

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** R. Scott Ramsay **FILE #** 16-024-246
2. **APPLICANT:** R. Scott Ramsay **HEARING DATE:** April 21, 2016
3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
4. **LOCATION:** 1338 Bayard Ave, SE corner at Hamline
5. **PIN & LEGAL DESCRIPTION:** 10.28.23.43.0094, Hackett's Subdivision of Block 4, Lexington Park Plat 5, Lot 15
6. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** R4
7. **ZONING CODE REFERENCE:** §62.109(c)
8. **STAFF REPORT DATE:** April 14, 2016 **BY:** Kady Dadlez
9. **DATE RECEIVED:** April 5, 2016 **60-DAY DEADLINE FOR ACTION:** June 4, 2016

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- A. **PURPOSE:** Change of nonconforming use from office to mixed-use office/residential.
 - B. **PARCEL SIZE:** 5,002 sq. ft.
 - C. **EXISTING LAND USE:** C-Office
 - D. **SURROUNDING LAND USE:**
 - North: Low density residential (R4)
 - East: Low density residential (R4)
 - South: Low density residential (R4)
 - West: Low density residential (RT1)
 - E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location upon making certain findings (see Section I below).
 - F. **PARKING:** The use has a legal nonconforming parking deficit. The proposed mixed-use office/residential nonconforming use requires 4 off-street parking spaces (2.2 parking spaces for the office use on the first floor and 1.5 spaces for the dwelling unit on the second floor).
 - G. **HISTORY/DISCUSSION:** The property has been zoned for residential use since before 1975 and has historically been a mixed commercial residential building. In 2007 a permit was obtained to allow enlargement of nonconforming commercial use. (The applicant at that time had occupied the first floor of the structure for office use since 1984 and had expanded into the residential unit on the second floor in 1999. A December 2006 certificate of occupancy inspection revealed that there was no longer a residential tenant occupying the second floor and the commercial use was occupying both floors). At some point in time after the enlargement of nonconforming use permit was obtained the building occupant changed to Getten Credit Co. In 2014 there was a Zoning Administrator decision that the use of the property by Getten Credit Co., a state licensed regulated lender, is an alternative financial establishment not permitted to operate in the R4 one family residential zoning district and that Getten Credit Co. is not an "office use" as allowed under the 2007 nonconforming use permit. That decision was appealed to the Board of Zoning Appeals. An appeal of a decision by the Board of Zoning Appeals (BZA) upholding a decision by the Zoning Administrator was upheld by the City Council.
 - H. **DISTRICT COUNCIL RECOMMENDATION:** The District 15 Council had not commented on the permit request at the time the staff report was drafted.
 - I. **FINDINGS:**
 1. The applicant intends to purchase the property and operate a financial advising business, an office use, on the first floor and rent the two-bedroom unit on the second floor. The residential unit on the second floor is intact despite it being used for office space for many years. The

business expects to employ two full-time and two part-time employees; the part-time employees will not work at the office at the same time, one will work in the morning and the other in the afternoon. The applicant states that 90 percent of client meetings take place away from the office. There is a two-car garage at the rear of the property. The basement is unfinished and used for storage.

2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The proposed mixed-use office/residential use is more appropriate to the neighborhood than the existing use because it increases the residential use of the property, which is surrounded by low density residential uses.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic generated by the proposed nonconforming use is anticipated to be similar to or less than the existing use because the proposed use would have four employees and the previous use is permitted up to ten at any time. In addition the applicant states that 90 percent of client meetings are anticipated take place away from the office. There is a two car garage at the rear of the property. There is also on-street parking available along the parcel's 125 feet of frontage on Hamline Avenue and 40 feet of frontage on Bayard Avenue.
 - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The building has been used for office space for many years. The proposed change to allow a portion of the property to be used for residential use moves the property closer to a conforming use.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. The future land use map identifies the property as *Established Neighborhoods*. This land use category is described as "Predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods. Also includes scattered neighborhood-serving commercial, service, and institutional uses at the juncture of arterial and collector streets." Strategy 1.7 in the Land Use chapter of the Comprehensive Plan states, "Permit neighborhood-serving commercial businesses compatible with the character of established neighborhoods." Strategy 1.48 states, "Support compatible mixed-use within single buildings and in separate buildings in close proximity."
3. The existing nonconforming use permit limits the number of employees to not more than ten (10) at any time. Since the amount of office space would be decreased by approximately 50 percent under the proposed change of use, it would be appropriate to decrease the number of employees permitted, commensurate with the decrease in space devoted to office use.

J. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the change of nonconforming use from office to mixed-use office/residential subject to the following additional condition(s):

1. The number of employees may not be more than five (5) at any time.
2. The applicant, and any future occupant, shall comply with all regulations and requirements

regarding licensing and certificate of occupancy.



