

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gerald Frisch **FILE #** 17-047-049
 2. **APPLICANT:** Nilva & Frisch PA **HEARING DATE:** June 22, 2017
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit – Reestablishment and Variances
 4. **LOCATION:** 915 Central Ave W, between Milton and Victoria
 5. **PIN & LEGAL DESCRIPTION:** 35.29.23.31.0181; Milton Addition, Lot 17, Block 3
 6. **PLANNING DISTRICT:** 8
 7. **ZONING CODE REFERENCE:** §§ 62.109(e), 61.202(b), & 61.601 **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** June 14, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** June 6, 2017 **60-DAY DEADLINE FOR ACTION:** August 5, 2017
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A. **PURPOSE:** Reestablishment of nonconforming use to allow a duplex, and variances for height (30' permitted, 32' proposed) and side yard setback (9' required, 7.5' proposed) for the third floor rear addition.

B. **PARCEL SIZE:** 40 ft. frontage on Central Ave. x 121.6 ft. = 4864 square feet

C. **EXISTING LAND USE:** One – Family Dwelling

D. **SURROUNDING LAND USE:**

North: Single Family (R4)

East: One- and two- family residential (R4)

South: Single Family (R4)

West: One- and two- family residential (R4)

E. **ZONING CODE CITATION:** § 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use. §61.202(b) allows the planning commission to act as the Board of Zoning Appeals and grant variances when related to other permits being considered by the Planning Commission at the same public hearing. §61.601 lists the conditions under which the Planning Commission may grant variances.

F. **PARKING:** 1.5 off-street parking spaces are required per unit. There is currently no off-street parking spaces. The applicant has indicated that he plans to construct a new parking pad for 3 cars to comply with the parking requirement in 62.106 (m) for the expansion of a legal nonconforming duplex.

G. **HISTORY/DISCUSSION:** The original building permit for the house cannot be located. Sanborn insurance maps show it as a single family dwelling in 1927. City records indicate that it has been a duplex since at least 1970, and there is no evidence of any physical change from that.

According to the materials submitted by the applicant, in 1962 their firm was retained to assist with the purchase of the duplex and to draft a lease agreement for one of the units. In 2001 the applicant gave the former owner of the property a loan of \$15,000 to purchase a 40% ownership interest in the duplex from the former owner's step son. The \$15,000 dollar loan was secured with a lien on the property, which was enforced after the owner's death in 2015. In November 2015, after the former owner's death, the property was put on the vacant building list. Because the property was homesteaded by the former owner, Minnesota Statutes requires a one year waiting period before ownership of the subject property could be transferred to the applicant through enforcement of the lien on the property. During this one year waiting period the subject property lost its legal nonconforming status pursuant to Zoning Code § 62.106 (a), which stipulates that

legal nonconforming structures and land in combination lose their nonconforming status if the nonconformity is discontinued for more than a year. In December 2016, when the applicant tried to obtain a building permit to rehabilitate the property and bring it up to code, he was informed that the structure had lost its legal nonconforming status and that he would have to submit an application to reestablish the nonconforming use.

During a site visit, staff discovered that the applicant began construction on a rear third floor addition without permit approval from the department of safety and inspections. Under Zoning Code §62.106 (m) *In RL—R4 districts, existing legal nonconforming two-family residential uses may be expanded. The expansion must meet the yard setbacks and the percentage of lot coverage requirements of the zoning district in which located or the RT1 district, whichever is greater; the height limit of the district in which located; and the requirements for off-street parking in article 63.200.* As a part of this application the applicant has submitted a site plan and elevation showing the new rear addition. Two variances are required in order to bring this addition into compliance with zoning code §62.106 (m). Pursuant to §62.106 (m) the new addition is subject to the 9 foot side yard setback in a RT1, two family residential zoning district, and the 30 foot maximum height in an R4, single family residential zoning district.

H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from The District 8 Planning Council at this time.

I. **FINDINGS:**

1. The duplex conversion guidelines adopted by the Planning Commission state that staff will recommend denial of applications for reestablishment of legal nonconforming status for a duplex in a residential district unless, in addition to the required findings in § 62.109(e) of the Zoning Code, the following guidelines are met:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet. This guideline is met.* The lot is 40 feet wide and, with half the adjoining alley considered as part of the lot for the purpose of applying lot area requirements according to Zoning Code § 66.231 (b), the area of the lot is 5264 square feet.
 - B. *Gross living area, after completion of duplex conversion, of at least 1500 square feet. Neither unit shall be smaller than 500 square feet. This guideline is met.* The total floor area of the structure is 1834 square feet, with a building footprint of 980 square feet. The building is structured like a typical up-down duplex; the bottom unit occupies the basement and first floor and the upper unit occupies the second floor and attic. The basement and attic will most likely not be converted to living area, but the living area in each unit still will exceed 500 sq. ft.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. This guideline can be met.* There is currently no off street parking spaces on the lot. The applicant is proposing to construct a new parking pad to accommodate 3 parking spaces to comply with the parking requirement in §62.106 (m) for the expansion of a legal non-conforming duplex.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.) This guideline can be met.* Construction on a rear addition was started without permit approval from the Department of Safety and Inspections. As a part of this application, a site plan and elevation were submitted that indicates the side yard setback and height of the new rear addition. The rear addition was built at the same 7.5' setback as the existing house. The non-conforming duplex is subject to the 9' side yard setback requirement in an RT1 two family residential zoning district. A 1.5' side yard setback variance is required in order to bring this addition into compliance. The height of the new addition is 32 feet above

grade. The new addition is subject to the 30' maximum height limit of the R4 district in which it is located. A 2 foot height variance is required in order to bring this addition into compliance. This guideline can be met, provided the Planning Commission approves the variances for the side yard setback and height, or alternatively if the rear addition is removed and the original roof line is restored.

