

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 661 W Orange Lot Split Appeal **FILE #** 16-085-577
 2. **APPLICANT:** Jim Seabold **HEARING DATE:** October 20, 2016
 3. **TYPE OF APPLICATION:** Appeal of a Planning Administrator Decision
 4. **LOCATION:** 661 Orange Ave W, between Maywood and St. Albans
 5. **PIN & LEGAL DESCRIPTION:** 23.29.23.44.0024, Rogers Hendrick's Acre Lots, Block 5, Lot 6, except the west 125 feet thereof, and except portions taken for Maywood Street
 6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** R3
 7. **ZONING CODE REFERENCE:** §§ 61.701(c), 69.301, 69.304, 69.306, 69.406(a), 69.502(c)
 8. **STAFF REPORT DATE:** October 11, 2016 **BY:** Josh Williams
 9. **DATE RECEIVED:** October 3, 2016 **DEADLINE FOR ACTION:** December 2, 2016
-

- A. **PURPOSE:** Appeal of a Planning Administrator denial of a proposed lot split.
- B. **PARCEL SIZE:** 16,635 sq. ft. (approx. 0.38 acres)
- C. **EXISTING LAND USE:** Single Family Dwelling
- D. **SURROUNDING LAND USE:** Residential (R3)
- E. **ZONING CODE CITATION:** § 61.701(c) specifies standards and procedures for appeal of Planning Administrator decisions. § 69.301 states when platting is required. § 69.304 specifies conditions for lot splits when platting is not required. § 69.306 gives the Planning Administrator authority to approve lot splits. § 69.406(a) specifies criteria that all subdivisions must meet. § 69.502(c) specifies criteria for alley layout.
- F. **HISTORY/DISCUSSION:** On July 29, 2016 Ed Sarquis, the property owner, submitted a subdivision review application for City approval of a proposed lot split at 661 W Orange. The lot split was denied by the Planning Administrator on September 22, 2016. On October 3, 2016, the decision by the Planning Administrator to deny the lot split was appealed by Jim Seabold, a broker who is marketing the new lot that would be created by the lot split.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council had not commented on this case at the time of the staff report.
- H. **FINDINGS:**
 1. Zoning Code § 69.406(a), *Subdivision review criteria*, specifies criteria that all subdivisions, including lot splits, must meet. It requires attention to lot sizes and arrangements, coordination and compatibility with surrounding development, and economical service with public facilities and services. The dedication and improvement of an alley along the west edge of the subject property is required to complete the alley that has been dedicated and improved on the rest of the block, for the subdivision to be coordinated and compatible with development on the rest of the block, and to provide for efficient access and services to property along the alley for residents, trash haulers, utility and communication system services, and emergency respondents. The proposed lot split would not dedicate the alley right-of-way required to complete the long alley that has been dedicated in prior subdivisions of this block, which is the reason the proposed lot split was denied by the Planning Administrator.

2. § 69.502(c) of the Subdivision Regulations states, “*Generally, dead-end alleys shall be prohibited, but, where unavoidable, shall be provided with adequate turnaround facilities as may be determined by the director of public works.*” The alley on this block currently has a dead-end because it has been developed incrementally due to the piecemeal subdivision history of the block. The original 1883 plat of this area, Rogers and Hendrick’s Acre Lots, did not include alleys because alleys were not necessary to provide efficient and economical public services and facilities for such large lots. Subsequent subdivisions into smaller lots have included the dedication of the alleys to provide for efficient and economical access and services to the smaller lots. This is a pattern seen on other nearby blocks as well. On this particular block, an alley was added starting with Coleman’s Subdivision of the north half of the block in 1886 and continued with Cannon’s Plat adjacent to 661 W. Orange in 1942. Dedication of alley right-of-way along the west edge of the property at 661 W Orange is required to complete the long alley that has been dedicated in prior subdivisions of this block, in coordination with prior subdivisions, so it is no longer a dead-end alley. Splitting the lot as proposed would preclude ever completing the alley.
3. § 69.301 states that platting is required when a subdivision requires paved streets, alleys, and other public improvements or services. The proposed subdivision requires an alley.
4. § 69.304 specifies conditions for lot splits when platting is not required. These include frontage on an existing improved street, meeting minimum standards for lot width and area, and not creating a nonconforming structure or use. The proposed subdivision meets all of these specified conditions.
5. Zoning Code § 61.701(c) specifies standards and procedures for appeal of Planning Administrator decisions to the Planning Commission, by any person affected by the decision, specifying the grounds of the appeal. The grounds of the appeal specified in an attachment to the application of appeal include the following:
 - The existing house on the lot faces Orange Avenue, as would the proposed new lot. Five other homes within 300 feet face Orange Avenue.
 - The proposed lots would meet zoning code lot area and street frontage requirements.
 - The dead-end alley on this block already exists, there are 3 other dead-end alleys within 2 blocks, and they are proposing better space for leaving the alley.

In the attachment, the appellant says that they are proposing a 25 foot setback from the alley, and suggests that this would help to mitigate the dead-end alley. However, a dead-end alley on this block is not unavoidable.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the appeal of the decision by the Planning Administrator to deny the proposed lot split at 661 W Orange.



Application for Appeal
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 # 16-085577
 Fee 536⁰⁰
 Tentative hearing date:
10-20-16

PD=10

#23292344 0024

Appellant

Name Jim Seibold
 Address 871 Ivy Ave W
 City St. Paul St. MN Zip 55117 Daytime phone 651-276-8555
 Name of owner (if different) _____

Property Location

Address 661 Orange Ave W
 Zoning file name 16-063869
 Legal description: Lot 6, Block 5, Roger and Hendricks Acre lots, Ramsey County MN, except the west 125 feet thereof and except portion taken for (attach additional sheet if necessary) Maywood St.

Type of Appeal: Application is hereby made for an appeal to the:

- Planning Commission**, under the provision of Chapter 61, Section 701, Paragraph C of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator
- City Council**, under the provision of Chapter 61, Section 702, Paragraph A of the Zoning Code, of a Decision made by the Planning Commission
- Board of Zoning Appeals (BZA)**, under the provisions of Chapter 61, Section 701, Paragraph C of the Zoning Code, to appeal a decision made by the BZA on _____ File Number _____ (date of decision)

Grounds of Appeal: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission, City Council, or BZA.

Please see attached

CK 9759
536⁰⁰

Appellant's signature *Jim Seibold* Date 10-3-16 City agent *add*
10-3-16

Please consider the following information in overturning our lot split denial. Attached is both a neighborhood zoning map, the proposed survey with a 25 foot setback and pictures of the rehabilitated next door which faces South the same as our proposed lot split.

The existing rehabilitated house faces south onto Orange Ave W. The proposed lot split is to the West and only faces Orange Ave W. There are 6 homes that face Orange Ave W within 300 feet of this location. The remaining lot for 661 Orange Ave W will be 85 x 118 (10,164) sq ft. The proposed lot split is 55 x 118 (6,512 sq ft) both meeting the zoning code for street frontage and total square feet.

The 6 lots adjacent 3 to the north and 3 to the south are all non-conforming lots to the current zoning both in street frontage and in total area. Part of our denial was based on the idea that the homes should face east/west. The current existing home on 661 Orange Ave W is north/south along with 5 other neighbors and the majority of the homes one block North and one block South.

The second part of our denial was based on the idea that this creates or blocks a dead-end alley. We are proposing to improve the alley space by providing a 25 foot proposed set back from the alley. Both giving space for the new owner of the lot and adjacent neighbors. There are 3 other dead end alleys within 2 blocks of this existing parcel. The dead end alley already exists. Our proposal will provide off street parking for the new owner and allow the alley to have better space for leaving.