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 #: 16-024246
 Fee: 700.00
 Tentative Hearing Date:
4-21-16

PD=15

#102823430094

APPLICANT

Name R. Scott Ramsay rscott@ramsayadvisors.com
 Address 391 Cretin Avenue South
 City St. Paul St. MN Zip 55105 Daytime Phone ⁶⁵¹⁻428-0600
 Name of Owner (if different) Dennis Betten
 Contact Person (if different) n/a Phone _____

PROPERTY LOCATION

Address/Location 1338 Bayard Ave., St. Paul, MN 55116
 Legal Description Lot 15
 Current Zoning R4 with B2 Variance
 (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 Currently: commercial, Past: Mixed-use
 Proposed Use Mixed-use: office space on main floor with 2-bedroom apartment for residential use on 2nd floor.
 Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature [Signature] Date 3/18/16 City Agent [Signature]

3/31/16

Ramsay Financial Advisors, Ltd.

1620 Mahtomedi Ave. at Quail

Mahtomedi, MN 55115

(651) 429 9111

(800) 278 9111

Fax: (651) 429 6846



Ramsay
Financial Advisors, Ltd.

March 28, 2016

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West 4th Street
Saint Paul, MN 55102-1634

To Whom It May Concern:

I am requesting a change of nonconforming use to the property located at 1338 Bayard Avenue, Saint Paul, MN 55116.

The building is currently zoned for full commercial use and I would like the variance lifted so that the 2nd floor 2-bedroom apartment can once again be used as residential housing as it was in the past. The main floor would remain for commercial use.

My proposal would allow my company, Ramsay Financial Advisors, to use the main floor for office space and for the upper floor to be rented as the existing 2-bedroom apartment. The upper level is currently configured as a 2-bedroom apartment, including: 2 bedrooms, bathroom, kitchen, dining room, living room and 3-season attached porch. I feel a mixed-use property is more appropriate for the neighborhood because it is located in a residential area, it will decrease foot and vehicle traffic and not consume as many public parking spaces. There is a 2-car garage on the property that would be used for off-street parking.

We are a financial planning company, however, we currently conduct 90% of our client meetings away from the office. Based on the previous two owners of the building, this will decrease the amount of traffic in and around the building. If we cannot get the zoning changed to allow an upstairs residential apartment, we would have to rent the upstairs commercially to another company and we feel that would increase the activity in the area as well as use more parking.

We do not intend to change the exterior construction of the property or add any additional outbuildings.

I have lived in the Highland/Mac-Groveland neighborhood for 10 years (in Saint Paul for 16) with my wife and two children. I look forward to the opportunity to work close to home, add value to the community and add an additional housing opportunity in the great city of Saint Paul!

Thank you in advance for your time and consideration.

Sincere regards,

R. Scott Ramsay

Enclosures:

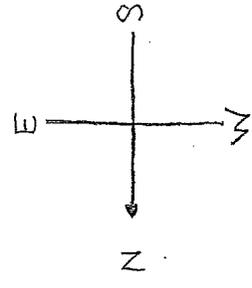
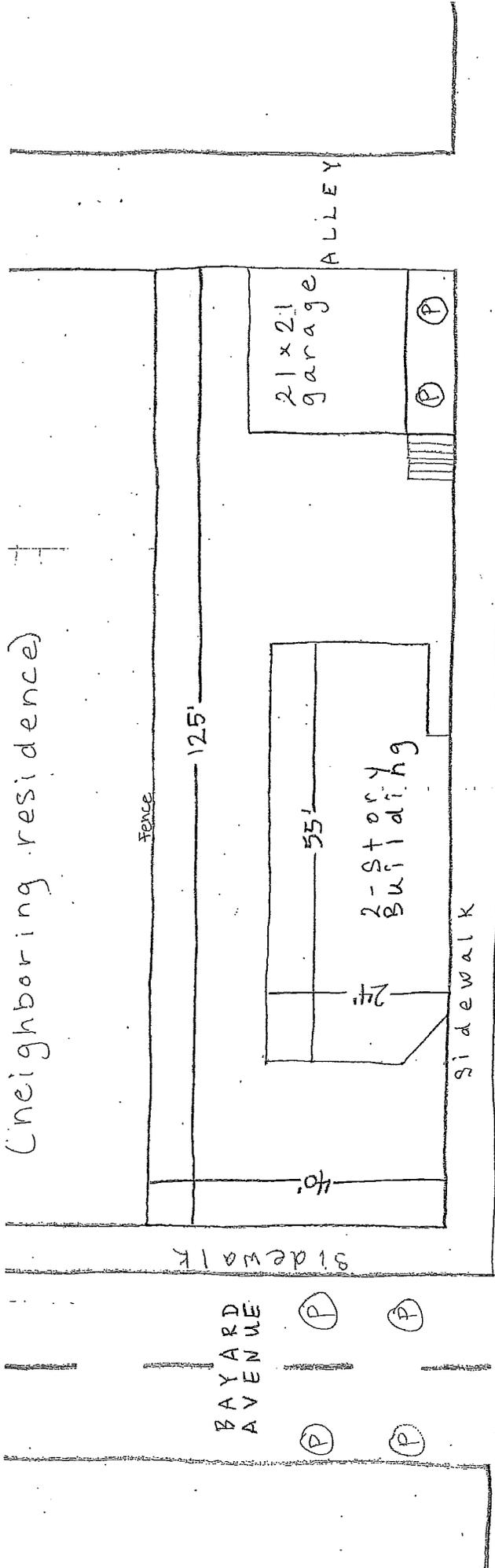
- Encl 1 – Site Plan
- Encl 2 – 1st Floor Floor Plan (Office)
- Encl 3 – 2nd Floor Floor Plan (Apartment)