- E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex 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 is met. City records indicate that the house has been a duplex since at least 1970. Because the property was on the vacant buildings list the structure will have to be brought up to code before it can be reoccupied.*
2. 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. This finding is met. City records indicate the house has been a duplex since at least 1970. The total living area of the structure is 1834 square feet. While a floor plan of the full structure has not been provided by the applicant, the building is structured like a typical up-down duplex with utility hook-ups for two kitchens and with front and rear exits from both units. Converting the house to a conforming one-family dwelling would require capping off any utility hook-ups for one of the kitchens, removing the separate entrances, and most likely reconfiguring the existing floor plan.*
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. The proposed use is the same as the previous legally nonconforming duplex use. The additional parking pad that will be constructed to comply with the code requirement will make the proposed use more appropriate to the district and reduce the on-street parking impact of the duplex.*
 - (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. This finding can be met. The development pattern in the immediate area is characterized by one- and two- family structures. The proposed duplex is consistent with the existing pattern of one- and two-family development in the area so the proposed duplex use would not be detrimental to the existing character of the immediate area. This guideline can be met if building permits are obtained for the rear addition to ensure that it is structurally sound and does not endanger public safety.*
 - (4) *The proposed use is consistent with the comprehensive plan. This finding is met. The subject property is in an area defined by the comprehensive plan as an established neighborhood, where a mix of housing types including duplexes is appropriate. Housing Plan Strategy H1.1 calls for increasing housing choice across the city to support economically diverse neighborhoods, including a mix of rental and ownership units and a range of housing types.*
 - (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. This finding is met. The petition was found sufficient on April 18,*

2017: 14 parcels eligible; 10 parcels required; 10 parcels signed.

3. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code. This finding is met.* The applicant is seeking a 2 foot height variance and 1.5 ft side yard setback variance in order to legalize a third floor addition that was constructed without permits. Pursuant to sec. 62.106 (m), the non-conforming duplex is subject to the 30 ft maximum height limit in an R4 single family residential district and 9' required side yard setback in an RT1 two family residential district. The third floor addition was built in line with the existing wall which has an existing nonconforming 7.5' setback, so in that respect the nonconformity was not increased. According to the applicant the third floor addition was necessary because the clearance between the stairs and the old roof line was too low so it was creating an unsafe condition when trying to access the attic storage space. One of the purposes of the zoning code is to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community. The additional height that was created with the new addition has increased the clearance between the stairs and the roofline thereby ensuring safer access to this space, which is consistent with the zoning code intention to promote safety.
 - (b) *The variance is consistent with the comprehensive plan. This finding is met.* Housing Plan Strategy H1.1 calls for increasing housing choice across the city to support economically diverse neighborhoods, including a mix of rental and ownership units and a range of housing types.
 - (c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties. This finding is met.* The applicant has stated that the purpose of the new third floor addition was to increase the clearance between the stair case and roofline so that the attic can be accessed safely. The existing staircase and wall are 7.5 feet from the eastern property line. In order to comply with the required 9 foot side yard setback, the wall of the third addition and the staircase would have had to be jogged in 1.5 feet west which would be an impractical solution to solve the safety issues caused by the low clearance between the stairs and old roof line. Because the existing location of the stairs next to the wall additional height was also necessary in order to ensure safe ingress and egress from the attic. If the stairs were built to today's standards the building code would require a 6' 8" clearance between the stairs and roof if the attic was going to be considered usable floor area. By increasing the height it appears that the new addition would meet the 6' 8" clearance required by today's standards, which most likely would have been impossible without altering the roofline and added height or moving the stair case.
 - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met.* The lot of the subject is 40' wide with non-conforming side yard setbacks on both sides. The existing location of the eastern wall and staircase are circumstances that were not created by the landowner.
 - (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located. This finding is met.* The new addition does not have any effect on the use and does not alter the zoning classification of the property.
 - (f) *The variance will not alter the essential character of the surrounding area.* The side yard setback and height variance will not significantly alter the essential character of the neighborhood, provided the exterior finishes of the addition match as closely as possible to existing exterior finish on the rest of the house. This finding is met.

J. STAFF RECOMMENDATIONS:

Based on findings 1 and 2 above, staff recommends approval of the reestablishment of a nonconforming duplex at 915 Central Avenue subject the following conditions:

1. A site plan for off street parking shall be submitted to and approved by the Department of Safety and Inspections, and a minimum of three (3) off street parking spaces shall be constructed prior to the re-occupancy of the building.
2. The applicant shall adhere to all applicable code requirements and shall obtain a certificate of occupancy for a two-unit building.

Based on finding 3 above, staff recommends approval of variances for height (30 feet permitted, 32 feet proposed) and side yard setback (9 feet required, 7.5 feet proposed) for a rear addition at 915 Central Avenue subject the following conditions:

1. The exterior finish of the rear addition shall match the exterior finish of the rest of the house as closely as possible.
2. Plans for the rear addition shall be submitted to and approved by the Department of Safety and Inspections, and building permit must be obtained for the addition, including for the work that has already been completed.



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

Zoning office use only
 File no 17-047049
 Fee 7.35⁰⁰
 Tentative hearing date 6/22/17

PD = 8
 # 352923310181

APPLICANT

Name Gerald E. Frisch for Nilva & Frisch, P.A.
 Address 2350 7th St W
 City Saint Paul St. MN Zip 55116 Daytime Phone 651.690.1591
 Name of owner (if different) Nilva & Frisch, P.A.
 Contact person (if different) Gerald E. Frisch Phone 651.690.1591

PROPERTY LOCATION

Address/Location 915 Central Ave W
 Legal description Lot 17, Block 3, Milton Addition
 Current Zoning R4
 (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)**
- Legal establishment of a nonconforming use in existence at least 10 years (para. a)
- Expansion/Relocation of a nonconforming use (para. d)

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

Present/Past Use Duplex
 Proposed Use Duplex

Attach additional sheets if necessary:

1. The structure cannot reasonably & economically be used for a conforming use.
2. The proposed use is more appropriate to District.
3. The proposed use is equally or more appropriate to the District.
4. The use is consistent with the comprehensive plan.