Based on the above information and the fact that we are looking to greatly improve the location, we would like our lot split approved. The home that would be built on this property would be between \$325,000 and \$375,000. Which far exceeds the value of most of the adjacent neighbors. This not only will benefit the surrounding neighbors, but will add additional tax base and a great new resident to St. Paul

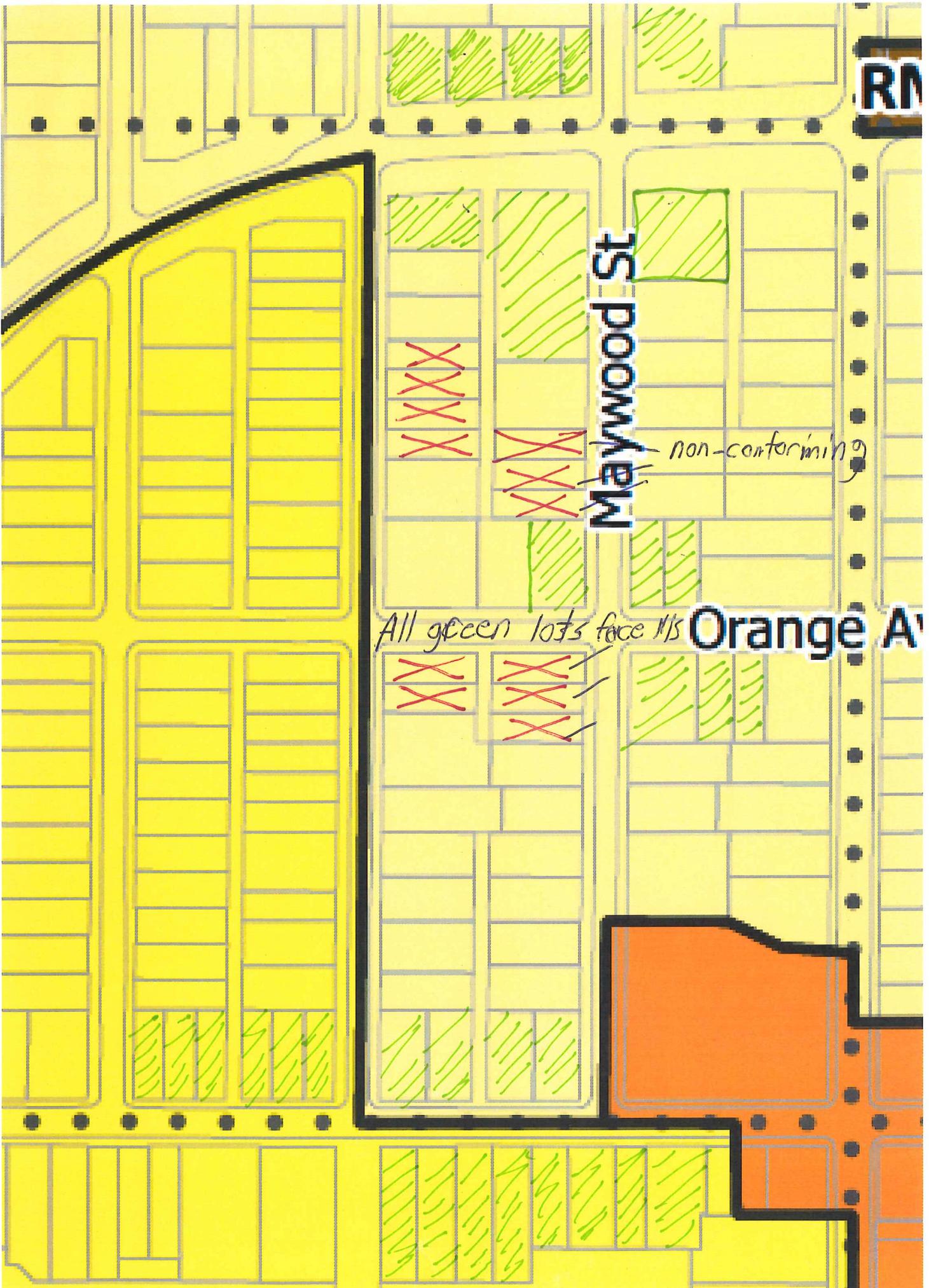
Thanks for your consideration

RM

Maywood St

non-conforming

All green lots face N/S Orange Av



LEGAL DESCRIPTION OF ENTIRE PARCEL:
 Lot 6, Block 5, ROGER AND HENDRICKS ACRE LOTS, Ramsey County, Minnesota, EXCEPT the West 125 feet thereof and except portion taken for Maywood Street.

LEGAL DESCRIPTION OF EASTERY PARCEL:
 Lot 6, Block 5, ROGER AND HENDRICKS ACRE LOTS, Ramsey County, Minnesota, EXCEPT the West 180 feet thereof and except portion taken for Maywood Street.

LEGAL DESCRIPTION OF WESTERLY PARCEL:
 Lot 6, Block 5, ROGER AND HENDRICKS ACRE LOTS, Ramsey County, Minnesota, EXCEPT the West 125 feet thereof and except that part lying East of the West 180 feet thereof.

SCOPE OF WORK & LIMITATIONS:

- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and/or stucco of the building.
- We show a proposed division of the property. Please review the proposal to see that it is what you intend and submit to those governmental agencies that have jurisdiction to obtain their approvals, if you can, before making any decisions regarding the property.

STANDARD SYMBOLS & CONVENTIONS:

" \bullet " Denotes 1/2" Inside Diameter iron pipe 14" in length with plastic plug bearing State License Number 42379, set, unless otherwise shown.

LEGEND

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE

DATE	REVISION DESCRIPTION



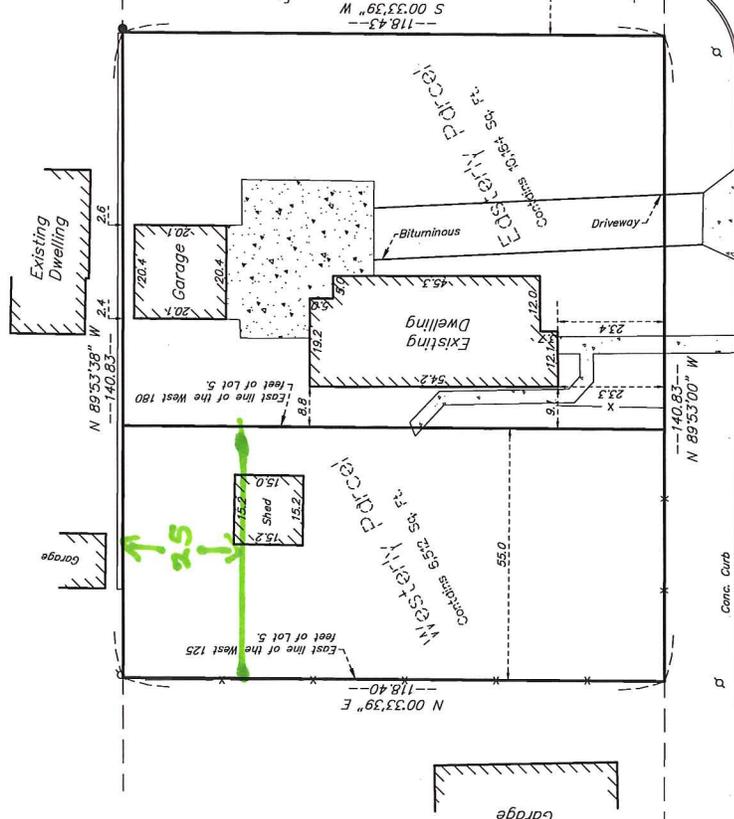
CLIENT NAME / JOB ADDRESS
JIM SEABOLD
 661 ORANGE AVENUE W
 ST. PAUL, MN

Advance
 Surveying & Engineering, Co.
 5000 South Hwy. No. 101
 Minneapolis, MN 55416
 Phone (612) 474-7864
 Web: www.advanceur.com

PERSON CERTIFIED THAT THIS PLAN, SPECIFIC OR GENERAL, WAS PREPARED BY HIM OR UNDER HIS DIRECT SUPERVISION AND TO THE BEST OF HIS KNOWLEDGE AND BELIEF IT COMES WITHIN THE JURISDICTION OF THE STATE OF MINNESOTA.
 Thomas A. Blom
 #42379
 JULY 27, 2016
 DATE

