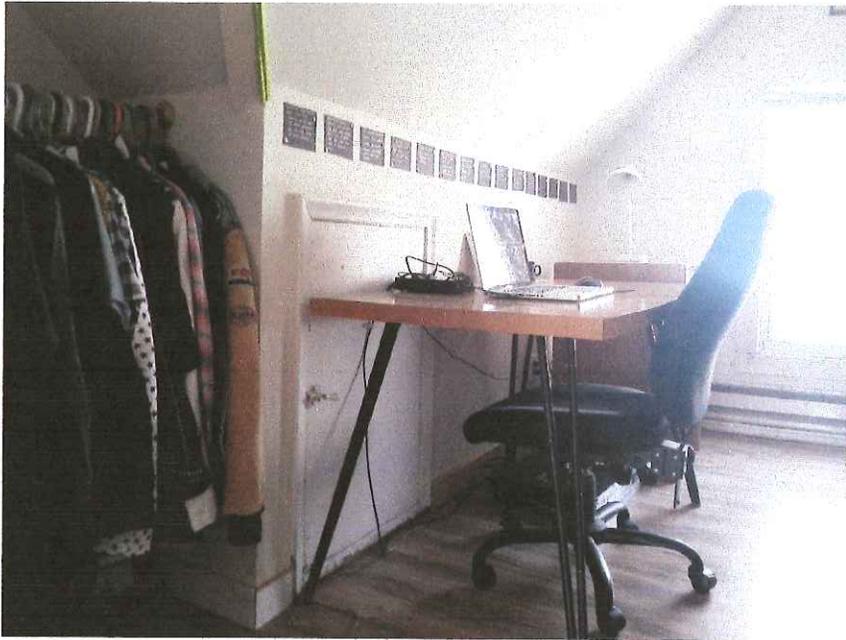
3rd floor

419 Sherburne



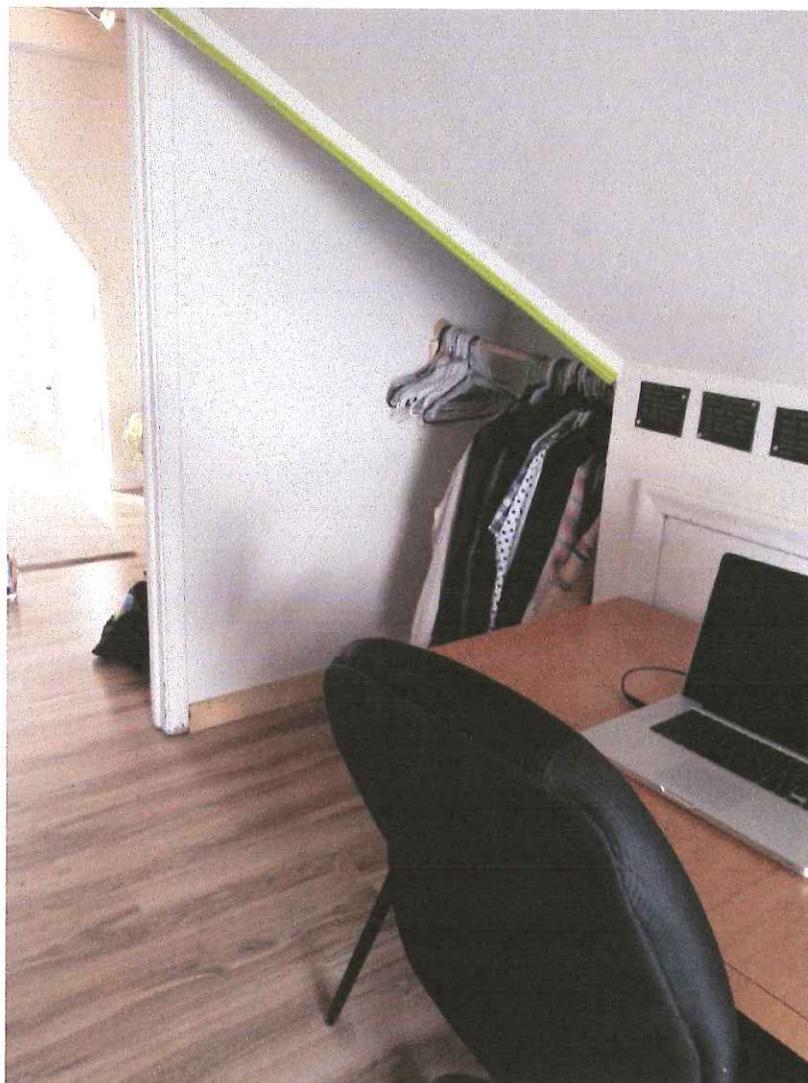
Sleeping area/office

3rd
floor
419 Sherburne



3rd floor

419
Sherburne Ave





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1024

Telephone: 651-266-9090
Facsimile: 651-266-9099
Web: www.stpaul.gov/dsa

Residential Use Affidavit

I, (Printed Name) Will Colbert, the undersigned, certify that I own the residence at (address) 419 Sherburne Ave in St. Paul, MN.