R. Scott Ramsay, CLTC
rscott@ramsayadvisors.com

Richard W. Ramsay, CPA
rich.ramsay@siionline.com

Securities and advisory services offered through SII Investments, Inc., member NASD, SIPC and a Registered Investment Advisor. SII Investments, Inc. and Ramsay Financial Advisors, Ltd. are separate and unrelated companies.

(neighboring residence)



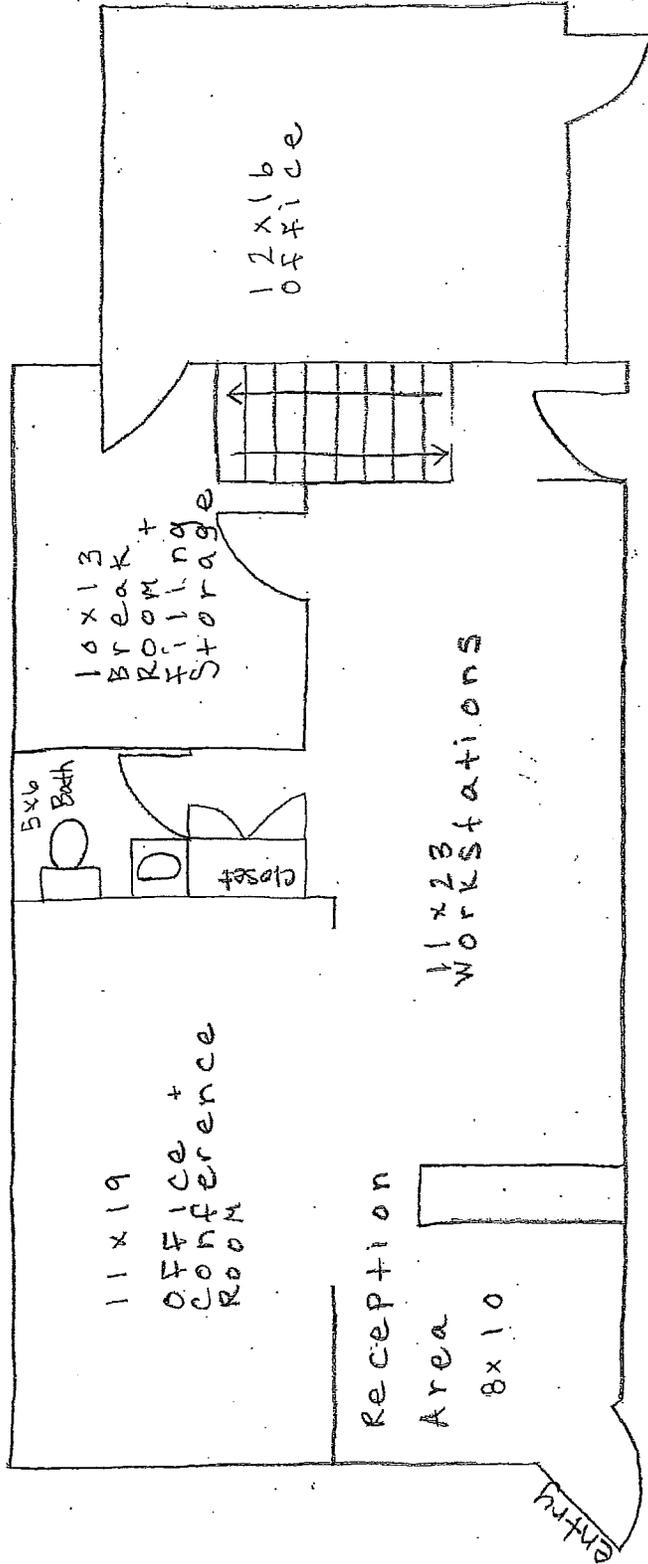
1338 Bayard Ave.

Site Plan

□ = 3 ft.