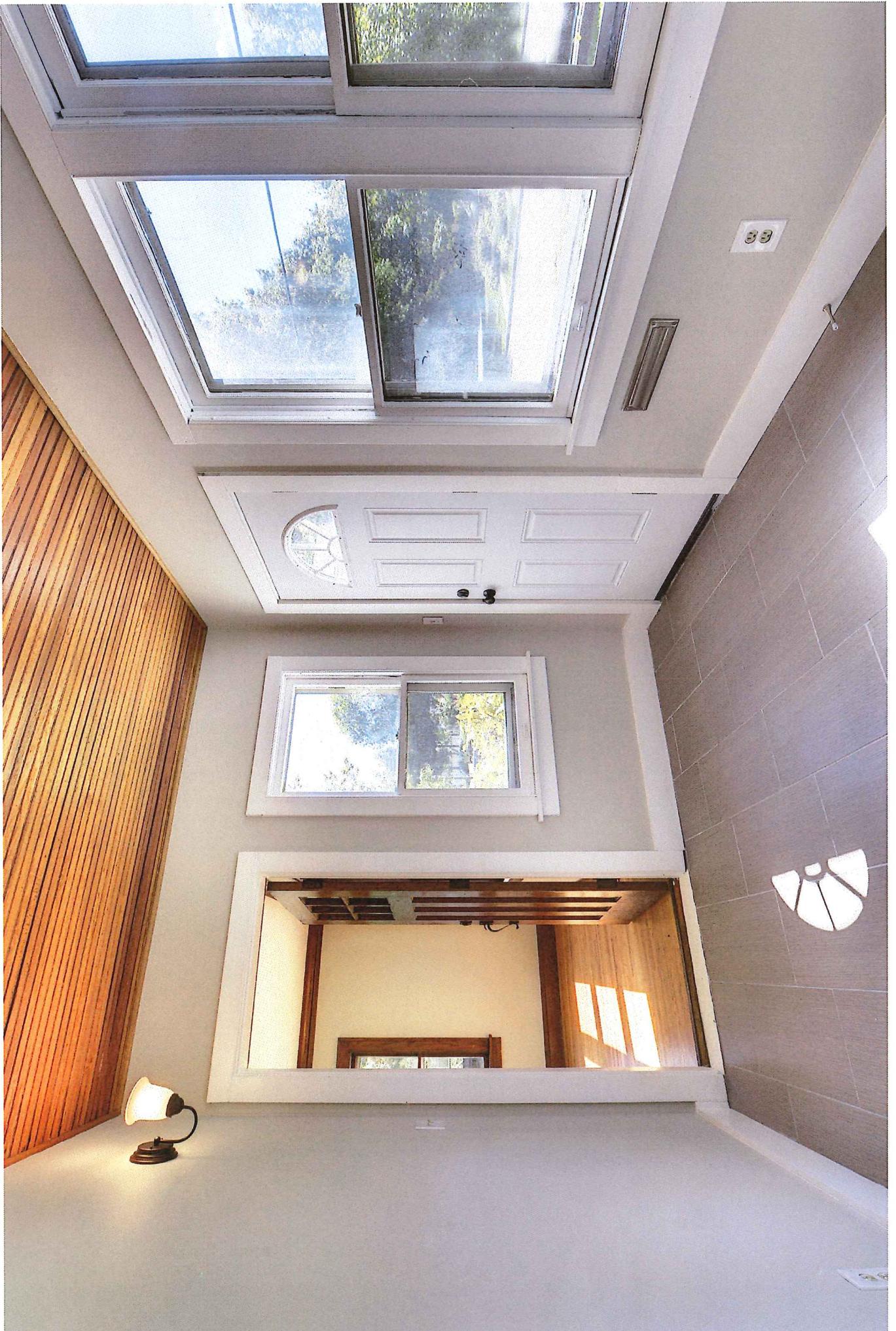
DATE SURVEYED: JULY 8, 2016
 DATE DRAFTED: JULY 8, 2016

