

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Danmark LLC **FILE #** 18-024-674
 2. **APPLICANT:** Danmark Properties LLC **HEARING DATE:** February 15, 2018
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 784 Agate St, SE corner at Sycamore
 5. **PIN & LEGAL DESCRIPTION:** 30.29.22.43.0062 and 30.29.22.43.0108; Lot 11, Block 5, Edmund Rice's Second Addition and Lot 1 of F.W. Lapham's Addition
 6. **PLANNING DISTRICT:** 6
 7. **ZONING CODE REFERENCE:** § 62.109(e) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** February 8, 2018 **BY:** Jamie Radel
 9. **DATE RECEIVED:** January 31, 2018 **60-DAY DEADLINE FOR ACTION:** April 1, 2018
-

- A. **PURPOSE:** Reestablishment of nonconforming use as a four-family dwelling
- B. **PARCEL SIZE:** 15,681 sq. ft. (0.36 acres)
- C. **EXISTING LAND USE:** Multi-Family (currently vacant)
- D. **SURROUNDING LAND USE:**
 - North: Two-family residential
 - East: One-family residential
 - South: Industrial/one-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:** Zoning Code § 63.207 requires a minimum of six parking spaces based on the following unit sizes: Unit 1 has 5 rooms, Unit 2 has 3 rooms, Unit 3 has 3 rooms, Unit 4 has 4 rooms.
- G. **HISTORY/DISCUSSION:** The structure was built in 1890 as the Saint Paul Homeopathic Hospital, and later that decade was the location of Concordia College. In 1922 it was zoned "B" Residence District, and in 1975 rezoned to RT-1 two-family residential district. The 1903 Sandborn Map identifies this building as flats.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council has not provided a recommendation at the writing of this report.
- I. **FINDINGS:**
 1. The applicant is seeking reestablishment of a nonconforming use at the subject property. On August 25, 2016, the Certificate of Occupancy was revoked and the building was registered as a Vacant Building on August 31, 2016. The building has remained vacant for more than one year, which eliminated its legal nonconforming status as a multifamily building in the RT1 district.
 2. This property is currently comprised of two zoning lots with the structure appearing to be situated across the property line. Setback requirements do not allow buildings to be built across a property line. To remedy this, the two parcels must be tied together at Ramsey County to create one parcel.
 3. 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. The structure was built in 1890 as a hospital, and the 1903 Sandborn map shows it being used as flats. It is a large, three-story structure that cannot reasonably or economically be used for a conforming purpose.
- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met as the applicant is seeking to re-establish the building with the same number of units, four, as it had prior to it becoming vacant. In the early 2000s, Certificate of Occupancy records reflect that the building had five units.
- (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 use will neither be detrimental to the existing character of the development in the immediate neighbor nor endanger the public health, safety, or general welfare. This multifamily use has been in this neighborhood since at least 1903.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Future Land Use Map of the Comprehensive Plan guides this area as Established Neighborhood. This uses accommodates a range of residential types, including small multifamily.
- (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 February 1, 2018: 14 parcels eligible; 10 parcels required; 10 parcels signed.

- J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use as a four-family dwelling subject to the following condition:
1. Tying the two lots together at Ramsey County to create a single parcel.



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 #:

18-024674

Fee:

Tentative Hearing Date:

2-15-18

302922 430062
3029.22 430108

APPLICANT

Name Danmark Properties LLC

Address 923 Payne Ave

City St. Paul St. MN Zip 55130 Daytime Phone _____

Name of Owner (if different) _____

Contact Person (if different) Jay Mitchell Phone 612.251.9892

PROPERTY LOCATION

Address/Location 784 Agate St. St. Paul 55117

Legal Description Edmund Rice's second addition to the city of

St. Paul lot 11 Block 5 Current Zoning RT1
(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 Four-Plex

Proposed Use Four-Plex

Attach additional sheets if necessary

CK#
0954 705369

Attachments as required ☐ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature William L. [Signature] Date 1/12/18 City Agent [Signature]

784 Agate Street

RE: Re-establishment of a nonconforming use
Nonconforming Use Permit

Enclosed please find copies of the following documents:

- Nonconforming use permit application;
- Affidavit of Petitioner for a conditional use permit nonconforming use permit;
- Consent of adjoining property owners for a Nonconforming use permit;
- Site plan;
- Photos of the structure and land;
- USPS printout of address range; and
- Ramsey County Property tax summary(s).

We submit the following documents in support of our application for re-establishment of a nonconforming use permit. The structure and land at issue is already an established four-plex, off-street parking area and as shown by the Ramsey County tax records has been for more than ten plus years. The post office shows this address as 784 Agate Street, Apt Range 1-4. The city recognizes four separate units as shown by the delivery of four (4) sets of garbage and recycling bins. The structure also has four (4) separate electrical hook-up and billing addresses.

The Structures units are as follows:

Unit 1 is located on the ground, second and the third level and has five bedrooms;
Unit 2 is located on the ground level and has two bedrooms;
Unit 3 is located on the second level and has three bedrooms; and
Unit 4 is located on the lower level and has three bedrooms plus a den.

As indicated by the site plan drawings, it would be economically unreasonable and require a complete interior demolish and rebuild to use the structure as a conforming use.

It is more appropriate to the district and not detrimental to the existing character of the immediate neighborhood to remain a four-plex. The size and bedroom count on a conforming use would not be suitable for the area. There are other four-plexes similar and smaller in size in the immediate area.

The structure has been a four-plex for ten plus years and has adequate off-street parking.

Thank you in advance for your consideration.

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 2/1/18

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 14

PARCELS ELIGIBLE: 14

PARCELS REQUIRED: 10

PARCELS REQUIRED: 10

PARCELS SIGNED: 9

PARCELS SIGNED: 10

1-31-18

CHECKED BY: Paul Dubiniec DATE: 2-1-18



Pay Property Tax

[Pay Property Taxes](#)

Summary View

Parcel ID 302922430062
Parcel Status Active
Property Address 784 AGATE ST
 ST PAUL, MN 55117-5501
Sec/Twp/Rng 30/029/022
Brief Tax Description Lot 11 Block 5 of EDMUND RICE'S SECOND, ADDITION
 LOT 11 BLK 5
 (Note: Not to be used on legal documents)
Parcel Area 0.17 Acres
Parcel Width 0 Feet
Parcel Depth 0 Feet
 (Note: Width and Depth represent buildable area of lot in the case of irregularly shaped lots)
Tax Classification 4A-Rental/Residential Non-Homestead 4 or More Unit
Roll Type Real Property
Municipality ST PAUL
School District ISD #625
Watershed CAPITAL REGION W/S
TIF District
Land Use Code 401 M - APARTMENTS 4-6 RENTAL UNITS
 * The Tax Classification is the Assessor Office's determination of the use of the property and is not the same as the property's zoning.
 * Please contact the zoning authority for information regarding zoning.
 * To determine whether your property is Abstract or Torrens, call 651-266-2050

Taxpayers

Please refer to disclaimer at bottom of this page

Type	Name	Address
Owner	Danmark Properties Llc	923 Payne Ave Saint Paul MN 55130-4001

Current Tax Year

*Information listed is as of yesterday. For specific payoff information contact Property Tax Info at 651-266-2000

First Half Due 05-15-2017		Second Half Due 10-16-2017	
Amount Due	\$3,852.00	Amount Due	\$3,852.00
Penalty & Fees (thru current month)	\$0.00	Penalty & Fees (thru current month)	\$0.00
Sub Total	\$3,852.00	Sub Total	\$3,852.00
Payments Made	(\$3,852.00)	Payments Made	(\$3,852.00)
Balance Due	\$0.00	Balance Due	\$0.00

Total Due \$0.00

Tax Summary

	2017 Payable	2016 Payable	2015 Payable	2014 Payable	2013 Payable
Estimated Market Value	\$373,200	\$190,000	\$285,600	\$285,600	\$240,000
Taxable Market Value	\$373,200	\$190,000	\$285,600	\$285,600	\$240,000
+ Net Tax Amount	\$7,299.22	\$3,842.92	\$5,823.86	\$6,227.10	\$5,340.90
+ Special Assessments	\$404.78	\$775.08	\$1,344.14	\$972.90	\$613.10
= Total Taxes	\$7,704.00	\$4,618.00	\$7,168.00	\$7,200.00	\$5,954.00
+ Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+ Interest	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+ Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
- Amount Paid	\$7,704.00	\$4,618.00	\$7,168.00	\$7,200.00	\$5,954.00
= Outstanding Balance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Special Assessments

Note: + sign indicates a multiple year assessment. Click on the + to view additional years.

Assess #	Year	Description	Initial Amount	Principal	Interest	Installment Amount	Remaining Balance	Deferred
R-011799960	2017	2017 RECYCLING & SOLID WASTE	\$0.00	\$0.00	\$0.00	\$144.64	\$0.00	No



Pay Property Tax

[Pay Property Taxes](#)

Summary View

Parcel ID 302922430108
 Parcel Status Active
 Property Address 784 AGATE ST
 ST PAUL, MN 55117-5501
 Sec/Twp/Rng 30/029/022
 Brief Tax Description Lot 1 of F. W. LAPHAM'S ADDITION
 LOT 1
 (Note: Not to be used on legal documents)
 Parcel Area 0.19 Acres
 Parcel Width 0 Feet
 Parcel Depth 0 Feet
 (Note: Width and Depth represent buildable area of lot in the case of irregularly shaped lots)
 Tax Classification 4A-Rental/Residential Non-Homestead 4 or More Unit
 Roll Type Real Property
 Municipality ST PAUL
 School District ISD #625
 Watershed CAPITAL REGION W/S
 TIF District
 Land Use Code 405 M - APARTMENT VACANT LAND *Parking*
 * The Tax Classification is the Assessor Office's determination of the use of the property and is not the same as the property's zoning.
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Type	Name	Address
Owner	Danmark Properties LLC	923 Payne Ave Saint Paul MN 55130-4001

Current Tax Year

*Information listed is as of yesterday. For specific payoff information contact Property Tax Info at 651-266-2000

First Half Due 05-15-2017		Second Half Due 10-16-2017	
Amount Due	\$562.00	Amount Due	\$562.00
Penalty & Fees (thru current month)	\$0.00	Penalty & Fees (thru current month)	\$0.00
Sub Total	\$562.00	Sub Total	\$562.00
Payments Made	(\$562.00)	Payments Made	(\$562.00)
Balance Due	\$0.00	Balance Due	\$0.00