35 cash
 700 CK

Attachments as required: Site Plan Consent Petition Affidavit

Applicant's signature Gerald E Frisch Date 2/14/2017 City agent pdd

2/21/17

Gerald E Frisch 4/14/17
Gerald E Frisch 5/31/17

CK 6/09
 4-14-17



APPLICATION FOR ZONING VARIANCE

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 number: 315⁰⁰
Fee: \$ 315
Tentative hearing date: 6/22/17
Section(s): _____
City agent _____

PD=8
#352923310181

APPLICANT

Name GERALD E. FRISCH Company NILVA + FRISCH PA
Address 2350 WEST 7TH ST
City ST PAUL State MN Zip 55116 Daytime Phone 651 690 1591
Property interest of applicant (owner, contract purchaser, etc.) OWNER
Name of owner (if different) SAME

PROPERTY

Address/Location 915 CENTRAL AVENUE
Legal description _____
(attach additional sheet if necessary)
Lot size 40' x 121' Present Zoning R4 Present Use DUPLEX
Proposed Use DUPLEX

Variance[s] requested:

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Variances:
Height and side yard setback

Attachments as required: Site Plan Attachments Pro Forma

Applicant's signature Gerald E Frisch Date 5/31/17

NILVA & FRISCH, P. A.

**PROFESSIONAL ASSOCIATION
ESTABLISHED 1935**

—
**Allen I. Nilva
1911 - 1987**

Gerald E. Frisch

**LAW OFFICE
2350 Seventh Street W
St. Paul, Minnesota 55116-2825
651.690.1591
651.690.2613 (fax)**

April 28, 2017

Mr. Anthony Johnson
Saint Paul Planning & Economic Development
14th Floor - City Hall Annex
25 West 4th Street
Saint Paul MN

Re: 915 Central Avenue - Saint Paul Non-Conforming Use - Duplex

Dear Mr. Johnson:

Pursuant to your request for information concerning application by Nilva & Frisch, P.A. to restore the non-conforming use as a duplex of 915 Central Avenue, I submit the following information.

BACKGROUND

My personal knowledge relating to the use of this property relates back to my relationship as attorney for Mr. Hanes Bean in the fall of 1962 when I was retained by him to assist in the purchase of the duplex. As I recall my examination of title disclosed that the structure was built in 1914 - note the title work did not show if it was used as a single home or as a duplex. However the building was occupied as a duplex in 1961 with a full residence on the first level and a full residence on the upper level. Each residence had its own kitchen, bathrooms, living rooms; separate entrances and water heaters; and separate mailboxes. I also drafted a written lease agreement for the tenants occupying the upper unit. Mr. Bean occupied the lower unit as his homestead. Mr. Bean was unmarried at this time. He was divorced from his first wife with whom he had one son who lived with him.

Mr. Bean continued to reside in the lower level of the duplex until his death on September 26, 2005. In the interim, married his second wife, Ann Marie Bean. After Mr. Bean's death, Ann Marie continued to reside in the lower level and continue to rent out the upper level until her death on January 22, 2015.

Mr. Bean's son, Robert Dwayne Bean, was convicted of a felony on or about April, 2001 and was incarcerated. As a result, he no longer lived in the duplex. However he was awarded 40% interest in the duplex by Ramsey County Probate Court Decree in the proceeding to probate Hayne's estate (Ramsey County Court File No: 62-PR-06-457). Thereafter I loaned Ann Marie \$15,000 for her to acquire Robert's 40% interest in the duplex; my loan was secured by a lien on the title to the duplex. (I agreed not to enforce my lien during Ann Marie's lifetime.)

When Ann Marie died in January, 2015, no one paid the utility bills, and as a result the gas service was turned off; the duplex was not heated and the tenants moved from the upper level. No one notified the water department, and as a further consequence the water pipes froze.

The Saint Paul Code Enforcement Department was notified and "posted" the duplex as uninhabitable.

Since my lien appeared of record in the court house, I was notified of this condition. As I was on a winter vacation in Arizona, I contacted another client, Mr. James Logan on February 4, 2016 (who also lived in the neighborhood) with instructions to inspect the duplex and advise of his observations. Mr. Logan is in the construction business and in the rubbish hauling business.

Attached hereto is an affidavit by Mr. Logan which was filed in the Ramsey County Probate Court. This affidavit together with the representative photographs (taken by Mr. Logan) shows the condition of the duplex and its contents. (I have over 75 additional photos.)

Thereafter, I arranged for Mr. Logan to work with the Saint Paul Department of Code Enforcement to secure the duplex, remove the water logged contents and ruined sheet rock and other building parts. All of this work by Mr. Logan was performed pursuant to instruction by Code Enforcement Inspectors.

ENFORCEMENT OF MY LIEN

Minnesota Statute Chapter 550 provides the appropriate procedure to enforce my lien in Ramsey County probate Court. Since Ann Marie did not have any children, and since the duplex was her homestead, this Statute requires a one year waiting period to enforce a lien against a homestead. Accordingly, I could not enforce my lien until January 23, 2016. After the one year delay, I initiated the appropriate proceeding in Probate Court; and finally on November 11, 2016 a new Certificate of Title (No. 614606) was issued to my law firm (Nilva & Frisch, P.A.) for the duplex. Enclosed is a copy of the Certificate of Title. Once I had title to the duplex, I was able to obtain a building permit to continue the restoration of the duplex (or so I thought).

