

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** Stone Saloon Patio

**FILE #** 18-030-349

**APPLICANT:** Thomas Schroeder

**HEARING DATE:** March 15, 2018

**TYPE OF APPLICATION:** Historic Use Variance

**LOCATION:** 445 Smith Ave N, between McBoal and Goodrich

**PIN & LEGAL DESCRIPTION:** 01.28.23.41.0179, Except the South 60 feet of the following: Lot 14 & East ½ of Lot 13, Block 9, Samuel Leeches Addition

**PLANNING DISTRICT:** 9

**PRESENT ZONING:** R4

**ZONING CODE REFERENCE:** § 61.601; § 73.03.1

**STAFF REPORT DATE:** March 9, 2018

**BY:** Bill Dermody

**DATE RECEIVED:** February 20, 2018

**60-DAY DEADLINE FOR ACTION:** April 21, 2018

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- A. **PURPOSE:** Historic Use Variance to permit an outdoor seating area/patio accessory to a restaurant/tap room.
  - B. **PARCEL SIZE:** 8,470 square feet
  - C. **EXISTING LAND USE:** Brewery, restaurant, and tap room
  - D. **SURROUNDING LAND USE:**  
One- and two-family residential to the south, west, and north (R4); single-family and multi-family to the east (RT1); live-work unit to the northeast (RT1); commercial to the northwest across the alley (T2) and other mixed commercial and residential along 7<sup>th</sup> Street (T1, T2, B2).
  - E. **ZONING CODE CITATION:** § 73.03.1 establishes the findings and review process for historic use variances; § 61.601 further addresses requirements for historic use variances.
  - F. **PARKING:** The business provides sufficient parking on-site and in its lot one block to the west (at 194 McBoal Street) to meet the Zoning Code requirements, per previous site plan review approvals. The Department of Safety and Inspections does not anticipate requiring any additional parking for the proposed outdoor seating use because it is accessory to the restaurant/tap room.
  - G. **HISTORY/DISCUSSION:** In 2015, the City Council approved a Historic Use Variance (HUV) for the site in order to convert the previously vacant residential structure for use as a taproom / microbrewery / restaurant, subject to six (6) conditions (ZF# 15-143-784). In 2016, the City Council approved a follow-up HUV for the site to allow provision of an ADA parking space on the site, subject to a condition requiring site plan review approval and specifying that any building expansion or outdoor patio would need separate application and approval (ZF# 16-005-089).

The proposed outdoor seating area received Heritage Preservation Commission (HPC) design review approval on February 8, 2018 and a recommendation for HUV approval on March 8, 2018.

HUVs are a tool for promoting historic preservation by allowing a departure from the uses permitted in Chapter 66 of the Zoning Code governing a designated heritage preservation site where strict adherence would prevent reasonable re-use of the structure in a manner consistent with either the structure's historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment. The Planning Commission and HPC are to provide recommendations to the Mayor and City Council, who will make the final decision.

H. **DISTRICT COUNCIL RECOMMENDATION:** The Fort Road Federation has provided a letter of support for the application.

I. **FINDINGS:**

1. The application requests a historic use variance in order to permit an outdoor seating area / patio accessory to the indoor restaurant/tap room use. The outdoor seating area is proposed to be located south of the restaurant/tap room space and east of the brewery barn.
  2. § 73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, § 73.03.1 requires the Planning Commission to make findings regarding the following:
    - (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding is met. The proposed outdoor seating area is compatible with the adjacent restaurant/tap room and with nearby T2 uses to the north along 7<sup>th</sup> Street. The seating area is located near a busy road (Smith Avenue) and contained on two sides by the business' buildings so as to lessen noise impacts. Noise is regulated citywide by Legislative Code § 293.07, which restricts sound levels dependent on the receiving land use's zoning (i.e. the permitted noise levels generated by the outdoor seating area are dependent on the residences' R4 zoning, not on the land use status of the subject site).
    - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, which allows for consideration of commercial uses at the intersection of arterial and collector streets, such as Smith Avenue and West 7th Street (both arterials). The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The District 9 Area Plan Summary calls for commercial land uses along West 7th Street to be confined to the 7th Street block face and not extend into the residential neighborhoods; however, the proposed historic use variance is a very limited commercial land use, not the full array of T2 or B2 uses likely envisioned by the plan.
  3. § 61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding is partially met. The property has been designated as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites. The addition of the proposed outdoor seating area to this property, with its existing restaurant/brewery/tap room uses, will not negatively impact the property's historic character and will not significantly impact the character of the surrounding area.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a Historic Use Variance to permit an outdoor seating area/patio accessory to a restaurant/tap room, subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan provided to the Heritage Preservation Commission and approved as part of this application.

