

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 863 WATSON AVE **FILE #** 19-111-186
 2. **APPLICANT:** Sophia Grace Properties **HEARING DATE:** January 16, 2020
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 863 Watson Ave, NW corner at Victoria St S
 5. **PIN & LEGAL DESCRIPTION:** 112823310083; Lots 29-30, Block 3, Watson's Addition
 6. **PLANNING DISTRICT:** 9
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** January 8, 2020 **BY:** Anton Jerve
 9. **DATE RECEIVED:** December 26, 2019 **60-DAY DEADLINE FOR ACTION:** February 24, 2020
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- A. **PURPOSE:** Reestablishment of nonconforming use of a house as a duplex.
- B. **PARCEL SIZE:** 9,583 sq. ft. (80' frontage on Watson; 120' frontage on Victoria)
- C. **EXISTING LAND USE:** Single-family house
- D. **SURROUNDING LAND USE:**
 - North: Single-family residential (R4)
 - East: Single-family residential (R4)
 - South: Single-family residential (R4)
 - West: Single-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.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of three off-street parking spaces for a duplex.
- G. **HISTORY/DISCUSSION:** Duplex was likely established in an existing dwelling in 1920 per City of Saint Paul Planning Commission notations to the 1903 Sanborn map. The property was zoned "B" Residential in 1922, which allowed duplex uses by right. The property was rezoned to R4 in 1975 making the duplex use nonconforming. The most recent use of the property has been for single-family use. Some modifications to become one unit were made in 2012, per C of O requirements for foster care. The building has two electric meters.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council had not commented by the time this report was written.
- I. **FINDINGS:**
 1. The application is to reestablish the use of the property as a duplex, which was originally established in 1920, but was made non-conforming in 1975. The property has been used as a single-family home since at least 2012.
 2. 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 has 80 feet of frontage on Watson Avenue and the total lot area with half of the alley applied to the lot area requirement is 9,583 sf.
 - 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 square footage of the units will be 1,965 sf. It is an over-under duplex with roughly 1,085 sf for the

main floor unit and 880 sf for the upper-level unit. These totals do not include the basement (approx. 1,355 sf), which will be used for utilities and storage.

- C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline met. There is a one car garage and a parking pad with two parking spaces on the property.
 - 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 are proposed. However, the two rear stairways and door will be replaced. Siding and trim may be replaced, as needed.
 - 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 applicant will bring the build up to code.
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. The structure has been used as a duplex for most of its existence. Several characteristics of the duplex remain in place in the existing structure, such as separate electrical meters and access points to the two units. It is more economical to reestablish it as a duplex than to convert it fully to a single-family home. The structure is built on a double-lot. The lot could be subdivided and two single-family structures could be built by right to provide housing at the same density as rehabbing the existing structure. This would be a greater expense and would be a more resource-intensive way of providing the same amount of housing.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous legal nonconforming use was a duplex. This permit would reestablish that use making it equally appropriate.
 - (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 used a duplex for most of the last century. The use is part of the existing character of the immediate neighborhood. Reinvestment in the structure will contribute to general quality of housing in the neighborhood.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The site is within an Established Neighborhood, which is a Future Land Use designation defined by the 2030 Comprehensive Plan as "areas characterized almost entirely by single family houses and duplexes." The proposed reestablishment of the duplex is consistent with this general land designation and the following policies:
 - LU-1.41 calls for promoting the development of a range of housing types and housing values in each of the 17 planning districts.
 - LU-1.42 calls for promoting the development of housing in mixed-use

neighborhoods that supports walking and the use of public transportation.

- H-1.1 calls for increasing housing choices across the city to support economically diverse neighborhoods.

The use is consistent with the site's Future Land Use designation of Urban Neighborhood from the approved *2040 Comprehensive Plan*:

Urban Neighborhoods are primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit.

And it is consistent with the housing policy from that plan:

- Policy H-48. Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The use is also generally consistent with the *District 9 Plan*, which states:

The plan emphasizes the need to preserve and improve existing housing stock while allowing new, large housing developments in specific geographic areas. The neighborhood's housing stock spans 150 years, and new construction should respect and complement the character of existing housing in the community. Housing stock, both new and refurbished, should continue to provide a mix of incomes with affordable places to live.

- (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 November 21st, 2019: 16 parcels eligible; 11 parcels required; 12 parcels signed.*

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use of a house as a duplex, subject to the following condition:

1. The applicant shall adhere to all applicable code requirements and obtain a certificate of occupancy for the two duplex units.



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) 266-6583

Zoning Office Use Only	
File #	<u>19-111-186</u>
Fee Paid \$	<u>735⁰⁰</u> <u>PAID</u>
Received By / Date	<u>12/26/2019</u>
Tentative Hearing Date	<u>1/15/2020</u>

CA # 5353

APPLICANT

Name Deena Laugen
(must have ownership or leasehold interest in the property, contingent included)

Address 15776 Diamond Way City Apple Valley State MN Zip 55124

Email sophiagraceproperties@gmail.com Phone 612-382-8291

Name of Owner (if different) _____ Email _____

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address/Location 863 Watson Ave, St. Paul, MN 55102

PIN(s) & Legal Description 112823310083, Lot 29 Block 3 of Watson's Addition
(attach additional sheet if necessary)

Lots 29 and 30 of Block 3 Lot Area 0.22 acres Current Zoning R4

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.

- 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)

Present / Past Use Duplex / SFH

Proposed Use Duplex

SUPPORTING INFORMATION: Demonstrate that each of the requirements in Zoning Code § 62.109 for the type of nonconforming use permit being requested is met. Attach additional sheets if necessary.

