

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** United Business Group LLC **FILE #** 17-051-362
  2. **APPLICANT:** United Business Group LLC **HEARING DATE:** July 6, 2017
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
  4. **LOCATION:** 548 Van Buren Ave, between Kent and Mackubin
  5. **PIN & LEGAL DESCRIPTION:** 36.29.23.22.0038; Smith's subdivision of block 3 of Stinson's Division Lot 18 Block 3
  6. **PLANNING DISTRICT:** 7
  7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** R4
  8. **STAFF REPORT DATE:** June 28, 2017 **BY:** Tony Johnson
  9. **DATE RECEIVED:** June 19, 2017 **60-DAY DEADLINE FOR ACTION:** August 18, 2017
- 

- A. **PURPOSE:** Reestablishment of nonconforming use as a duplex.
- B. **PARCEL SIZE:** 40 ft. x 125 ft. = 5000 sq. ft; including one-half the alley for density purposes, total lot area is 5300 Sq. ft.
- C. **EXISTING LAND USE:** Vacant Duplex
- D. **SURROUNDING LAND USE:**
  - North: One- and Two- Family Residential
  - East: One- Family Residential
  - South: One- and Two- Family Residential
  - West: One- Family Residential
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **PARKING:** 1.5 spaces are required per unit. There is currently a 20 x 20 garage which can accommodate two cars and a parking pad which can accommodate 1 car.
- G. **HISTORY/DISCUSSION:** The structure was originally constructed in 1889 as a single family dwelling. Somewhere between 1925 and 1970 the property was converted to a duplex and has been used a duplex since that time. In 2008 the certificate of occupancy was revoked due to multiple code violations and in 2015 the property was placed on the vacant building list. The property was recently acquired by United Business Group LLC through a public auction. The group has purchased the property with the intention of rehabbing it as a duplex.  
In a 2011 historic resources inventory, the structure was identified as holding historic significance and as having potential eligibility for local or national register historic designation.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from the District 7 Council at the time of this staff report.
- 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 5300 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 2226 square feet, with a building footprint of 1113 square feet. The structure is an up-down duplex with each unit occupying a floor.*

- C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. This guideline is met. There is currently a two car garage with additional surface parking on the east side of the garage.*
  - 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 is met. No exterior changes to the property have been proposed as a part of this application.*
  - 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. The subject property has been on the vacant building list since 2015 as a category 2 vacant building. In order to for the building to be reoccupied all of the necessary code compliance repairs will have to be completed prior to reoccupying the building and a certificate of occupancy will have to be issued if the two unit structure is not owner occupied.*
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 that the property has been a duplex since at least 1970. The structure is laid out as a typical up-down duplex with nearly identical first and second floor layouts. Each unit has three bedrooms, a kitchen, and one bathroom. There are separate utility hook-ups and entrances for both units. Because of the existing layout and the property's long history as a two unit structure, this property cannot reasonably or economically be converted to a conforming use.*
  - (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 duplex use is the same as the previous duplex use.*
  - (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 is met. The property has been a duplex since at least 1970 and there are a number of other non-conforming duplexes in the immediate area. The subject property's certificate of occupancy was revoked in 2008 and since that time there have been numerous property maintenance code complaints and abatements conducted on the property. The re-occupancy of the building and improved upkeep on the exterior of the property should help improve the general welfare of the immediate neighborhood.*
  - (4) *The proposed use is consistent with the comprehensive plan. This finding is met. The*

subject property is located in an established neighborhood which is land-use designation where single family and duplex housing types predominate. The proposed duplex use is consistent with this area's comprehensive plan land-use designation. 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. Strategy H1 of the District 7 Neighborhood Plan calls for preserving the existing housing stock by rehabilitating units to accommodate future use.

- (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 June, 19, 2017: 18 parcels eligible; 12 parcels required; 12 parcels signed.*

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use as a duplex subject to the following conditions:
1. The property is maintained in accordance with all applicable property maintenance code requirements.
  2. The applicant shall adhere to all applicable code requirements and obtain a certificate of occupancy for a two-unit building.



**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 #: 17-051362  
 Fee: 735<sup>00</sup>  
 Tentative Hearing Date: 7/6/17  
 PD=7  
 #362923220038

**APPLICANT**

Name United Business Group LLC Email \_\_\_\_\_  
 Address 9257 Unity St NW  
 City Coon Rapids St. MN Zip 55433 Daytime Phone 763-447-5217  
 Name of Owner (if different) N/A  
 Contact Person (if different) <sup>Kedir</sup> Kurfessa Phone 651-434-2029

**PROPERTY LOCATION**

Address/Location 548 Van Buren Ave, St. Paul MN  
 Legal Description Lot 18 of Corrected map of Smith's Subdivision of Block 3 of Stinson's Division of NW 1/4 Sec 36, T. 29, R. 23 west  
 Current Zoning Duplex  
 (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:  Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
 Change of nonconforming use (para. c)  
 Expansion or relocation of nonconforming use (para. d)  
 Reestablishment of a nonconforming use vacant for more than one year (para. e)

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

Present/Past Use used as Duplex  
 Proposed Use: to use it as Duplex

OK 210015304<sup>00</sup>  
 735<sup>00</sup>

Attach additional sheets if necessary

Attachments as required  Site Plan  Consent Petition  Affidavit

Applicant's Signature [Signature] Date 6/6/17 City Agent pdd 6/6/17 walkin

pdd 6-7-17 check 7



## Dubruiel, Paul (CI-StPaul)

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**From:** Kedir Kurfessa <kedirkurfessa@gmail.com>  
**Sent:** Tuesday, June 13, 2017 1:59 PM  
**To:** Dubruiel, Paul (CI-StPaul)  
**Subject:** 548 van Buren Ave

Hello Paul

1 The building structure of 548 Van Buren Ave is not economically viable to be used for conforming purpose. The floor plan lay out is constructed in a way that is difficult if not impossible to be used as a single family dwelling. This parcel have two gas line meters, two electrical box/meters, two mail boxes in place and two door bells separately marked for each unit. The estimated cost to convert this building to a single family home is higher than the value of the building itself. The exterior appearance of 548 Van Buren is very similar to the surrounding 100+ feet properties or no distinguishable differences.