**Attachments:**

1. Application and narrative
2. Plans
3. Site photos
4. Written testimony
5. Maps
6. HPC resolution (to be provided separately prior to the hearing)

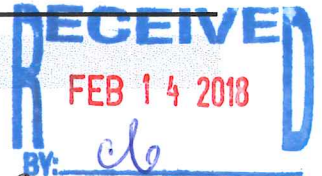


Heritage Preservation  
 Department of Planning and Economic Development  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul MN 55102-1634  
 651-266-9078

<b>Office Use Only</b>	
File #:	<u>18-030349</u>
Date Received:	<u>2-14-18</u>
Date Complete:	_____
Tentative Hearing Date:	<u>3/15/18</u>

PD=9  
 #012823410179

## HISTORIC USE VARIANCE APPLICATION



### Property Information

Address/Location: 445 Smith Avenue North

Legal Description: Leeches Add'n Ex S 60 Ft The Fol; Lot 14 & E 1/2 Of Lot 13, Blk 9

Current Zoning: R4- One-Family

Proposed Use: T2- Traditional Neighborhood

Name of Owner: Stone Saloon Properties, LLC  
*(if different from applicant)*

Contact Person: Thomas Schroeder Phone: (612) 385-8838  
*(if different from applicant)*

### Applicant Information

Name: Thomas S. Schroeder

Email: tom@waldmannbrewery.com Phone: (612) 385-8838

Address: 194 McBoal Street

City: Saint Paul State: MN Zip: 55102

The applicant must fill out the attached Historic Use Variance application checklist and attach any necessary documents.

**NOTE: If the project will result in any exterior modifications or additions, a Heritage Preservation Design Review Application must be submitted and reviewed by the HPC prior to the Historic Use Variance Application submittal.**





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 Department of Planning and Economic Development  
 1400 City Hall Annex  
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## HISTORIC USE VARIANCE APPLICATION

The applicant must fill out the Historic Use Variance application checklist by placing a check mark in the boxes under the 'Applicant' column and attaching the accompanying documents. The 'Staff' column is for staff to verify that your submittal requirements have been met. 15 physical sets of application materials must be provided with application. All application materials must also be provided electronically on a CD or USB drive to allow for web posting for public hearing.

Applicant	Staff	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1) Description of the proposed use and its consistency with the structure's historic use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2) Description of any exterior modifications to the structure, property, and site including an assessment of the impact of these modifications on the historic integrity of the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3) Description of all interior architectural features unique to the historic period.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4) Site plan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5) Photos of existing conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6) 11" x 17" Architectural plans drawn to scale that include any proposed modifications.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7) Information supporting the following findings. (Do not simply rewrite the findings. You must discuss <i>why</i> you believe the findings below can be made for your request.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with Legislative Code Chapter 73.04(5).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with Legislative Code Chapter 73.04(5) and that these difficulties were not created by the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. The proposed use is consistent with the comprehensive plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8) 1 CD or USB drive of application materials
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9) 15 physical sets of application materials

*I certify that I have completed and have included all material checked above in the application submittal.*

Applicant Signature: Thomas E. Schrad

Date: 2-15-18

## Attachment to HUV Application

### **1) Description of the proposed use and its consistency with the structure's historic use.**

We are proposing an outdoor seating area immediately to the south and adjacent to Waldmann, our recently-opened historically-themed restaurant/brewery/tap room. Waldmann was originally built and used as a German lager beer saloon by Anton Waldmann from 1857 to 1863. While no evidence has been found proving that Waldmann had a "biergarten," we know that this same space once contained an outdoor well (preserved), double outhouse and ample greenspace overlooking the Mississippi River valley. We also know that outdoor seating was frequently provided at German lager saloons like Waldmann's. The West Seventh neighborhood contained some notable examples, including extravagant beer gardens adjacent to Banholzer's Brewery on Stewart Avenue, and alongside Schade's Saloon across West Seventh Street from the Stahlmann/Schmidt Brewery.

### **2) Description of any exterior modifications to the structure, property, and site including an assessment of the impact of these modifications on the historic integrity of the site.**

No modifications will be made to the historic structure. A 10' x 14' canopy will be added to the east side of our newly constructed brew barn, covering a concrete pad from which food, beer and soda will be served. Four tables with bench seating and four small high-top tables will be placed on a surface of crushed, compacted limestone (class 5). The seating area will be surrounded by a rough-cut cedar rail fence, with an egress gate to the east and concrete ADA ramp to the sidewalk. Two trees and a line of shrubs along the east fence line are designed to reduce traffic noise from Smith Avenue, a heavily trafficked state trunk highway. These modifications will have little/no impact on the historic integrity of the site.

### **7) Findings:**

#### **a. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with Legislative Code Chapter 73.04(5).**

The outdoor seating area is appropriately scaled and situated so as not to detract from the site, and in fact will enhance the public's experience of the site. Views of the historic limestone structure will be preserved from the public street and sidewalk, and visitors will now have the ability to access the side yard for an additional and even closer perspective on the building.

#### **b. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation.**

The outdoor seating area has been designed in accordance with the Preservation Program for the historic site, which itself is consistent with the Secretary of Interior's Standards for Rehabilitation.