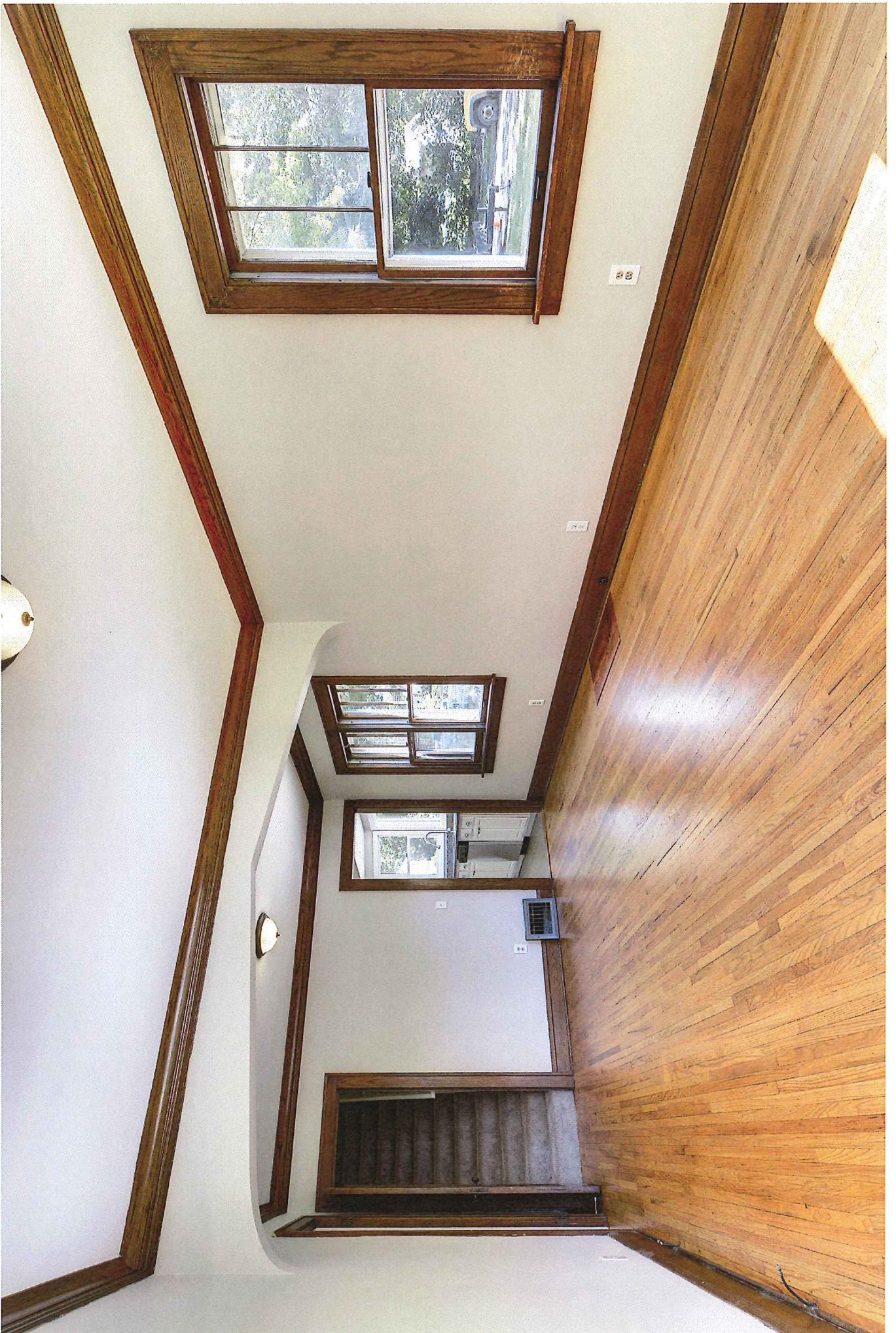
SHEET TITLE
LOT SPLIT SURV
 DRAWING NUMBER
16687 TB



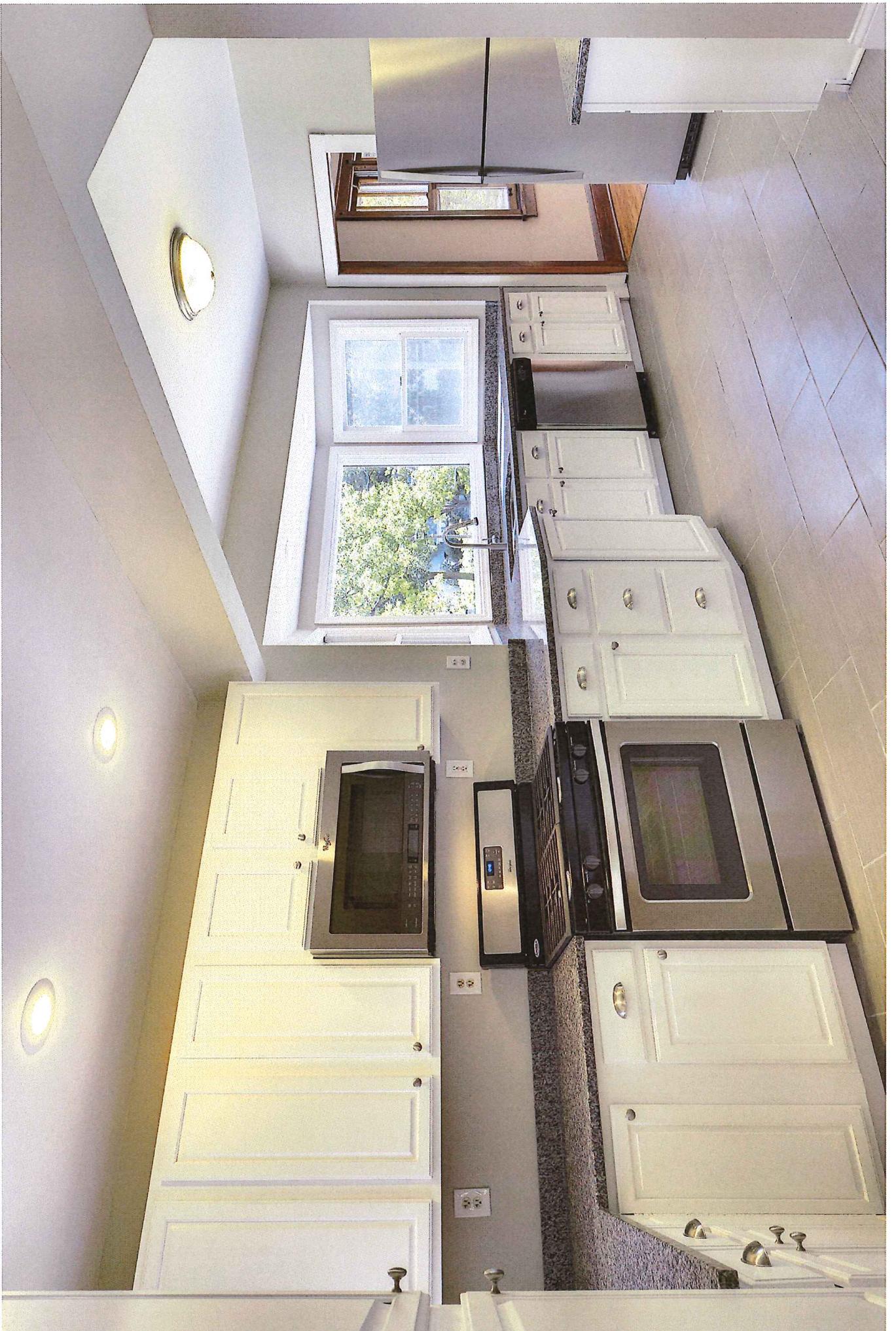
Orange Avenue West

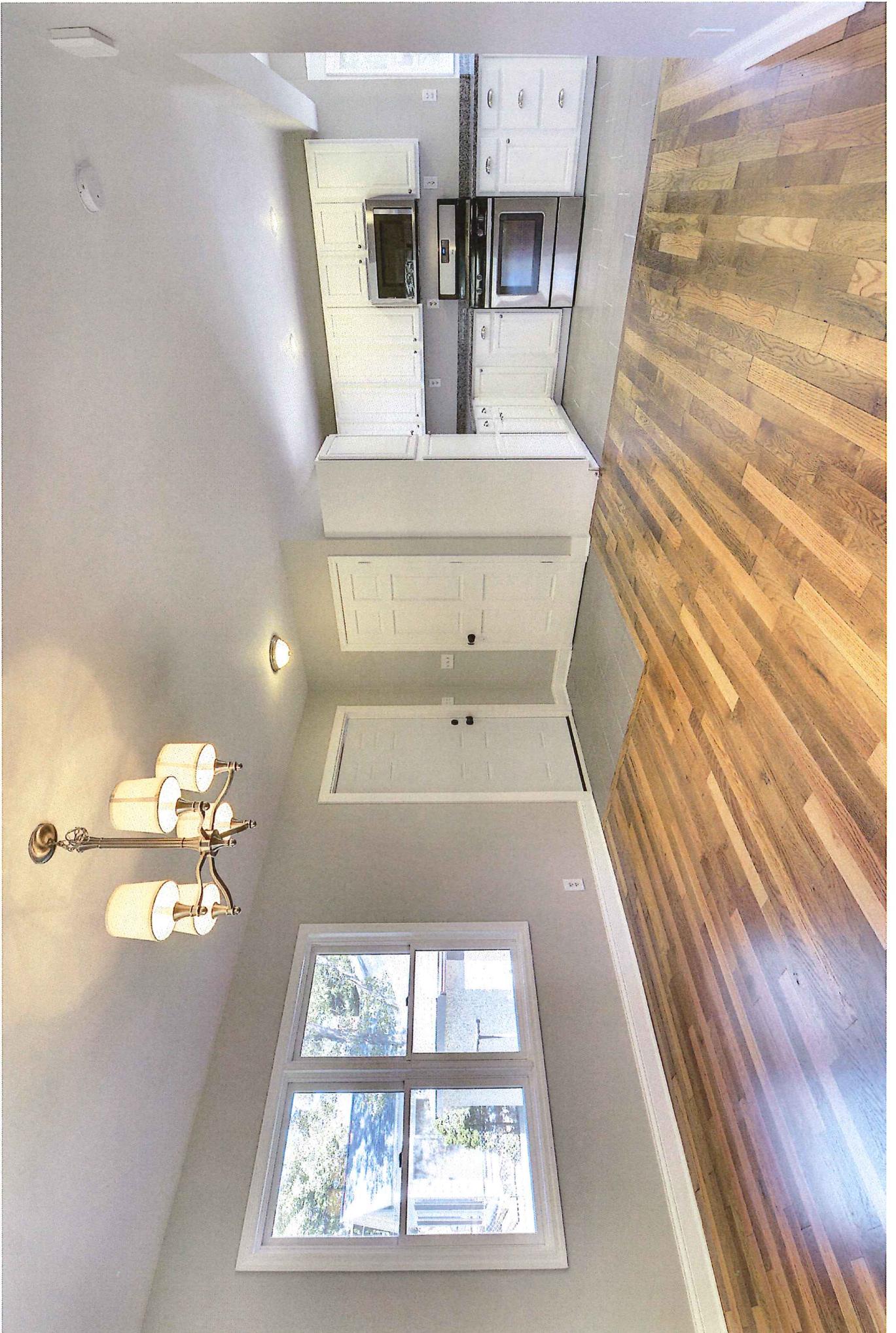


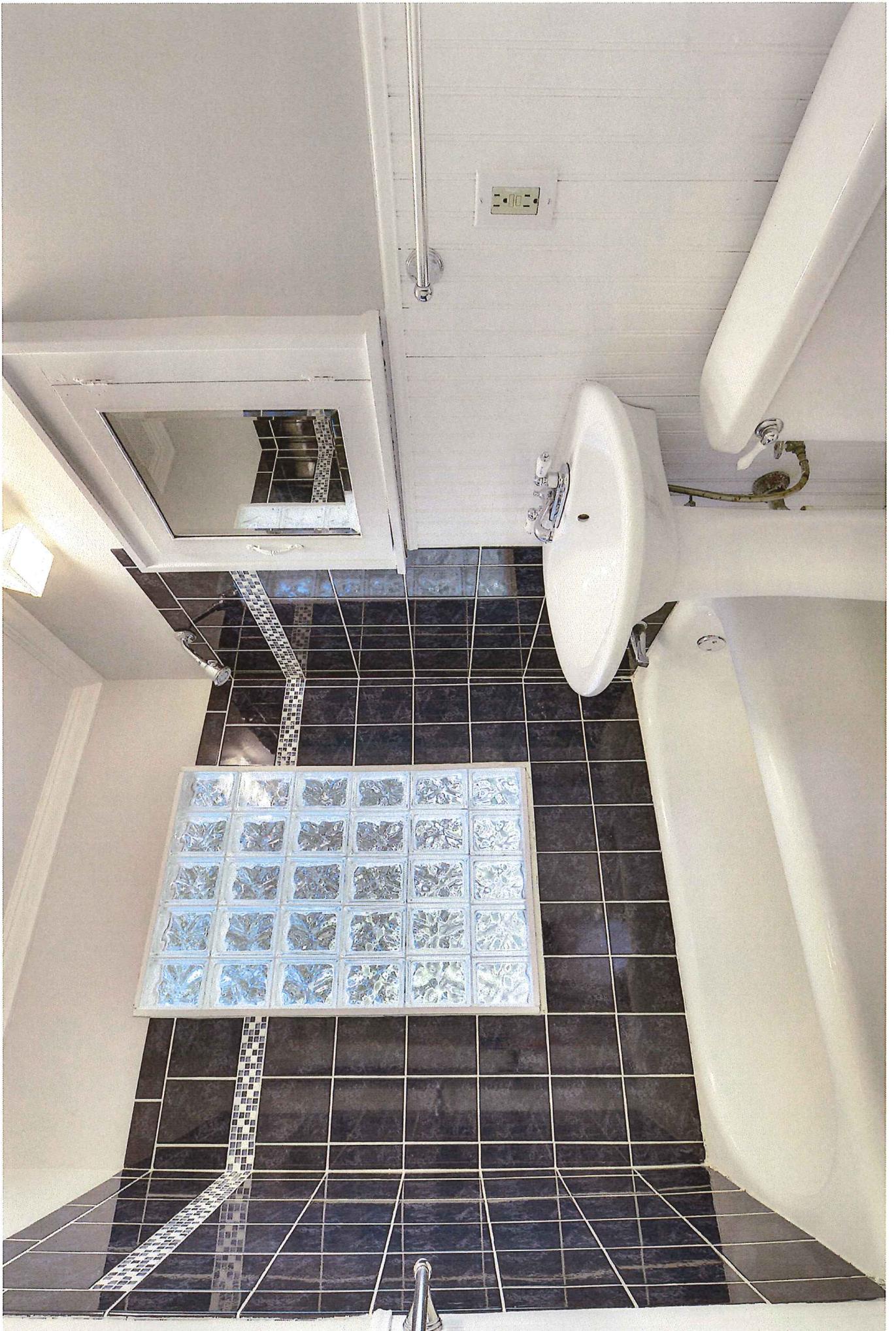


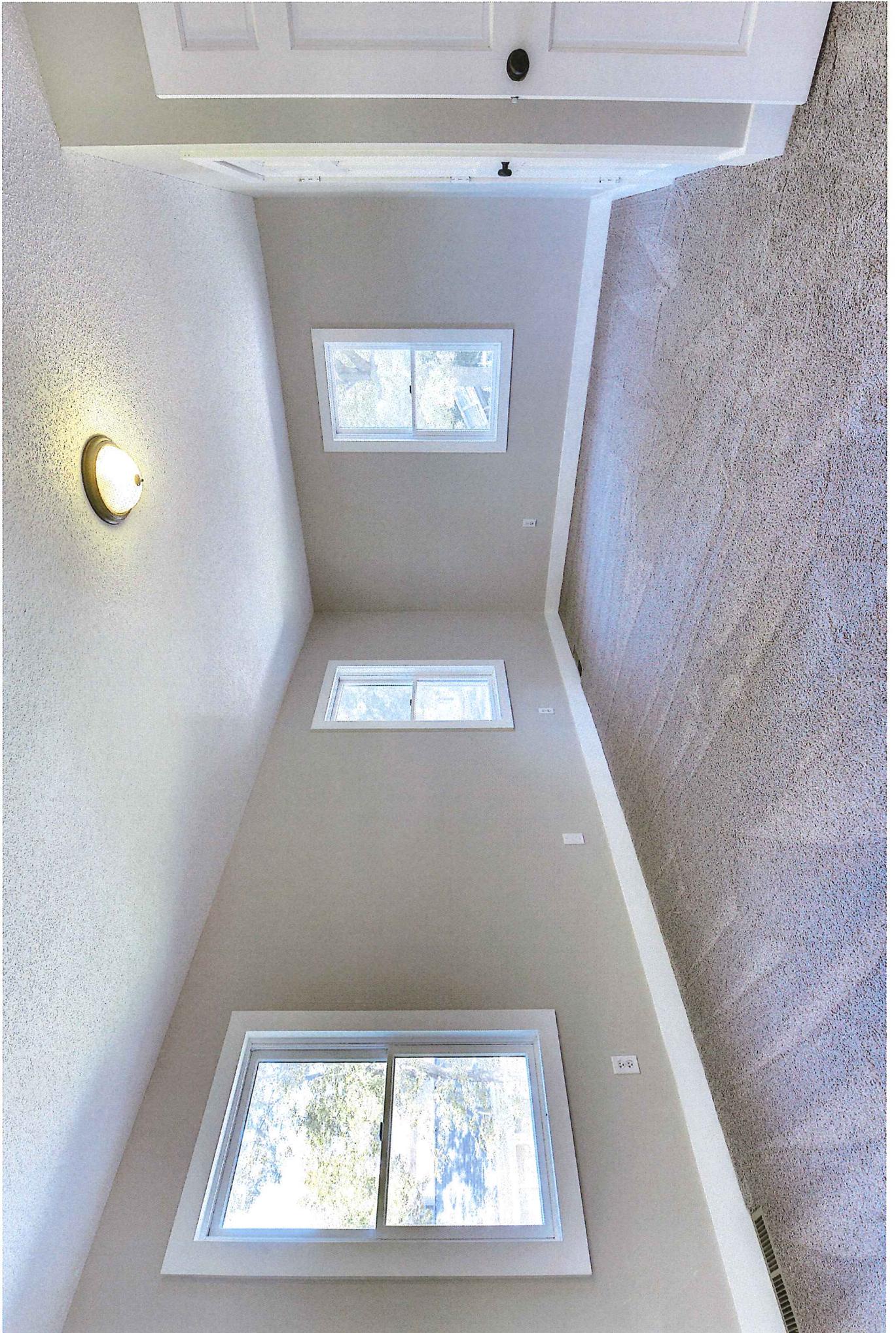


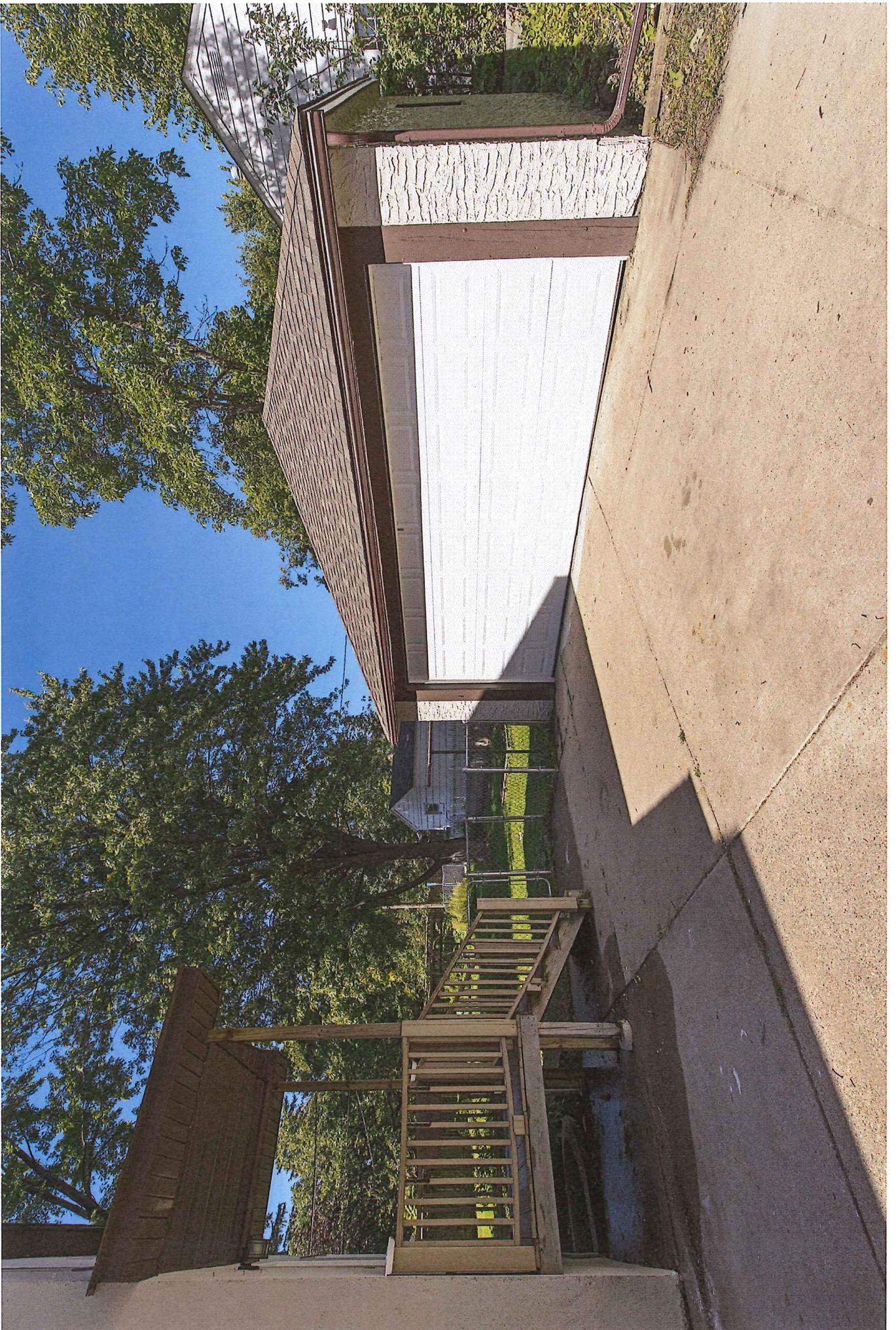












Maywood St



55' x 118'

St Albans St N

W Orange Ave



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100

LEGEND

▣	CATCH BASIN
○	FIRE HYDRANT
○	POWER POLE
⊕	MANHOLE
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⊞	ELEC. TRANSFORMER
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—X—X—	FENCE LINE
—SS—	SANITARY SEWER LINE
—W—	WATER LINE
—G—	GAS LINE
—ST—	STORM DRAIN LINE
—E—	OVERHEAD UTILITY LINE
▭	CONCRETE SURFACE

DATE	REVISION DESCRIPTION
6/22/16	SHOW PROPOSED REMOVAL OF SIDE AND MAIN
6/24/16	ADD PARCEL DIMENSIONS



DESIGNER, CHECKER, AND PLOTTED
JIM SEABOLD
 681 ORANGE AVENUE W
 ST. PAUL, MN

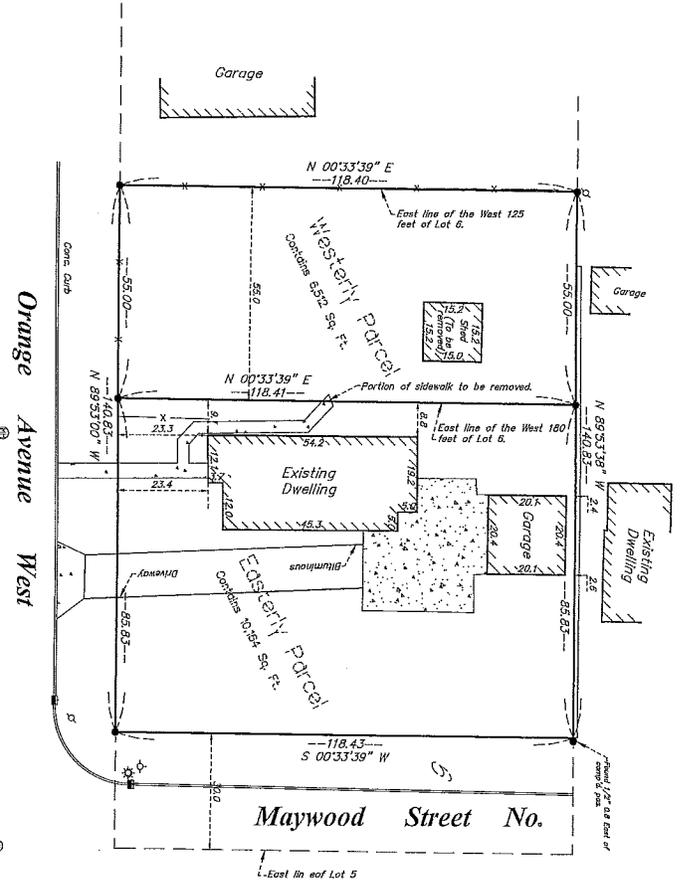
Advance
 Surveying & Engineering Co.
 4000 South Hwy. 101, 101
 Minneapolis, Minnesota 55425
 Phone: 612.338.0700
 Fax: 612.338.0701
 Web: www.advancemn.com

REGISTERED PROFESSIONAL SURVEYOR
 STATE OF MINNESOTA
 License No. 42379
 JIM SEABOLD
 DATE: JULY 27, 2016

DATE SUBMITTED: MAY 1, 2016
 DATE APPROVED: JULY 1, 2016

SHEET TITLE
LOT SPLIT SURVEY
 DRAWING NUMBER
1566779
 REV # 2

SHEET NO.
S1
 SHEET 1 OF 1



RECEIVED
 AUG 15 2016
 BY: _____

Dubruiel, Paul (CI-StPaul)

