

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Budd Sieger et al **FILE #:** 17-005-500
 2. **APPLICANT:** Budd Sieger **HEARING DATE:** March 2, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 816-818 Ashland Ave., between Avon and Victoria
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.13.0059; Bryant's Addition To St Paul Lots 4 & Lot 5 Block 2
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** RT1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** February 21, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** January 23, 2017 **60-DAY DEADLINE FOR ACTION:** April 7, 2017
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- A. **PURPOSE:** Rezone from RT1 two-family residential to RT2 townhouse residential.
- B. **PARCEL SIZE:** 9420.8 sq. ft., 80 ft. lot frontage on Ashland x 117.76 ft.
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**
 - North: Multifamily Residential (RT2), Duplex (RT1), Single family residential (RT1)
 - East: Single family residential (RT1)
 - South: Single family residential (RT1)
 - West: Duplex (RT1)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Between 1922 and 1975 the subject property was zoned B residential which would have permitted both single family and two family residential uses. In 1975 when the modern zoning code was adopted, the property was rezoned to RT1, two family residential district. The structure was originally constructed as a duplex in 1908 at 730 Laurel Avenue, a couple blocks away from its current location. In 1977 the structure was moved to 816 – 818 Ashland Avenue and has been used as a duplex since that time. The building is structured like a typical up down duplex with one unit on the first floor and another unit on the second and third floor. The applicant is requesting that the property be rezoned from RT1 to RT2 in order to convert the unit that currently occupies the second and third floor into two separate units. The unit that occupies the second and third floors currently has five bedrooms, which the applicant would like to split into a two bedroom unit on the second floor and a three bedroom unit on the third floor. It appears as though the conversion from a duplex to triplex would comply with all applicable zoning standards and would not require any variances, provided the property is rezoned to RT2. There are currently two parcels in the immediate area that are zoned RT2. Somewhere between 1975 and 1990 these two parcels in the immediate area were rezoned from RT1 to RT2, which is consistent with these parcel's underlying land-uses as a triplex and four unit townhouse, respectively.
- G. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 8 at the time of this staff report.

H. FINDINGS:

1. The applicant is seeking to rezone the property from RT1 to RT2 in order to convert the existing duplex into a triplex.
2. The proposed zoning is consistent with the way this area has developed. The immediate area around the subject property has a mix of single family, duplex, triplex, and four unit multi-family uses. The zoning near the subject property is primarily RT1, however, there is a parcel zoned RT2 zoning across the street at 825 – 831 Ashland Avenue, which is a four unit condo, and another parcel zoned RT2 in close proximity to the site at 807 Holly which is a triplex. Sometime between 1975 and 1990 these two parcels were rezoned from RT1 to RT2 which is consistent with their underlying land uses. There is another property in the immediate area located at 852 Ashland that is a legally non-conforming 4-plex, zoned RT1. The proposed RT2 zoning is compatible with these existing land uses and RT1 and RT2 zoning districts in the immediate area.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is in an area designated by the land use chapter of the comprehensive plan as an established neighborhood. The smaller scale multifamily housing that would be permitted in the proposed RT2 zoning district is appropriate in established neighborhoods. Strategy 1.8 of the land use chapter encourages the development of town houses and smaller multifamily structures compatible with the character of established neighborhoods. Strategy 1.1 of the housing chapter calls for increasing housing choices across the city to support economically diverse neighborhoods.
4. The proposed zoning is compatible with surrounding single family, duplexes, and multifamily land uses in the immediate area. The subject property is a double lot which would permit two additional units under an RT2 zoning designation. The lot size and size of the structure is comparable to the other 3 and 4 family land uses in the area, and therefore RT2 zoning would allow future development on this parcel that is compatible with the surrounding land uses.
5. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term *“applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.”* The proposed rezoning of this parcel to RT2 would not constitute spot zoning and would be consistent with the surrounding land uses and zoning districts in the immediate area.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to RT2 townhouse residential.

Rec'd add 1-20-17



PETITION TO AMEND THE ZONING CODE
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

RECEIVED
JAN 20 2017
BY: PD=8

Zoning Office Use Only
File #: 17-005500
Fee: 1200.00
Tentative Hearing Date: 2-26-17

#022823130059

APPLICANT

Property Owner(s) See attached Home title (Multiple)
Address 3526 Sunbury Drive
City Woodbury State MI Zip 55125 Phone 651 283-5184
Contact Person Budd Sieger III Phone 651 283-5184
Email bsieger-3@gmail.com
(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY LOCATION

Address/Location 816-818 Ashland Avenue
Legal Description Lots 4 and 5, Block 2, Bryant's Addition
Current Zoning RT1
(Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, See Attached Home title (Multiple)

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RT1 zoning district to a RT2 zoning district. for the purpose of:
The existing duplex has one apartment on the first floor (2bed 1bath) and a second apartment on the top two floors (5bed 2bath). We are proposing to split the exiting apartment on the second and third floors (5bed 2bath) into two separate apartments. Second floor apartment would become a (2bed 1bath) and the third floor would become (3bed 1bath). The first floor would not change (2bed 1bath) apartment. The only addition would be adding a kitchen to the top floor (See floor plan drawings). Also since the duplex is on a double lot there is space for additional off street parking. (See exterior drawing)