BUILDING PERMIT

On December 5, 2016, I applied for a building permit to restore the duplex. During the application proceedings, the attending clerk said that the City does not have a record indicating that the duplex was originally issued a building permit as a duplex and that as a result it is considering that the duplex is a "non-conforming" use; and that its non-conforming duplex status

was revoked because it was vacant for over one year. In order to continue as a duplex, the Planning Commission would have to reinstate the duplex status.

APPLICATION TO REINSTATE DUPLEX STATUS

I then sought advice from Zoning, to determine the procedure for reinstating duplex status. This involved obtaining consent signatures from the neighbors acknowledging that they consented/agreed that the duplex could continue as a non-conforming use. Finally, after locating two owners who were not easily located, I filed a valid application; and the hearings are scheduled.

DISTRICT COUNCIL

Pursuant to your suggestion, I have left a message for Ms. Jens Warner of the Summit University District Eight Council to contact me to review my application. At this time, she has not responded to my request.

INSPECTION BY BUILDING INSPECTORS

On December 5, 2016, at the same time as applying for a building permit, I also arranged with the Department of Safety and Inspections to schedule an inspection of the duplex.

Thereafter, four inspectors (building, electrical, plumbing and heating) inspected the duplex and issued a report listing deficiencies to be corrected in order to obtain a Certificate of Occupancy for a duplex. This work will be done after the permit is issued.

SIZE OF PREMISE

The lot containing the duplex is 40 feet (frontage) by 121.6 feet (sides) as shown on the enclosed Plat.

The duplex has an exterior dimension of approximately 1834 square feet on the lower level, and approximately 980 square feet on the upper level.

Parking for two vehicles will be located on the north side of the site with access from the east/west adjacent alley. The parking surface will be constructed with hard surface slab.

CONCLUSION

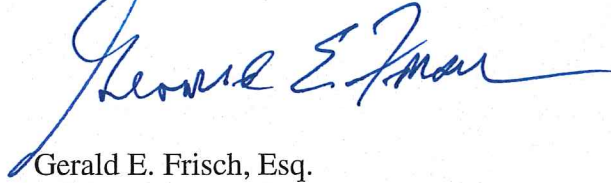
I sincerely believe this duplex has been a double home for all intents and purposes since at least 65 years.

It is appropriate in this neighborhood which includes an integration of mixed single family and double family residences. Owners of surrounding properties have consented to the continuation as a duplex.

As set forth above, if it were not for my efforts to save this structure as a remodeled and preserved residence, there is no doubt that it would have been torn down resulting in an empty lot instead of a fully restored modern living units. Accordingly, the duplex cannot reasonably and economically be used as a conforming single family dwelling.

Very truly yours,

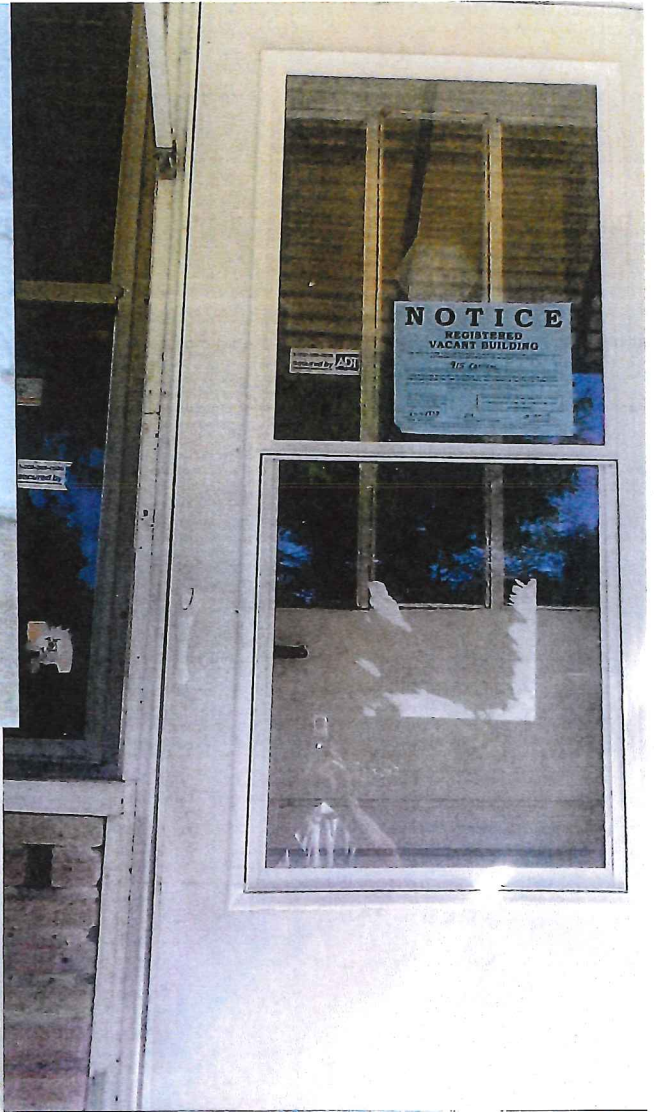
NILVA & FRISCH, P.A.

A handwritten signature in blue ink, appearing to read "Gerald E. Frisch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerald E. Frisch, Esq.

GEF/jmj
Enc.