Ⓟ = PARKING

Encl. 1



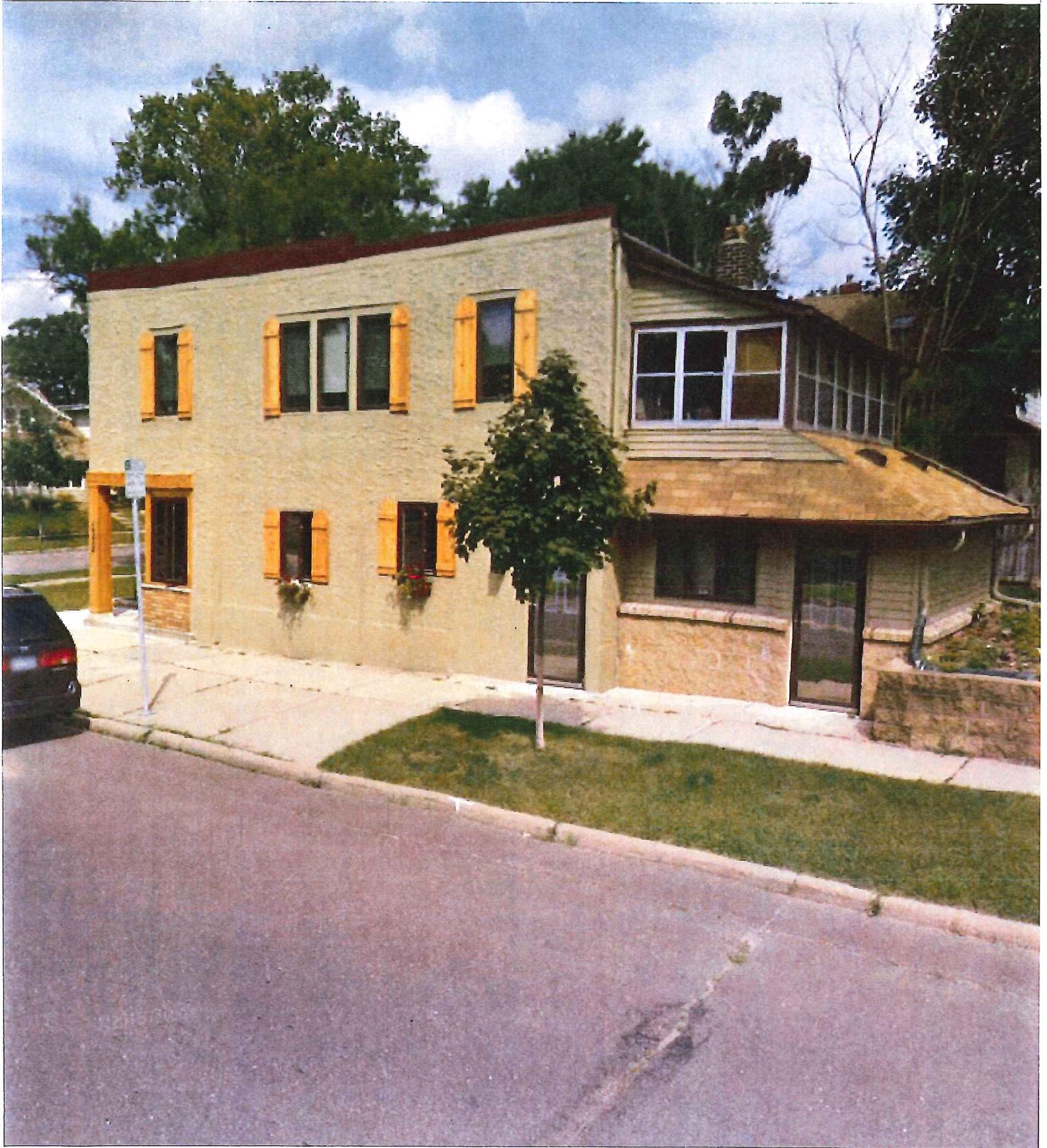
1338 Bayard Ave.

1st Floor Office Space

□ = 1 ft.