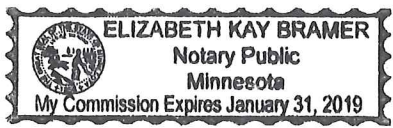
Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
Date January 19 2017
Elizabeth Bramer
Notary Public

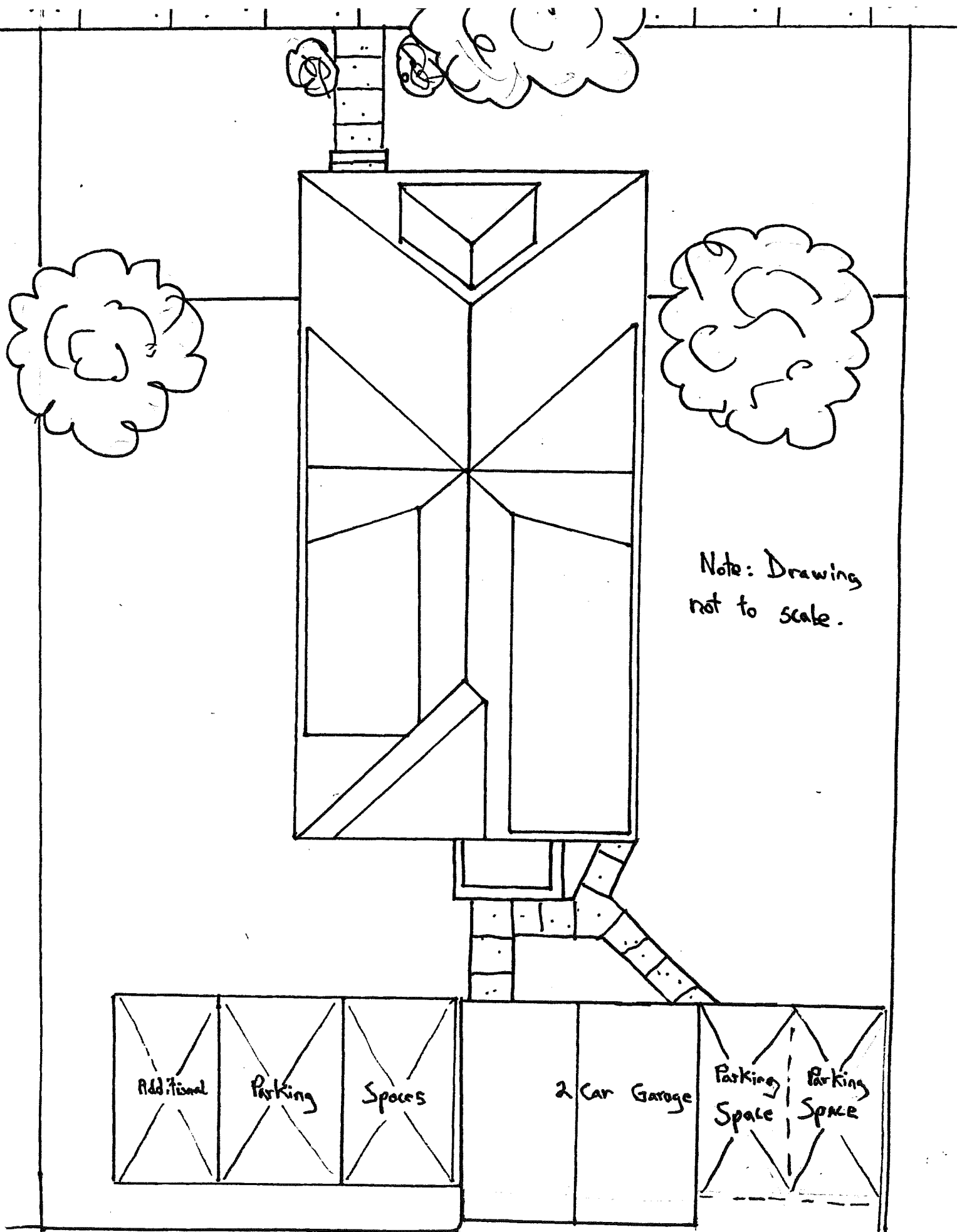


By: Budd G. Sieger III
Fee owner of property
Title: Budd G. Sieger III (owner)