From: Anne Thom <annegooselake@yahoo.com>
Sent: Tuesday, October 04, 2016 1:14 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Orange Ave West Lot Split

Hi Paul,

I want to enter an objection to this at 661 Orange Avenue West. It is not appropriate for this neighborhood. One simply has to look at a few of the monstrosities that hulk over neighboring properties to see this. I am still annoyed that at the end of my alley someone was allowed to raze a bungalow and has now built this large, ugly dwelling that they do not keep up; there is debris everywhere, the lot looks like heck and the guy drains his swimming pool of the sidewalk and into the ROW and the sidewalk is now showing evidence of disintegration or scaling.

I want this to be a nice neighborhood with affordable homes for younger families and first time buyers who want to live in the city and work here and send their kids to schools here and when they buy a house they can afford to maintain it.

Thank you,

Anne Thom
1355 N Victoria Street

Dubruiel, Paul (CI-StPaul)

From: Philippe-O Gallandat <phogallandat@msn.com>
Sent: Thursday, August 04, 2016 5:46 PM
To: Dubruiel, Paul (CI-StPaul)
Cc: Philippe-O Gallandat
Subject: 661 Orange Ave E Lot Split Early Notification.

Hello Sir,

This is to follow the phone conversation we had on August 1 2016.

I would like to voice my deep concern in relation to the transformation of the lot. I own the lot directly West, 1266 ST Albans St N, and have lived there since 1997.