2 The Proposed use of 548 Van Buren Ave is more appropriate to the district than the previous legal nonconforming use

3 The proposed use of 548 Van Buren will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety or general welfare ;

Most importantly the reestablishments of this property secure and improve the safety and economic contribution to the neighborhood.

4 The proposed reestablishment plan is consistent with the comprehensive plan; and

5 A petition of two-thirds of the owners of described parcels of real estate with in one hundred (100) feet of the subject property has been submitted stating their support for the use of proposed reestablishment plan.

With best regard

Kedir kurfessa

Removal floor

Back

20.91

Bed 3

Stair Case Per the basement

23.2

11.10

9.14 Closet

3.21

9.11

Hallway

Kitchen

5.10

Bath Room

6.11

3.21

3.12

3.10

11.6

9.7

Dining/Living Room

Bed 2

13.7

29.19

3.16

4.3

5.26

12.27

Bed 1

RECEIVED JUN 13 2017

9.6

3.6

Closet

13.16

4.20

18.23

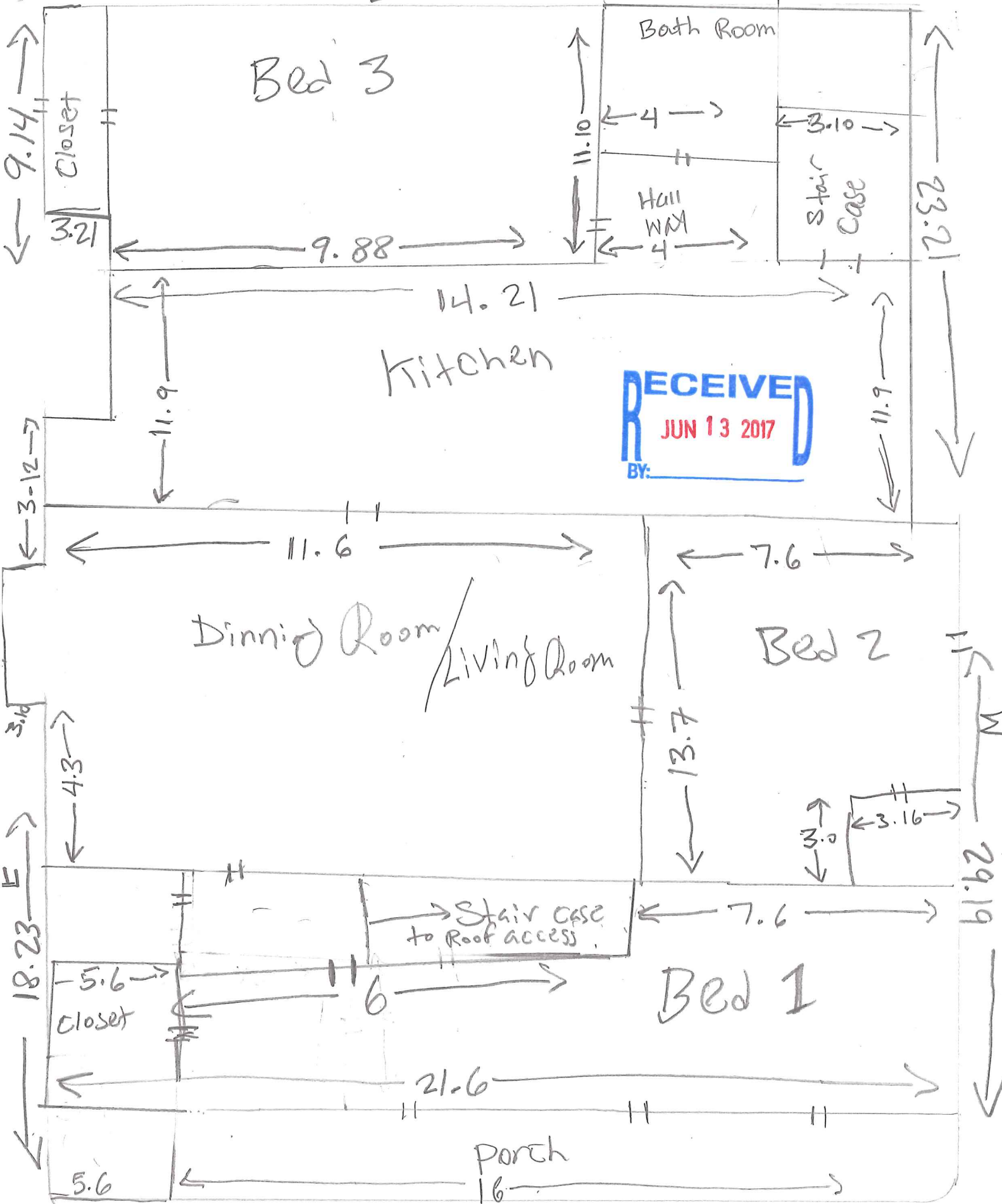
5.26

21.6

Front 21.6

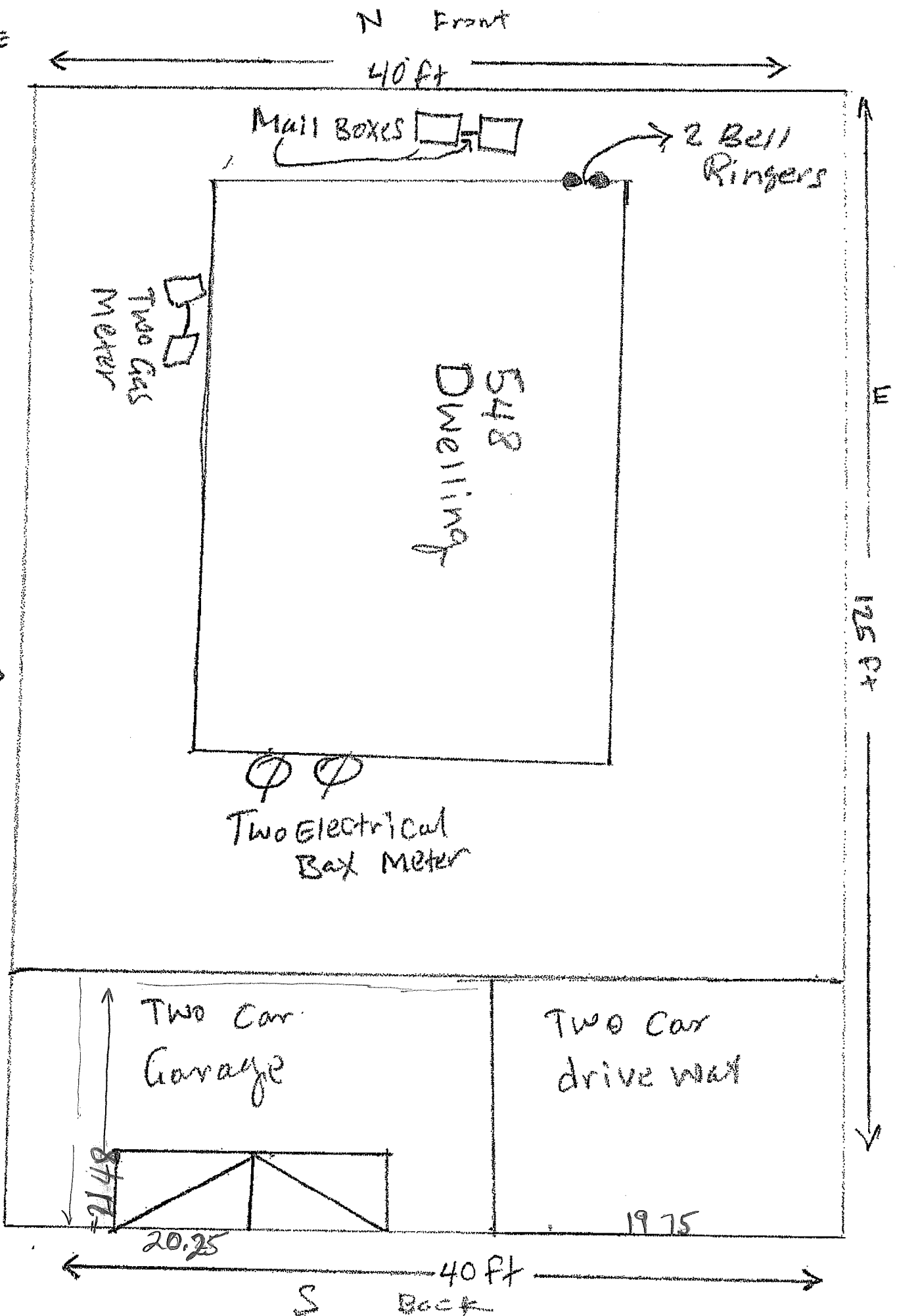
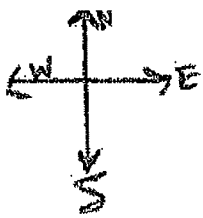
4.20

BAK  
20.19



**RECEIVED**  
 JUN 13 2017  
 BY: \_\_\_\_\_

1st floor



N Front

40 ft

Mail Boxes

2 Bell Ringers

Two Gas Meter

548 Dwelling

Two Electrical Box Meter

Two Car Garage

Two Car drive way

8 ft

20.25

19.75

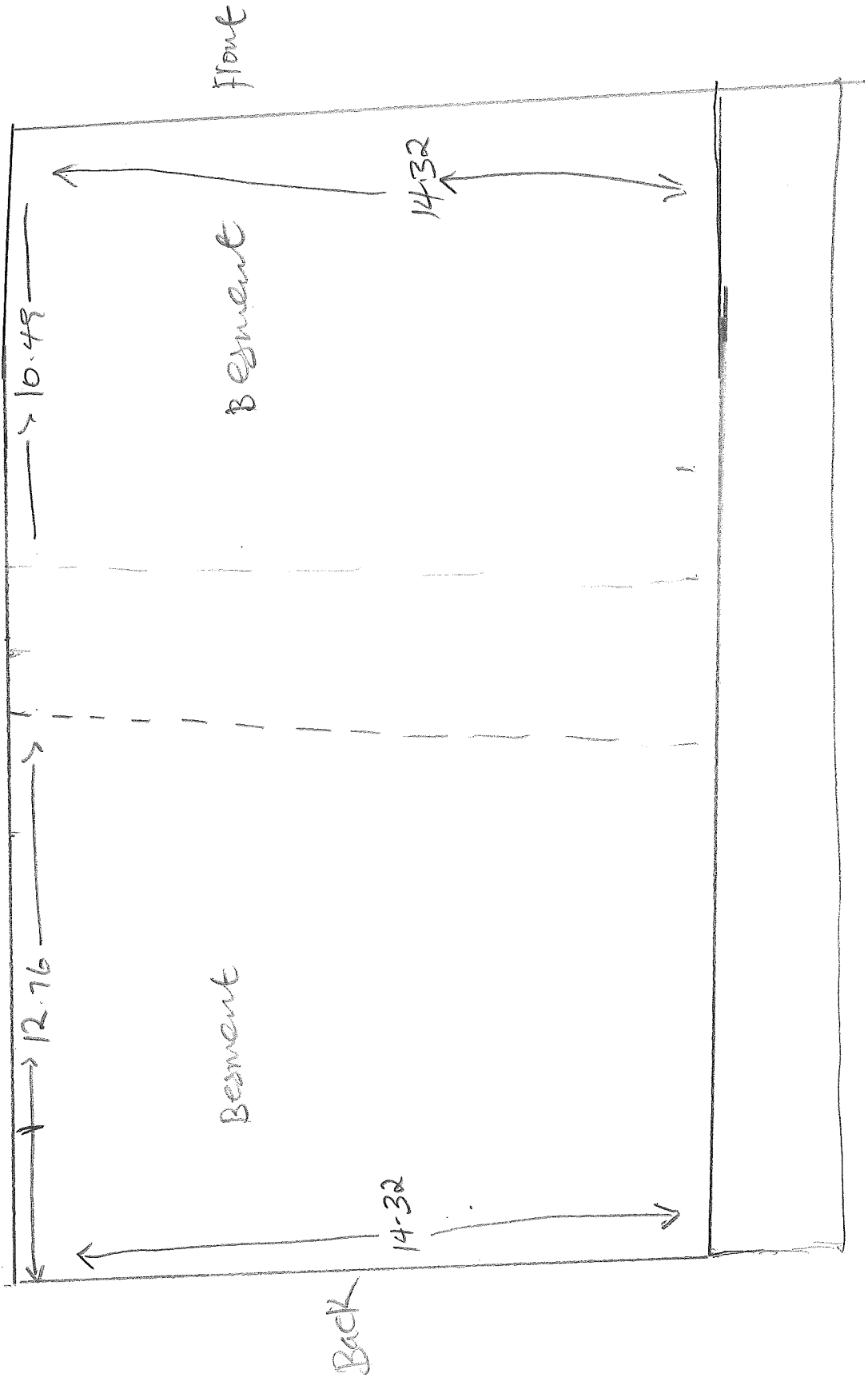
40 ft

S Back

125 ft

125 ft

548 van Buren site plan





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 United Business Group LLC  
(name of applicant)