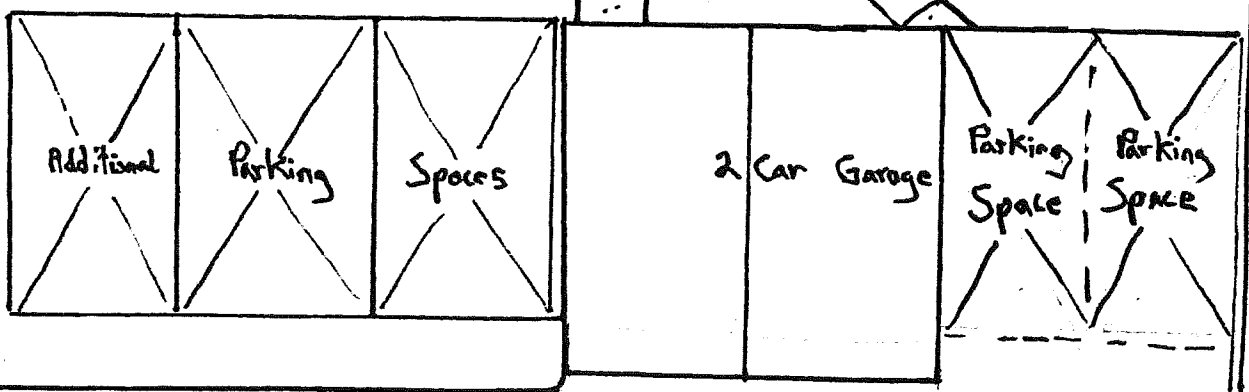
Subscribed and sworn to before me
Date January 19 2017
Elizabeth Bramer
Notary Public



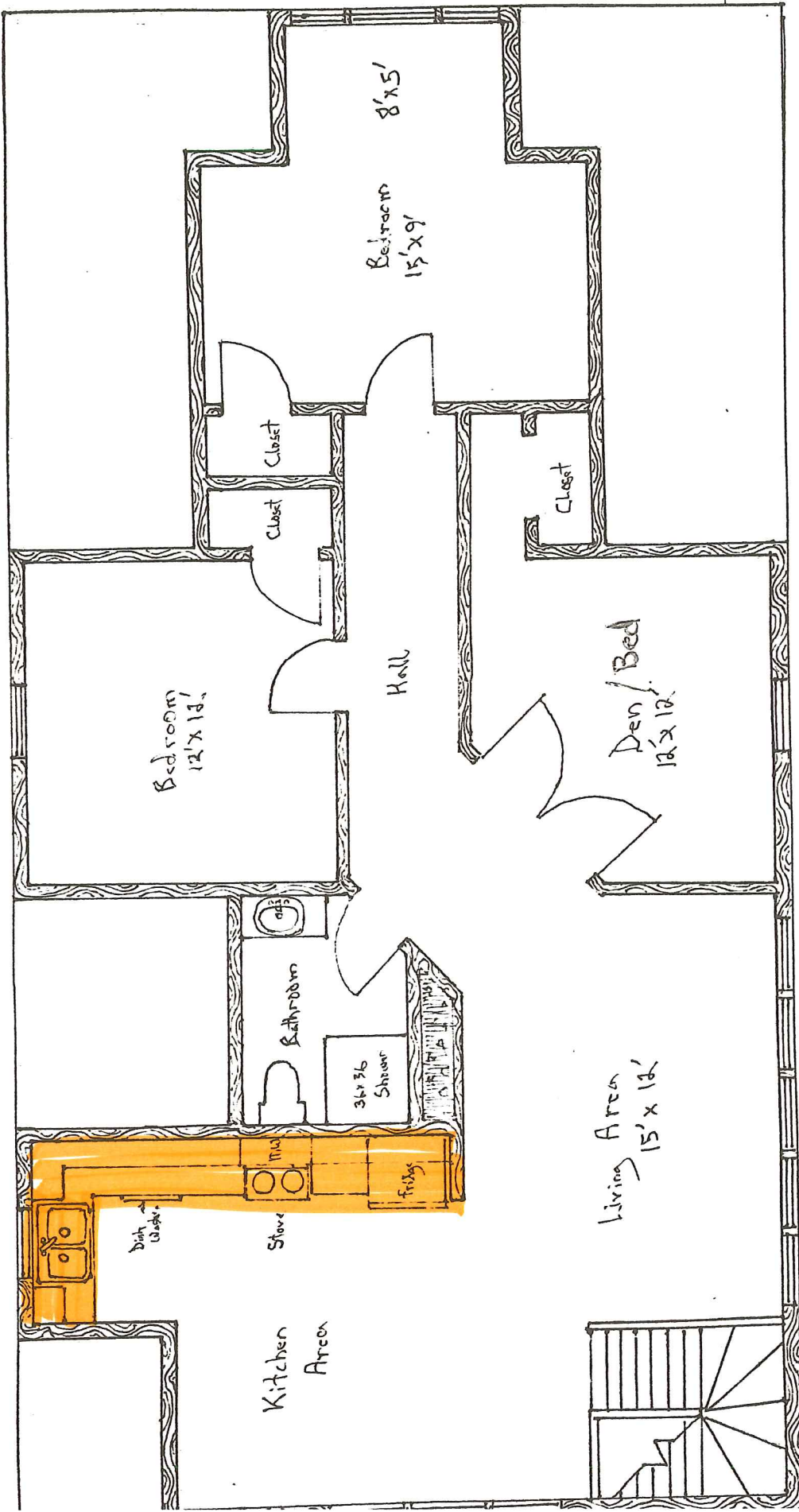
By: Michael Umphress
Fee owner of property
Title: Michael Umphress (owner)



Note: Drawing not to scale.