#### **c. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its**

**historic use or that the new use is consistent with Legislative Code Chapter 73.04(5) and that these difficulties were not created by the applicant.**

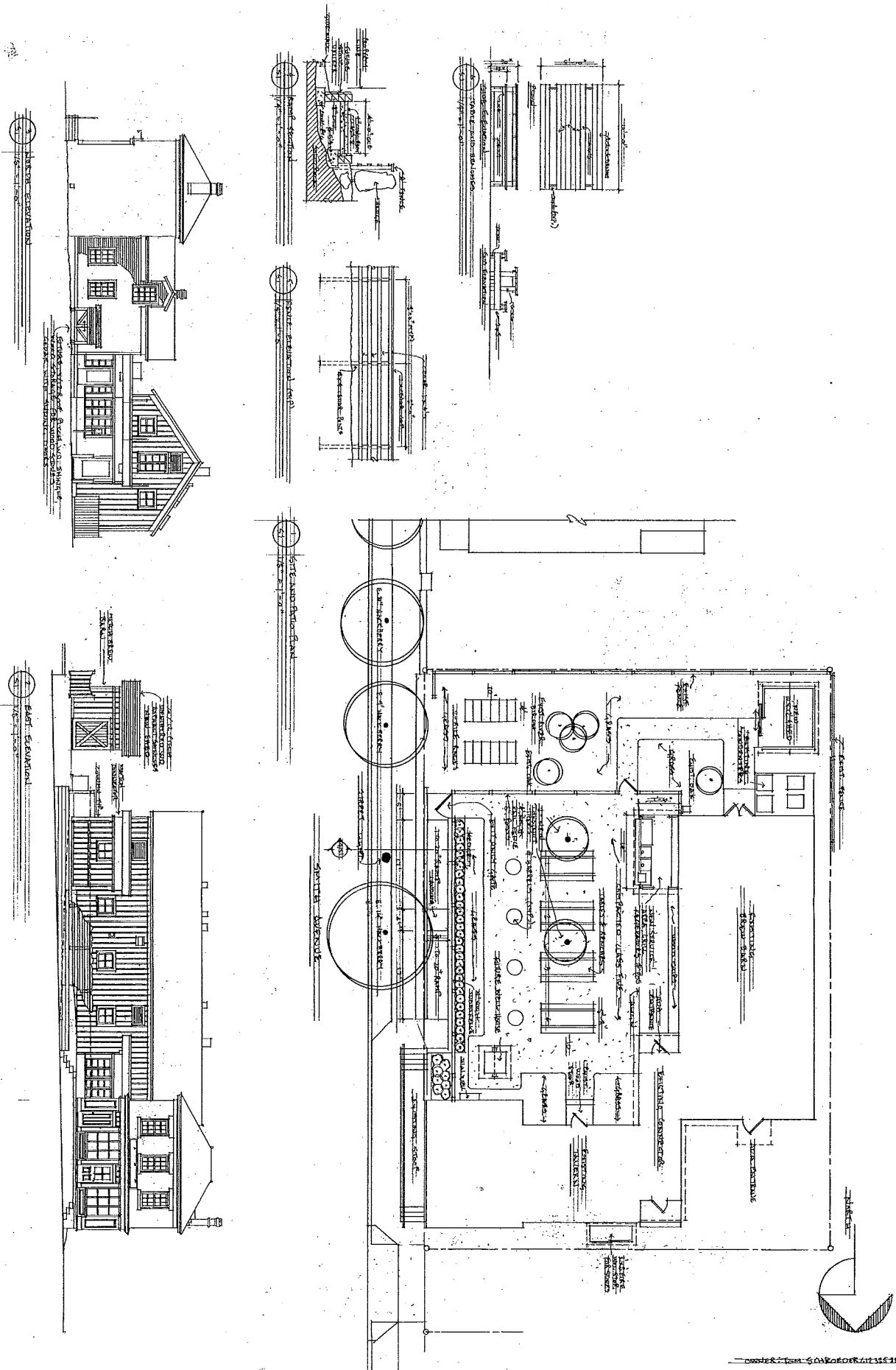
The site's R4-One Family zoning would otherwise prohibit an outdoor seating area serving a restaurant/brewery/tap room, yet this use is consistent with the historic use of the site as a mid-19<sup>th</sup> Century German lager saloon.

**d. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

Several local businesses in the immediate vicinity have outdoor seating areas, including Bad Weather Brewery, Claddaugh Coffee, Day by Day Café, Burger Moe's and Forepaugh's Restaurant. Burger Moe's outdoor seating area is located on a National Register/Heritage Preservation Site (Justus Ramsey House), and Forepaugh's outdoor seating area is located within a National Register Historic District (Irvine Park Historic District).

**e. The proposed use is consistent with the comprehensive plan.**

The designs for and use of our outdoor seating area promote the aesthetic and development standards set forth in the City's 2010 Comprehensive Plan, furthering the goal of a high-quality pedestrian-scaled urban environment. Moreover, our neighborhood's Area 9 Area Plan encourages the creation of outdoor community gather spaces by incorporating green space and other public spaces in redevelopments in the West 7<sup>th</sup> corridor area. (Key Strategies #30, 31).