Encl: 2

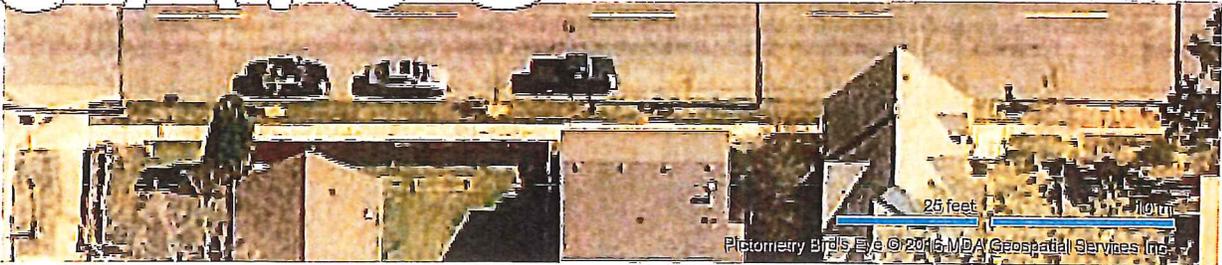


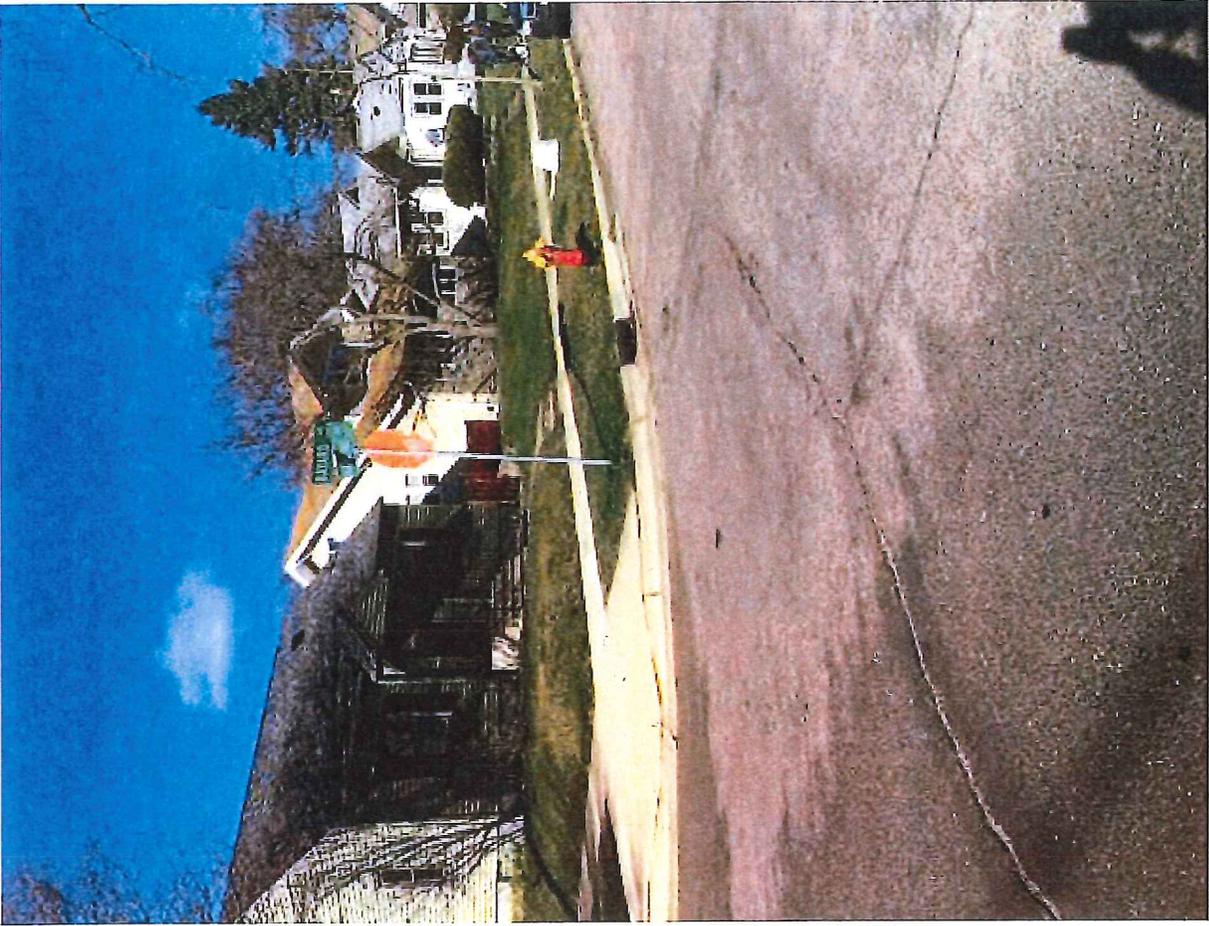


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