The following are a few concerns that come to mind:

- The property has a **vacant house** on it, that, (besides being an oddly situated, eyesore) is in extremely poor shape, is unhealthy, has water damage and is going to require a substantial amount of **money** and work for it to be of any value to a potential family who would buy it to LIVE in *our* neighborhood .
- It looks like the new owner is not planning to live here and just intends to patch up the house for resale, or rent. it to make a profit, and move on to the **detriment of the existing surrounding properties**.
- Even if there is legally enough space for the creation of a new lot, squeezed between the existing house and my property. who knows **what kind of structure** could then be built on it.
- This part of the lot is where all **the trees** are situated, and in order to build on it all would be lost. Those trees are a valuable asset to the health of the neeighborhood.
- All this will more than likely affect **the value of my property** (and my neighbors') in a negative way.

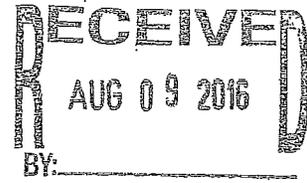
Alternatively, I would like to add that if Mr. Sarquis had a plan to tear down the existing house, and split the lot evenly E W instead of N S so a one story individual house facing Maywood could be built on each, it would spare the trees in the back and preserve the financial and aesthetic harmony of our neighborhood. I would have no objection to such a project.