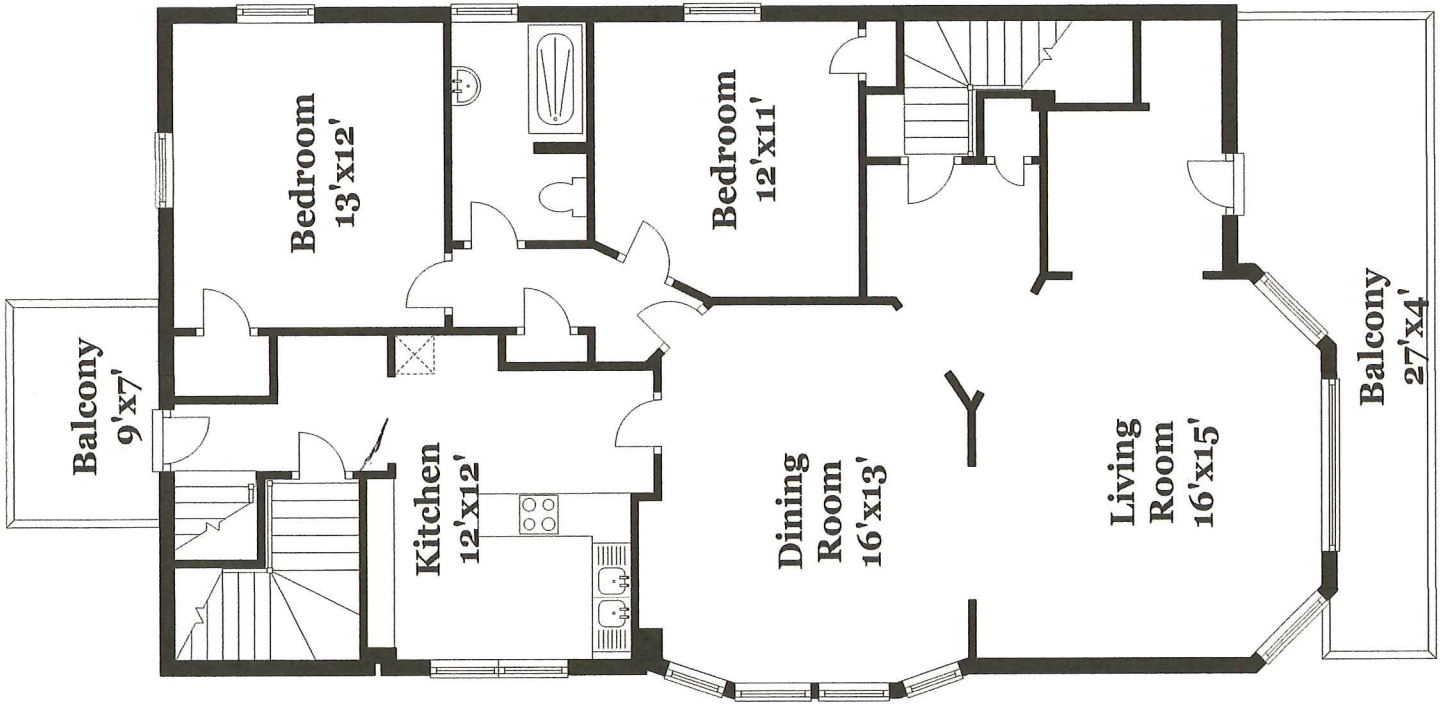


Third Floor



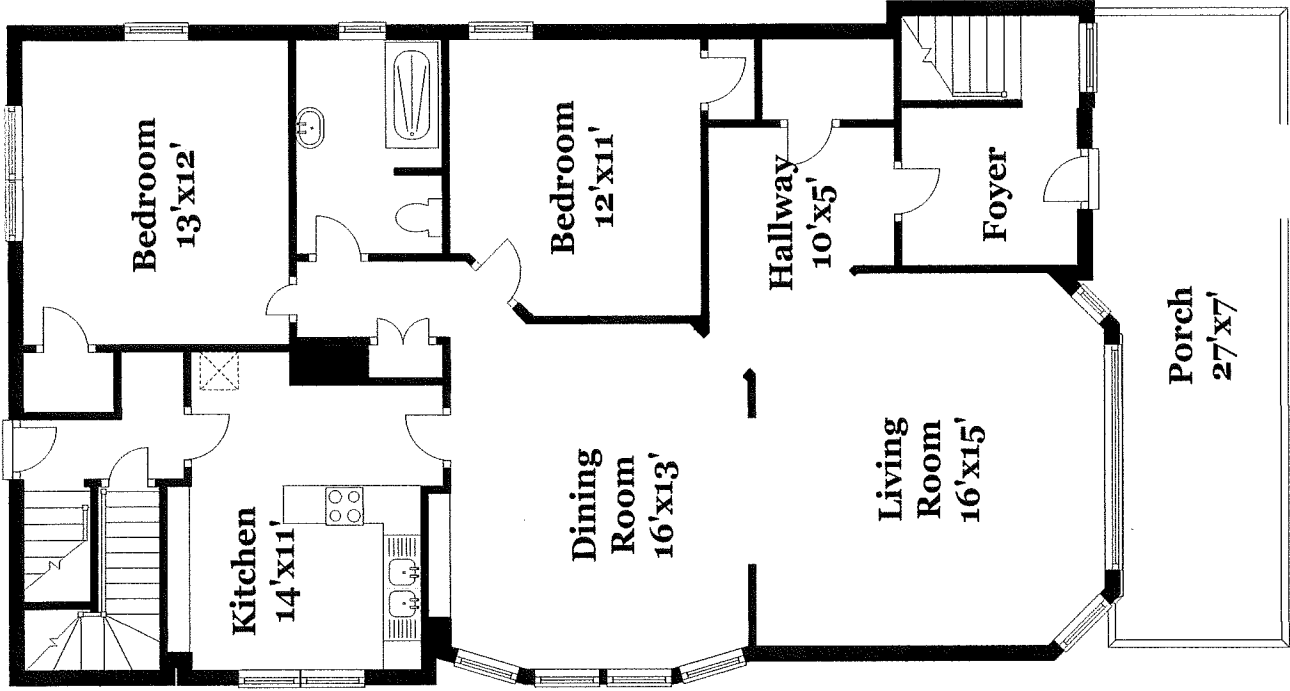
New

Second Floor



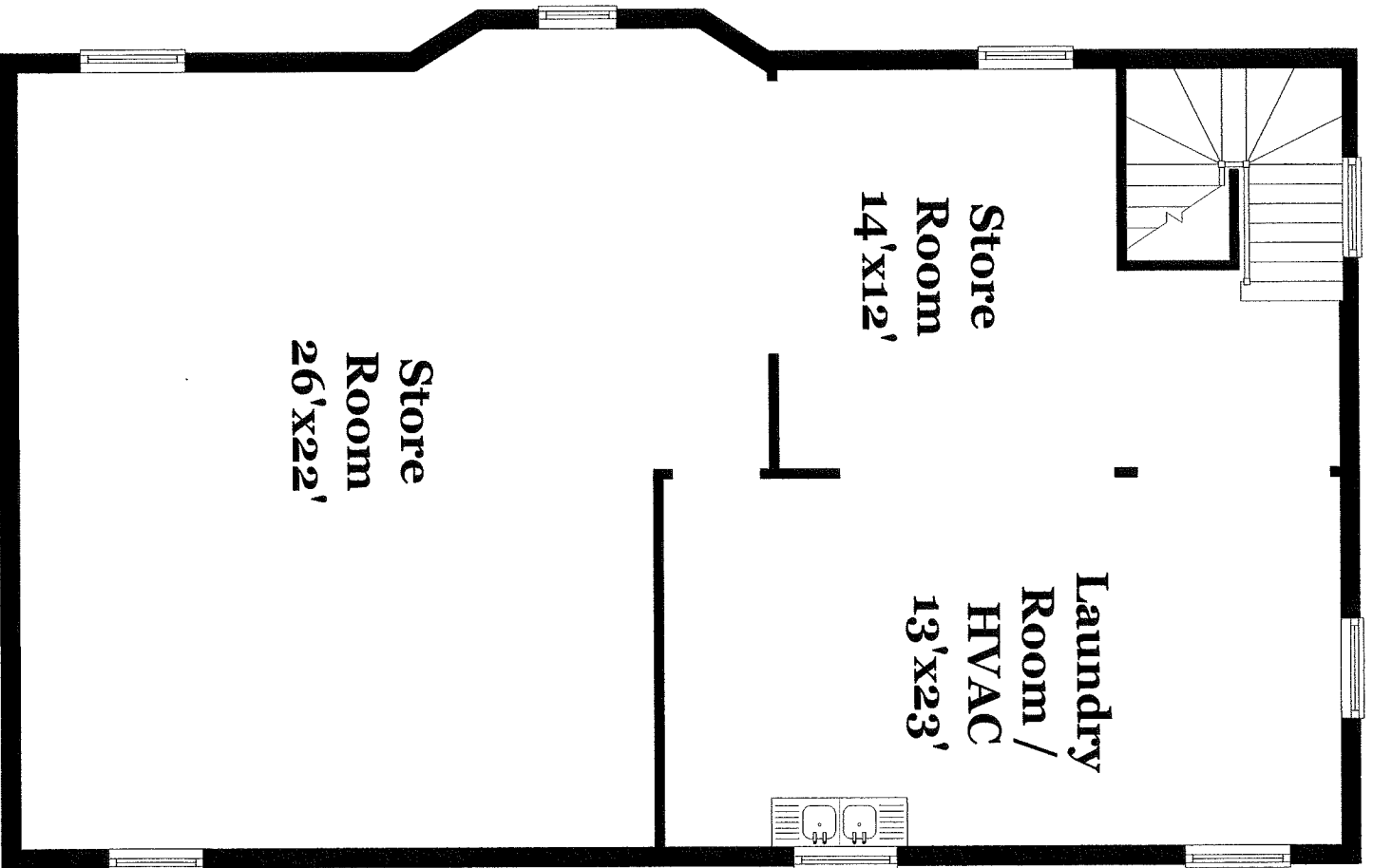
All measurements are approximate and not guaranteed. This illustration is provided for marketing and convenience only. All information should be verified independently. © PlanOmatic