Dubruiel, Paul (CI-StPaul)

From: Rudy <Rudy@majormanagement.com>
Sent: Tuesday, June 06, 2017 1:27 PM
To: Johnson, Tony (CI-StPaul); Dubruiel, Paul (CI-StPaul)
Subject: 915 Central Ave W - Variance request

St. Paul Planning Commission
c/o Zoning Section
23 W 4th St
Saint Paul MN 55102

Re: Variance Request 915 Central Avenue West

Dear Committee Members:

This letter is in reference to the application of Nilva & Frisch, P.A. for the variance request at 915 Central Avenue West in Saint Paul. This property has been vacant for more than one year; and sustained substantial water damage because of the bursting water pipes when the gas and electricity were turned off for non-payment when the owner/occupant died in January 2015.

Nilva & Frisch, P.A. succeeded to ownership in November 2016. In the interim, the Code Enforcement Department of the City of Saint Paul authorized removal of damaged contents, water soaked floors and walls and other work to secure the building.

During this work, the undersigned requested the contractor to eliminate certain exposed roof nails on the stairway to the third floor storage area. These nails created a serious hazard to persons using this stairway, i.e. causing puncture to a person's head resulting in serious infection. The contractor decided to raise the outside walls to provide headroom above the stairway. No additional space was added to the third floor storage area.

As a result of raising the exterior roof, the roof line was changed from an acute angle to a more obtuse angle. The area of the third floor storage area remained the same but was more accessible and safer to use.

Because more than a year had passed, in order to establish title in Nilva & Frisch, P.A., an application to re-establish this residential property as a duplex is now pending before your commission; and the applicant has applied for a building permit for a duplex. The building department inspectors have already finished inspections and issued instructions for what work is required for a duplex.

The variance request should be granted for the following findings:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provision and that the applicant's use of the property in a reasonable manner is not permitted by the provision. There is no economic consideration for the variance request.

4. The plight of the applicant is due to circumstances unique to the property and not created by the applicant.
5. The variance will not permit any use that is not allowed in the zoning district where the subject property is located.
6. The variance will not alter the essential character of the surrounding area.

The foregoing application for a variance is in addition to and supplemental to information furnished to your commission in applicant's letter of April 28, 2017 to establish a non-conforming use for the subject property.

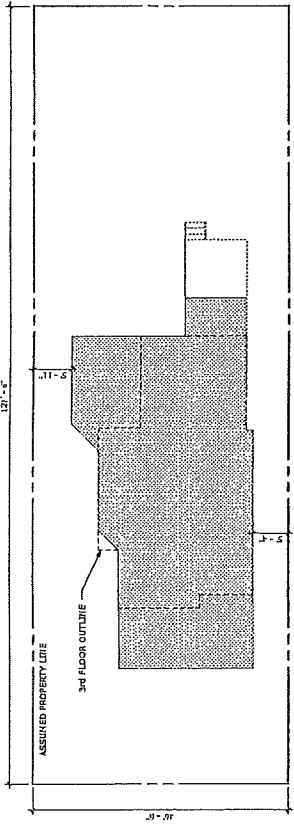
If there is any additional information needed, please advise and we will furnish in a timely manner.

Thank you for considering this application.

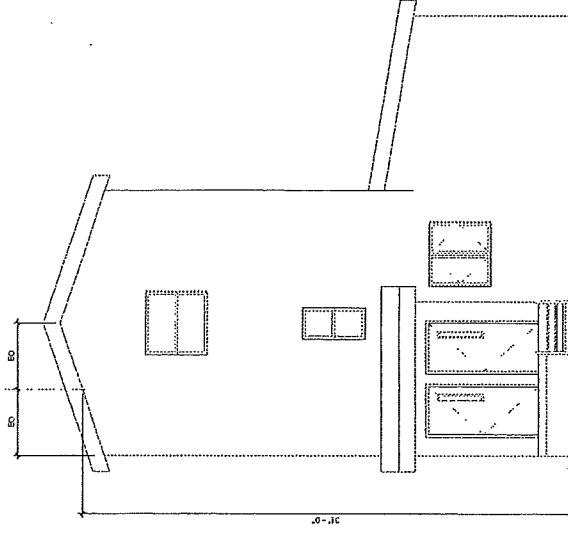
Very truly yours,

Nilva & Frisch, P.A.

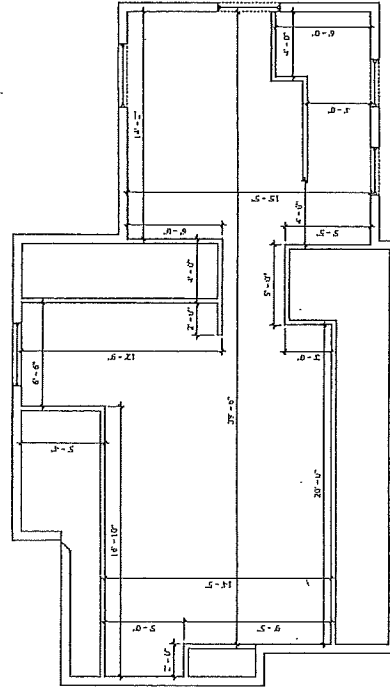
Gerry Frisch



① SITE PLAN
1" = 10'-0"



③ NORTH ELEVATION
1/4" = 1'-0"



② 3rd FLOOR PLAN
1/4" = 1'-0"

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 2/23/17

DATE PETITION RESUBMITTED: 4/04/17

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: 4/18/17

PARCELS ELIGIBLE: 14

PARCELS ELIGIBLE: 14

PARCELS REQUIRED: 10

PARCELS REQUIRED: 10

PARCELS SIGNED: 9

PARCELS SIGNED: 10

CHECKED BY: Paul Dubruel

DATE: 4-18-17

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:

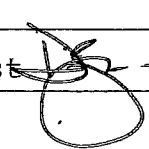
A copy of the application of Nilva & Frisch, P.A.
(name of applicant)

to establish a non-conforming use - duplex
(proposed use)

located at 915 Central Ave W, Saint Paul MN 55104
(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 |
|-----------------|----------------------|--|---------|
| 907 Central Ave | Anthony Whebbe | | |
| 914 Fuller Ave | Midwest Realty Trust |  - <i>MANAGY POETVEN</i> | 4/14/17 |
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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

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 Nilva & Frisch, P.A.
(name of applicant)

to establish a non-conforming use - duplex
(proposed use)

located at 915 Central Ave W, Saint Paul MN 55104
(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 |
|-----------------|-------------------------------|-------------------------------|----------|
| 900 Fuller Ave | Evelyn O. Boykin | <i>NEW OWNER Trav's Logan</i> | 12/31/16 |
| 906 Fuller Ave | Alicia D. Robinson | | 12/30/16 |
| 910 Fuller Ave | James Robinson | | 12/30/16 |
| " | Tracy Robinson | | 12/30/16 |
| 914 Fuller Ave | Midwest Realty | | 12/30/16 |
| 918 Fuller Ave. | Wesel Fisher | | 12-30-16 |
| " | Victoria Fisher | | 12-30-16 |
| 914 Central | | | 12-28-16 |
| 900 Fuller Ave | Trav's Logan <i>NEW OWNER</i> | | 12/31/16 |
| | | | |
| | | | |

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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:


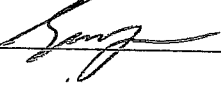
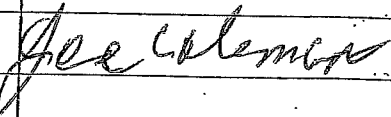
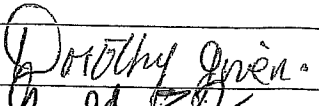
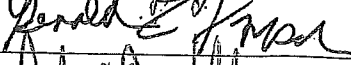


A copy of the application of Nilva & Frisch, P.A.
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| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE |
|-----------------|---------------------|--|------------|
| 903 Central Ave | Seng' Vue |  | 12/30/2016 |
| " | Zia Lee' Vue |  | 12/30/2016 |
| 906 Central Ave | Dorothea Burns | | |
| " | Dorothea J. Burns | | |
| 907 Central Ave | Joe E. Coleman |  | 12/13/14 |
| " | Earline Coleman | | |
| 909 Central Ave | St. Paul Public Hs. | | |
| 910 Central Ave | Maceo V. Littlejohn | | |
| " | Marian Littlejohn | | |
| 914 Central Ave | Maurice L. Bellamy |  | 12/28/2016 |
| 915 Central Ave | Nilva & Frisch, PA |  | 2/14/17 |
| 916 Central Ave | Deborah D. Williams |  | 1/10/17 |
| 919 Central Ave | Naomi D. Edwards |  | 12/30/16 |

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 PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

GERALD E. FRISCH

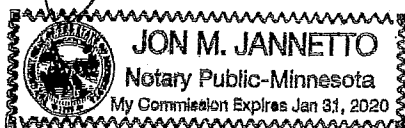
~~Morgan Oakney~~, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that 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 and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

Gerald E. Frisch
NAME GERALD E. FRISCH
2350 WEST SEVENTH STREET
ST PAUL MN 55116
ADDRESS

651 690 1591
TELEPHONE NUMBER

Subscribed and sworn to before me this
14th day of APRIL, 2017.

Jon M. Jannetto
NOTARY PUBLIC



CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

James Logan, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 2 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that 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 and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

James Logan
NAME

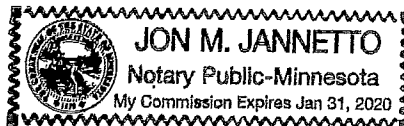
1331 Dayton Ave.
ADDRESS

612-282-7911
TELEPHONE NUMBER

Subscribed and sworn to before me this
7th day of April, 2017.

Jon M. Jannetto
NOTARY PUBLIC

10-01



CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

GERALD E. FRISCH

~~Morgan Oakney~~

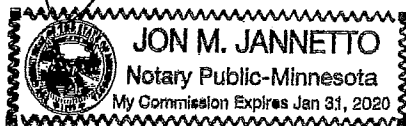
, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that 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 and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

Gerald E. Frisch
NAME GERALD E. FRISCH
2350 WEST SEVENTH STREET
ST PAUL MN 55116
ADDRESS

651 690 1591
TELEPHONE NUMBER

Subscribed and sworn to before me this
14th day of APRIL, 2017.

Jon M. Jannetto
NOTARY PUBLIC



10-01

Date: May 04, 2017
File #: 17 - 030330
Folder Name: Gerald Frisch
PIN: 352923310181



View from front of the house.

Date: May 04, 2017
File #: 17 - 030330
Folder Name: Gerald Frisch
PIN: 352923310181