Total Due \$0.00

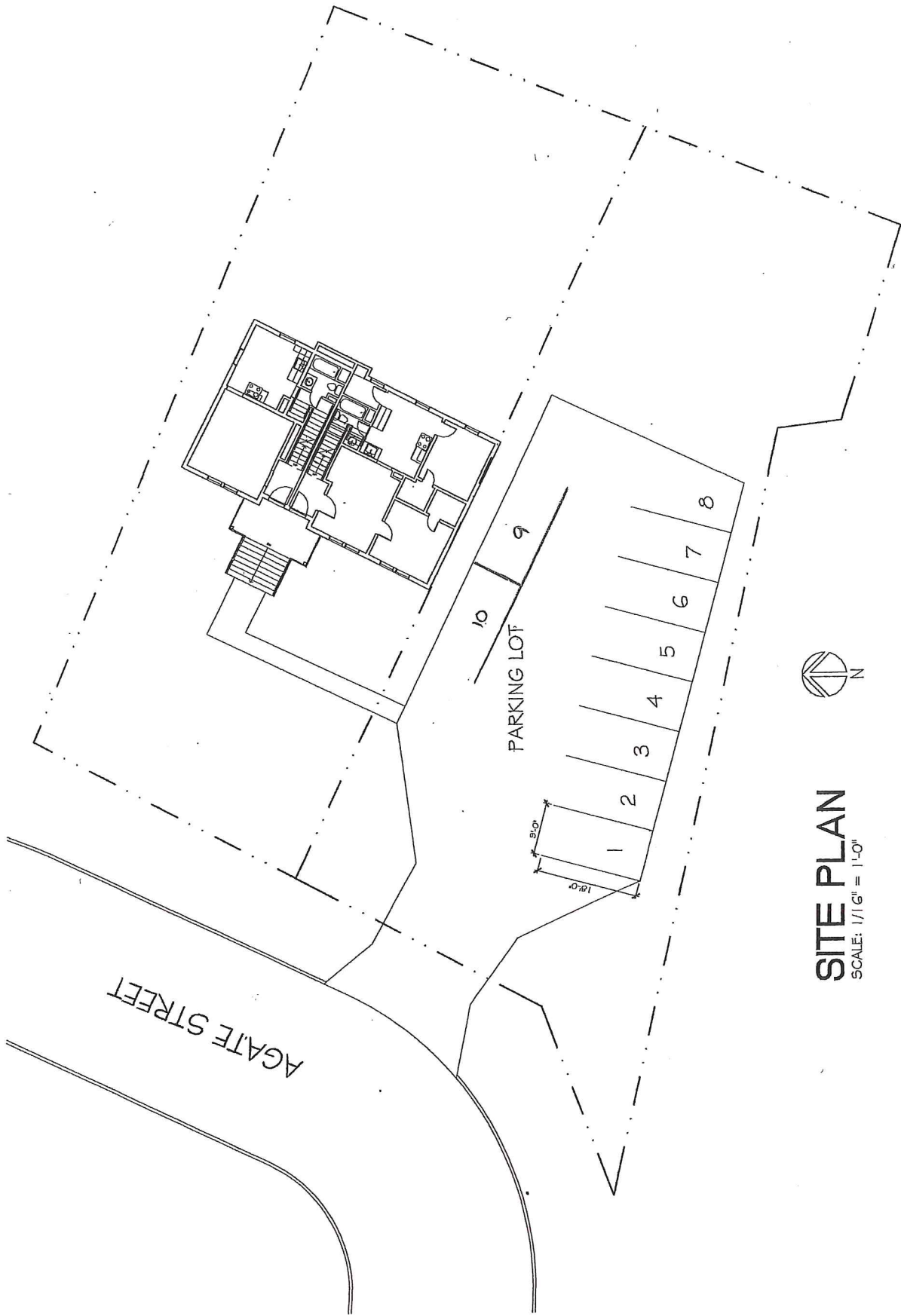
Tax Summary

	2017 Payable	2016 Payable	2015 Payable	2014 Payable	2013 Payable
Estimated Market Value	\$40,700	\$34,600	\$40,700	\$40,700	\$40,700
Taxable Market Value	\$40,700	\$34,600	\$40,700	\$40,700	\$40,700
+ Net Tax Amount	\$796.22	\$700.44	\$831.08	\$886.90	\$907.10
+ Special Assessments	\$327.78	\$761.56	\$1,024.92	\$1,105.10	\$694.90
= Total Taxes	\$1,124.00	\$1,462.00	\$1,856.00	\$1,992.00	\$1,602.00
+ Penalty	\$0.00	\$0.00	\$0.00	\$79.68	\$0.00
+ Interest	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+ Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
- Amount Paid	\$1,124.00	\$1,462.00	\$1,856.00	\$2,071.68	\$1,602.00
= Outstanding Balance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Special Assessments

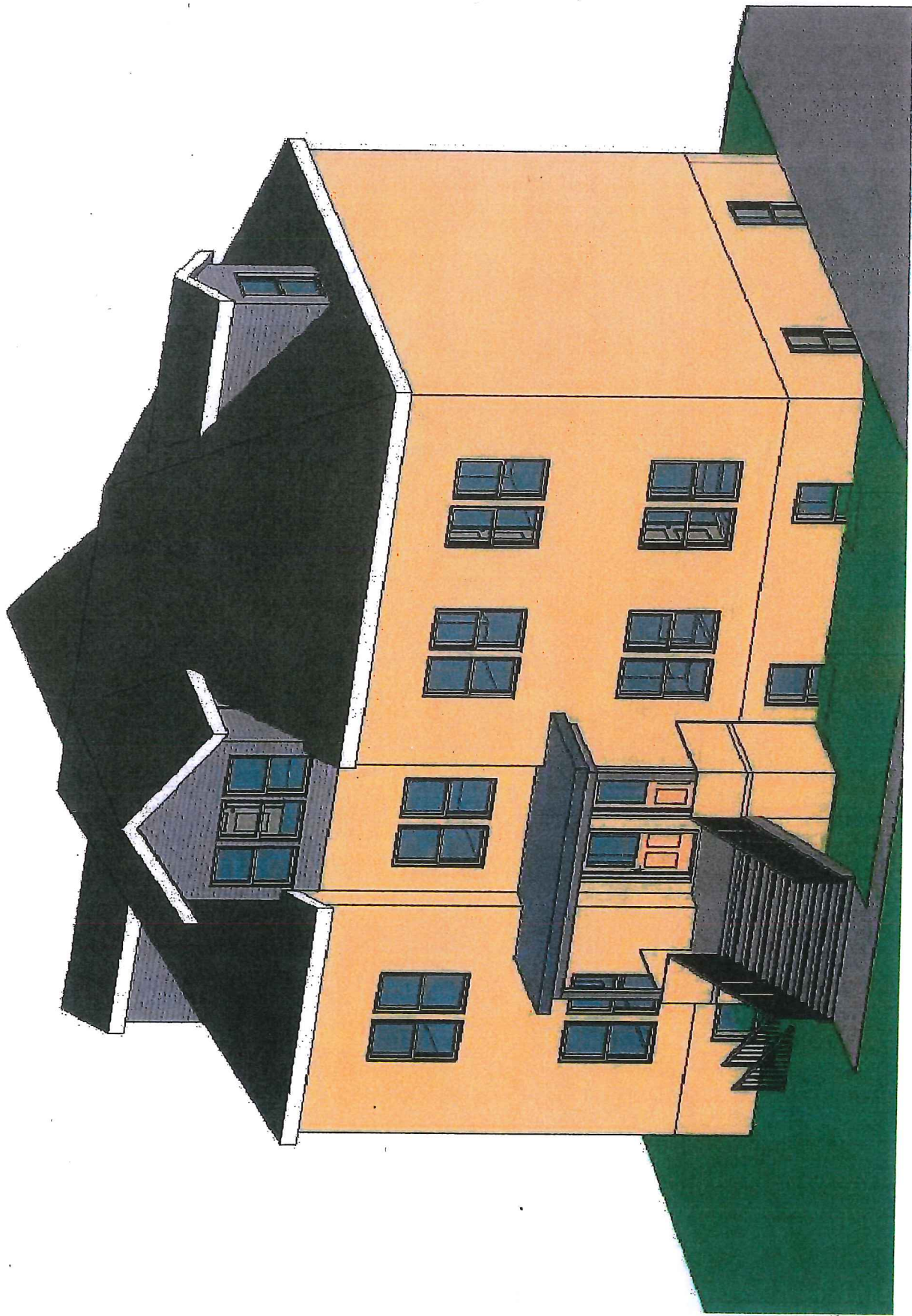
Note: + sign indicates a multiple year assessment. Click on the + to view additional years.