**S1**  
 DRAWING NO. **S1**  
 COMM NO. **1-1** • DRAWN **J.M.** • CHECKED **J.M.** • DATE **1/18/2015**  
 1718/2015  
 1/21/2015

NO.	REVISIONS

WALTER E. JACOBSON ARCHITECTS  
 WALTER E. JACOBSON ARCHITECTS  
 WALTER E. JACOBSON ARCHITECTS  
**WALDMANN BREWERY - 445 SMITH AVENUE**  
 1013 ALDO NOVI SCHROEDER - 194 MCBOAL STREET - SAINT PAUL, MINNESOTA 55102  
**YUST ARCHITECTURAL SERVICES**  
 476 West 7th Street ■ Saint Paul, MN 55102 ■ (651) 225-9604  
 (651) 225-9604





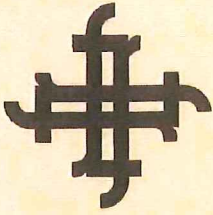
Site Photos











**West 7th/Fort Road Federation**  
974 West 7th Street  
Saint Paul, Minnesota 55102

651-298-5599  
FortRoadFederation.org

February 16, 2018

Councilmember Rebecca Noecker  
300 City Hall  
Saint Paul, MN 55102

Subject: Support for Waldmann Brewery

Dear Councilmember Noecker,

The West 7<sup>th</sup> Street / Fort Road Federation (Planning District Council 9) Board of Directors fully supports Waldmann Brewery (445 Smith Ave.) in their applications for "Liquor – Outdoor Service Area (Private Patio)" and Historic Use Variance permitting the amended use of the historic site.

Mr. Schroeder, the owner of Waldmann Brewery, presented the concept for their patio project to our Board. Mr. Schroeder has spoken with nearby neighbors and received the required percentage of signatures from them.

If you have any questions, please let me know.

Sincerely,

Becky Yust  
President, Fort Road Federation

CC: ✓ Tom Schroeder, Waldmann Brewery  
Kristina Schweinler, City of Saint Paul DSI  
Christine Boulware, City of Saint Paul HPC

## **Dermody, Bill (CI-StPaul)**

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**From:** Dubruiel, Paul (CI-StPaul)  
**Sent:** Monday, February 26, 2018 8:48 AM  
**To:** Dermody, Bill (CI-StPaul)  
**Subject:** fyi your copy FW: 445 Smith Ave N

-----Original Message-----

**From:** Richard Haus [mailto:dickhaus@comcast.net]  
**Sent:** Saturday, February 24, 2018 7:31 PM  
**To:** Dubruiel, Paul (CI-StPaul)  
**Subject:** 445 Smith Ave N

This is in regard to the request to add a patio to there operation the additional traffic will add to the noise and additional odors will add to the problems we have to put with now .. The outdoor serving areas and with a grill will create a pontenial attraction for rodents and racoons that are in the area. The idea of a hedge planting to cut down the sound will only have limited affect for screening the patio Will afford a good location for homeless people get off the street. Lastly the hours of operation have the potential to disrupt a lot of sleep patterns we request that hours be limited to 1/2hour before sunset latest With no outdoor music live or caned.

Thank You  
Richard Haus  
444 Smith Ave N  
St Paul Minnesota 55102  
612 670 0972

## **Dermody, Bill (CI-StPaul)**

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**From:** Diane Wi <ramsey91@live.com>  
**Sent:** Thursday, March 8, 2018 10:08 AM  
**To:** Dermody, Bill (CI-StPaul)  
**Subject:** Fw: City of St Paul File # 18-030-349

My name is Diane Lawver, I live at 463 smith Avenue North, 55102, I have owned and lived in this home since April 1991.