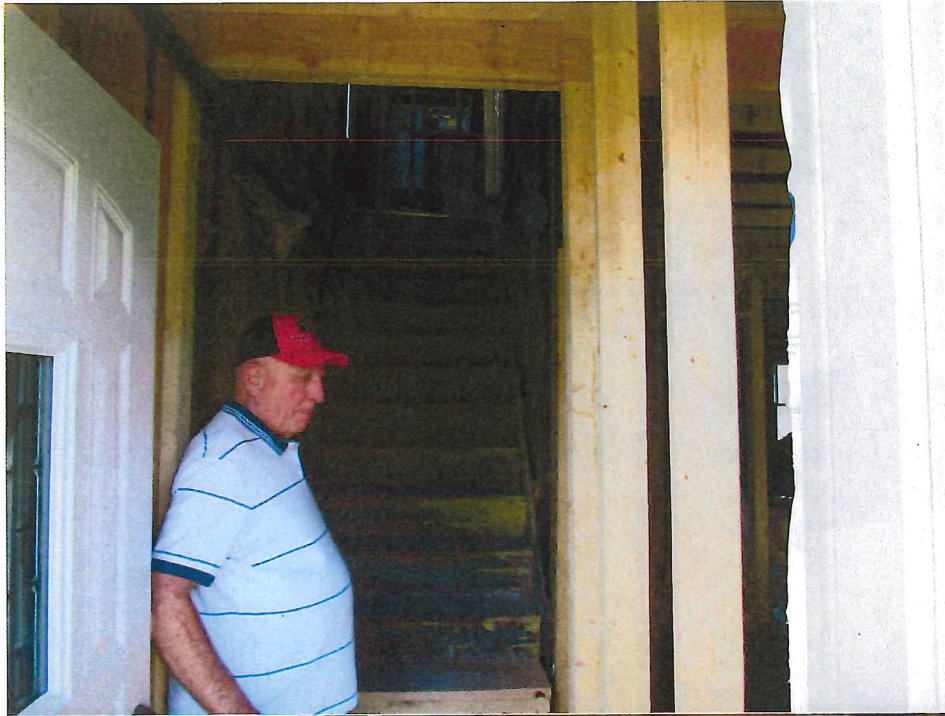
Rear third floor addition constructed without permit approval from the Department of Safety and Inspections.

Date: May 04, 2017
File #: 17 - 030330
Folder Name: Gerald Frisch
PIN: 352923310181



Another duplex on the block.

Date: June 15, 2017
File #: 17 - 047049
Folder Name: Gerald Frisch
PIN: 352923310181



Date: June 15, 2017
File #: 17 - 047049
Folder Name: Gerald Frisch
PIN: 352923310181



Date: June 15, 2017
File #: 17 - 047049
Folder Name: Gerald Frisch
PIN: 352923310181

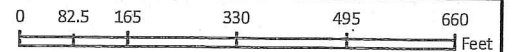
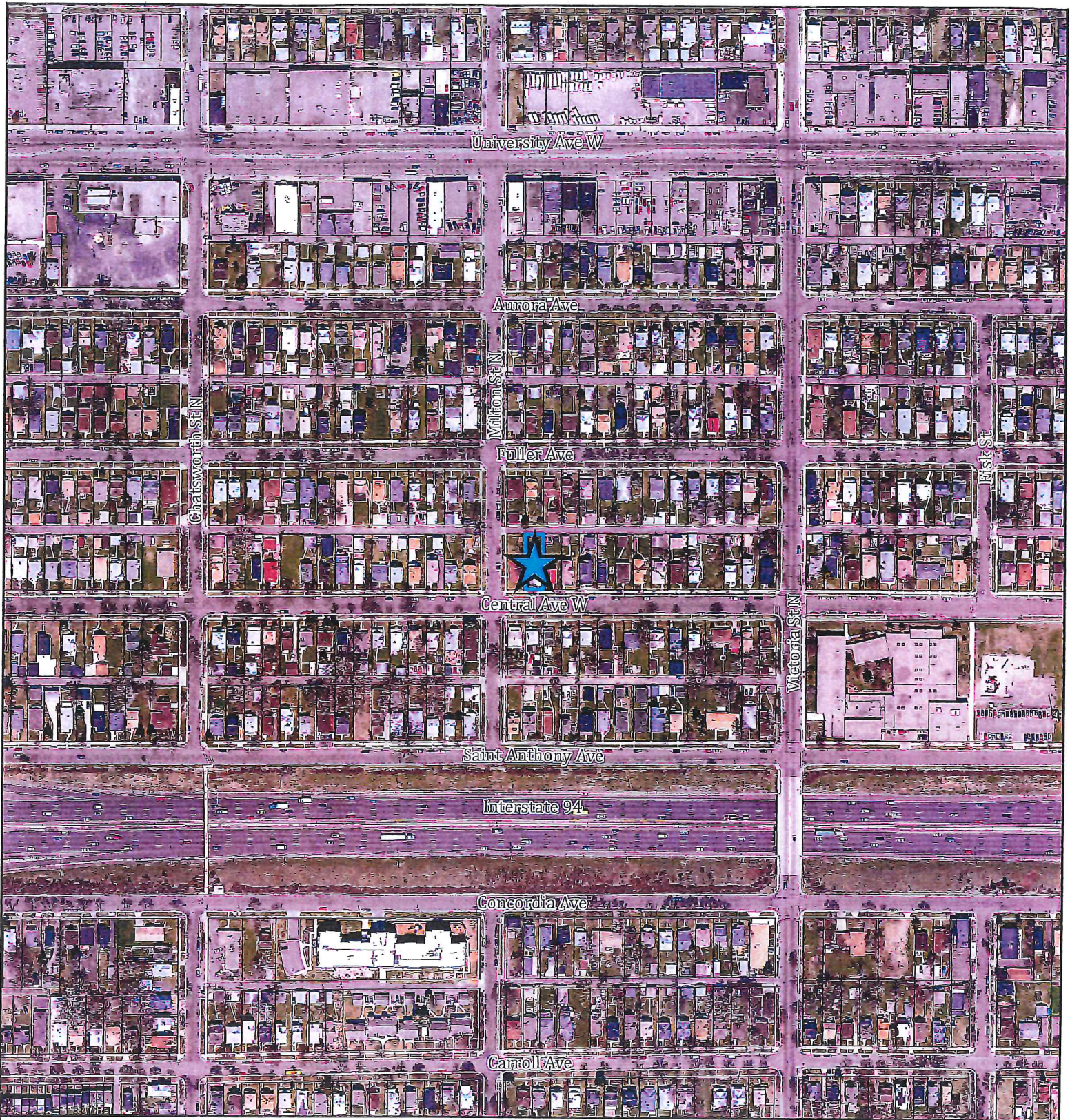