First Floor



All measurements are approximate and not guaranteed. This illustration is provided for marketing and convenience only. All information should be verified independently. © PlanOmatic

Basement



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Johnson, Tony (CI-StPaul)

From: Edwin Garbutt <edwingarbutt@yahoo.com>
Sent: Wednesday, February 22, 2017 9:39 AM
To: Johnson, Tony (CI-StPaul)
Subject: File # 17-005-500 816 Ashland Rezoning Objections

Dear Mr Johnson,

I live at 813 Holly Ave which is on the opposite side of the alley to 816 Ashland. I am unable to attend the re-zoning hearing on 02 MAR 17. I oppose the rezoning proposal for 816 Ashland to RT2 townhouse residential. My opposition is for the following reasons:

1. INADEQUATE ROOM FOR ALLEY PARKING. As a duplex, 816 Ashland has held 5 or more tenants on the upper floor alone. This creates vehicle maneuvering constraints and excessive traffic in a tightly restricted section of the alley. Adding another parking pad to the backyard will create additional vehicle maneuvering hazards and jeopardize safe passage through the affected part of the alley.
2. TRASH BUILD-UP. As a resident at 813 Holly since 2010, I have seen mattresses, furniture and electronics left next to the garage at 816 Ashland by departing tenants that trash haulers would not remove as part of their weekly service. I have had to dispose of a discarded TV set myself, at my expense. My wife had to call the landlord to have a discarded mattress removed. Existing trash receptacles make maneuvering a vehicle in this tight part of the alley difficult. Adding a third unit to 816 Ashland has the potential to exacerbate this unsafe condition.
3. NOISE. We have heard excessive noise, music, screaming and profanity from the upper unit. Disturbing the peace and exposure of this nature to the small children in this neighborhood is concerning. Adding a third unit to 816 Ashland has the potential to exacerbate this undesirable condition.
4. SNOW AND ICE REMOVAL. Because of the existing parking configuration and lack of free surface area to displace snow and ice, the area behind 816 Ashland and 813 Holly becomes a sheet of packed snow and ice early in the winter season and remains that way until a spring thaw. An additional parking area in the back of 816 Ashland is likely to worsen the hazardous ice and snow in the alley.

Please take my concerns into careful consideration before granting this rezoning request.

Kindest regards,

Edwin Garbutt
813 Holly Ave
Saint Paul, MN 55104
612 217-0455

Date: February 23, 2017
File #: 17 - 005500
Folder Name: Budd Sieger et al
PIN: 022823130059



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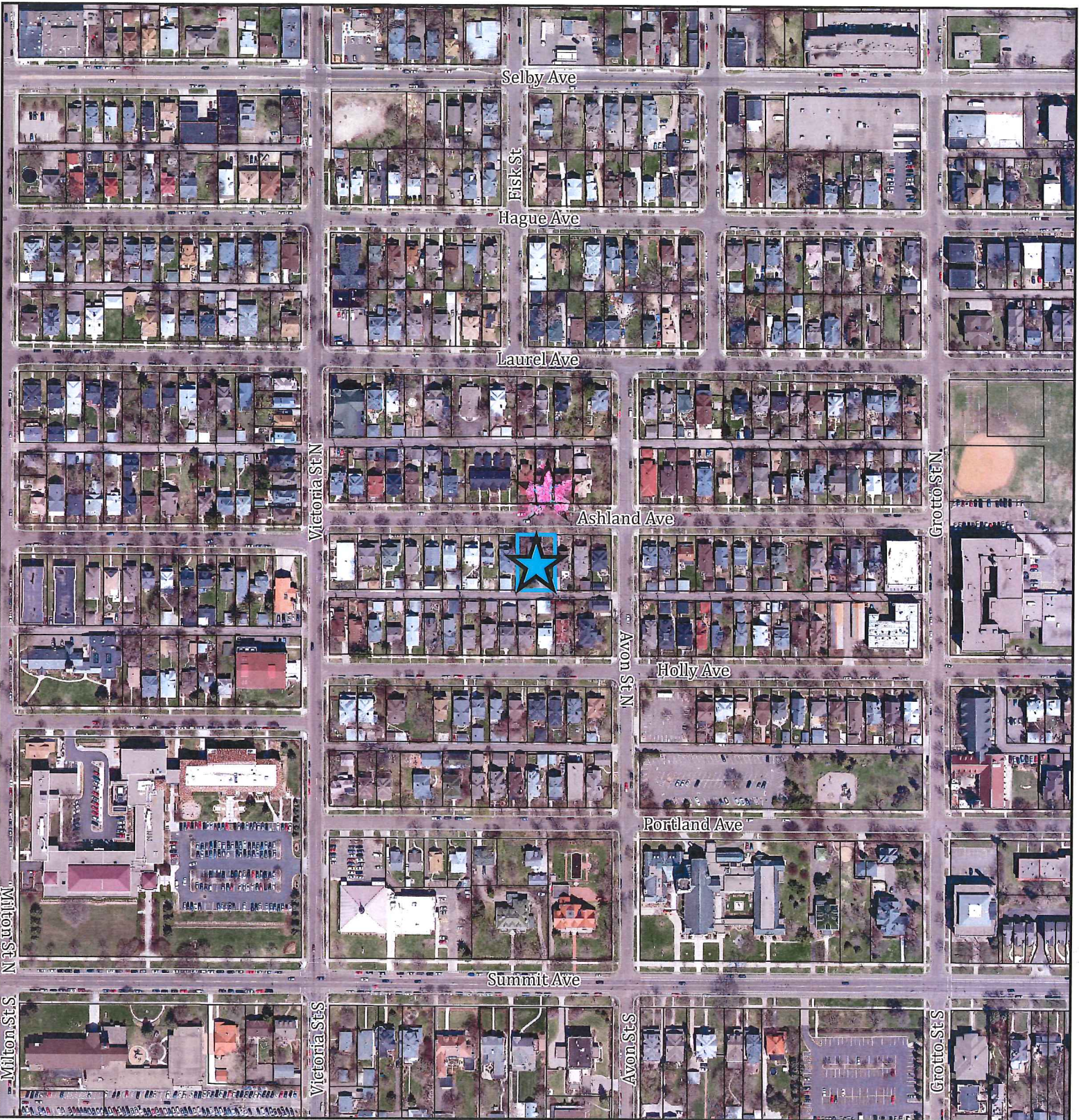