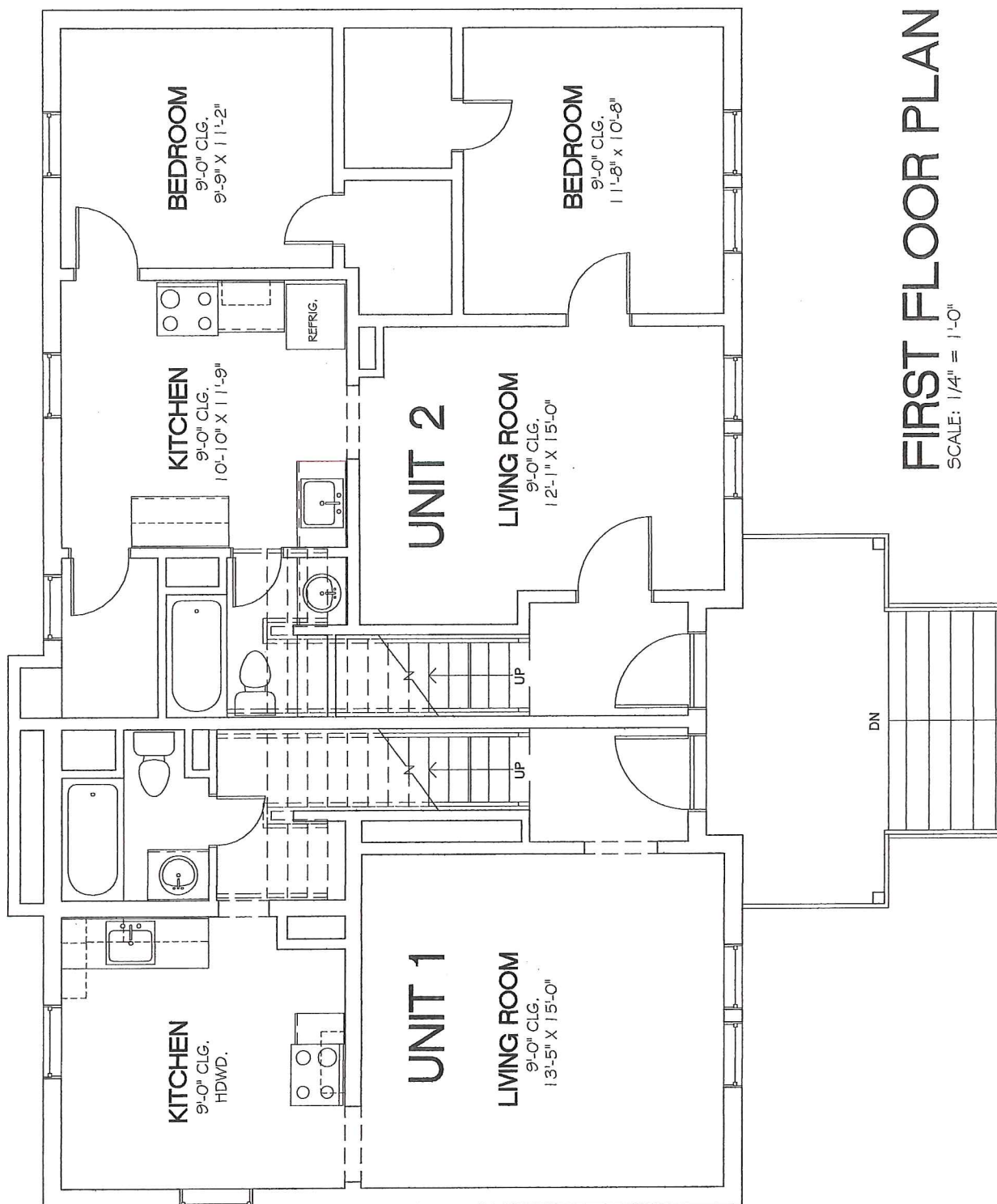
Assess #	Year	Description	Initial Amount	Principal	Interest	Installment Amount	Remaining Balance	Deferred
T-011352020	2018	T-011352020 RSVF	\$0.00	\$0.00	\$0.00	\$319.48	\$0.00	No



SITE PLAN
SCALE: 1/16" = 1'-0"