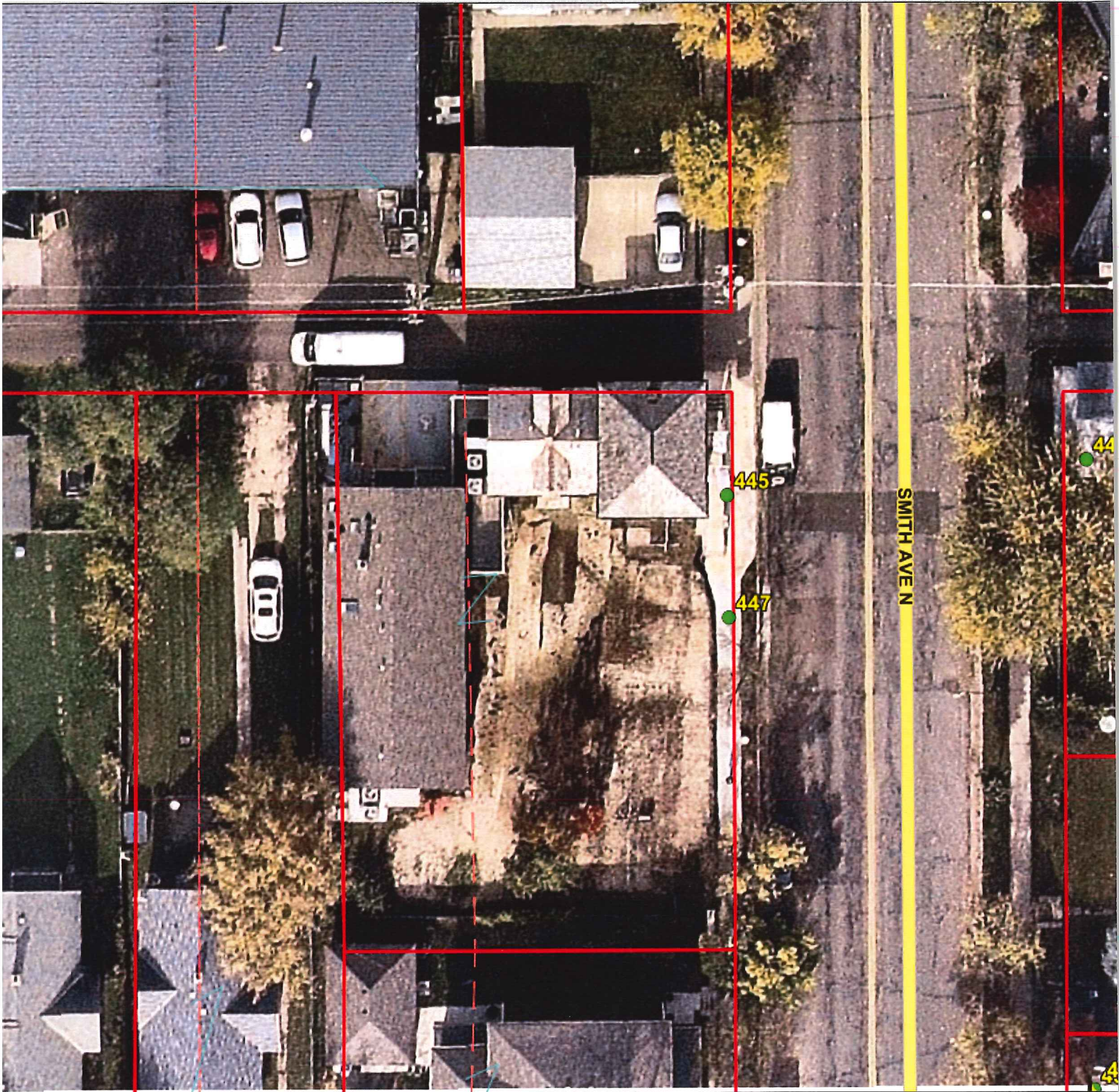
I am writing to state I am AGAINST file # 18-030-349, 445 Smith Avenue N, the Waldman/Stone Saloon Properties request for an outdoor seating area. One residential home is between this business and my home. Traffic and parking in front or near my home is almost impossible since the Waldman Saloon has opened, as it stands there is not enough parking with the square footage inside the business and adding a outdoor patio is only going to increase actual square footage of the restaurant limiting street parking even more.

In addition to parking being a problem the noise level of the people parking makes living in my home irritating and is no longer a relaxing environment. This is a residential area and noise travels, on