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APPLICATION TYPE: Rezoning

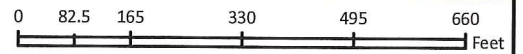
FILE #: 17-005500 DATE: 1/23/2017

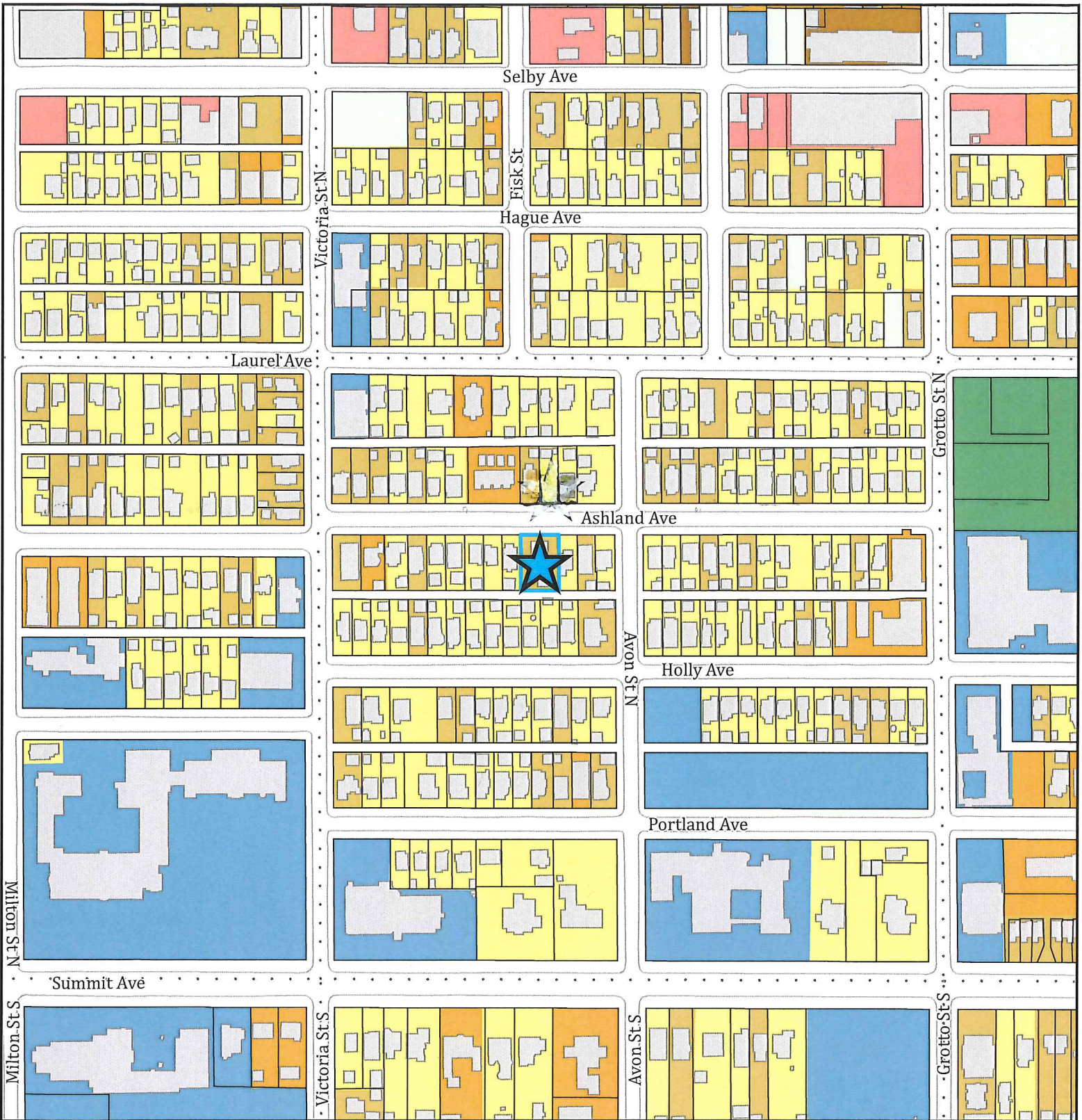
PLANNING DISTRICT: 8

ZONING PANEL: 15

Aerial

 Subject Parcels





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APPLICATION TYPE: Rezone

FILE #: 17-005500

DATE: 1/23/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15

Land Use

Single Family Detached

Single Family Attached

Multifamily

Retail and Other Commercial

Mixed Use Residential