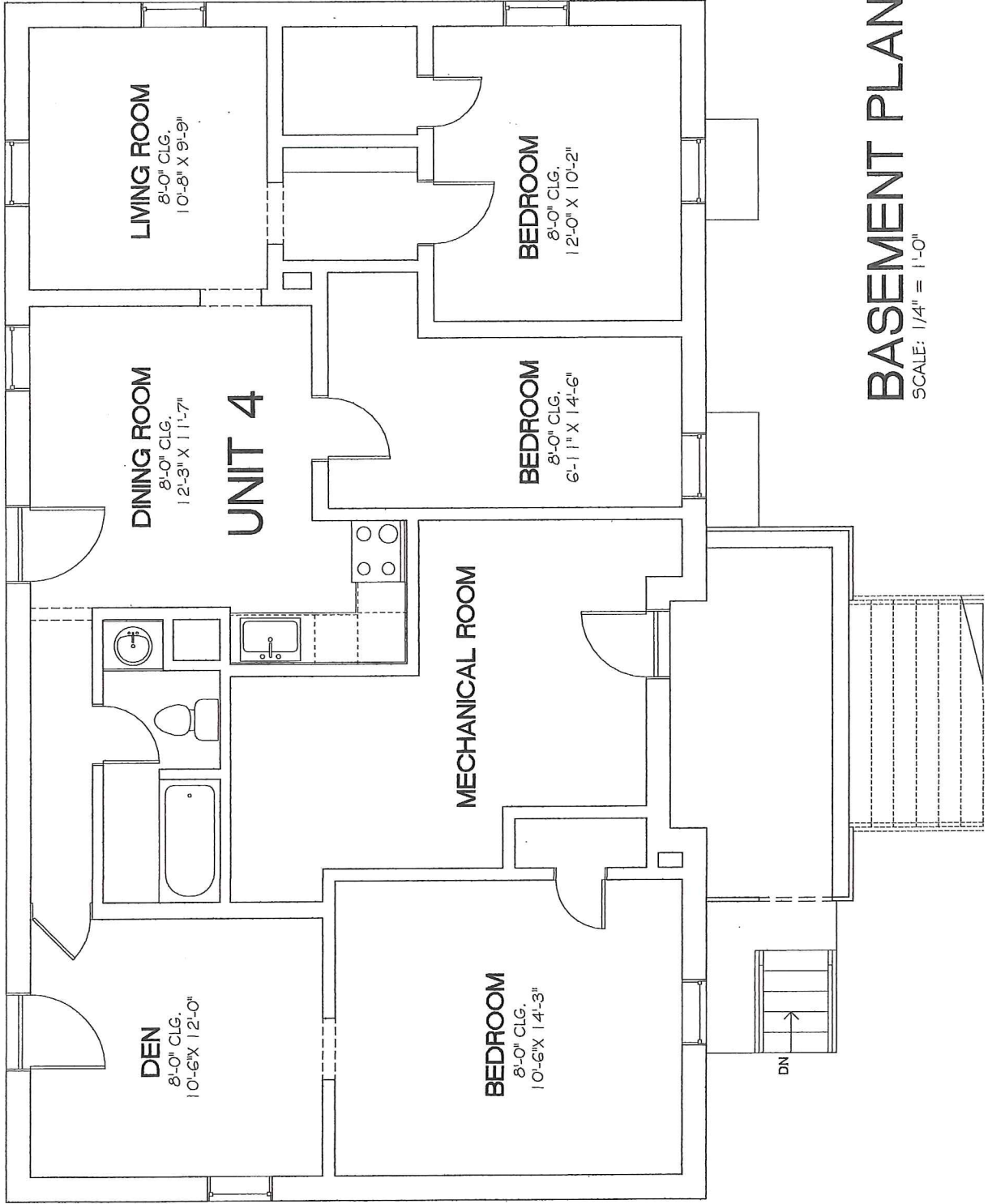
784 Agate Street



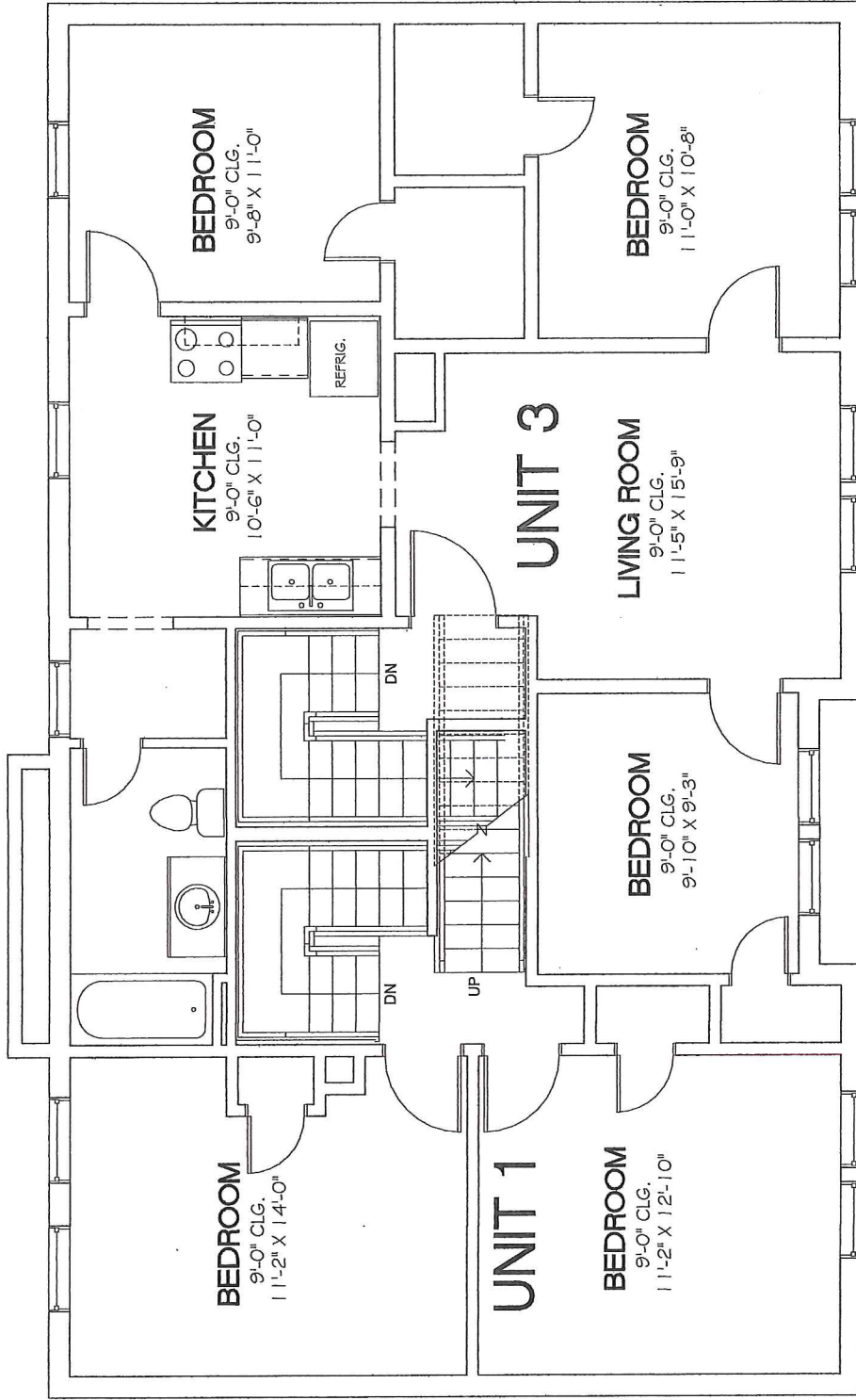


FIRST FLOOR PLAN

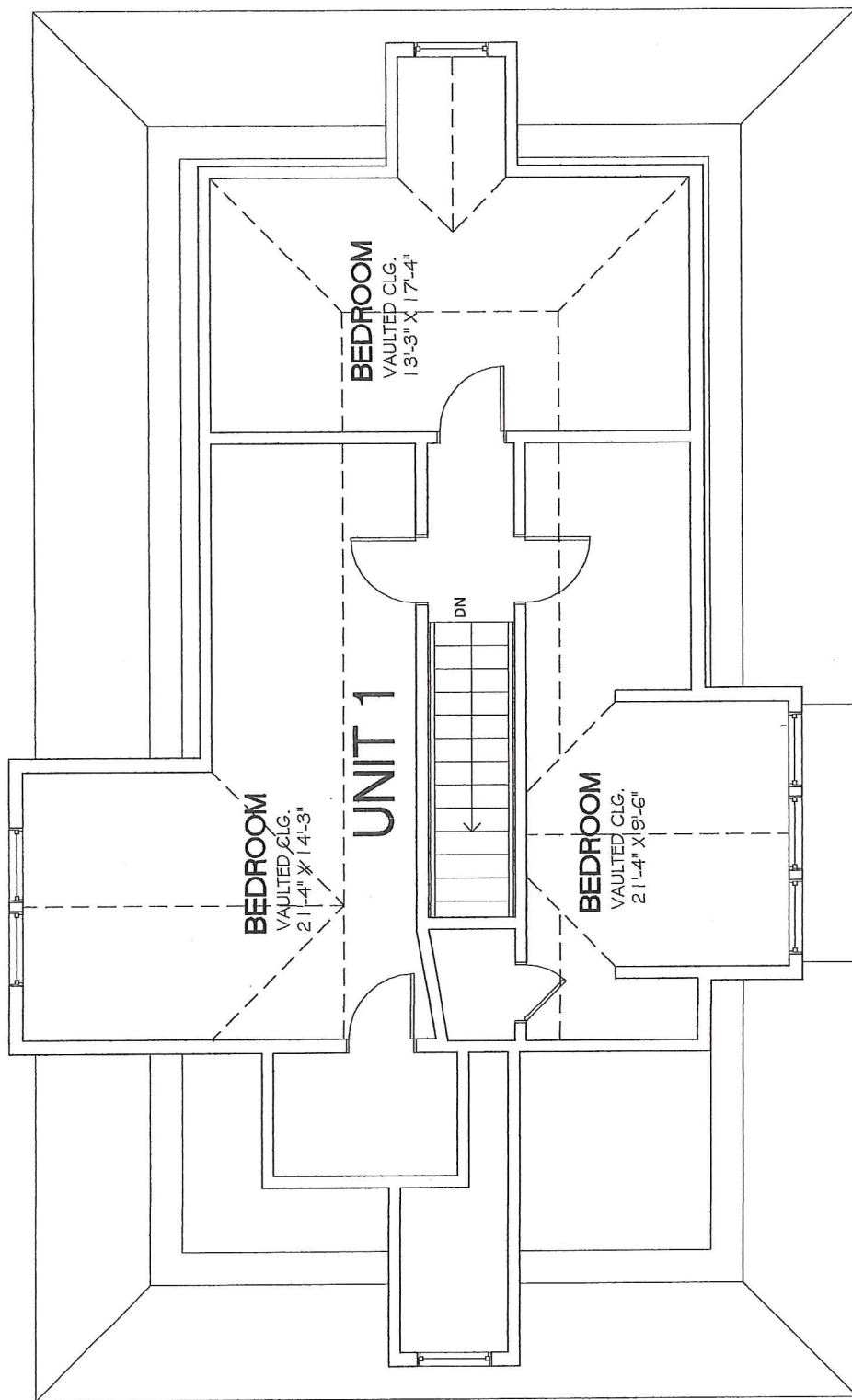
SCALE: 1/4" = 1'-0"



BASEMENT PLAN
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

780-784 Agate Street



Subject property



780-784 Agate Street

Subject property



North of subject property

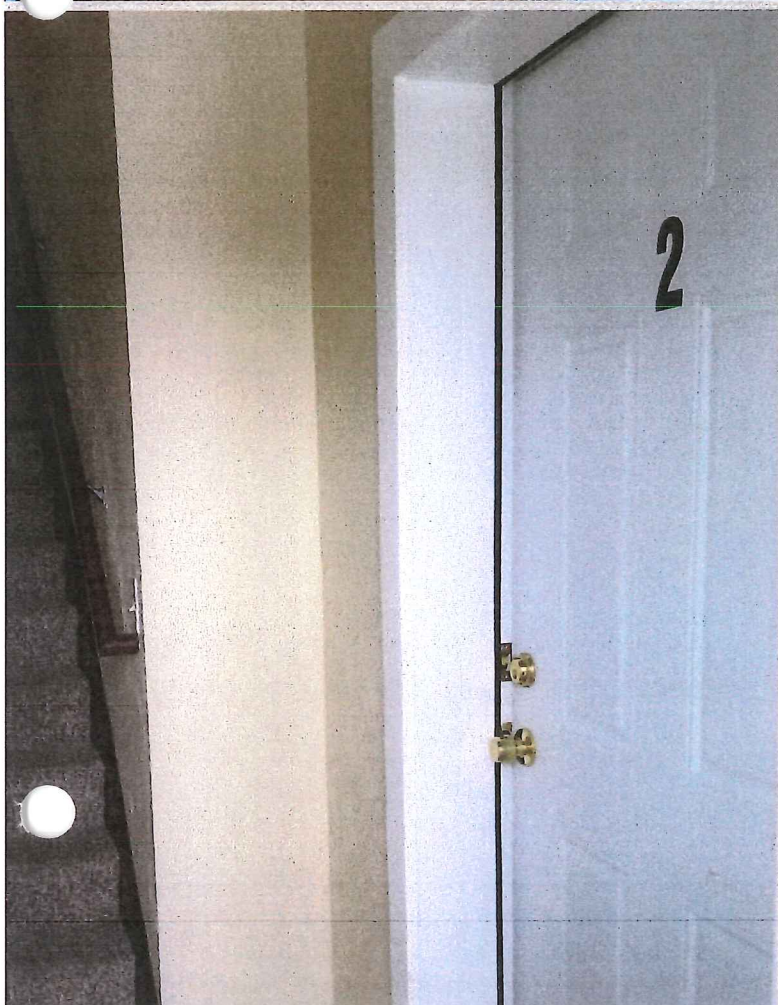
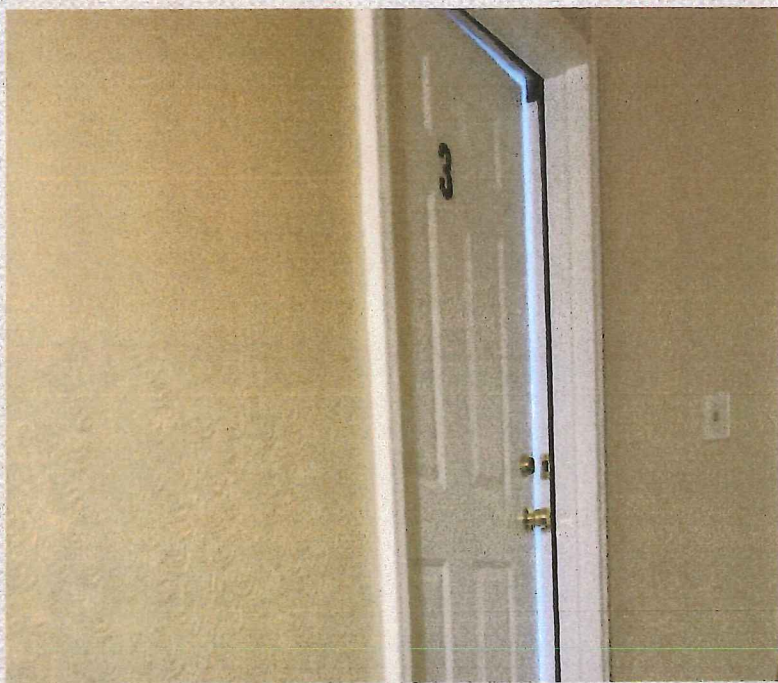


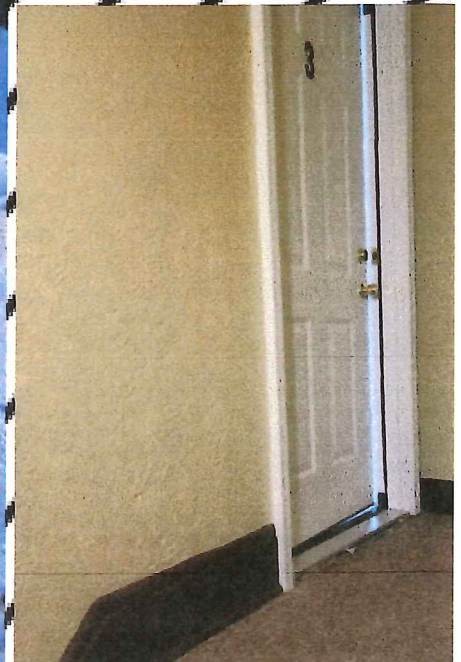
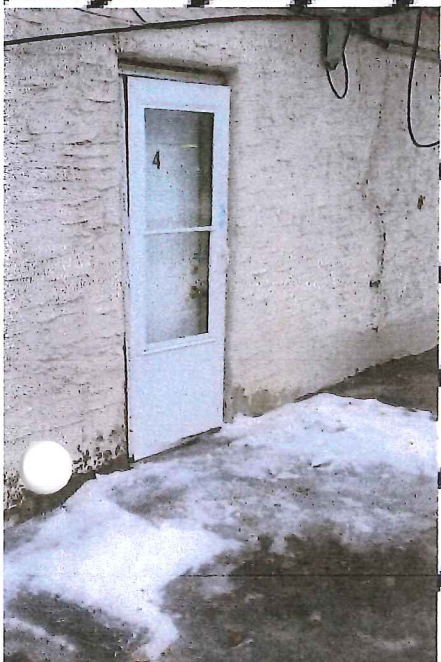
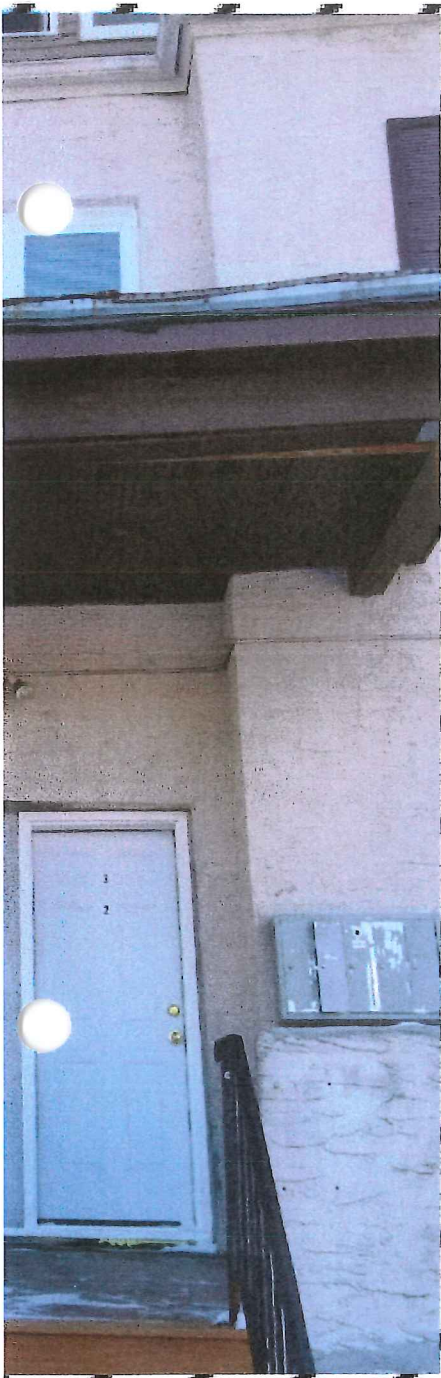
South of the subject property