nice days when our windows are open this is a problem, adding people laughing and dishes clanking is going to be even greater noise. This business is not on 7th street corridor it is on Smith avenue and is a residential neighborhood.

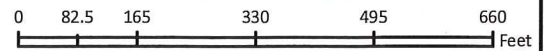
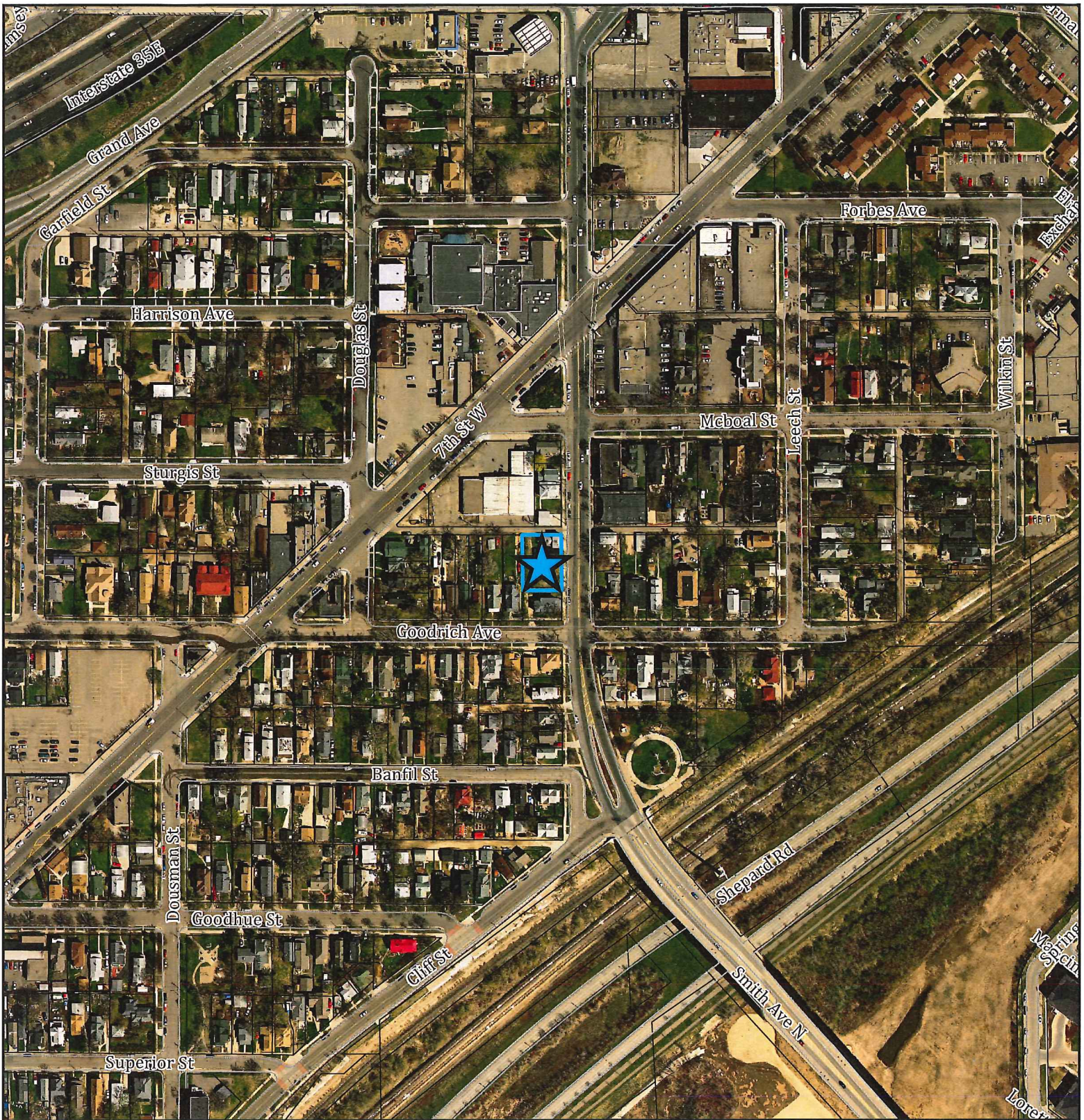
Please do not approve 445 Smith Avenue an outdoor seating area. In addition for Tom Schroeder the owner of the saloon to use the fact the building is a historic building is ridiculous. He has already changed the historical structure of the building by adding on a brewery and what German immigrant or any immigrant, wanted to sit outside in the sun after working hard all day to have a beer, the patio area never existed and should not exist now.