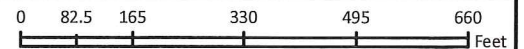
Institutional

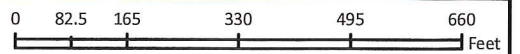
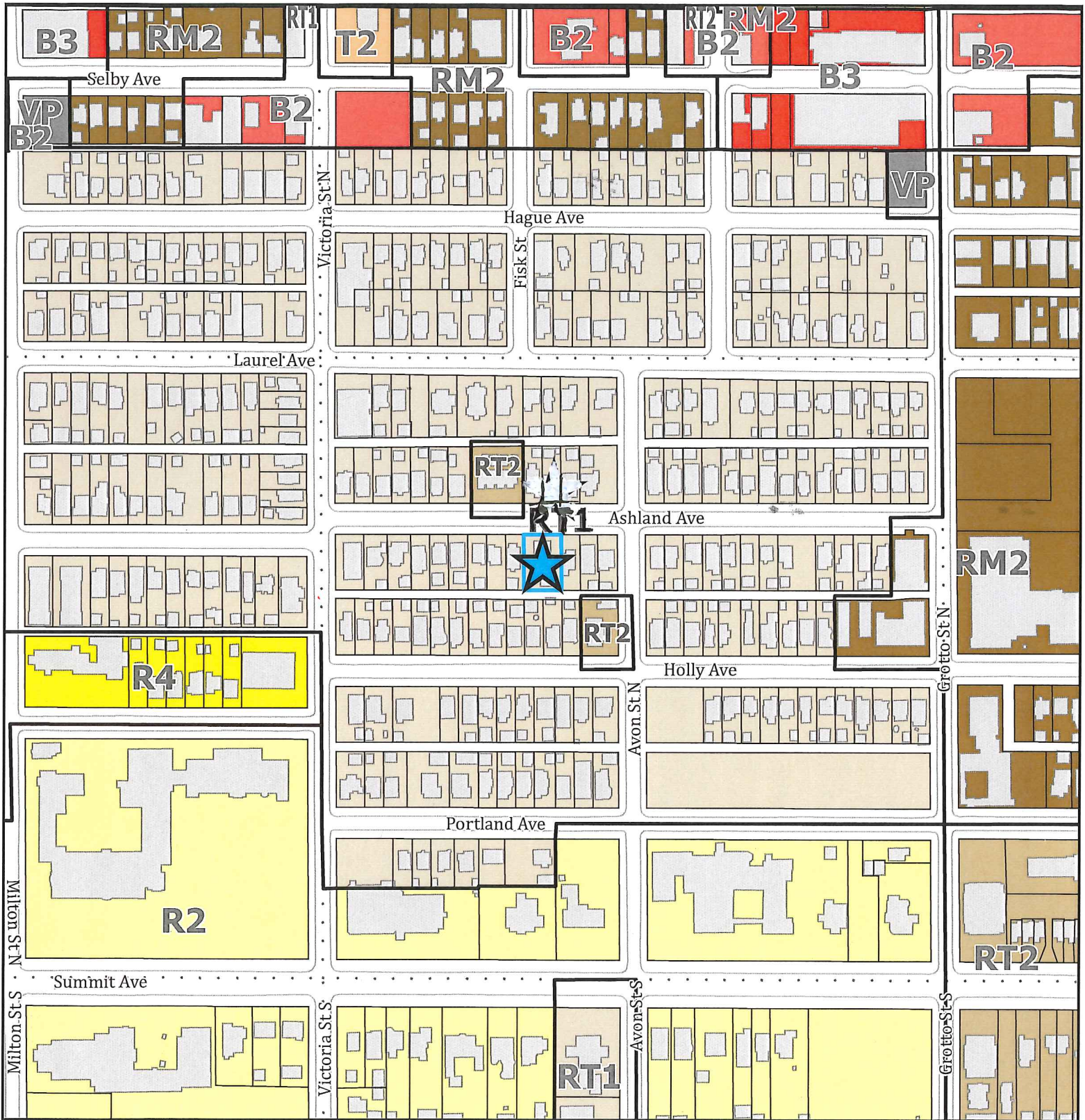
Park, Recreational or Preserve

Undeveloped

Subject Parcels

Section Lines





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APPLICATION TYPE: Rezone

FILE #: 17-005500 DATE: 1/23/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15

Zoning

- Subject Parcels
- Section Lines
- R2 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- B2 Community Business
- B3 General Business
- VP Vehicular Parking