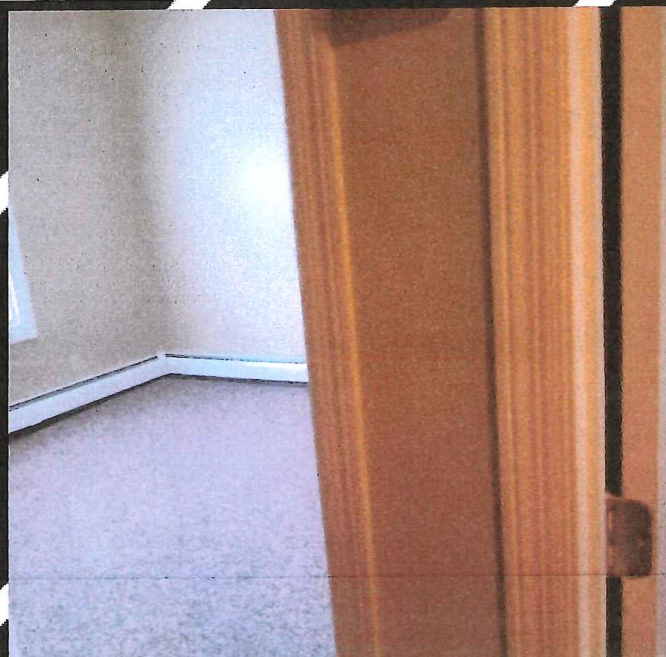
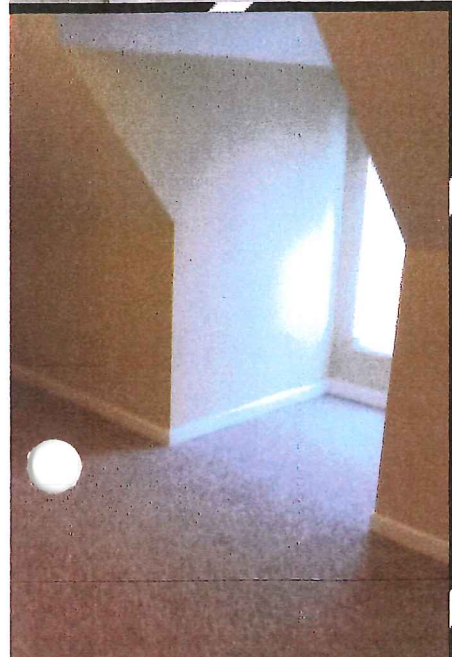
780-784 Agate Street

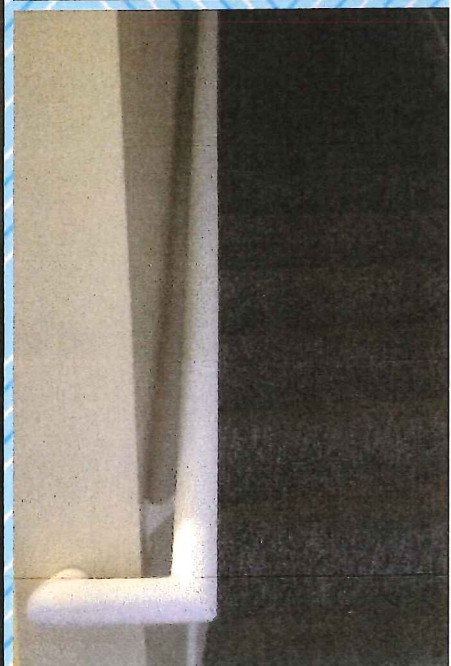
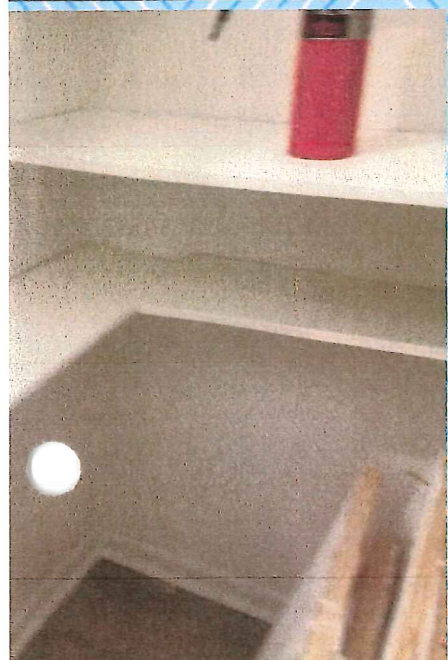
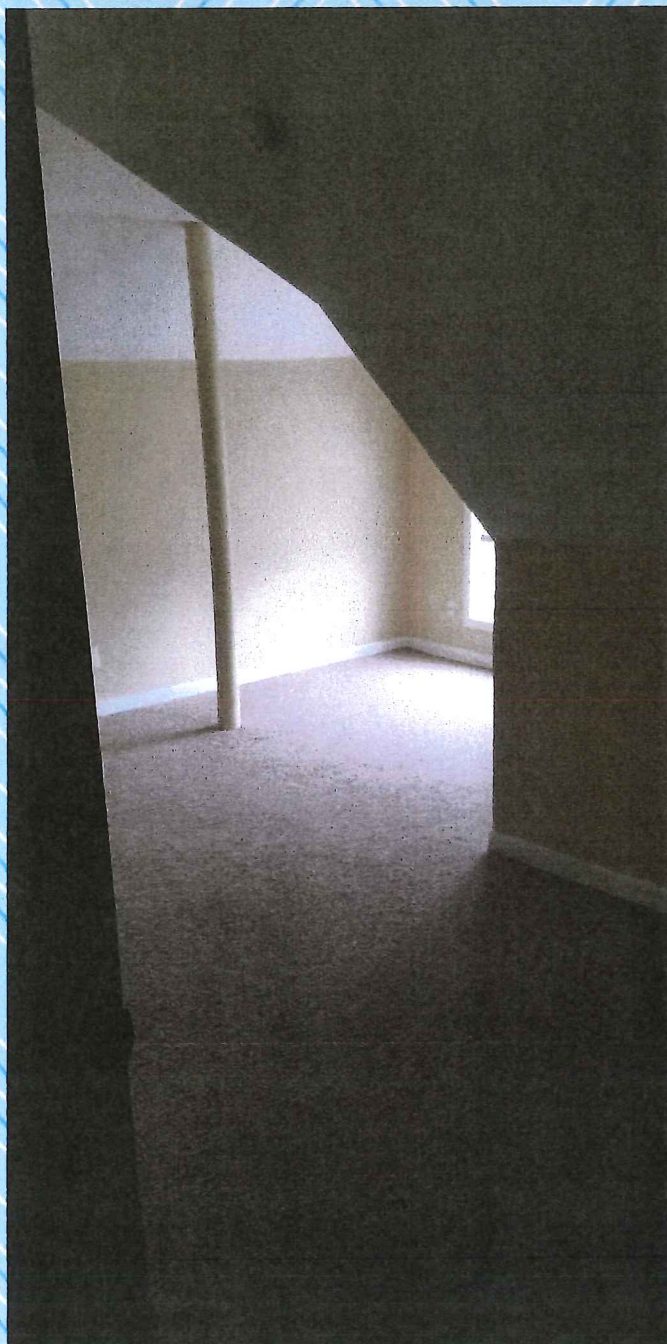
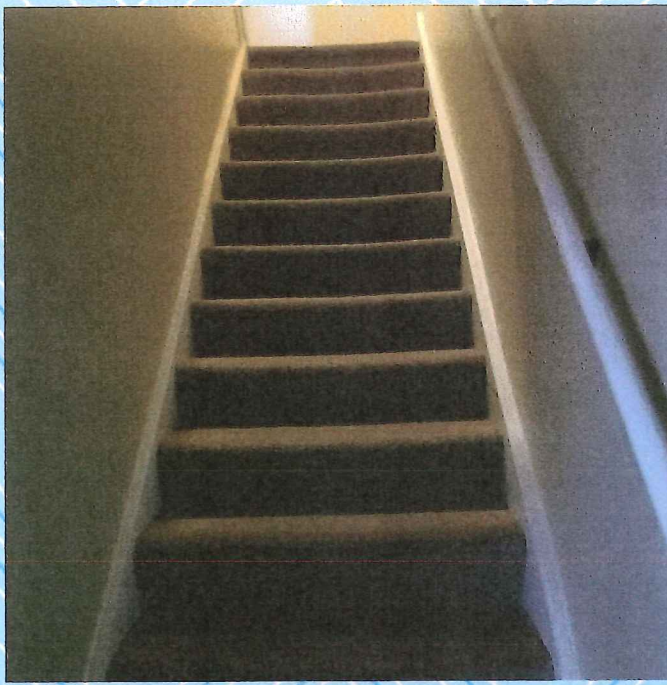
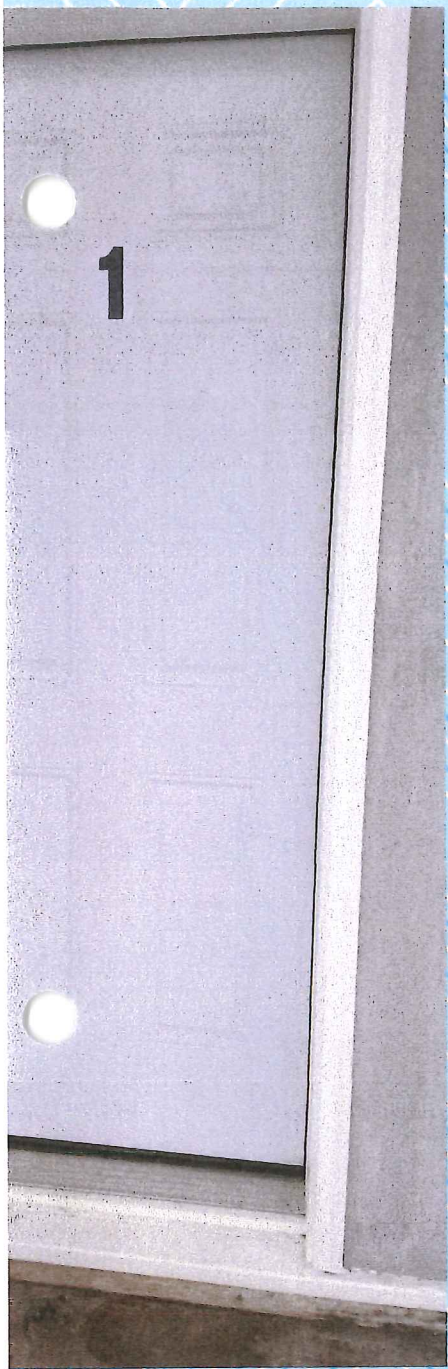