Diane Lawver  
463 Smith Avenue North  
651-338-9893









FILE NAME: Stone Saloon Properties

**Aerial**

APPLICATION TYPE: Historic Use Variance

 Subject Parcels

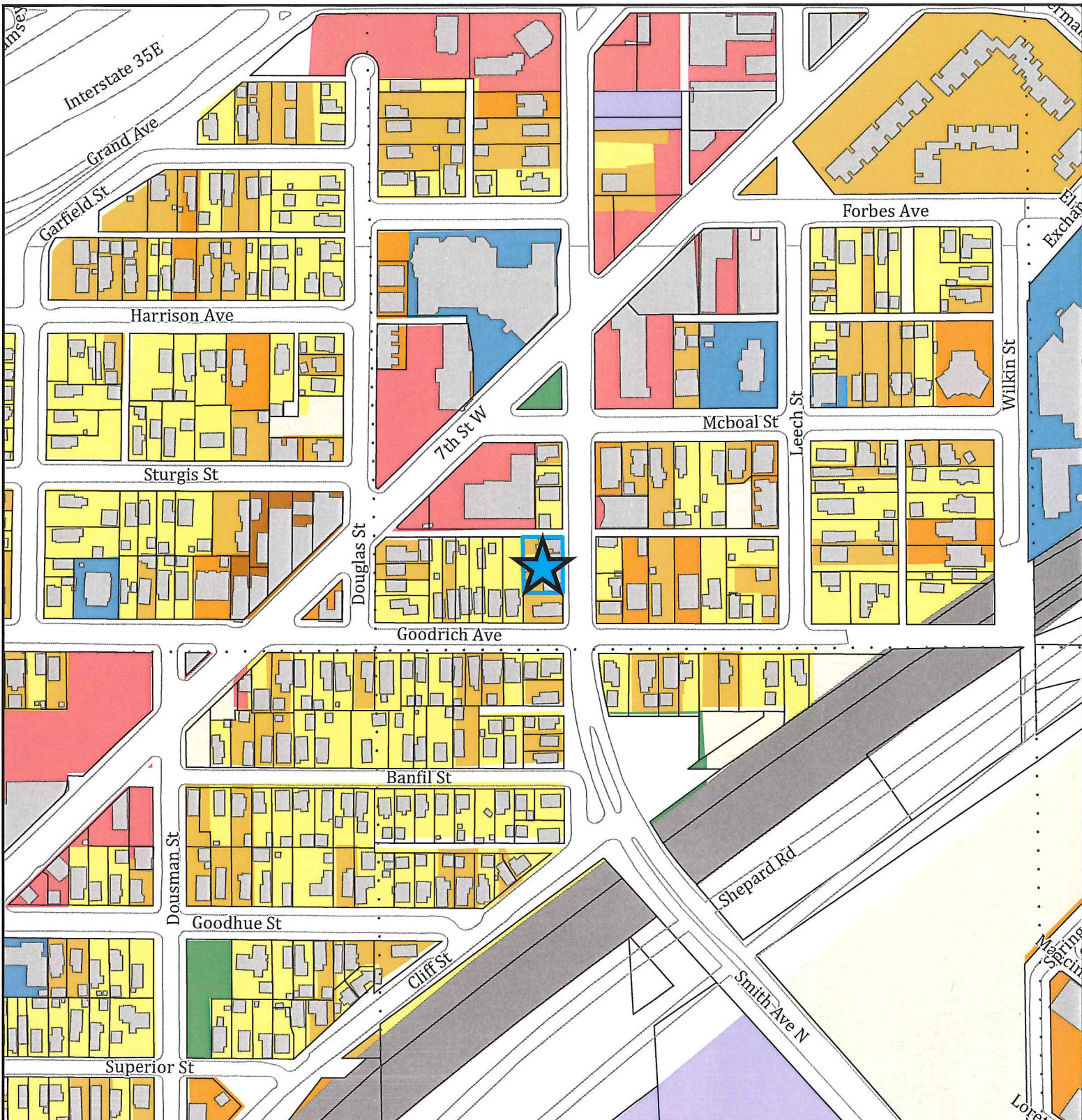
FILE #: 18-030349      DATE: 2/20/2018

PLANNING DISTRICT: 9

ZONING PANEL: 15







FILE NAME: Stone Saloon Properties

APPLICATION TYPE: Historic Use Variance

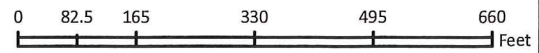
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PLANNING DISTRICT: 9

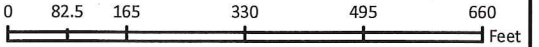
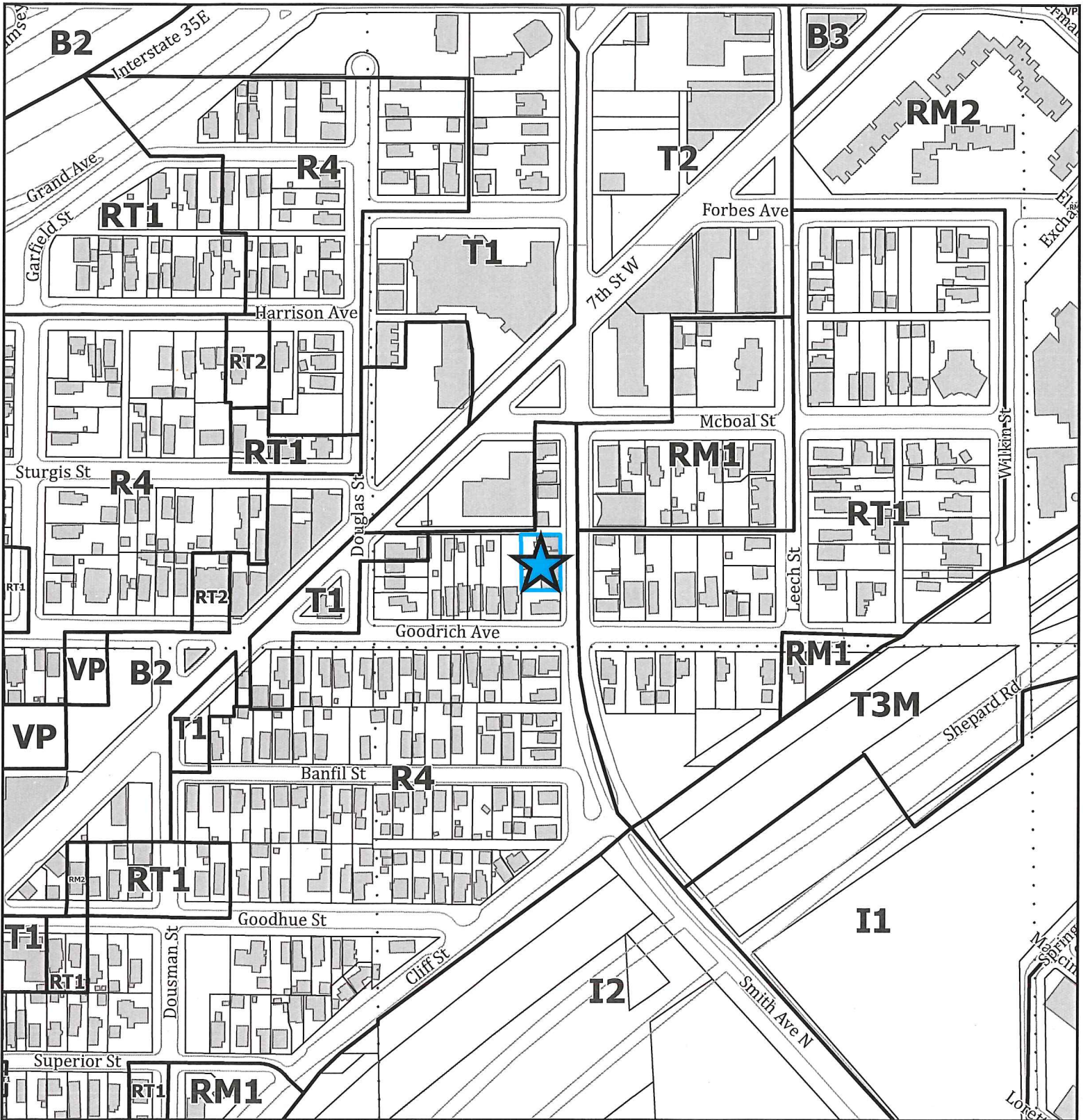
ZONING PANEL: 15