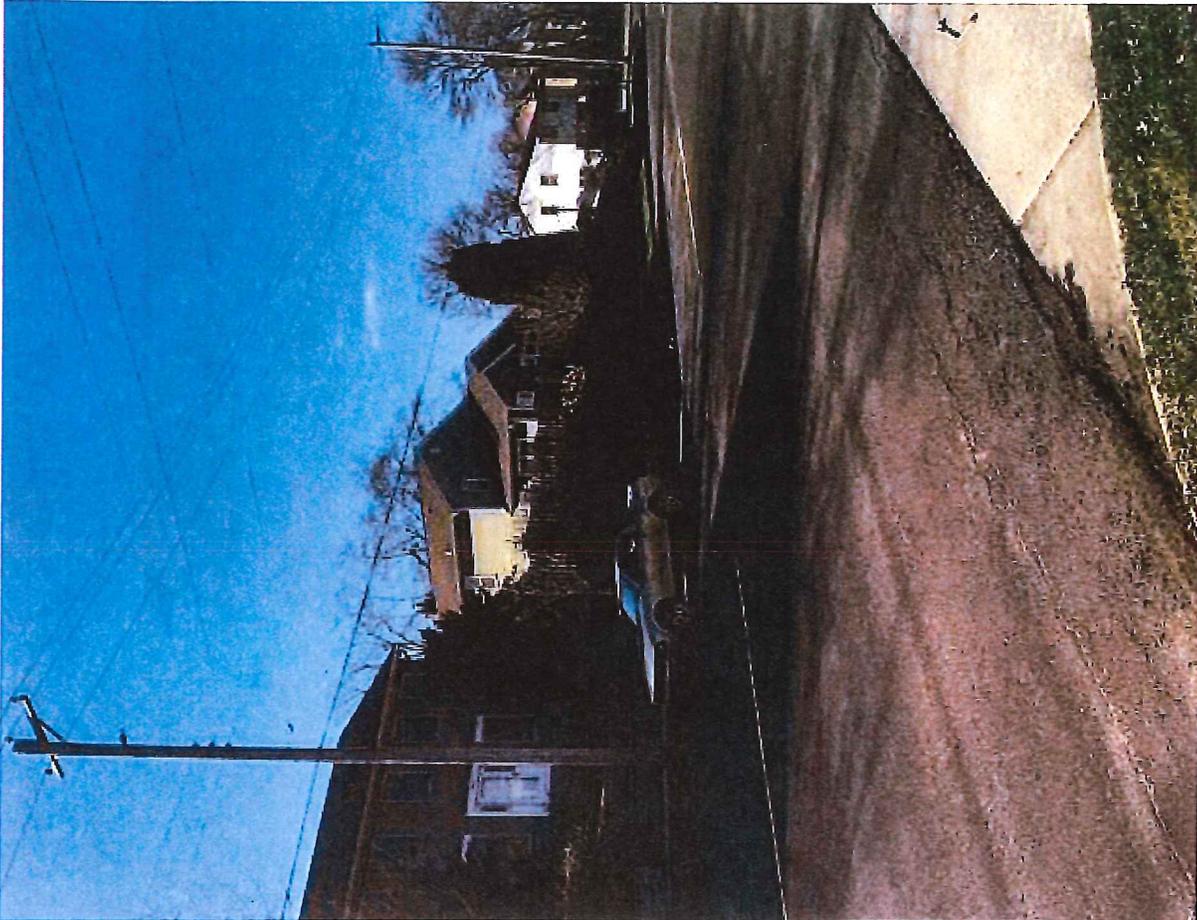
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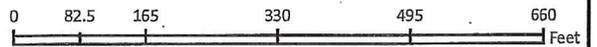
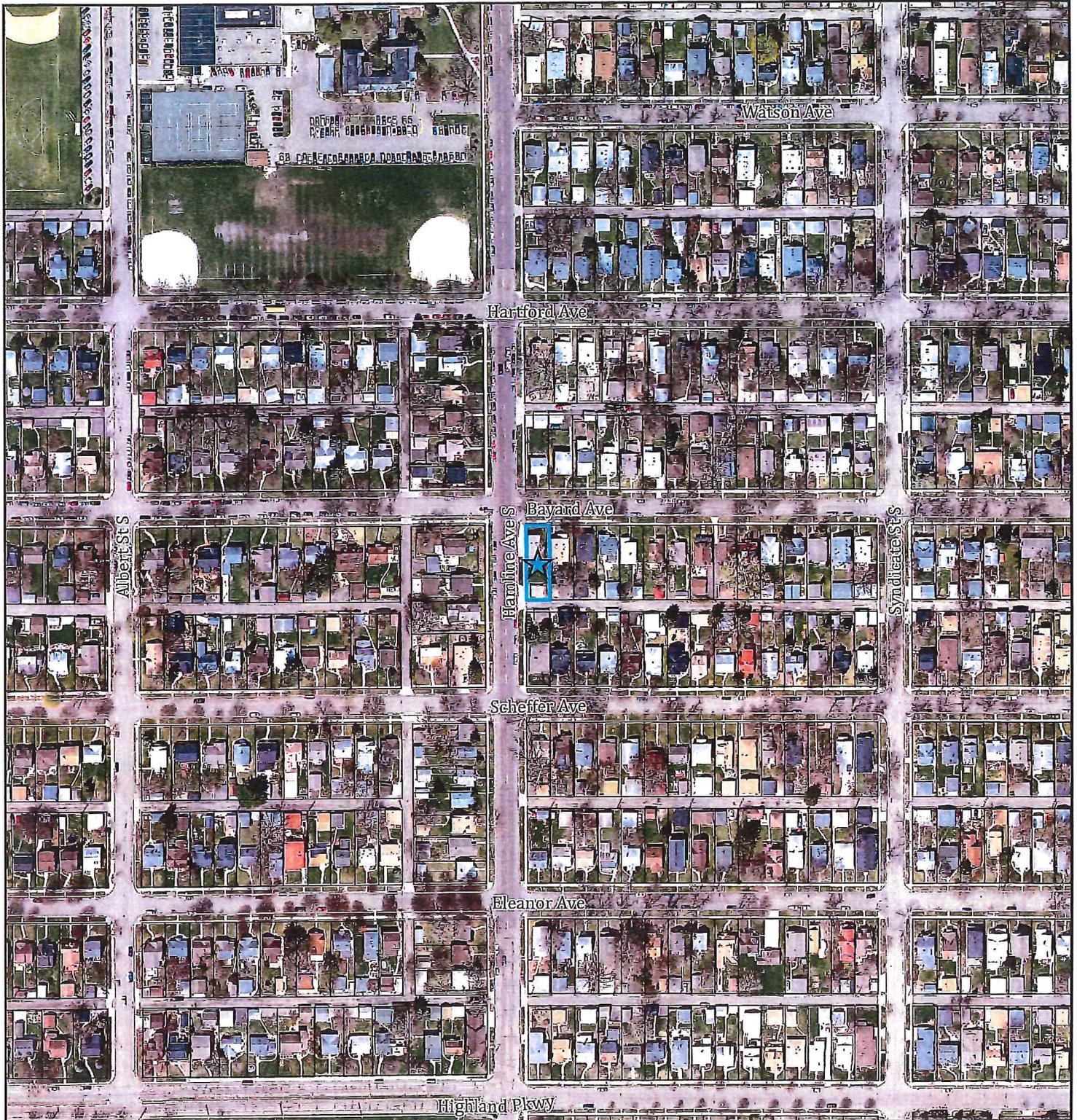