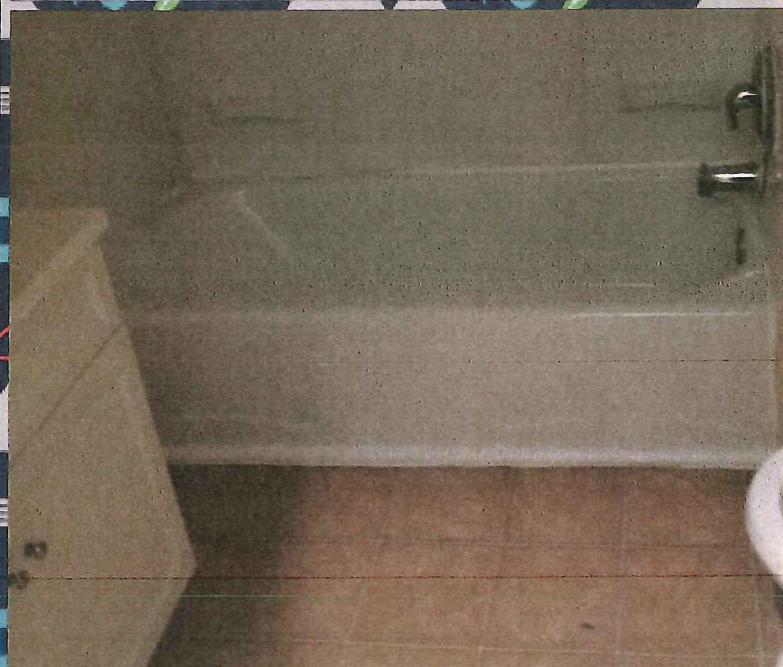
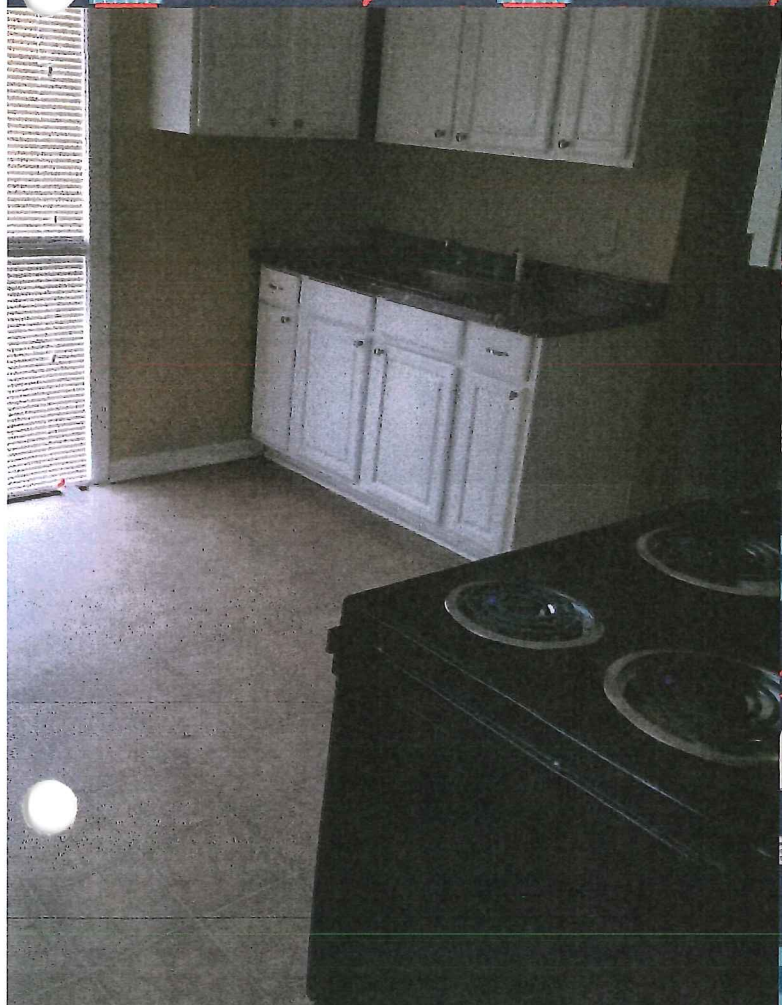
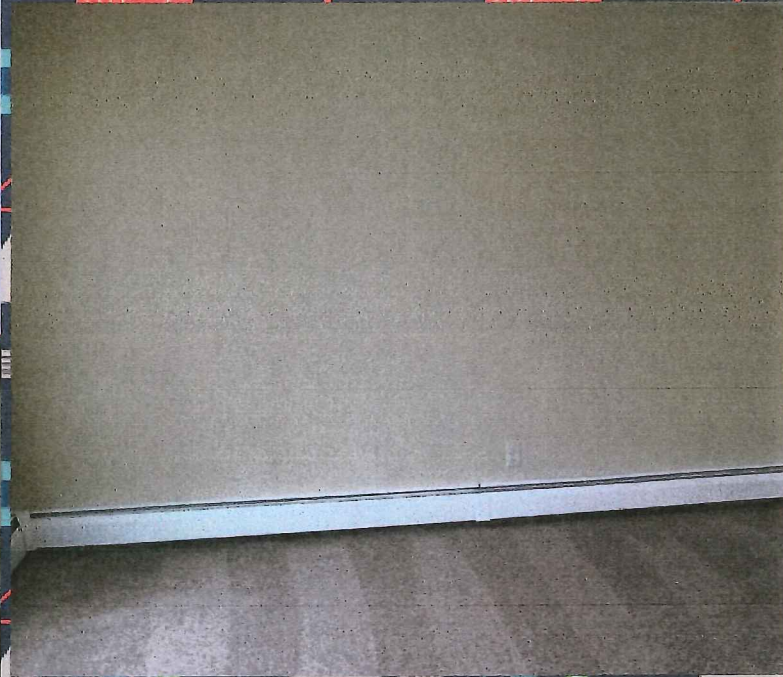
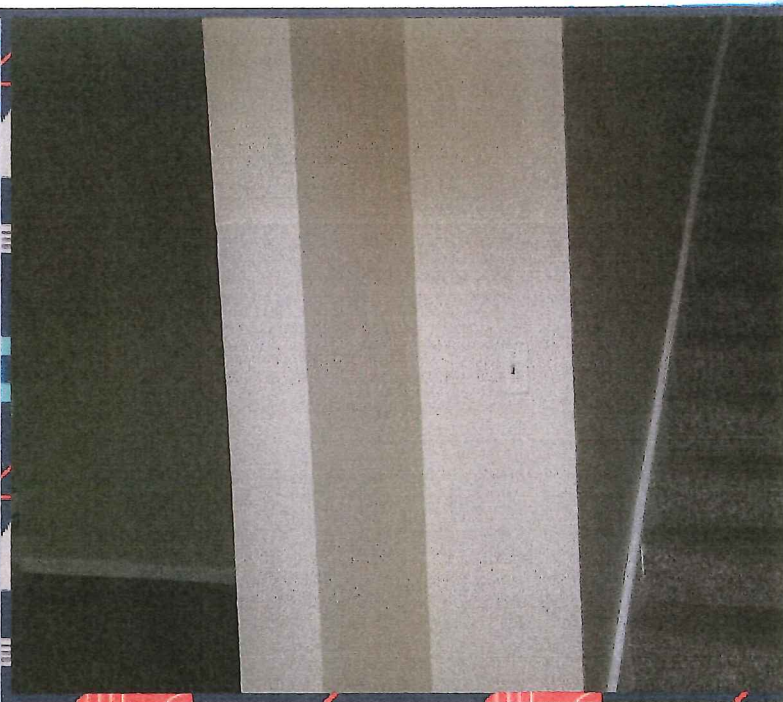
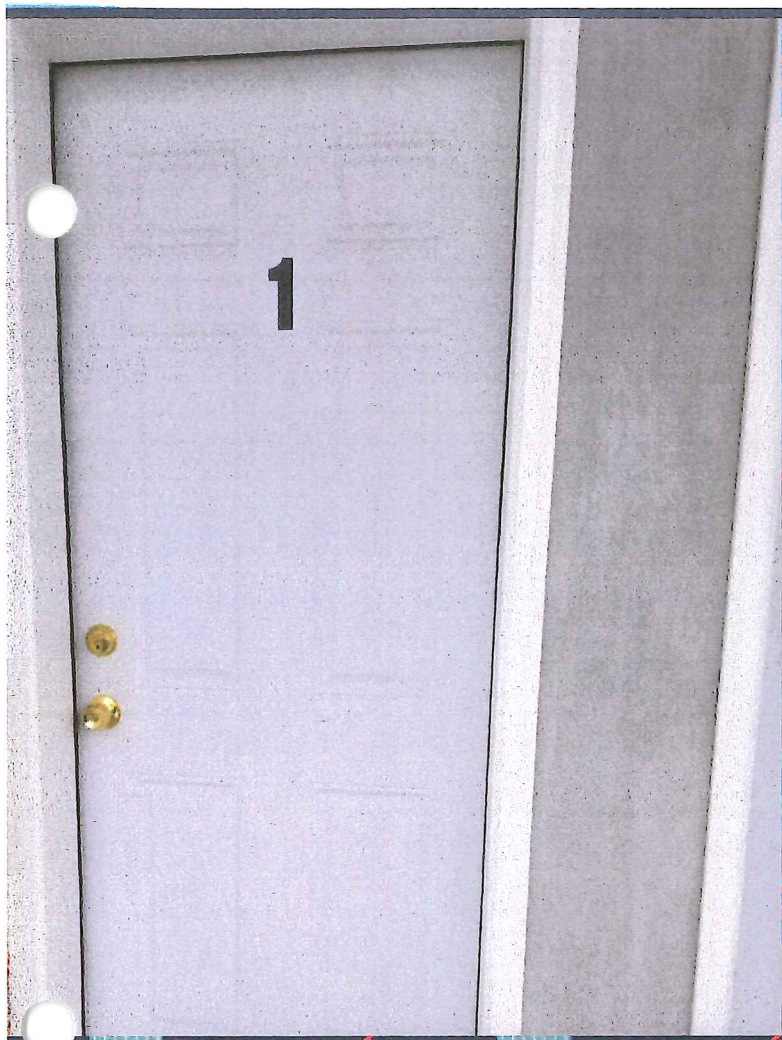
West of subject property