**Land Use**

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







FILE NAME: Stone Saloon Properties

APPLICATION TYPE: Historic Use Variance

FILE #: 18-030349 DATE: 2/20/2018

PLANNING DISTRICT: 9

ZONING PANEL: 15

**Zoning**

Subject Parcels

· · · Section Lines



**CITY OF SAINT PAUL**

**HERITAGE PRESERVATION COMMISSION RESOLUTION**

**FILE NUMBER      18-017; 445 Smith Avenue**

**DATE:              March 8, 2018**

**Memorializing the Saint Paul Heritage Preservation Commission’s March 8, 2018 decision recommending conditional approval of an Historic Use Variance for an outdoor patio at 445 Smith Avenue, the Anthony Waldman House, located within the Limestone Houses Heritage Preservation Sites.**

**WHEREAS**, the Saint Paul Heritage Preservation Commission (HPC) is authorized by Chapter 73 of the Saint Paul Legislative Code to review Historic Use Variance applications and provide a recommendation that is forwarded to the Planning Commission and the City Council; and

**WHEREAS**, the subject property is located within the Saint Paul Pioneer Era Limestone Houses Heritage Preservation Site, adopted by the Mayor and City Council in September 2015; and

**WHEREAS**, on March 8, 2018, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were given an opportunity to be heard; and

**WHEREAS**, in accordance with Sec. 73.03.1, the HPC considered a staff report addressing the following five (5) findings, as follows:

**1. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with section 73.04(5) of this chapter.**

While there is no evidence that an outdoor patio or ‘biergarten’ was ever in this location, the proposal has no adverse impact to the historic structure or site.

**2. The proposed use complies with the adopted preservation program and the United States’ Secretary of the Interior’s Standards for Rehabilitation, as applicable.**

The project received HPC design review approval with conditions on February 8, 2018 (File #18-013). The HPC found that the proposal for an outdoor patio with the construction of an ADA ramp, shed, service station, and wood fence at 445 Smith Avenue will not adversely affect the Program for the Preservation and architectural control of the Limestone Properties Thematic Nomination (Leg. Code §73.06 (e)) so long as the conditions are met. The conditions are as follows:

1. All wood shall be painted, stained, or sealed within one year of permit issuance.

2. The CMU block shall have a split or rock face and a cap and the block shall be of a color similar to that of the limestone on the house. Work shall not progress without staff sign-off.  
Staff: \_\_\_\_\_ Date: \_\_\_\_\_
3. A handrail was not shown for the ADA ramp. If a handrail is needed, details and specifications shall be submitted to HPC staff for review and approval.
4. There shall be no application of sealant, consolidant, or water-proofing/repellent products to the concrete surfaces. All concrete shall be free of colorant or staining.
5. Any final materials, mock-ups, colors, finishes and details shall be submitted to the HPC staff for final review and approval.
6. Any revisions to approved plans shall be submitted and reviewed and approved by the HPC and/or HPC staff. If revisions are significant, new plans may need to be drafted and submitted for final review and approval.
7. The HPC stamped approved plans shall remain available on site for the duration of the project.
8. Items not listed in project scope have not been reviewed. Any changes or additions require further review.
9. This Certificate is VOID if the approved plans are altered from the Heritage Preservation approved plans.
10. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with submitted plans at the responsibility of the applicant. Inaccuracies or differences should be reported to HPC staff prior to commencement.

**3. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with section 73.04(5) of this chapter, and that these difficulties were not created by the applicant.**

This finding is not met.

There is inconclusive evidence that an outdoor patio or 'biergarten' was ever present on this site. The 1870s Charles Palmer cottage was moved by the owner from the site where the biergarten is proposed shortly before local designation began.

**4. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

This finding can be met. The proposed use can be compatible with existing uses in the surrounding area and the underlying zoning classifications in the area. Today 445 Smith Avenue and the immediate area are zoned for single-family (R-4) but the West Seventh Street commercial corridor is nearby which contain outdoor seating areas.



**5. The proposed use is consistent with the comprehensive plan.**

The proposed use is consistent with the Heritage Preservation Chapter of the Comprehensive Plan, specifically, recommending an ordinance to allow historic use variances in order to alleviate undue hardships created by the historic character of designated properties and is consistent with the authority granted by the State statute (HP 5.5a). Additionally, the HP Chapter recommends designating significant historic resources (HP 4.2) and to utilize design review controls to protect designated properties from destruction or alterations that would compromise their ability to convey their historic significance (HP 4.1).

The Planning Commission is best suited, by matter of expertise, to provide a finding regarding consistency with other portions of the Comprehensive Plan; and

**WHEREAS**, the HPC also considered the staff report's 6<sup>th</sup> finding addressing a requirement of Sec. 61.601, as follows:

**6. The use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.**

The property is currently being used as a brewery/taproom, and while the proposed outdoor patio is not necessary to utilize the historic structure, it will not adversely impact the historic structure; and

**NOW THEREFORE, BE IT RESOLVED**, that the Heritage Preservation Commission adopts the six (6) findings as detailed above; and

**BE IT ALSO RESOLVED**, the Heritage Preservation Commission recommends approval of the Historic Use Variance subject to the following conditions:

1. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals must be obtained prior to the commencement of any work at the property.
2. By ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion of intent approving the application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

<b>MOVED BY</b>	<b>Peroutka</b>
<b>SECONDED BY</b>	<b>Bezat</b>
<b>IN FAVOR</b>	<b>10</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAIN</b>	<b>0</b>