I purchased this property in (year) 2010 as a (Single Family with one kitchen or Duplex with two kitchens).

Other The property is currently duplex and I intend to convert to a single family

This property has been converted to a (Single family with one kitchen or Duplex with two kitchens)

This property has been used since purchase as a (Single family or Duplex)

Will Colbert
Signature (Homeowner)

5-25-10
Date

Zoning Information

(To be filled in by zoning staff only)

Property zoning R4

AMANDA status Originally NC 3 unit

Truth in Housing Info

Certificate of Occupancy Inspected prior - was a 3 unit bldg

History Check

Address Folder

Ramsey County 3 units

Action taken Per owner request to convert to SFD, removal of additional units will be field verified by bldg insp.

Zoning Staff Karen Zaicho

Date 5.25.10



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Code Compliance Report

April 07, 2010

BANK UNITED/REMAX C/O CHAD BAKER
419 SHERBURNE AVE
ST PAUL MN 55103

Re: 419 Sherburne Ave
File#: 08 117399 VB2

Dear Property Owner:

The following is the Code Compliance report you requested on March 17, 2010.

Please be advised that this report is accurate and correct as of the date April 07, 2010. All deficiencies identified by the City after this date must also be corrected and all codes and ordinances must be complied with. This report is valid for 365 days from April 07, 2010. This report may be used in lieu of a Truth in Housing Report required in St Paul Legislative Code 189. This building must be properly secured and the property maintained at all times.

In order to sell or reoccupy this property the following deficiencies must be corrected:

BUILDING **Inspector: Ken Eggers** **Phone: 651-266-9047**

- Insure basement cellar floor is even, cleanable and all holes are filled
- Install plinth blocks under posts in basement
- Tuck Point interior/exterior of foundation as necessary
- Dry out basement and eliminate source of moisture
- Permanently secure top and bottom of support posts in an approved manner
- Install handrails and guardrails at all stairways, including basement stairways, and return handrail ends to the wall or newel post per attachment.
- Strap or support top of stair stringers
- Install tempered or safety glass in window over stair landing to code
- Install tempered or safety glass in window over bathtub to code
- Repair or Replace any deteriorated window sash, broken glass, sash holders, re-putty, etc as necessary
- Provide complete storms and screens, in good repair for all door and window openings
- Provide operable hardware at all doors and windows
- Repair or replace damaged doors and frames as necessary, including storm doors

BUILDING

Inspector: Ken Eggers

Phone: 651-266-9047

- Install floor covering in bathroom and kitchen that is impervious to water
- Repair walls, ceiling and floors throughout, as necessary
- Prepare and paint interior and exterior as necessary. Observe necessary abatement procedure if lead base paint is present (See St Paul Legislative Code, Chap. 34 for additional information).
- Where wall and ceiling covering is removed install full thickness or code-specified insulation
- Provide smoke detectors per the MN Building Code and carbon monoxide detectors per State Law.
- Habitable rooms with new usage and replaced windows shall have glass area equal to 8% of floor area, or a minimum of 8 sq. ft, one-half of which shall operate; and all bedroom windows shall meet emergency escape requirements (20 inch minimum opening width, 24 inch minimum opening height, and minimum net glazed area of 5.7 sq. ft.)
- Install water-proof enclosure in shower area TOTAL 50
- Replace or repair landing and stairway per code
- Repair siding, soffit, fascia, trim, etc. as necessary
- Provide proper drainage around house to direct water away from foundation of house.
- Repair chimney in an approved manner.
- Install address numbers visible from street and alley.
- Close in open stair risers to maintain an opening no greater than 4 inches
- Remove and replace front deck boards, existing are badly cracked and checked.
- Repair kitchen cabinets and counter tops or replace.
- Install footings and plinth blocks at all support posts in basement. Footings shall be 18 x 18 x 8.
- Place a new concrete floor at south end of basement where existing floor is dirt. Place concrete in the other areas of the basement where dirt is exposed next to the boilers and water heaters.
- Repair treads at rear stairwell.
- See Plan Review for egress window appeals process. Top floor windows are 24 1/2 x 17.5 x 17 AFF; two total in bedrooms. —
- Clean out triangular space at top floor on both sides of house and insulate to code. Existing has debris in it.
- Remove carpeting throughout house.
- House has signs of a possible roof leak at rear entry stairway. Investigate and repair.
- Prep and paint interior and exterior of house.
- Remove trees at house foundation and in fence line.
- Repair chimney in basement, chinking required.
- One kitchen allowed, remove all others.
- A building permit is required to correct the above deficiencies.