to establish a Duplex  
(proposed use)

located at 548 Van Buren Ave  
(address of property)

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

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

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
36.29.23.22.0015	JESUSA A. KAYSER	Jesusa A. Kayser	6/3/17
36.29.23.22.0037	K. Krippl	Dean Krippl	6/3/17
36.29.23.22.0046	Darren King	Darren King	6-3-17
36.29.23.22.0035	Jacalyn King	Jacalyn King	6-3-17
36.29.23.22.0036	Jamone Allett	Jamone Allett	6-3-17
36.29.23.22.0042	Amara T. Parks	Amara T. Parks	6-3-17
36.29.23.22.0044	Tyrea Ha	Tyrea Ha	6-4-17
36.29.23.22.0041	Quality Residences	John Feltus	6-5-17
36.29.23.22.0018	Peter Nguyen	Peter Nguyen	6-5-17
36.29.23.22.0016	E&K Realty	Bill Realty	6-5-17
<del>36.29.23.22.0040</del>	<del>United Business Group</del>	<del>[Signature]</del>	<del>6-5-17</del>
36.29.23.22.0040	RDS Investments	[Signature]	6-6-17
36.29.23.22.0045	Cous Nicolas	[Signature]	6-14-17

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



CITY OF SAINT PAUL

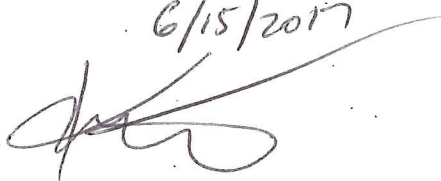
AFFIDAVIT OF PETITIONER FOR A CONDITIONAL  
USE PERMIT OR A NONCONFORMING USE  
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

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

Korame Koji  
6/15/2017  


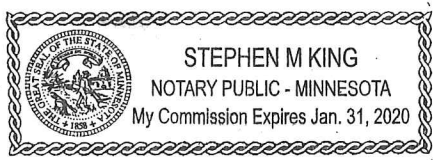
Korame Koji / Tibesso Dayassa  
Kedir Korfessa  
NAME

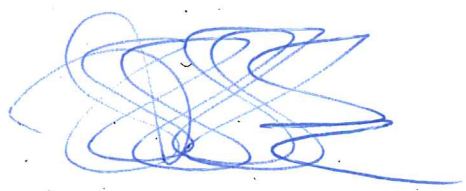
111 12th Ave NE, Blaine MN 55424  
ADDRESS

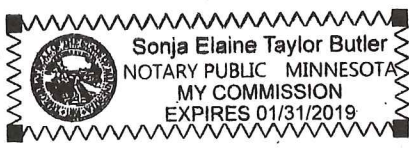
687-332-4220 / 687-447-5217  
TELEPHONE NUMBER

Subscribed and sworn to before me this  
10th day of June, 2017.  
15th June, 2017

Stephen M King  
NOTARY PUBLIC







ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 6-7-17

DATE PETITION RESUBMITTED: 6-15-17

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: 6-19-17

PARCELS ELIGIBLE: 18

PARCELS ELIGIBLE: 18

PARCELS REQUIRED: 12

PARCELS REQUIRED: 12

PARCELS SIGNED: 10

PARCELS SIGNED: 12

CHECKED BY: Paul Dubruel DATE: 6-19-17

June 14<sup>th</sup>

2017

Re: Advance Notice - Property of 571 Van Buren  
Paul,

The house at 571 Van Buren has  
been a problem for at least 25-30 yrs.  
Garbage mounting up over several weeks,  
not cutting grass, abandoned cars,  
drug dealing, people coming and going  
all hours of the day, night dogs &  
that would be left out in all  
kinds of weather.

✓ I feel (and many other tax paying  
residents) that the house should  
be torn down. Soon  
I'm sure it attracts rodents, bugs  
and undesirable people that are  
no asset to the neighborhood.