Sincerely,

Philippe Gallandat

August 7, 2016

Paul Dubruiel
PED Zoning Section, City of Saint Paul
25 West Fourth St
Saint Paul, MN 55102



Dear Mr Dubruiel,

We are writing in response to your recent letter about rezoning a property near our home. The property is 661 Orange Avenue, Zoning File # 16-063869. We own the lot at 1274 Saint Albans St N – our lot meets the Orange Avenue property at its northwest corner.

We are responding through email in order to facilitate your sharing our letter and our concerns with others. (A paper copy of this letter will follow in the mail.)

We are very concerned about the plan to rezone this lot. Some of our reasons include:

- Two small lots, especially facing Orange, where only one exists now, will change the feel of our neighborhood to its detriment, both aesthetic and financial. We are troubled that this change will most likely devalue our property.
- It appears that the current owner, Mr Sarquis, may be a developer rather than an individual who plans on moving into our neighborhood. We are concerned that, if that is the case, his reasons for splitting the lot are much less likely to respect the interests of those who already own property in our neighborhood, and more importantly, live here and wish it to retain its quiet and attractive nature.
- Splitting this lot will set a precedent for additional similar rezoning of other properties in the neighborhood.
- A number of questions arise that are not answered in the rezoning application. For instance:
 - Is the vacant, dilapidated house that is now on that property to be torn down or does the current owner/developer, Mr Sarquis, plan to rehabilitate that house before placing it for sale again?
 - Where are the owner/developer's plans for structures to be built on that property, if it is split into two lots? We would like to see those plans before decisions are made about splitting the lot.
 - Almost all of the rest of the houses along Maywood face Maywood, and almost all of the houses on Saint Albans St face Saint Albans. Does a plan that changes the number of lots situated on Orange present further possible requirements for taxpayers, such as sidewalks and/or street lighting, etc., along Orange?
 - What other variances might be required as a result of such a zoning change?

Thank you.

Sincerely,

Handwritten signatures of David Bucher and Mary Firth in black ink.

David Bucher and Mary Firth
1274 Saint Albans St N, Saint Paul, MN 55117

Dubruiel, Paul (CI-StPaul)

From: Sarah Hustad <motosossy@gmail.com>
Sent: Thursday, August 11, 2016 7:40 AM
To: Dubruiel, Paul (CI-StPaul)
Subject: Property at 661 Orange

Dear Paul,

I oppose the proposal of a split lot at 661 Orange in St. Paul. The main reason I oppose this is I am not in favor of increased density in my neighborhood. Secondly, the house that is on this lot is already hideous. It has been remodeled and added on to in manners that are quite appalling. I shudder to think what someone who buys the lot may erect next to it. What is currently an eyesore of property may become a double eyesore. Also, there are many beautiful mature trees on this property, most of them oaks. These trees would have to be removed to make way for a second lot on this property, and that would be a shame. We are already losing so many trees in our beautiful city to emerald ash borer ravage. It would be most unfortunate to lose trees that don't need to come down. Lastly, this property now belongs to someone who has no interest in occupying the property, nor any investment in our neighborhood and its health. If they were truly invested, the best course of action would be to tear down the house currently standing, and build something better suited to the lot and the neighborhood, a house that we could all look to and say, "Now, that's an improvement!" Instead, the property owner is simply looking to make a quick buck.

I and many of my neighbors are most concerned about what may transpire at this location. I hope there is a process by which we may formally oppose this action. I look forward to a response.

Thank you.

Sincerely,

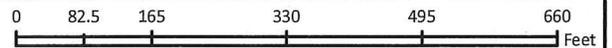
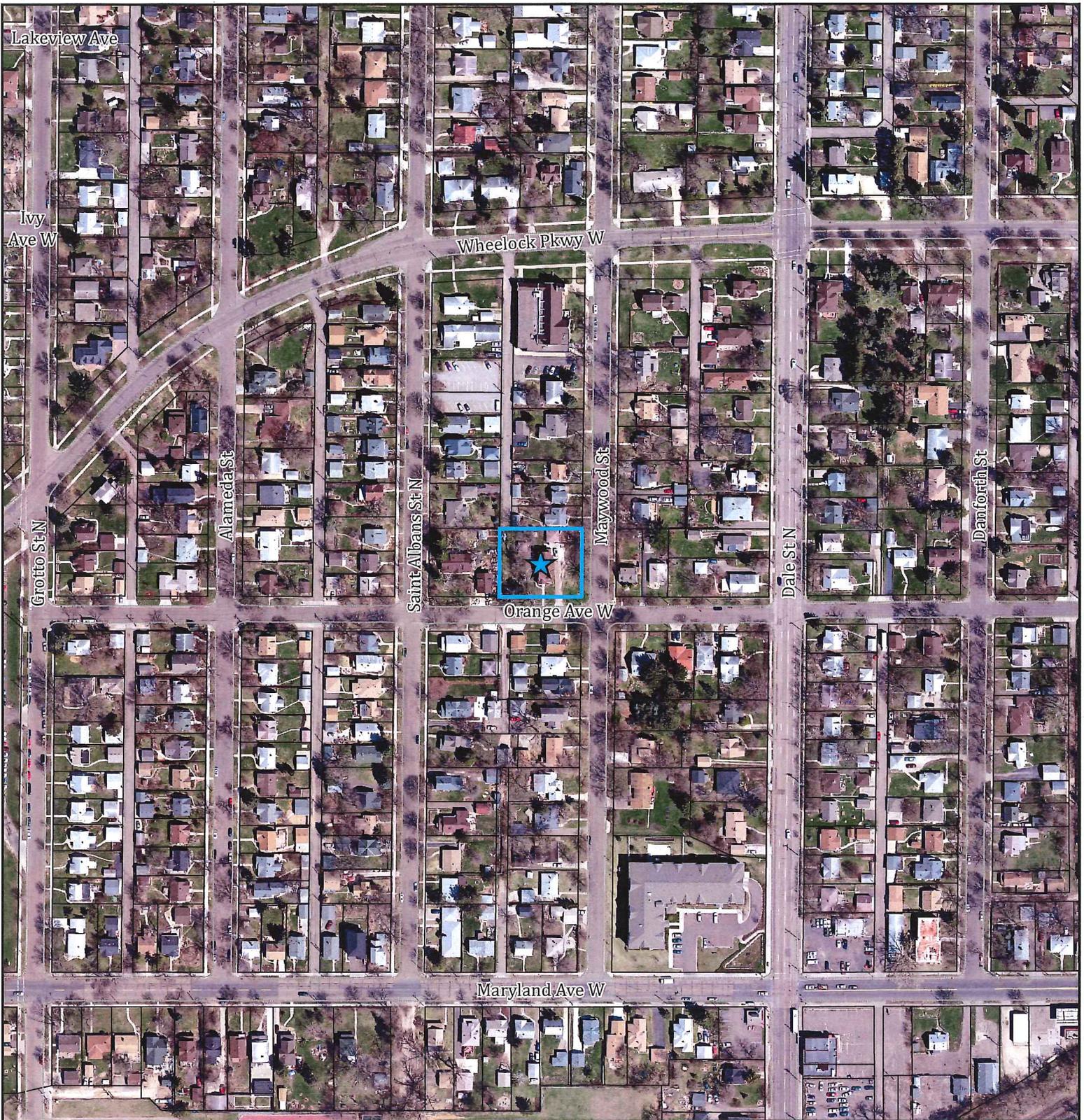
Sarah Hustad
1242 Saint Albans Street North
Saint Paul

Williams, Josh (CI-StPaul)

From: Judy and Wayne Brown <hwaynefish@msn.com>
Sent: Thursday, October 13, 2016 4:37 PM
To: Williams, Josh (CI-StPaul)
Subject: File#16-085-577

I agree with the planning administrator. The lot is too small.