Re: 419 Sherburne Ave
Page 3

ELECTRICAL **Inspector: Mike Popovich** **Phone: 651-266-9035**

- Ground the electrical service to the water service with a copper conductor within 5 feet of the entrance point of the water service
- Bond around water meter with a copper wire sized for the electrical service per Article 250 of the NEC
- Provide a complete circuit directory at service panel indicating location and use of all circuits
- Install listed circuit breakers
- Verify that circuit breaker amperage matches wire size
- Close openings in service panel/junction box with knock out seals, breaker blanks and/or junction boxes
- Properly strap cables and conduits in basement
- Provide one (1) light for each 200 square feet in unfinished basement. One light must be switched on from the top of the stairs
- Remove all cord wiring
- Repair or Replace all broken, missing or loose light fixtures, switches and outlets, covers and plates
- Check all outlets for proper polarity and verify ground on 3-prong outlets
- Remove any 3-wire ungrounded outlets and replace with 2-wire or ground 3-wire to code
- Install hard-wired, battery backup smoke detector per bulletin 80-1 and other smoke detectors as required by the IRC. Also, Install carbon monoxide detector(s) within 10 feet of all bedrooms
- Remove and or/ re-wire all illegal, improper or hazardous wiring in basement
- Check building write-up for fire resistance requirements if all panels are in the common area in a basement or move 2nd unit electrical panel board to the second unit
- Replace all painted-over receptacles.
- Throughout building, install outlets and light fixtures as specified in Bulletin 80-1.
- Repair bell box on rear of house. Install missing set screw in stairway EMT coupling, add third outlet in first floor front room.
- No basement access
- All added receptacles must be grounded, tamper-resistant and be on an Arc-Fault Circuit Interrupter-protected circuit.
- Any open walls or walls that are opened as part of this project must be wired to the standards of the 2008 NEC.
- All buildings on the property must meet the St. Paul Property Maintenance Code (Bulletin 80-1).
- All electrical work must be done by a Minnesota-licensed electrical contractor under an electrical permit.

PLUMBING **Inspector: Tom Schweitzer** **Phone: 651-266-9055**

- Basement - Water Heater - not fired or in service
- Basement - Water Meter - meter is removed or not in service

PLUMBING **Inspector: Tom Schweitzer** **Phone: 651-266-9055**

- Basement - Water Meter - support meter properly
- Basement - Water Piping - add appropriate hangers and pipe relief to 9D
- Basement - Gas Piping - replace corroded piping
- Basement - Soil and Waste Piping - improper connections, transitions, fittings or pipe usage
- Basement - Soil and Waste Piping - no front sewer clean out
- Basement - Laundry Tub - washer box not vented
- First Floor - Lavatory - fixture is broken or parts missing
- First Floor - Tub and Shower - provide stopper
- Second Floor - Lavatory - fixture is broken or parts missing
- Second Floor - Tub and Shower - provide stopper. Also, provide air gap on tub outlet
- Third Floor - Lavatory - fixture is broken or parts missing
- Third Floor - Tub and Shower - Provide a vacuum breaker for the handheld shower
- Third Floor - Tub and Shower - provide stopper
- Obtain plumbing permits prior to commencement of work.

HEATING **Inspector: Paul Lauer** **Phone: 651-266-9041**

- Clean and Orsat test both boiler burners. Check all controls for proper operation. Provide documentation from a licensed contractor that the heating units are safe.
- Provide appropriate size operable window in bathrooms or provide exhaust system vented to outside. A mechanical ventilation permit is required if an exhaust system is installed.
- Install boiler pressure relief valve in vertical position.
- Install isolation valves on each side of the back flow preventer on city water fill line to heating system and pipe vent to an approved location.
- Verify that the third floor electric heating is operable and adequately sized for the heat loss of the area it serves.
- A hydronic mechanical permit is required for the above work.

ZONING

1. This property is in a (n) R4 zoning district.
2. This property was inspected as a Single Family Dwelling.

Notes:

- See attachment for permit requirements and appeals procedure.
- The building is approved for 1 dwelling units but contains 3 dwelling units. Obtain approval for additional units or remove the excess dwelling units. If the additional units are approved, maintain the required fire-separation between dwelling units and between units and common area.

Re: 419 Sherburne Ave
Page 5

This is a registered vacant building. In order to sell or reoccupy this building, all deficiencies listed on this code compliance report must be corrected within six (6) months of the date of this report. One (1) six-month time extension may be requested by the owner and will be considered if it can be shown that the code compliance work is proceeding and is more than fifty (50) percent complete in accordance with Legislative Code Section 33.03(f).

You may file an appeal to this notice by contacting the City Clerk's Office at 651-266-8688. Any appeal must be made in writing within 10 days of this notice. (You must submit a copy of this notice when you appeal, and pay a filing fee.)

If you have any questions regarding this inspection report, please contact Ken Eggers between 7:30 - 9:00 AM at 651-266-8989 or leave a voice mail message.

Sincerely,

James L. Seeger
Code Compliance Officer
JLS:ml
Attachments



BUILDING PERMIT

PERMIT#: 20 10 499352
Issued Date: June 01, 2010

CITY OF SAINT PAUL
Department of Safety & Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
www.stpaul.gov/dsi
Phone: 651-266-8989
Fax: 651-266-9124

CONTRACTOR:

KYLE COLBERT
745 CRYSTAL LAKE ROAD E
BURNSVILLE MN 55306

OWNER:

KYLE COLBERT
745 CRYSTAL LAKE ROAD E
BURNSVILLE MN 55306

PERMIT ADDRESS:

419 SHERBURNE AVE
ST PAUL MN 55103-1942

Inspector: Jim S.