Thank you,

Kathleen Neavlen

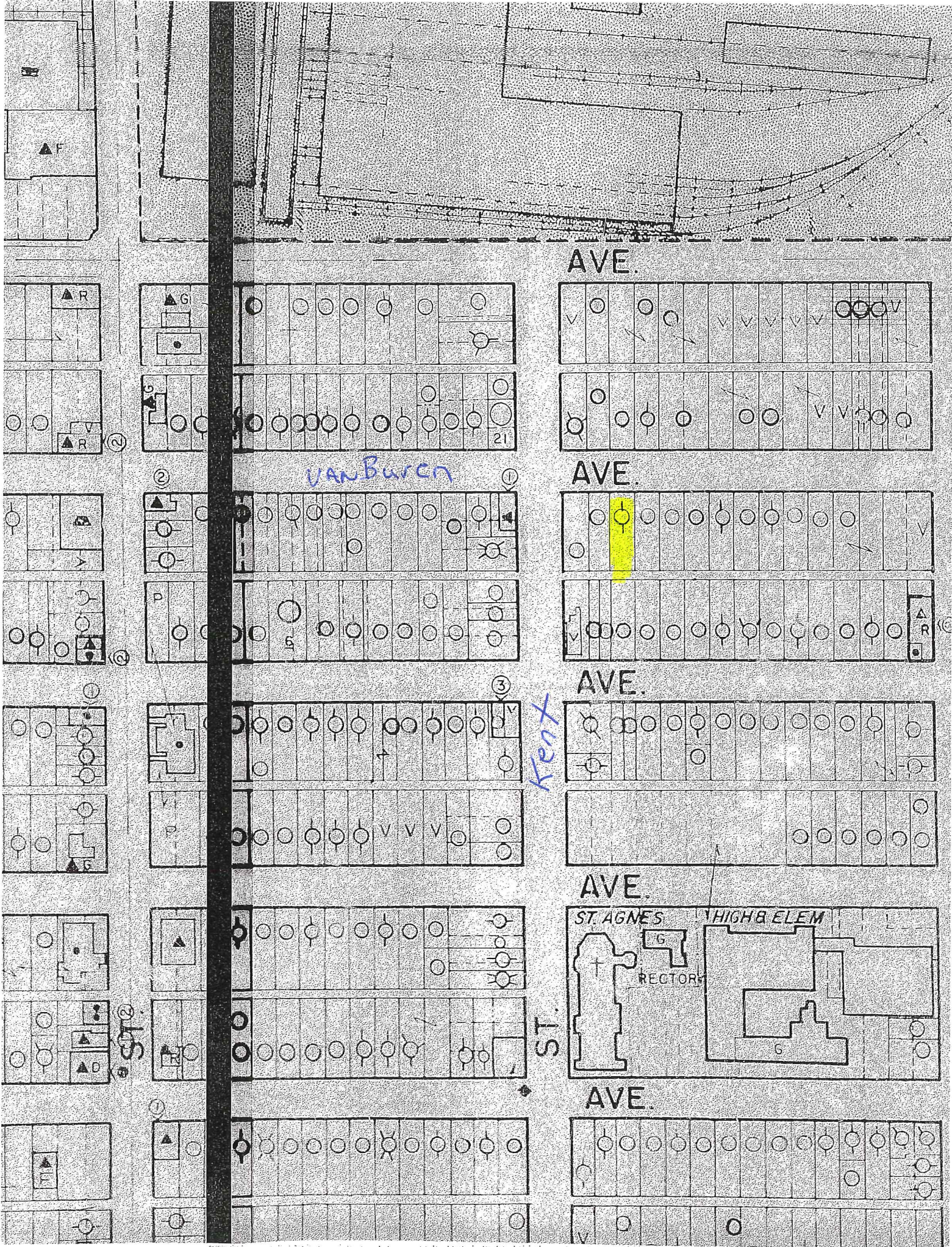
Owner should live on the  
property if it would be rehab'd  
Maybe then it (Chaven for his)  
taken care of & have some  
Pride in the house.

BUILDING PERMIT INDEX CARD—CITY OF ST. PAUL DEPARTMENT OF PARKS, PLAYGROUNDS AND PUBLIC BUILDINGS—DIVISION OF BUILDING INSPECTION  
 W. P. A. PROJECT 465-7-3-257 WF6008  
 STREET *Paul Bunyan* NO. *555* TYPE OF STRUCTURE *Single* WARD " " LOT " " BLOCK *18* CENSUS TRACT *Smith*  
 ADDITIONAL *Stinson*

ORIGINAL-CONSTRUCTION PERMITS OWNER *E. Metz* CENSUS TRACT " " BLOCK " " CENSUS TRACT " " BLOCK " "

TYPE OF PERMIT	DATE ISSUED	PERMIT NUMBER	DATE LAST INSPECTION	CONTRACTOR	ESTIMATED COST	TYPE OF STRUCTURE	TYPE OF CONSTRUCTION	NO. OF STORIES			EXTERIOR PLASTER			EXTERIOR LATH			
								WIDTH, FEET	LENGTH, FEET	HEIGHT, FEET	FLOORSPACE	INTERIOR LATH	EXTERIOR PLASTER	EXTERIOR LATH	NO.	CODE	NO.
BUILDING	12/89	18903	7/1/89		1000 X	BLS X	TC 1400	2	20	28	22						
PLASTERING	12/89	18903	7/1/89			BLS X	TC 1400										
TYPE OF WORK DONE																	
ELECTRICAL																	
HEATING STEAMFITTING																	
WARM AIR																	
PLUMBING																	
ELEVATOR																	
AGE OF BUILDING AS OF JANUARY 1, 1939																	
TOTAL ESTIMATED COST OF BUILDING																	





AVE.

AVE.

AVE.

AVE.

Kent

VAN BUREN

ST.

ST. AGNES

HIGH & ELEM

RECTOR

AVE.



## Zoning Petition List

As requested, attached is a list of all property owners within 100 feet of the property which you are requesting a zoning application. As a condition of your application, you are required to submit with your application a consent petition signed by a minimum two-thirds of all the property owners within 100 feet on the attached list.

Only persons listed as “**fee owner**” or “**homesteader**” are eligible to sign your petition. Persons listed as “**taxpayer**” are not eligible to sign your petition since they do not have full ownership of the property. A property owner may sign the petition as many times as they are listed as an owner within 100 feet.

Also attached are the petition form, affidavit, and application materials.

18

Total properties are within 100 feet of the property for zoning action and eligible to sign your petition.

12

Total signatures are required for a minimum two-thirds consent and a sufficient petition to proceed with your zoning application.

Please return this list along with the original petition form, affidavit, application and any additional supporting information and material that is part of your application.

\* Rezoning petitions must be received and held in the Zoning office 7 working days prior to any application cut-off date.

If you have questions about this list or any questions regarding this process, please call the Zoning office at 266-6589.