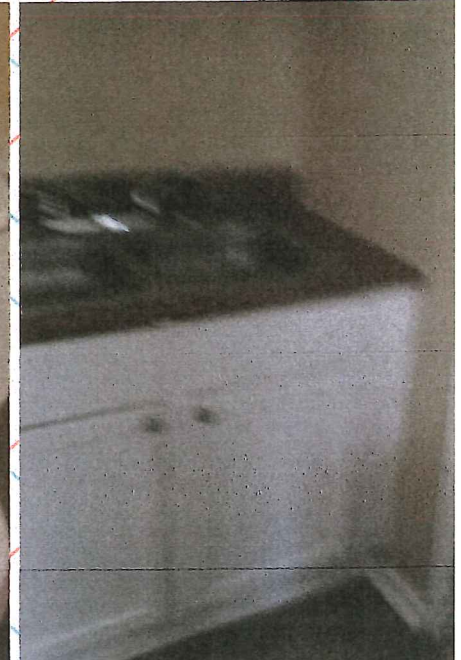
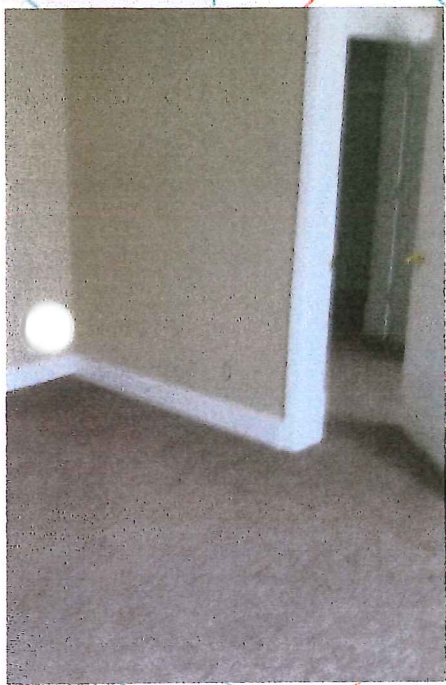
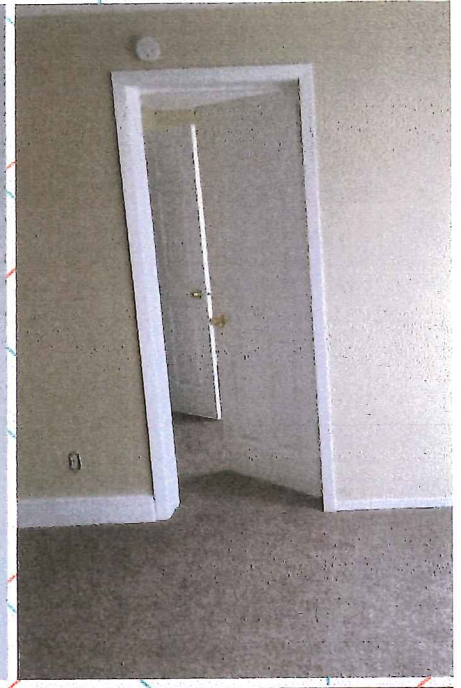
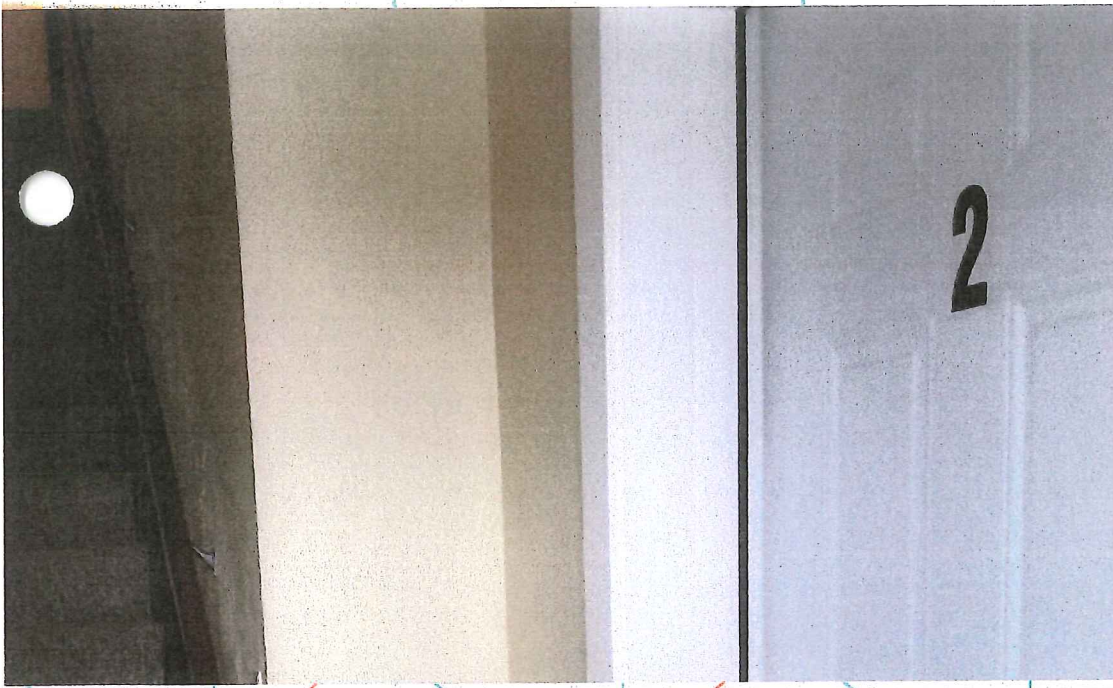


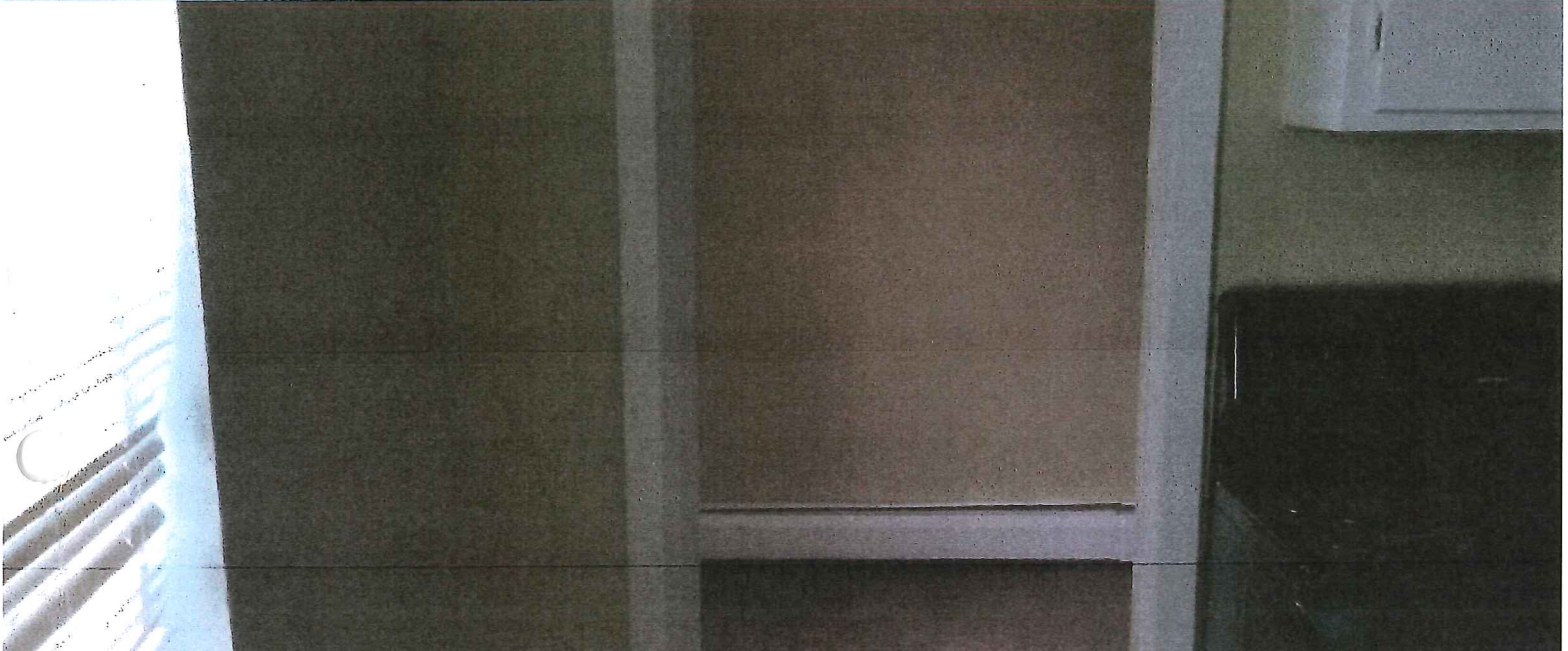














EDWARDS OPERATING INSTRUCTIONS 1211B FIRE

(1) SUPERVISORY MODE
(Normal Operating Conditions)
With all systems power turned on, the F-1 (F-1211B) fire alarm control panel will automatically program the B-1 (loop in off).