Phone: 651-266-9046

Schedule Inspection:
7:30- 9:00 AM Monday - Friday

SUB TYPE: Single Family Dwelling

WORK TYPE: Repair

The following "Trade" Permits are required for this project: Electrical, W.Air Vent, Plumbing,

State Valuation	\$12,500.00	Vacant Building	Category 2
Scope of Repair Work	Code Compliance Repairs	Interior/Exterior?	Both Int. and Ext.
Structural Work?	No Structural Work	Change/Expansion of Use?	No
Plan Number	V- 2010- 0857	Valuation Override	No
# of Existing Dwelling Units	1	Existing Primary Use (Single Family)	R- Single Family Dwelling

FEES

Permit Fee	271.04
Plan Check Fee	35.00
Surcharge B	6.25

TOTAL \$312.29

VACANT BLDG CAT#2 - CLEAN PROP, FINISH FLOOR, CLEAN YARD, PAINT EXT, INT *Smoke Alarms are required in all sleeping rooms and outside of each sleeping area in the immediate vicinity of the sleeping rooms. In multi-story or multi-level homes, a smoke alarm is required on each story and in basements. The State Code requires all smoke alarms to be inter-connected and hard wired as per new dwellings unless the exceptions to R317 apply. Exception 1:.....where the alterations or repairs do not result in the removal of the interior wall or ceiling finishes exposing the structure, unless there is a crawlspace, attic or basement available which could provide access for hard-wiring & interconnection without the removal of interior finishes. Exception2: Work on the exterior which does not require entry into the interior for inspection. Note, however, that the St. Paul Legislative Code requires at least one (1) "hard-wired" smoke detector connected to the house wiring. Battery backup must be provided for newly installed "hard-wired" detectors. NOTE ALSO: New or remodeled bedrooms must have electrical outlets with Arc-Fault Circuit Interrupter Protection (AFCI)



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

April 09, 2013

MOMO LLC
Kyle Colbert
745 Crystal Lake Rd E
Burnsville MN 55306-5174

To Whom It May Concern:

The building or portion of building identified below has been inspected and is in compliance with applicable code requirements for the occupancy classification and use listed below.

RE-ISSUE

Certificate of Code Compliance as Single Family Dwelling

Property Address	419 SHERBURNE AVE	
Property Owner	Kyle Colbert	
Owner's Address	745 Crystal Lake Rd E Burnsville MN 55306-5174	
Use of Building	Single Family Dwelling	Vacant Building Category: Category 2
If occupancy is restricted, in the box to the right, describe the portion of the building approved for occupancy or any conditions limiting use of the building:		

Sincerely,

Steve J. Ubl
Building Official

Enclosure

SJU/ml

Inspector gave waiver on VB fee to get permits finalized.

Withdrawn

- 23 [RLH VBR 13-28](#) Appeal of Kyle Colbert to a Vacant Building Registration Notice, DSI letter, plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 419 SHERBURNE AVENUE.

Sponsors: Carter III

Waive the VB fee for 8 weeks and revert the VB status from Category 2 to a Category 1 to work off the Fire C of O list.

RE: 419 Sherburne Ave (Single Family)

Kyle Colbert, owner, appeared.

Fire Inspector A. J. Neis:

- received a complaint May 22, 2013 that someone may be trying to convert this single family back into a triplex*
- formerly was a Cat 2 Vacant Building in 2008; was finalized and approved Oct 2010 as a single family*
- Mr. Neis accompanied Fire Inspector Scott Perrier to investigate the issue; they didn't know whether or not it was occupied*
- there were no window coverings on the bay windows; saw that the house was vacant*
- the exterior has not been maintained since the Code Compliance*
- chipped paint on house; garbage in yard; rotting window sills; grass and weeds were unkept*
- they Revoked the Fire Certificate of Occupancy and referred it to the Vacant Building Program as a Cat 2*
- the deficiencies were for the exterior of the building only; they did not make an interior inspection*
- during their complaint inspection cycle, Mr. Perrier got a phone call asking what they can do to turn the house back into a triplex*
- Truth in Sale of Housing (TISH) Report done in Jan 2013 that they reviewed; looks as though some work was being attempted without permits: bathroom of the upper floor (was being remodeled at the time of evaluation); power off on upper level - can't evaluate missing plumbing fixtures; water shut-off in upper level*
- looking at the TISH Report, not seeing any permits on file and receiving a complaint about it being turned into a triplex (can't be converted to either a duplex or triplex because of the lot size, per zoning)*
- photos in file (exterior of the property has deteriorated significantly since Code Compliance in 2008)*
- Mr. Colbert did the rehab; currently not occupied*

Inspector Matt Domfeld, Vacant Buildings:

- Inspector Senty opened a Cat 2 VB May 23, 2013; he issued a Summary Abatement for some general debris: tires, discarded furniture, tall grass and weeds and to secure an east side door (those violations were abated as of May 29, 2013)*

Mr. Colbert:

- bought building 2 years ago for \$27,000; put \$30,000 into it; it was a Cat 2 VB; he got his C of O*
- rented the bottom of the building*
- initially, he wanted to convert it to a duplex; got the signatures and went to City Council; things got to be too much so he decided to rent it out as a single family*

- he rented it to a woman for almost 20 months; she was Section 8 and trashed some of the inside
- he got her out and went in and re-painted, etc.
- got new tenant this past Nov-Dec, 2012 and had problems so they evicted and decided to sell
- repainted the inside; got the furnace up and running
- the yard is a dumping ground - everyday
- the exterior needs attention but is selling it for a low price; they scraped and painted 3 years ago
- the house could be a 9-bedroom but they never used all that; it's just too big
- the attic doors have been screwed shut; the 2nd floor doors have also been screwed shut
- it will not work out for the neighborhood to be a duplex or triplex
- he shut-off the water to protect the house from broken lines
- has a video of deck and porch and the interior
- looking for it to be taken off the VB list
- they have straight cash investors; closing scheduled for Fri, Jun 7, 2013
- has CO detectors, smoke detectors and fuel burning test
- he won't be able to sell it on Fri if it's on the VB list, Cat 2
- has a copy of the Purchase Agreement
- house has gone through Section 8 inspections
- house has been empty since Dec 27, 2012; trying to get rid of it

Ms. Moermond:

- is torn
- it's been vacant for almost 6 months; interior looks alright; window sills on the outside are probably bad
- paint covered up problems on the outside 3 years ago so she wonders if paint is covering up problems on the interior now? Doesn't see surface problems

Mr. Colbert:

- he has between 25-30 properties in Saint Paul and has been in front of the hearing officer only twice in 4 1/2 years

Ms. Moermond:

- should have Orders on this exterior
- the rule is: if we found the building vacant and there weren't any problems, it would be a Cat 1 Registered VB; this building was found empty but it does have code problems, which kicks it into a Cat 2 status; these problems seem to be nearly all exterior, which can be converted into Orders in a couple different ways, the easiest of which is for Fire to refer it to Vacant Buildings; they roll it into the Code Compliance
- this has a special circumstance
- would like to get a code enforcement person or someone to write Orders on the exterior of the house and have criminal citation be the problem at the end of the line

Mr. Dornfeld:

- he can make this property a Cat 1 and issue Orders on the exterior and follow-up
- there would still be VB fee issues and they would still require a C of O for occupancy

Mr. Neis:

- another option: we could remove the VB status if it's as turn-key as Mr. Colbert indicates (lift the Revocation and just do a complete Fire C of O inspection and determine if the inside is ready to go)

Ms. Moermond:

- if we can figure out how to address the exterior more quickly, it would be better for the neighborhood

Mr. Neis:

- if we take it back, it will have a valid C of O

Ms. Moermond:

- will recommend the Council revert this to a Category 1 Registered VB for 8 weeks; if C of O can't be re-instated by then, it will be a Cat 2 Registered VB

- will waive the VB fee for 8 weeks

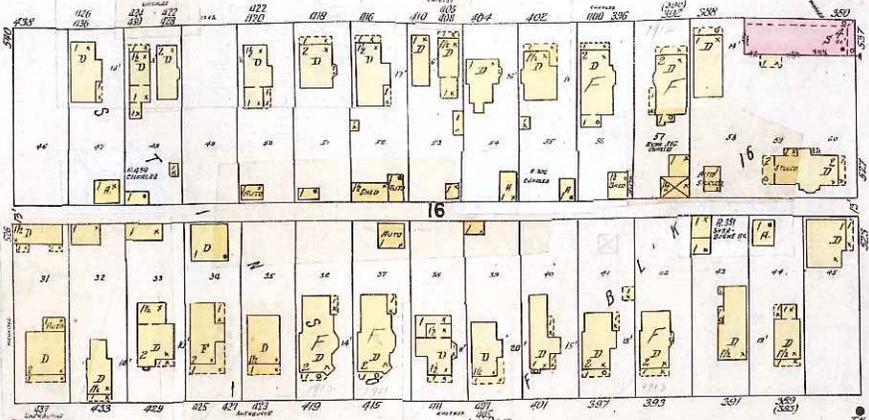
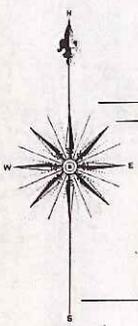
- Mr. Colbert can sell the property as a Cat 1 VB; whoever buys it has 8 weeks to get their C of O

Referred to the City Council due back on 6/19/2013

329
ST. PAUL VOL. 3

339

CHARLES - 6' W.P.