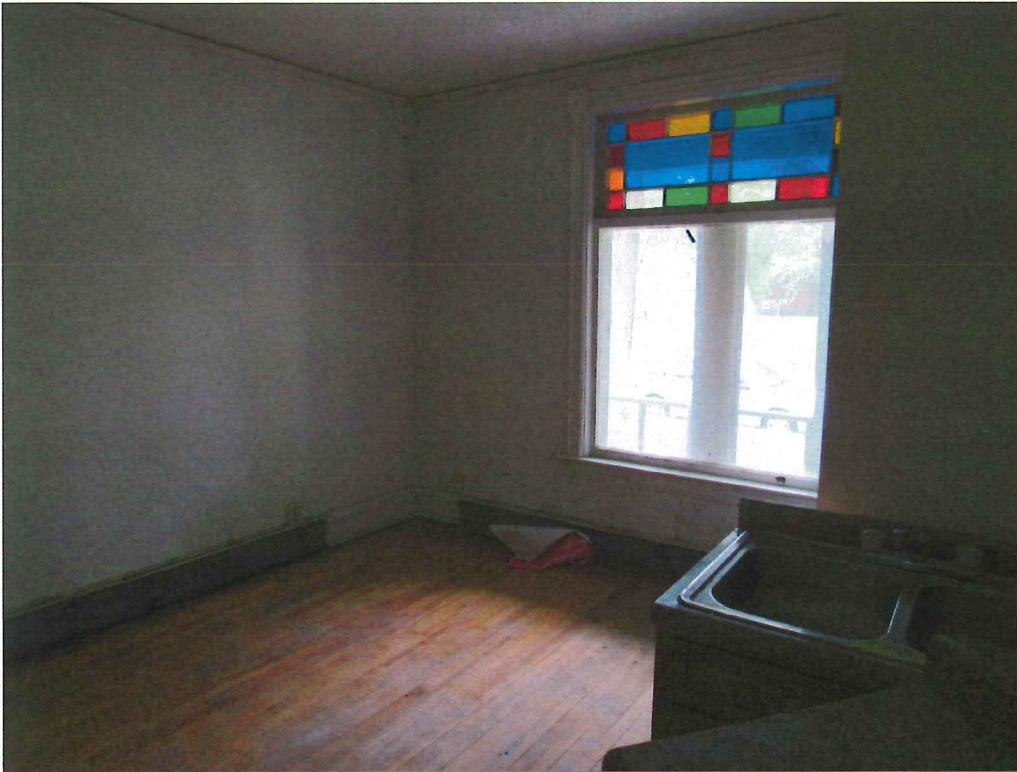
2/25/2010



**Date:** June 28, 2017  
**File #:** 17 - 051362  
**Folder Name:** United Business Group LLC  
**PIN:** 362923220038



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**St. Paul Heritage Preservation Commission - Building Inventory Form**

**Property and Owner Information**

Historic Name	<u>Charles Nitz House</u>	PIN:	<u>362923220038</u>
Common Name	<u>Charles Nitz House</u>	State Inventory #	<u>RA-SPC-3955</u>
Other Name	_____	Report Number:	<u>RA-81-2H</u>
Street Number:	<u>548</u> Street <u>VAN BUREN AVE</u>	Property RSN:	<u>206418</u>
Neighborhood:	<u>Thomas-Dale</u> Zip _____	Ward:	<u>1</u> District: <u>7</u>
Current Owner	<u>BYE PROPERTIES LLC</u>	County	<u>Ramsey</u> <input type="checkbox"/> Public - Local Ownership
Address	<u>17095 ENCINA PATH</u>	Zoning:	<u>R4</u> <input type="checkbox"/> Public - State Ownership
City/State/Zip	<u>FARMINGTON MN 55024-7</u>	<input checked="" type="checkbox"/> Private Ownership	<input type="checkbox"/> Public - Federal Ownership

**Locational Information**

ZONE	<u>15</u>	E	<u>490275</u>	N	<u>4978713</u>	Quad	<u>Saint Paul East</u>
Blk	_____	Lot(s)	_____	TWP	<u>29</u>	RG	<u>23</u> Sec. <u>36</u>
Addition	<u>Smiths Sub Of Stinsns Div B3 Lot 18 Blk 3</u>				Quarter/Quarters	<u>NW</u>	<u>NW</u>

**Survey/Photography Information**



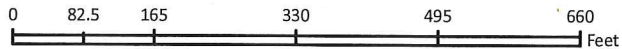
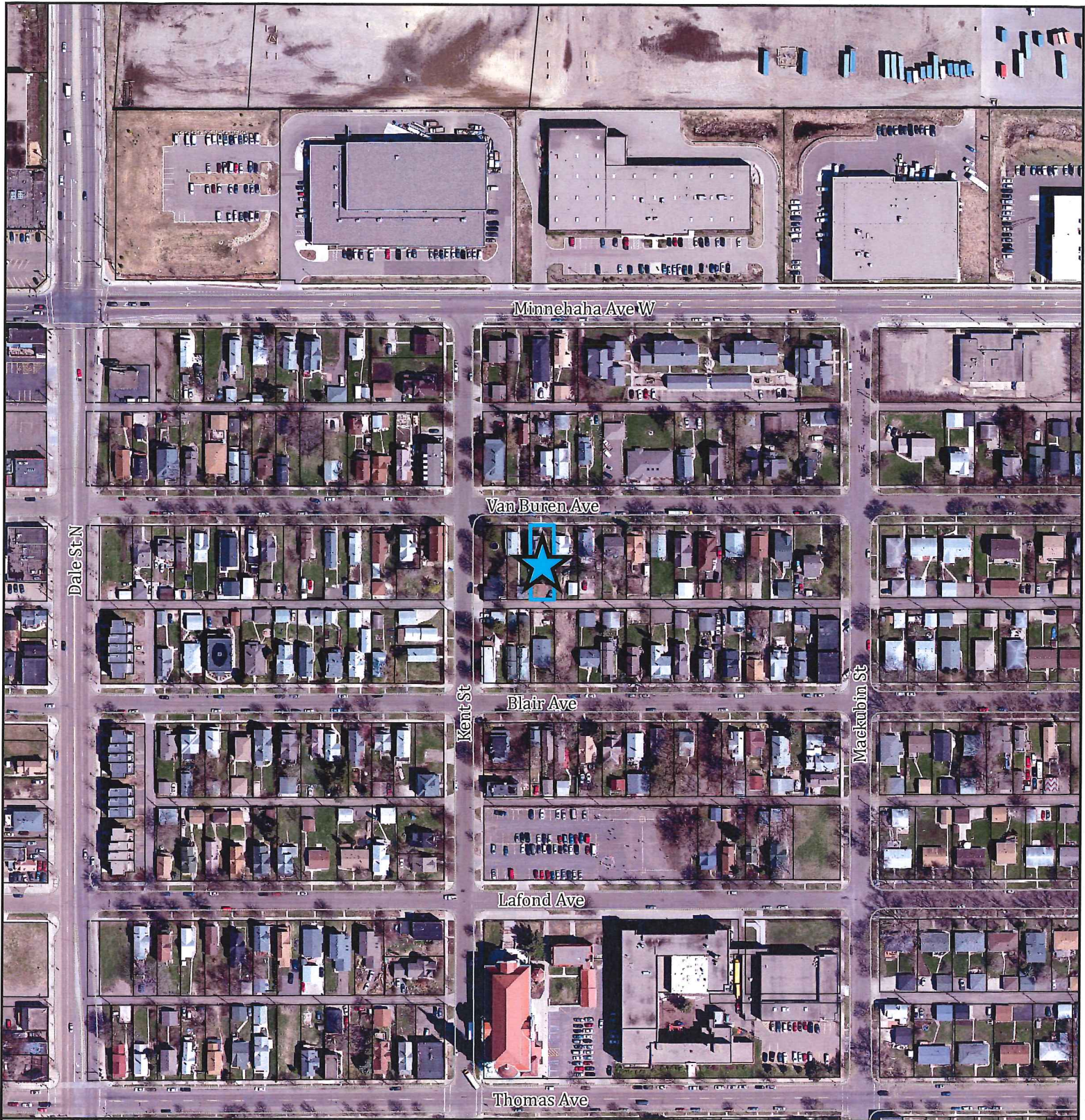
Surveyor(s)	<u>Mead &amp; Hunt</u>		
Survey Date	<u>04/18/2011</u>	Survey Level	<u>Reconnaissance</u>
Updated Survey?	<input checked="" type="checkbox"/>	Building Occupied?	<input checked="" type="checkbox"/> Publicly Accessible? <input type="checkbox"/>
Photographer	<u>Mead &amp; Hunt</u>		
Photo Date	<u>4/18/2011</u>		
Frame	<u>5970</u> Facing <u>SW</u>	Frame	_____ Facing _____
Frame	<u>5971</u> Facing <u>SE</u>	Frame	_____ Facing _____
Frame	_____ Facing _____	Frame	_____ Facing _____
Frame	_____ Facing _____	Frame	_____ Facing _____