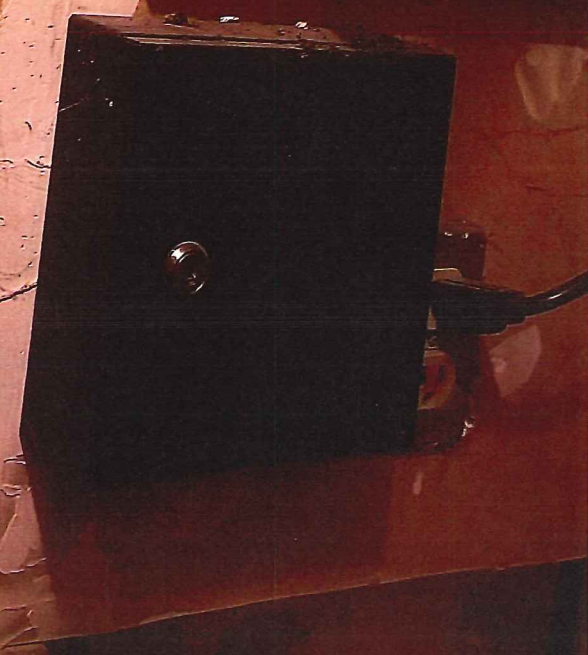
(2) ALARM MODE
Operation of a manual station, heat detecting device, detector or waterflow switch causes:
• Alarm signal to sound.
• Audible horn to sound.
• ALARM lamp to illuminate steadily and may be used to shut down fans, air conditioning units, and heat the doors.

(3) TROUBLE MODE
When a fault on supervised installation wiring or on supervised control panel is caused by an open or short circuit, the trouble signal will sound. The trouble signal will sound when the trouble is cleared. The trouble signal will sound when the trouble is cleared. The trouble signal will sound when the trouble is cleared.

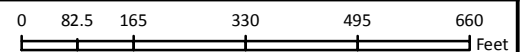
SYSTEM TESTS AND DRILLS
System operation and tests under fire drill must be made according to and at the frequency required by local fire authorities. When done at intervals of 15 minutes, monthly system tests are recommended. Life-safety tests shall be made in conjunction with scheduled drills. Report the system after each test so drill has been completed.

SYSTEM MODELS
When a fault on supervised installation wiring or on supervised control panel is caused by an open or short circuit, the trouble signal will sound. The trouble signal will sound when the trouble is cleared. The trouble signal will sound when the trouble is cleared.

FRAMES, TUBES, PULSES, AND SIGNALS
FRAMES, TUBES, PULSES, AND SIGNALS








FILE NAME: Danmark Properties LLC

Aerial

APPLICATION TYPE: Reest NCUP

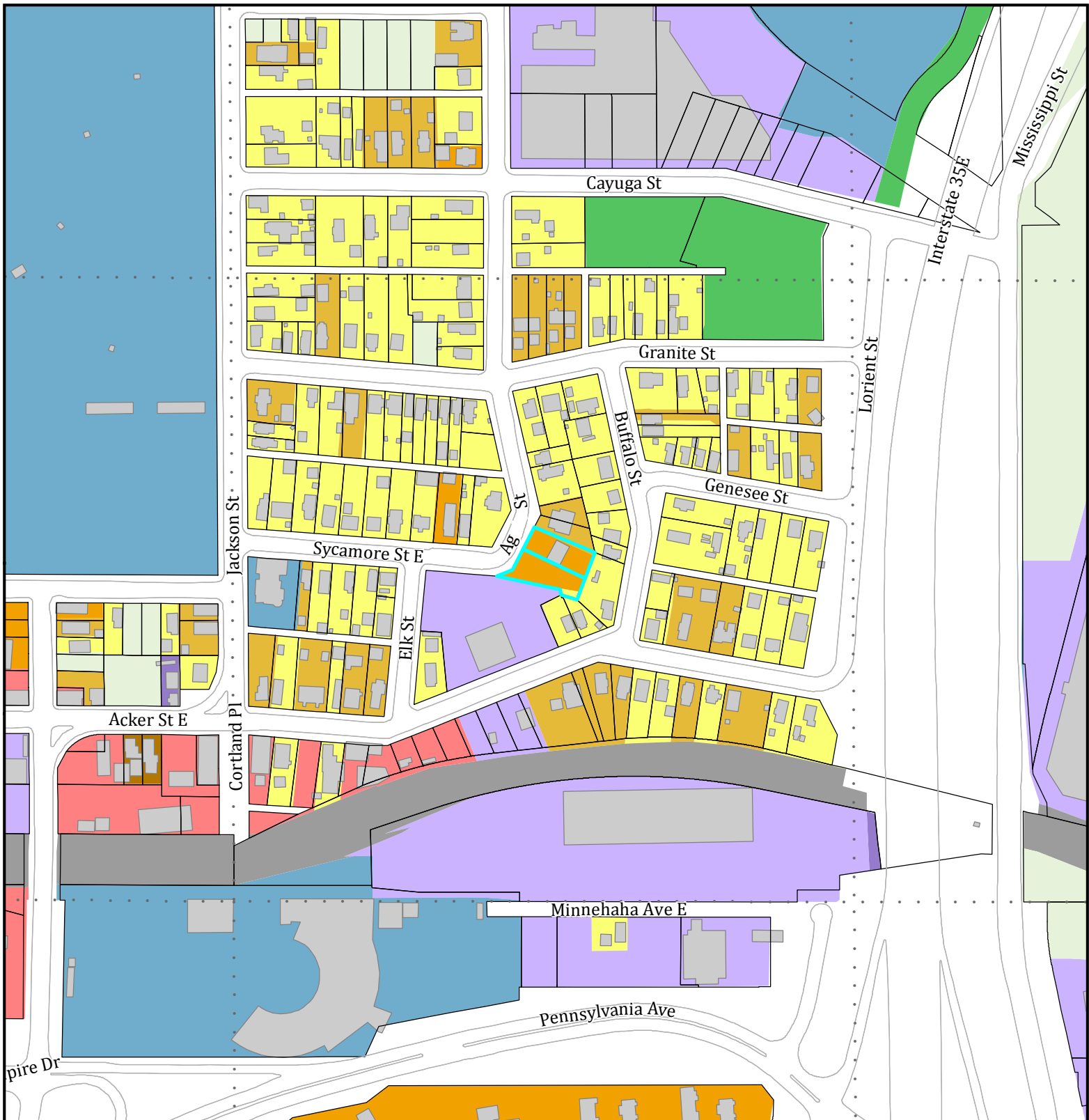
 Subject Parcels

FILE #: 18-024674 DATE: 2/1/2018

PLANNING DISTRICT: 6

ZONING PANEL: 10





FILE NAME: Danmark Properties LLC

APPLICATION TYPE: Reest NCUP

FILE #: 18-024674 DATE: 2/1/2018

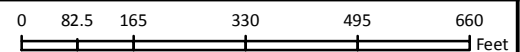
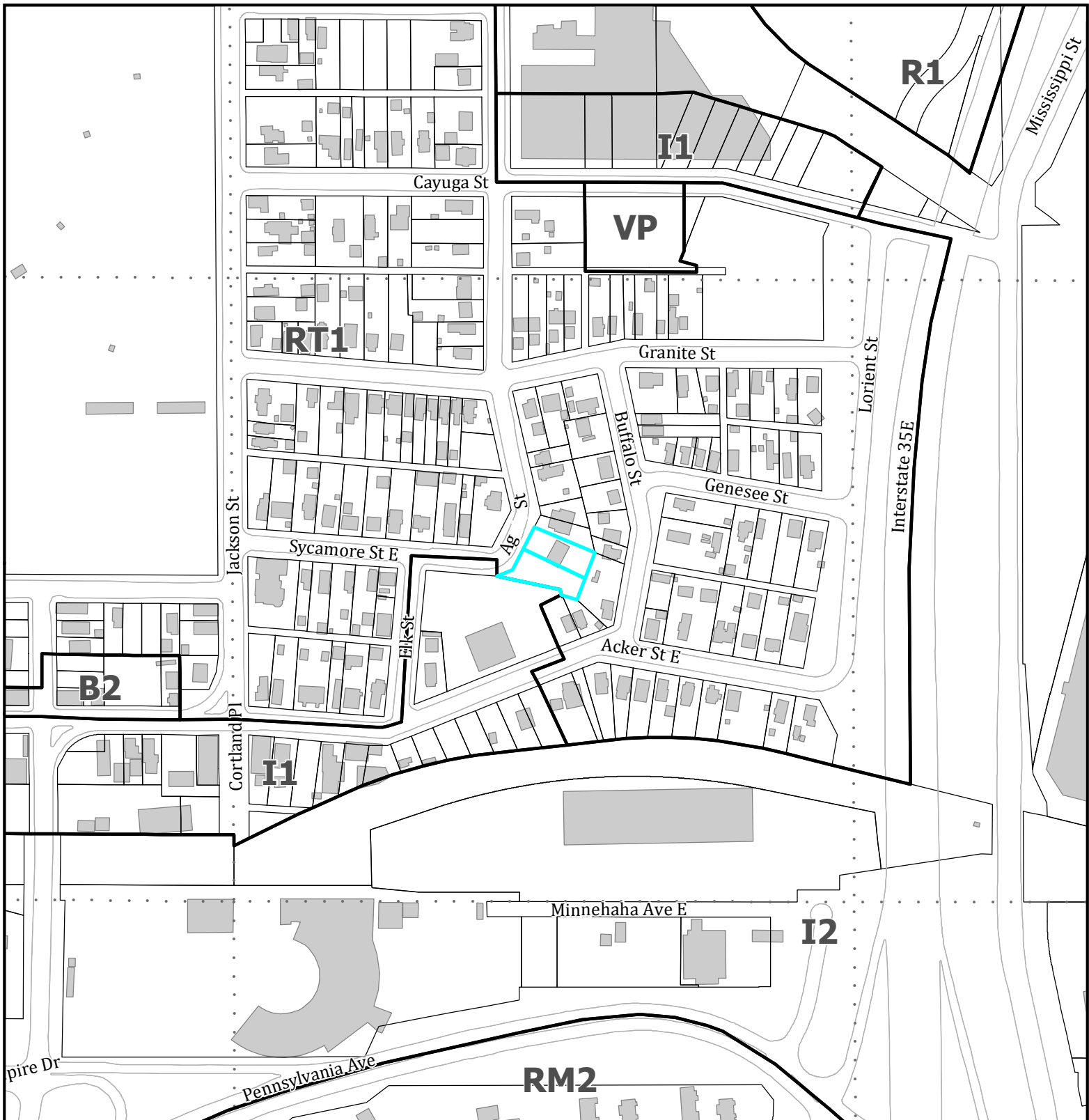
PLANNING DISTRICT: 6

ZONING PANEL: 10

Land Use

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





FILE NAME: Danmark Properties LLC

APPLICATION TYPE: Reest NCUP

FILE #: 18-024674 DATE: 2/1/2018

PLANNING DISTRICT: 6

ZONING PANEL: 10

Zoning

- Subject Parcels
- · Section Lines