16

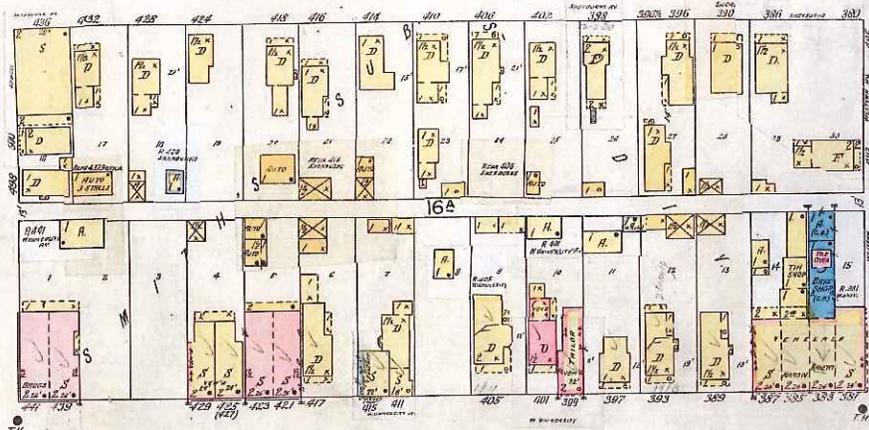
SHERBURNE - 7' W.P. AV.

328

ARUNDEL

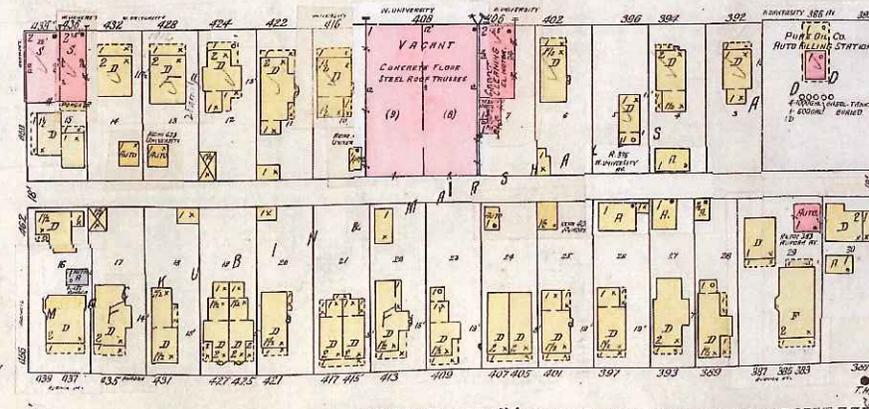
330

WESTERN - 16' W.P. AV. N.



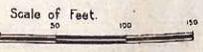
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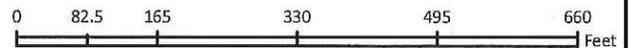
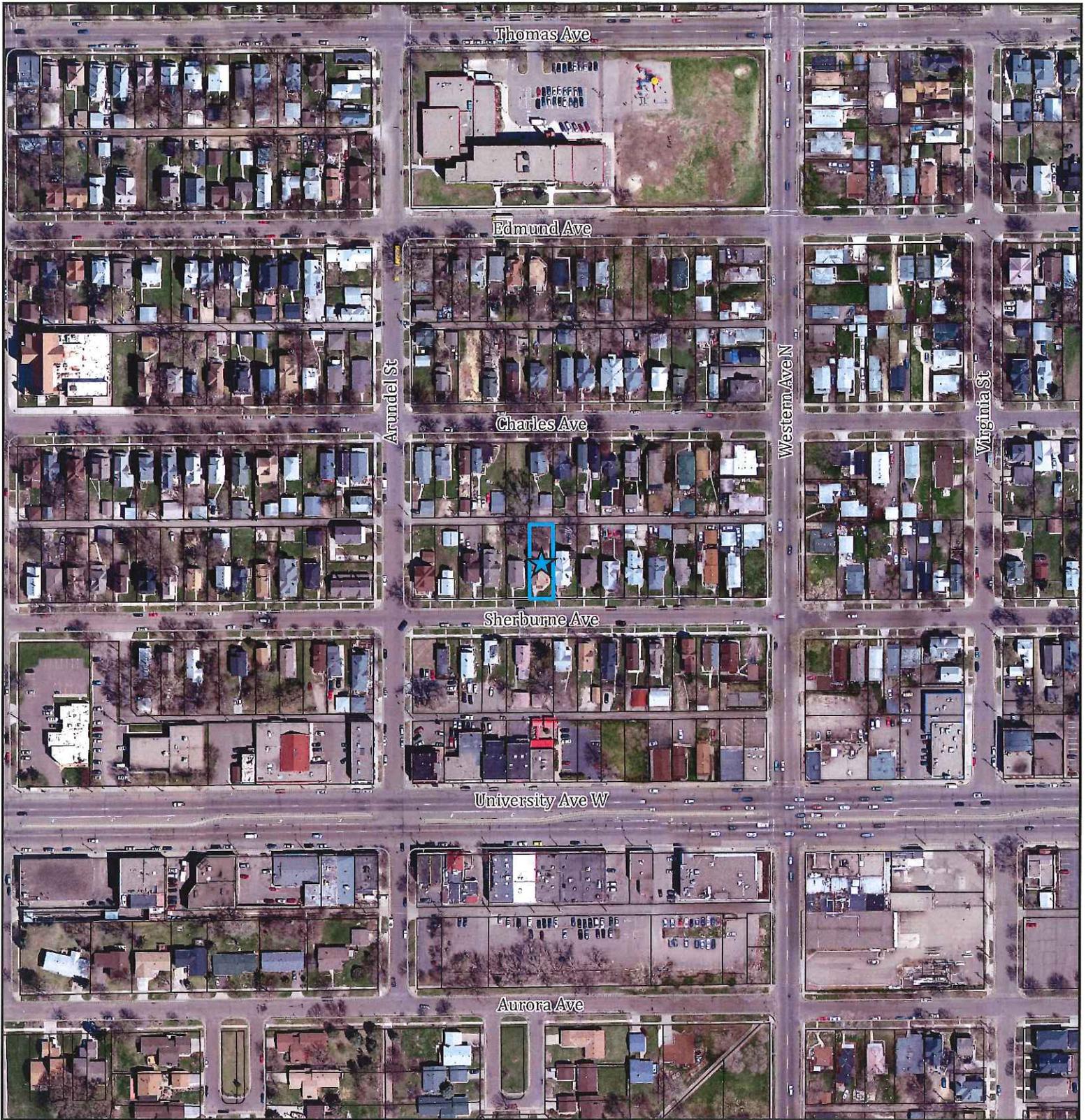
W. UNIVERSITY - 12' W.P. AV.