Notes: \_\_\_\_\_

**Significance and Nomination Information**

Property Category:	<u>Building</u>	Property Type:	_____
Period of Significance:	_____	Level of Significance:	<u>L</u> <i>L=Local; S=State; N=National</i>
<b>Local Status</b>	_____	<b>NRHP Status</b>	_____
Entered Date:	_____	<b>NHL</b>	<input type="checkbox"/> Date Entered _____
Eligible Date:	_____		Date Removed: _____
Not Eligible Date:	_____	<b>Historic District</b>	In District <input type="checkbox"/>
Removed Date:	_____	NRHP District Nam	_____
Significant Person	_____	Local District Name:	_____
Local Criterion:	<u>Embodiment of distinguishing characteristics of an architectural/engineering type/specimen.</u>	<input type="checkbox"/> Contributing <input type="checkbox"/> Noncontributing	
		Cultural Affiliation	_____
		State Context:	<u>Urban Centers 1870-1940</u>
Local Contexts:	<u>Neighborhoods at the Edge of the Walking City: 1854-1900</u>		
Note on Significance:	_____		
Threats:	_____		
Consultant Recommendation:	<u>Resurveyed – This property was previously evaluated in the 1983 survey as holding significance and potential eligibility under the National Register. This property appears to continue to possess significance and is recommended for intensive-level research to determine eligibility for local and/or National Register designation.</u>		