Dadlez, Kady (CI-StPaul)

From: Kady Dadlez <kdadlez@gmail.com>
Sent: Tuesday, April 12, 2016 8:38 AM
To: Dadlez, Kady (CI-StPaul)
Subject: Photos







FILE NAME: R. Scott Ramsay

Aerial

APPLICATION TYPE: Change of NCUP

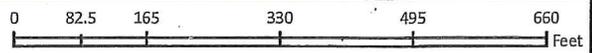
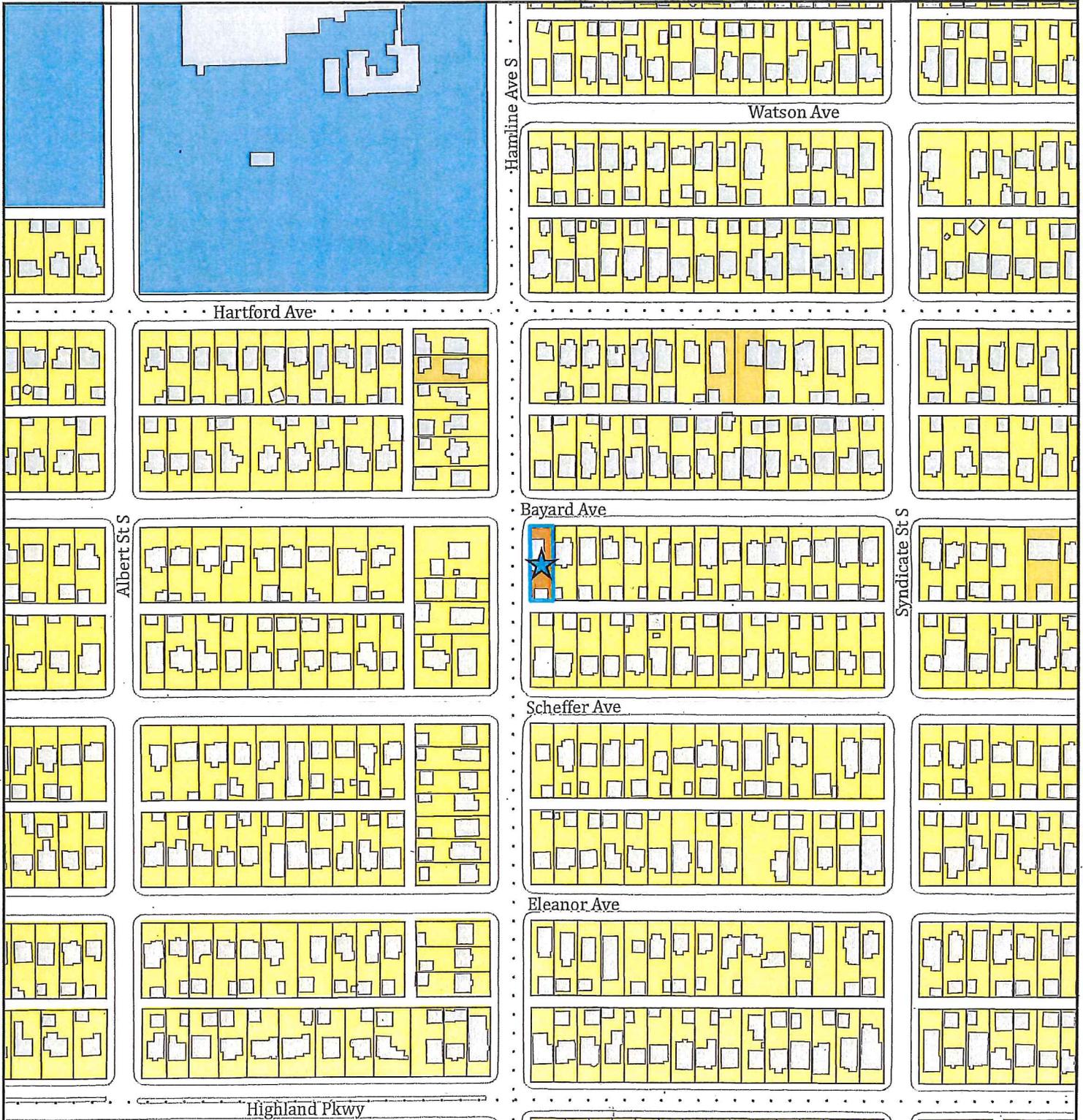
 Subject Parcels