AURORA - 6' W.P. AV.

319





FILE NAME: Moises Romo

Aerial

APPLICATION TYPE: Reestablishment of NCUP

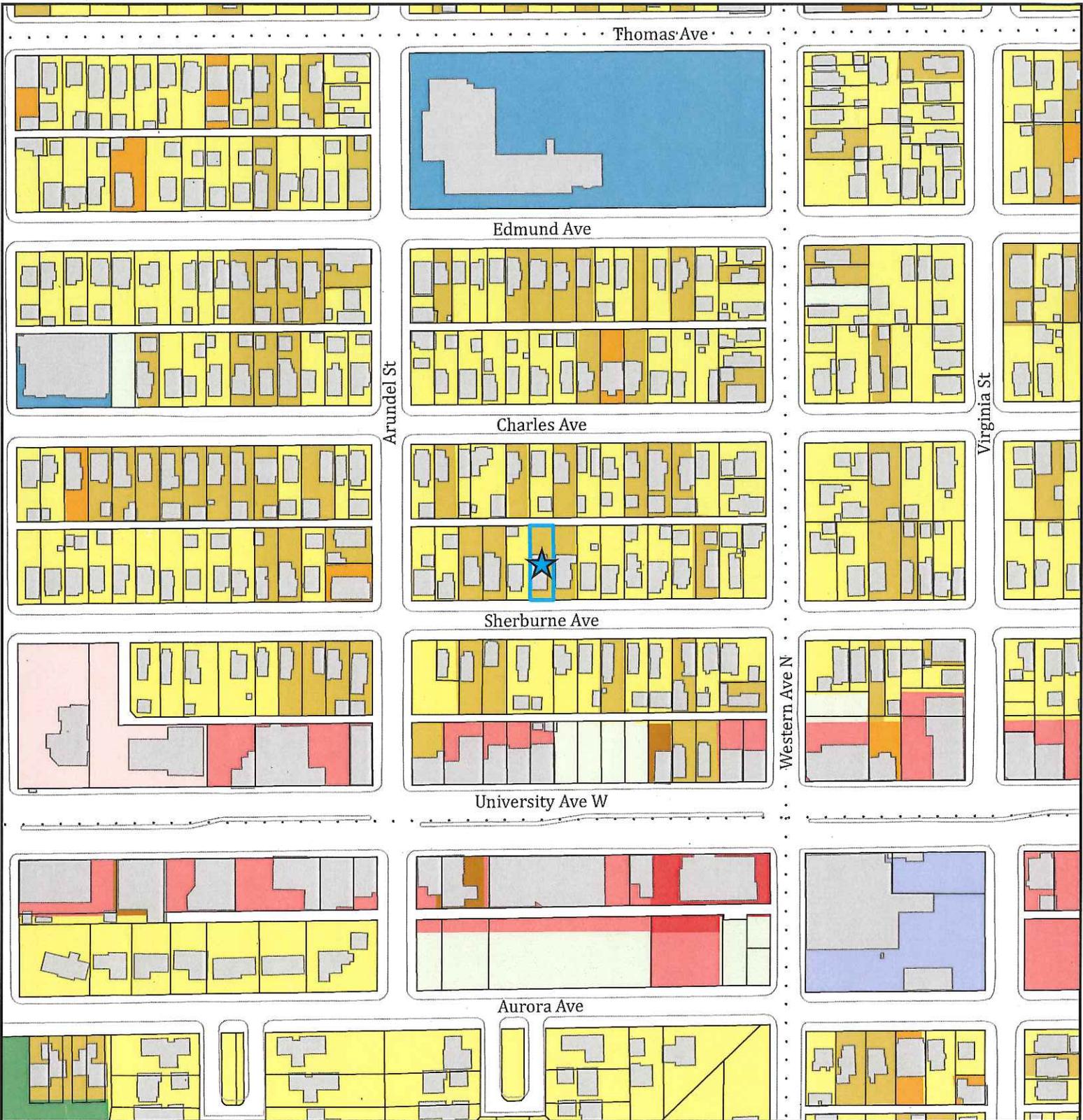
 Subject Parcels

FILE #: 16-016050 DATE: 3/7/2016

PLANNING DISTRICT: 7

ZONING PANEL: 9





FILE NAME: Moises Romo

APPLICATION TYPE: Reestablishment of NCUP

FILE #: 16-016050 DATE: 3/7/2016

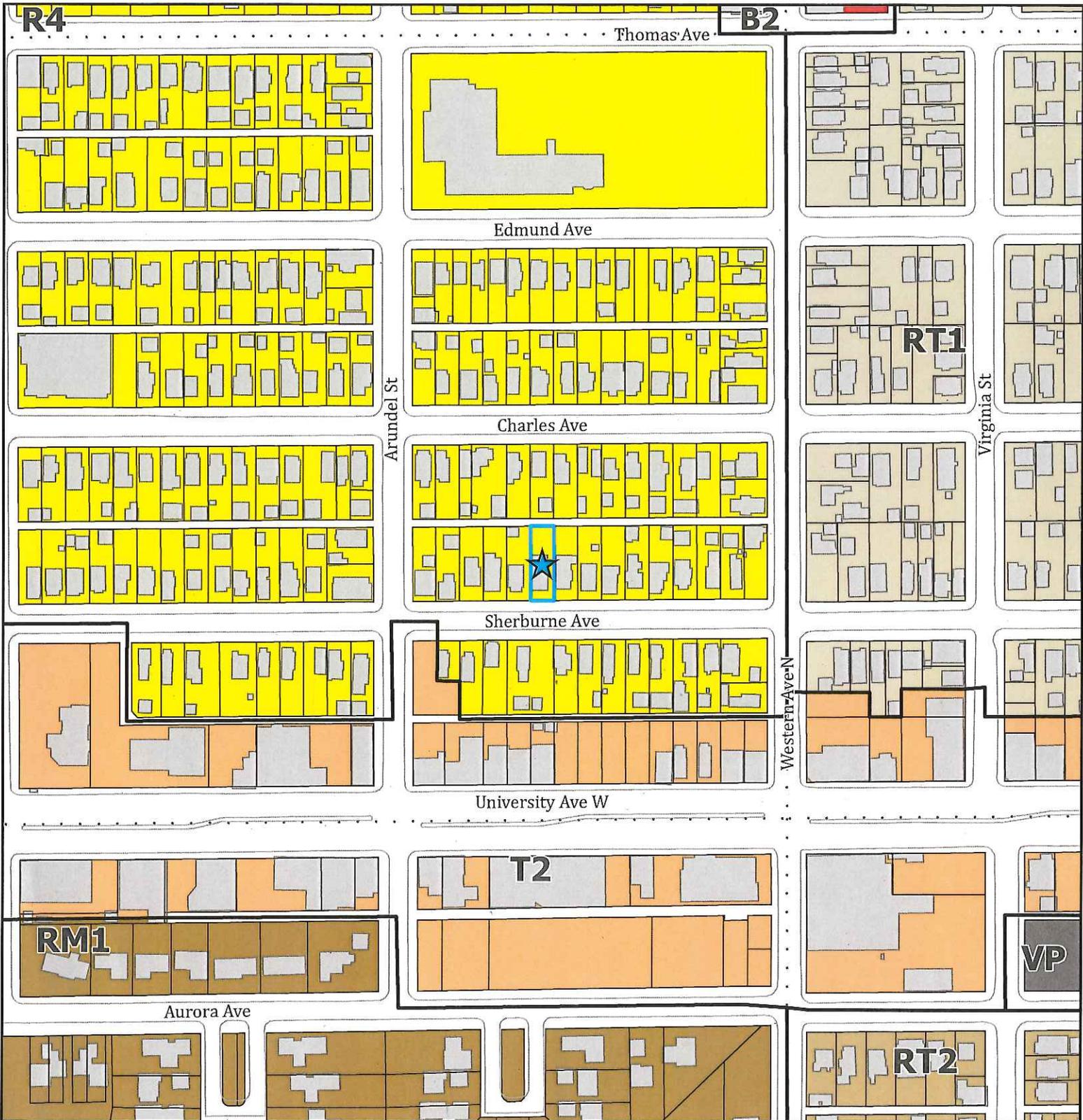
PLANNING DISTRICT: 7

ZONING PANEL: 9

Land Use

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





FILE NAME: Moises Romo

APPLICATION TYPE: Reestablishment of NCUP

FILE #: 16-016050 DATE: 3/7/2016

PLANNING DISTRICT: 7

ZONING PANEL: 9

Saint Paul Department of Planning and Economic Development and Ramsey County

Zoning

- Subject Parcels
- Section Lines
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- T2 Traditional Neighborhood
- B2 Community Business
- VP Vehicular Parking