Sent from my iPad



FILE NAME: Jim Seabold

Aerial

APPLICATION TYPE: Appeal

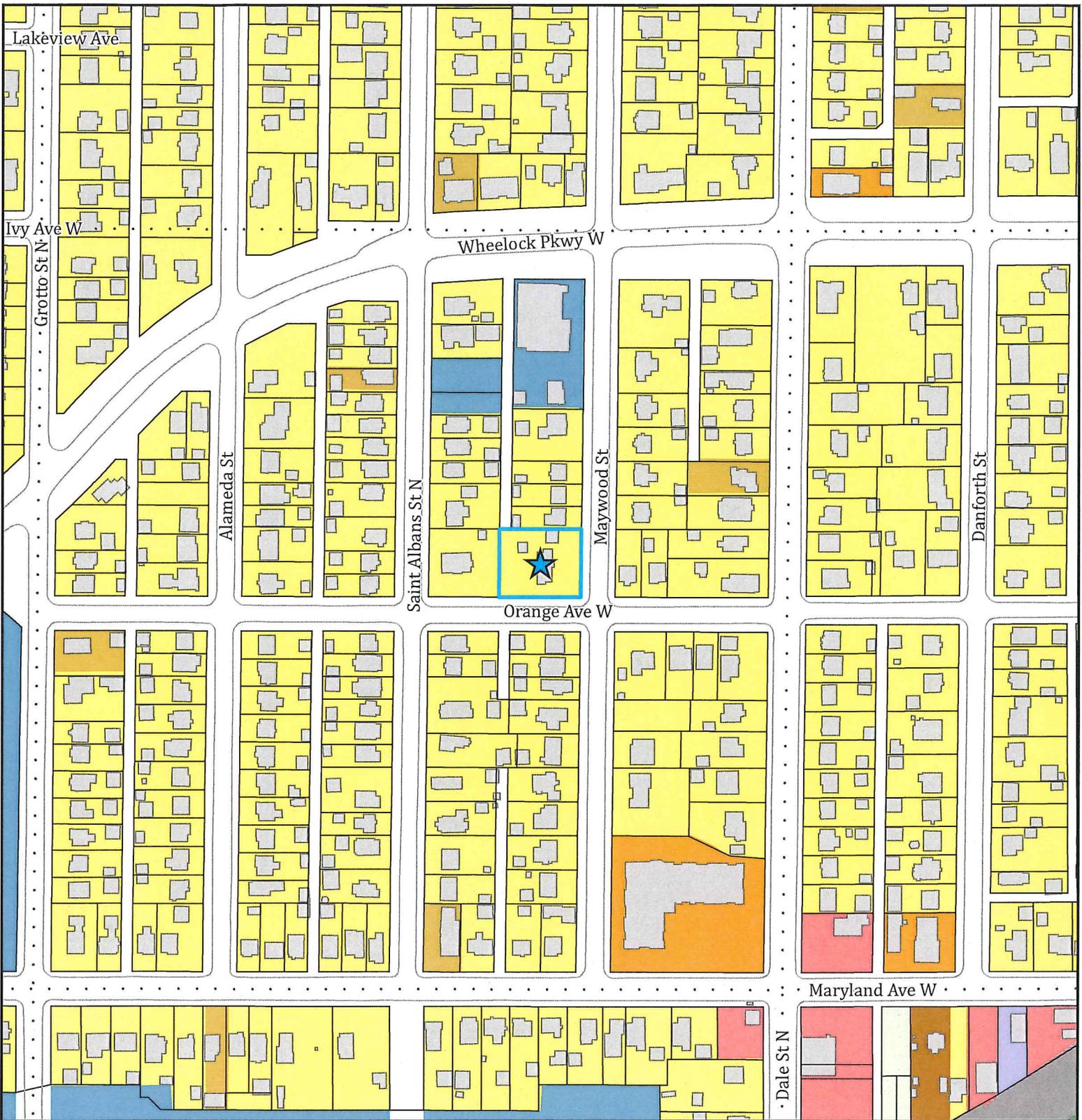
 Subject Parcels

FILE #: 16-085577 DATE: 10/4/2016

PLANNING DISTRICT: 10

ZONING PANEL: 3





FILE NAME: Jim Seabold

APPLICATION TYPE: Appeal

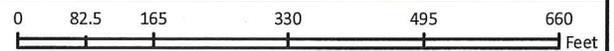
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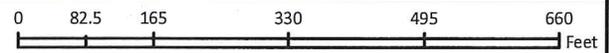
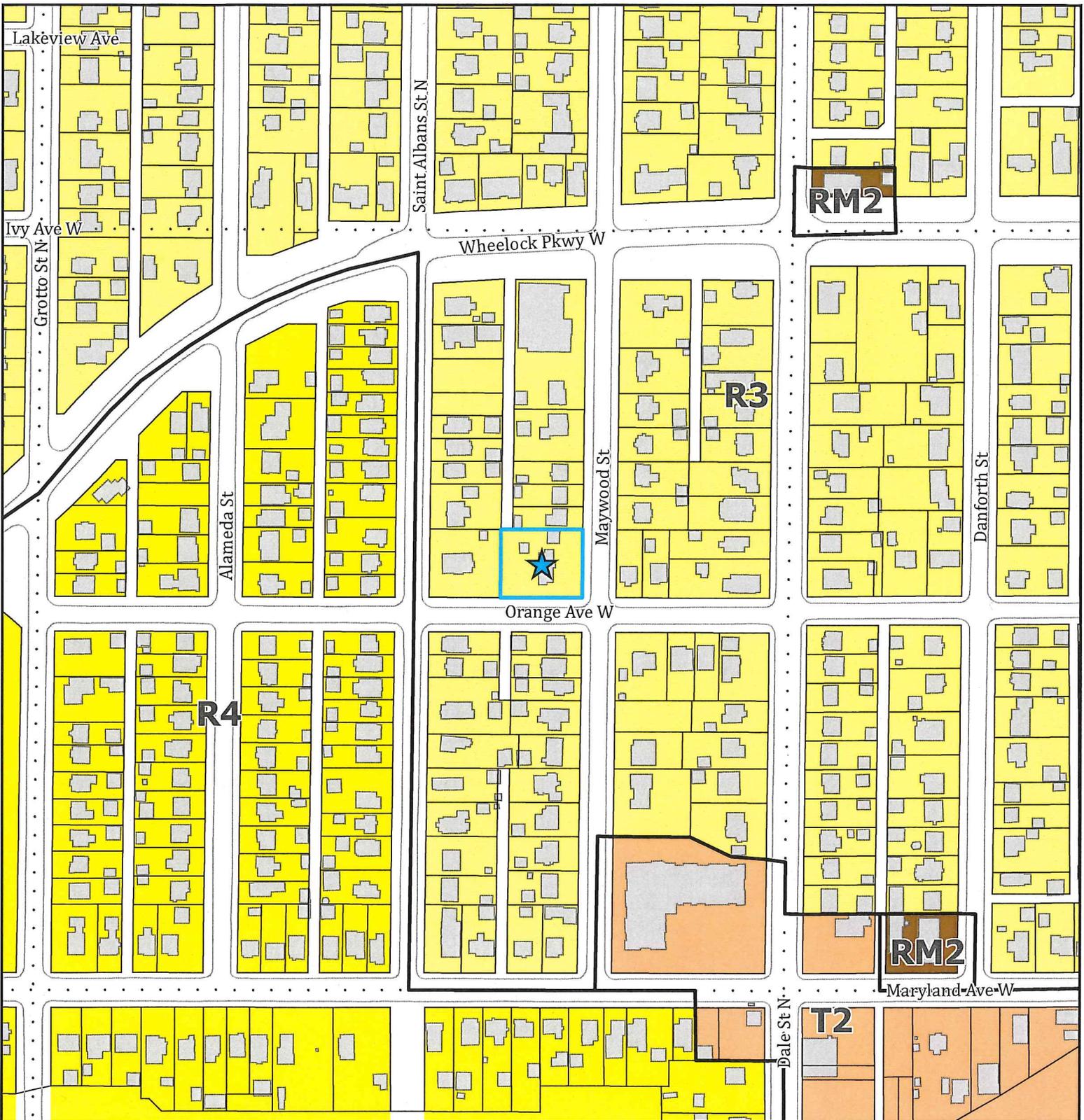
PLANNING DISTRICT: 10

ZONING PANEL: 3

Land Use

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





FILE NAME: Jim Seabold

APPLICATION TYPE: Appeal

FILE #: 16-085577 DATE: 10/4/2016

PLANNING DISTRICT: 10

ZONING PANEL: 3

- Zoning**
- Subject Parcels
 - · · Section Lines
 - R3 One-Family
 - R4 One-Family
 - RM2 Multiple-Family
 - T2 Traditional Neighborhood