FILE NAME: United Business Group LLC

**Aerial**

APPLICATION TYPE: Reest NCUP

 Subject Parcels

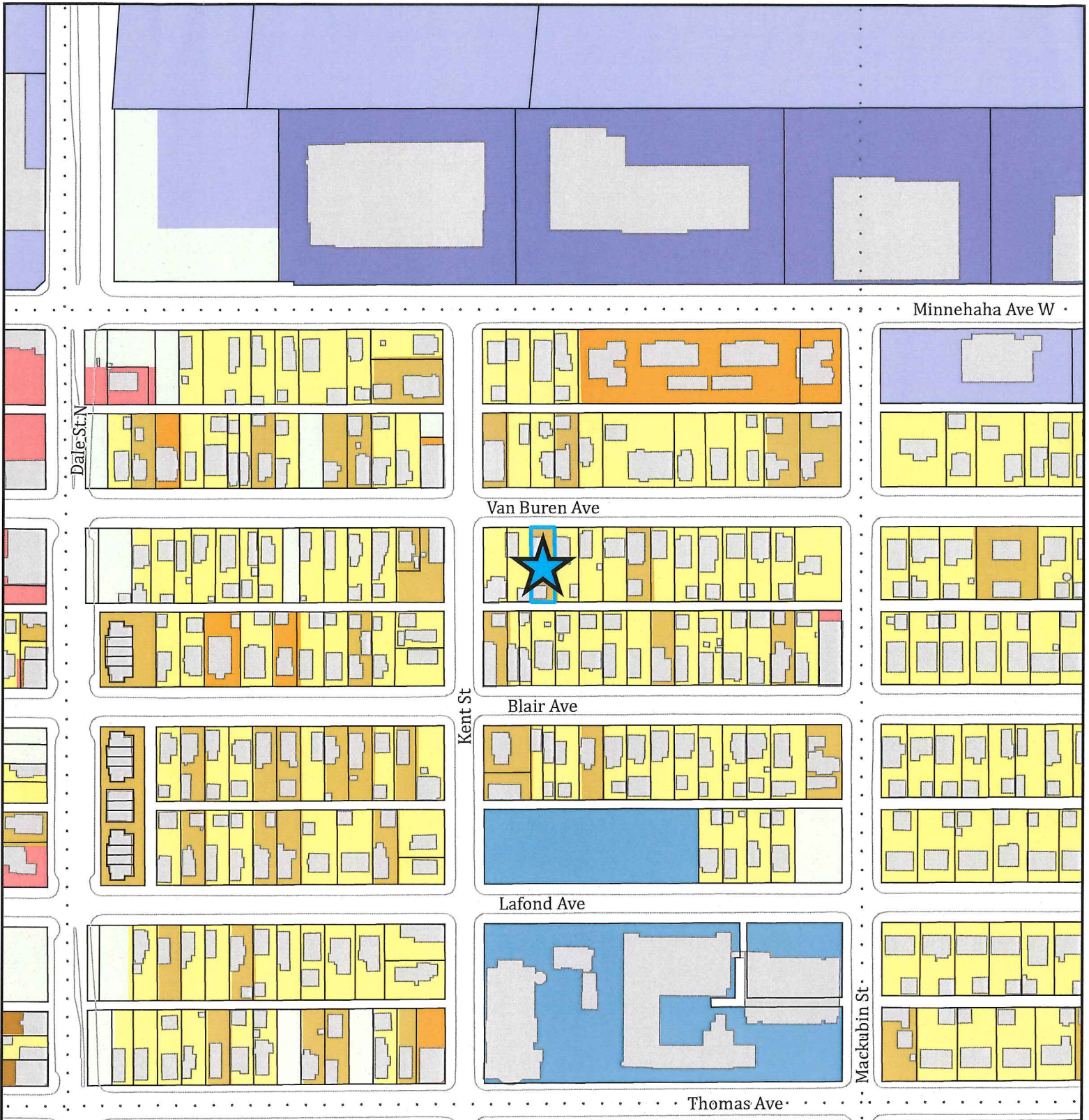
FILE #: 17-051362      DATE: 6/19/2017

PLANNING DISTRICT: 7

ZONING PANEL: 9







FILE NAME: United Business Group LLC

APPLICATION TYPE: Reest NCUP

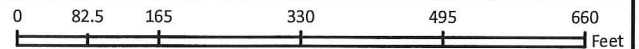
FILE #: 17-051362      DATE: 6/19/2017

PLANNING DISTRICT: 7

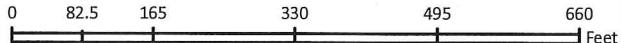
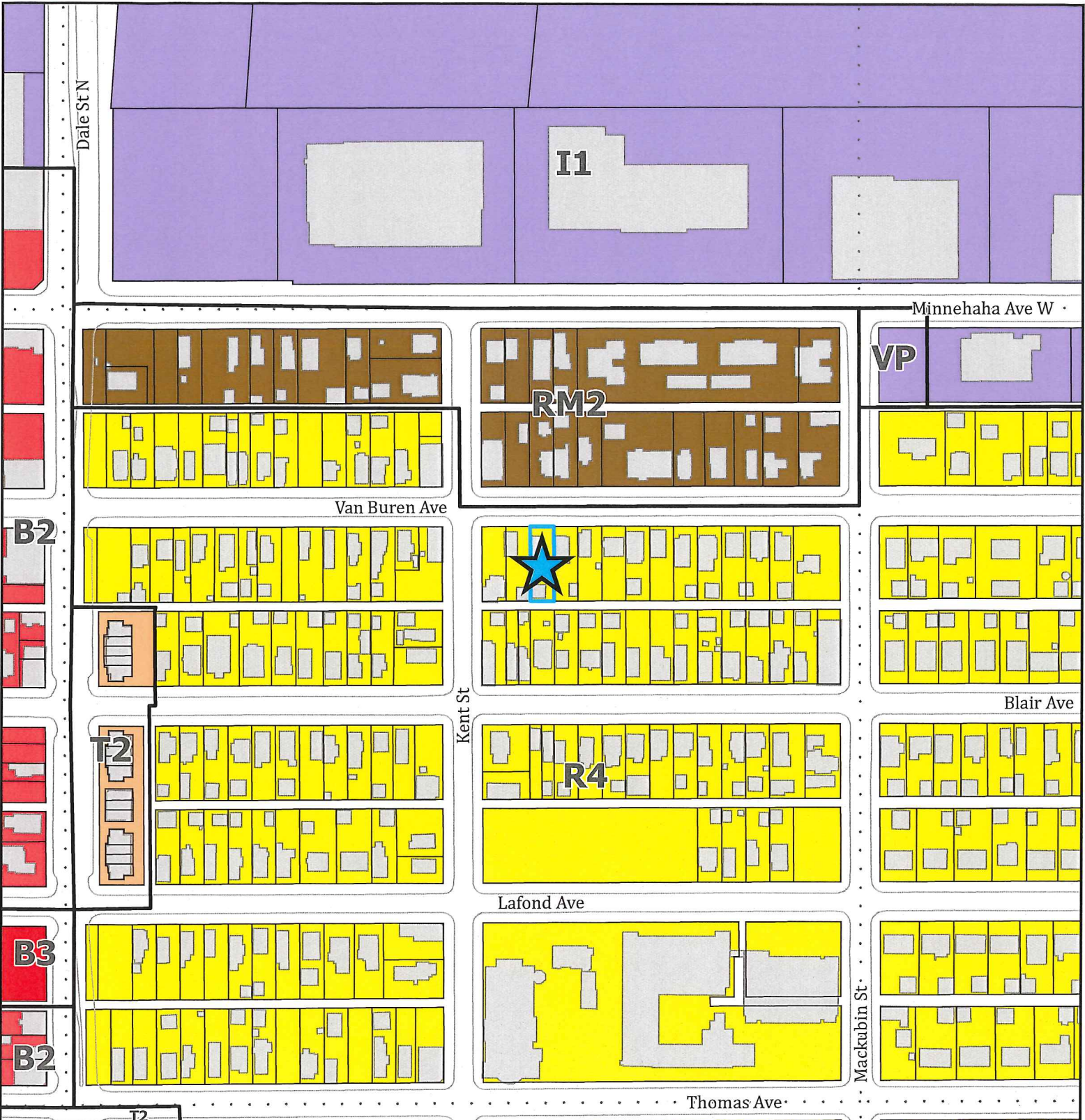
ZONING PANEL: 9

**Land Use**









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







FILE NAME: United Business Group LLC  
 APPLICATION TYPE: Reest NCUP  
 FILE #: 17-051362 DATE: 6/19/2017  
 PLANNING DISTRICT: 7  
 ZONING PANEL: 9

- Zoning**
-  Subject Parcels
  -  Section Lines
  -  R4 One-Family
  -  RM2 Multiple-Family
  -  T2 Traditional Neighborhood
  -  B2 Community Business
  -  B3 General Business
  -  I1 Light Industrial