Date: June 15, 2017
File #: 17 - 047049
Folder Name: Gerald Frisch
PIN: 352923310181



Date: June 15, 2017
File #: 17 - 047049
Folder Name: Gerald Frisch
PIN: 352923310181





FILE NAME: Gerald Frisch

Aerial

APPLICATION TYPE: Reestablishment of ncup w/var

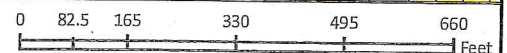
 Subject Parcels

FILE #: 17-047049 DATE: 6-1-17

PLANNING DISTRICT: 8

ZONING PANEL: 15





FILE NAME: Gerald Frisch

APPLICATION TYPE: Reestablishment of ncup /var

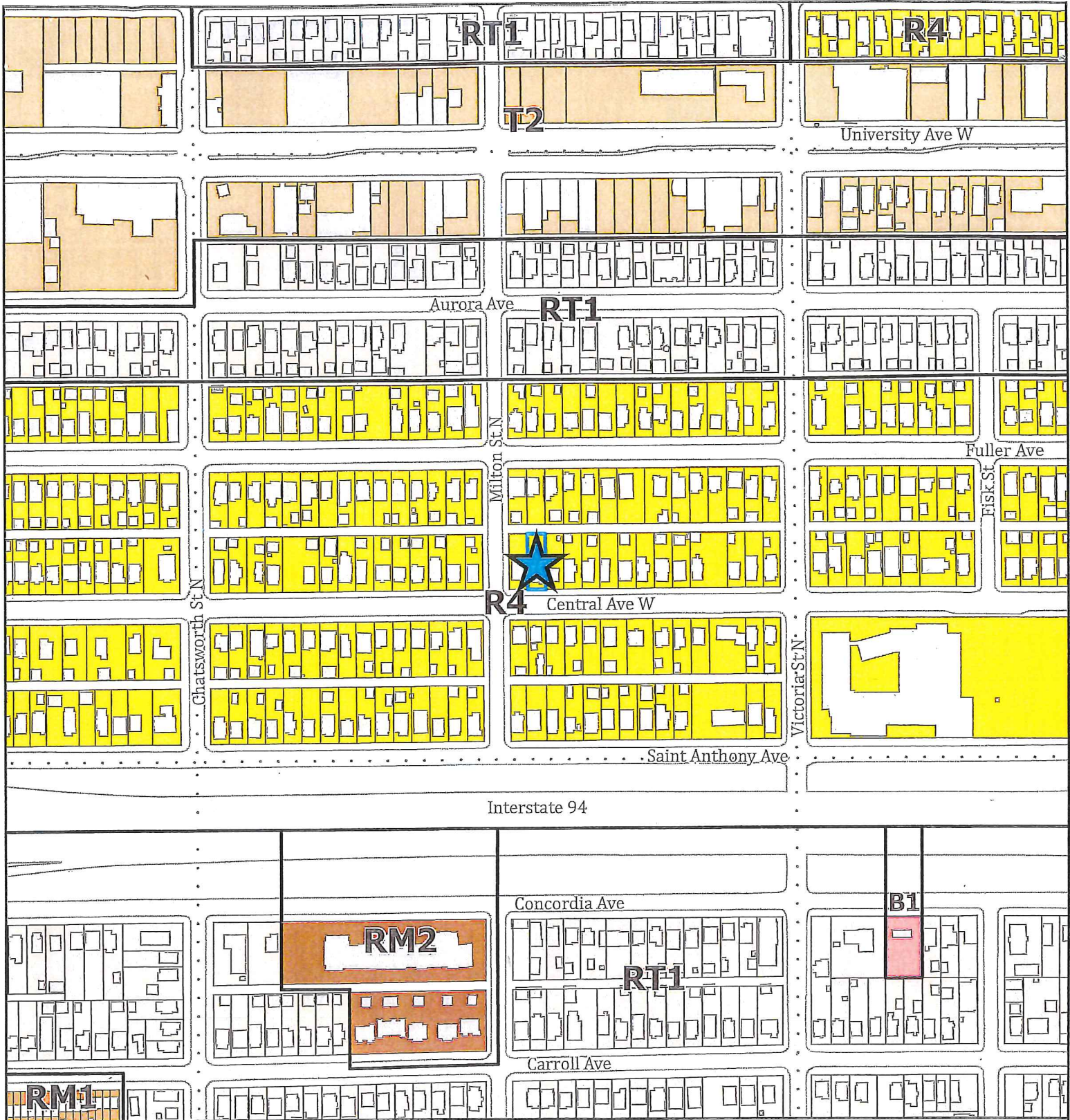
FILE #: 17-047049 DATE: 6-1-17

PLANNING DISTRICT: 8

ZONING PANEL: 15

- Land Use**
- Single Family Detached
 - Single Family Attached
 - Multifamily
 - Office
 - Retail and Other Commercial
 - Mixed Use Residential
 - Mixed Use Industrial
 - Institutional
 - Undeveloped
 - Subject Parcels
 - Section Lines





FILE NAME: Gerald Frisch

APPLICATION TYPE: Reestablishment of ncup w/var

FILE #: 17-047049 DATE: 6-1-17

PLANNING DISTRICT: 8

ZONING PANEL: 15

Saint Paul Department of Planning and Economic Development and Ramsey County

Zoning

-  Subject Parcels
-  Section Lines
-  R4 One-Family
-  RT1 Two-Family
-  RM1 Multiple-Family
-  RM2 Multiple-Family
-  T2 Traditional Neighborhood
-  B1 Local Business