FILE #: 16-024246 DATE: 4/5/2016

PLANNING DISTRICT: 15

ZONING PANEL: 20





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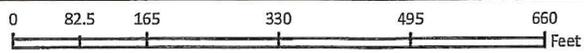
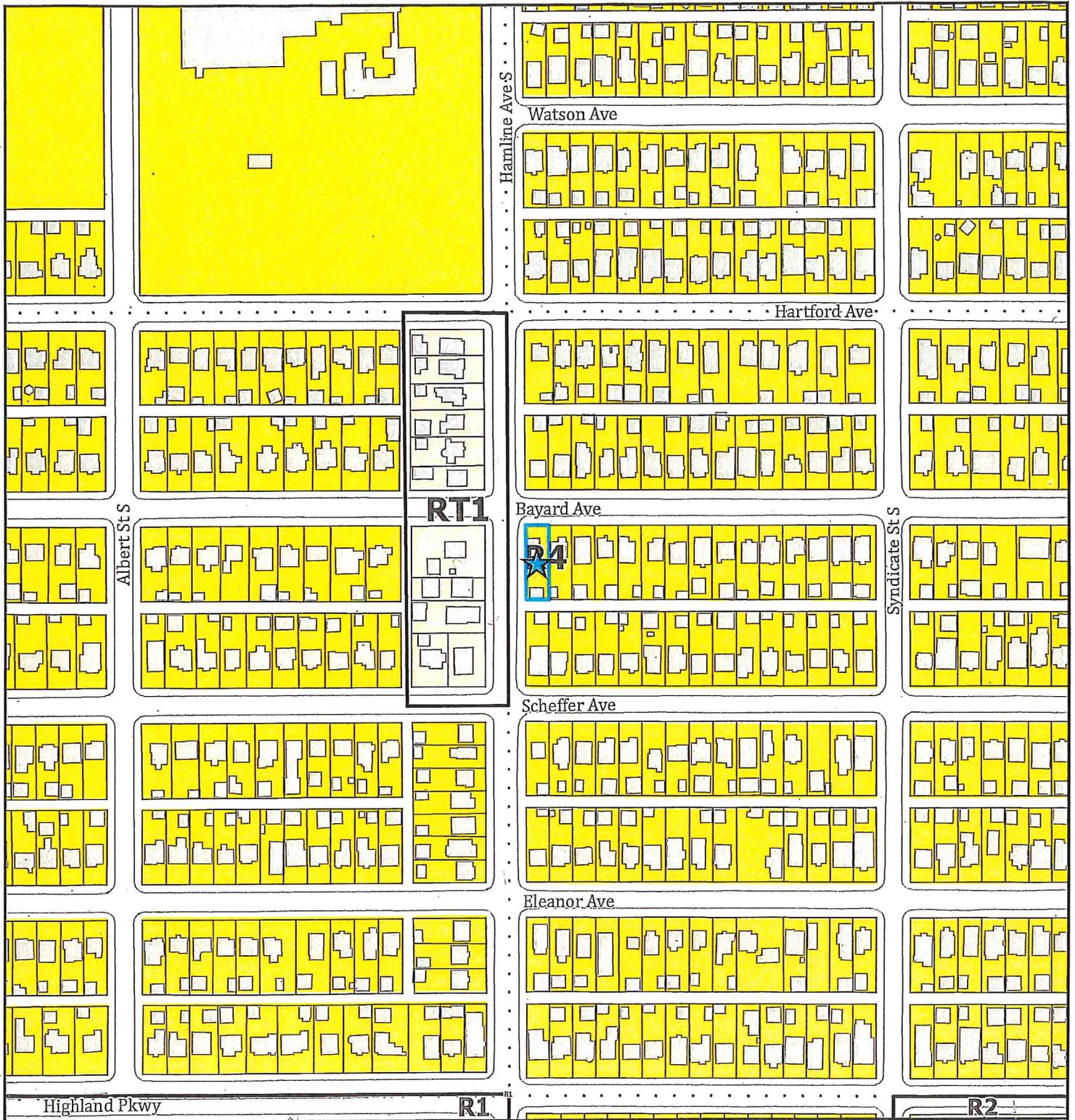
PLANNING DISTRICT: 15

ZONING PANEL: 20

Land Use

- Single Family Detached
- Single Family Attached
- Mixed Use Residential
- Institutional
- Golf Course
- Subject Parcels
- Section Lines





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PLANNING DISTRICT: 15

ZONING PANEL: 20

- Zoning**
- Subject Parcels
 - Section Lines
 - R1 One-Family
 - R2 One-Family
 - R4 One-Family
 - RT1 Two-Family