This property has been both a single family home and a duplex. It was transitioned from a duplex to a single family home in September 2018 to avoid two garbage invoices. Reestablishing the non conforming use will bring it back to a duplex.

- Attachments as required: Site Plan Consent Petition Affidavit
- If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature [Signature] Date 12/26/19

Application for NonConforming Use Permit for 863 Watson Ave, St. Paul, MN 55102:

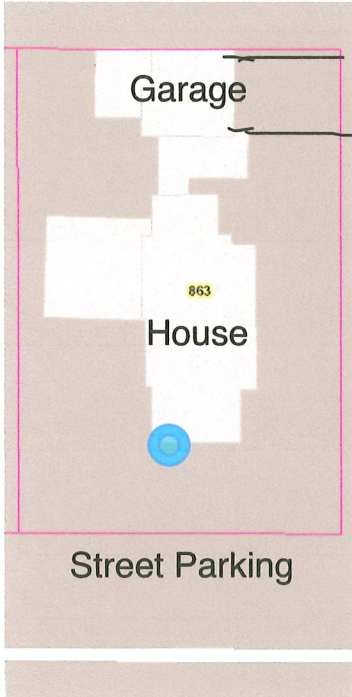
Pursuant to Zoning Code § 61.301, see attached drawings

863 Watson Ave was zoned as a Duplex until September 2018, and that status was changed simply to avoid two garbage invoices. The layout is set up as a duplex and not as a single-family home. There is separation between the two units, that will be enhanced by 20-minute fire-rated entry doors and already includes one-hour fire-rated separation between the units. The rear of the building has entrances/exits for each unit. There are currently two electrical meters and plans include an additional gas service. The upstairs unit contains a room completely plumbed and electrically-prepared for a kitchen making the property more unlike a SFR than a duplex, making it unreasonable to use for its current, recently converted, purpose. Economically, the property is not feasible to maintain as a single family. The interior of this property is undergoing renovation to update and upgrade the facility. Permits will be obtained for all work done and the building inspector has already been out to the property to give us guidance. Included in this renovation will be the addition of laundry facilities upstairs, so each unit has its own laundry, as well as two additional bedrooms and a half-bath for the main floor unit. This will bring the main level unit of the property (Unit 1) to 1119 square feet with three bedrooms, one and a half baths, living room, dining room, kitchen, laundry, and a sunroom (1046 square feet not including sunroom). The upper level unit of the property (Unit 2) will be 944 square feet with two bedrooms, one bath, family room, laundry, sunroom, and a kitchen with a dining area (821 square feet not including the sunroom). The basement is utilities and storage only. Please see Floor Plans for square footage and layout information and Site Plan for parking information.

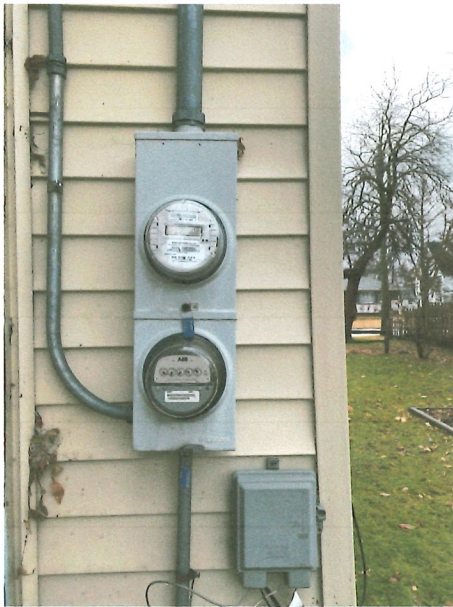
Sophia Grace Properties, LLC:

As an entrepreneur/investor I have built a business of rehabbing and managing properties since 2015. 863 Watson Ave is my seventh property. The other properties include five single-family homes that underwent extensive renovation and one lot obtained from splitting the land on the first property I purchased. I brought all of these homes up to beautiful, safe, dependable standards and have wonderful tenants who enjoy these homes. I look forward to providing more safe, affordable housing to St. Paul.

Photographs for additional information:

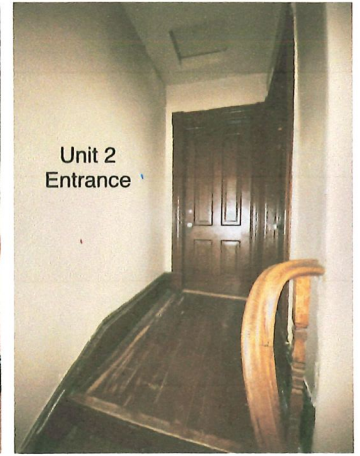


The one and a half car garage will be used by one of the units. There is a large driveway in front of the garage with room for a car to be parked to the side with plenty of space for a tenant to drive in and out of the garage. There is also ample on-street parking on Watson Ave.



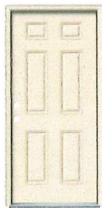
There are two electrical meters. I plan to add a second gas meter to separate heating for each unit.

Current Front Entries for Each Unit:



*** All interior entrance doors (into Unit 1, Unit 2, and the basement) will be replaced with Fire Rated Fiberglass doors:**

JELD-WEN 32 in. x 80 in. 6-Panel Primed 20 Minute Fire Rated Steel Prehung Right-Hand Inswing Front Door



★★★★☆ (43)

\$249⁰⁰

✓ 4 in stock at nearby store
Burnsville | 4.2 mi.

[Add to Cart](#)

More Options Available

*** The two units are separated by plaster and lath or 5/8" sheetrock, making a one-hour fire rated separation between the units.**

Back entry for each unit:



Both rear entrance stairs and doors will be replaced with the renovation.

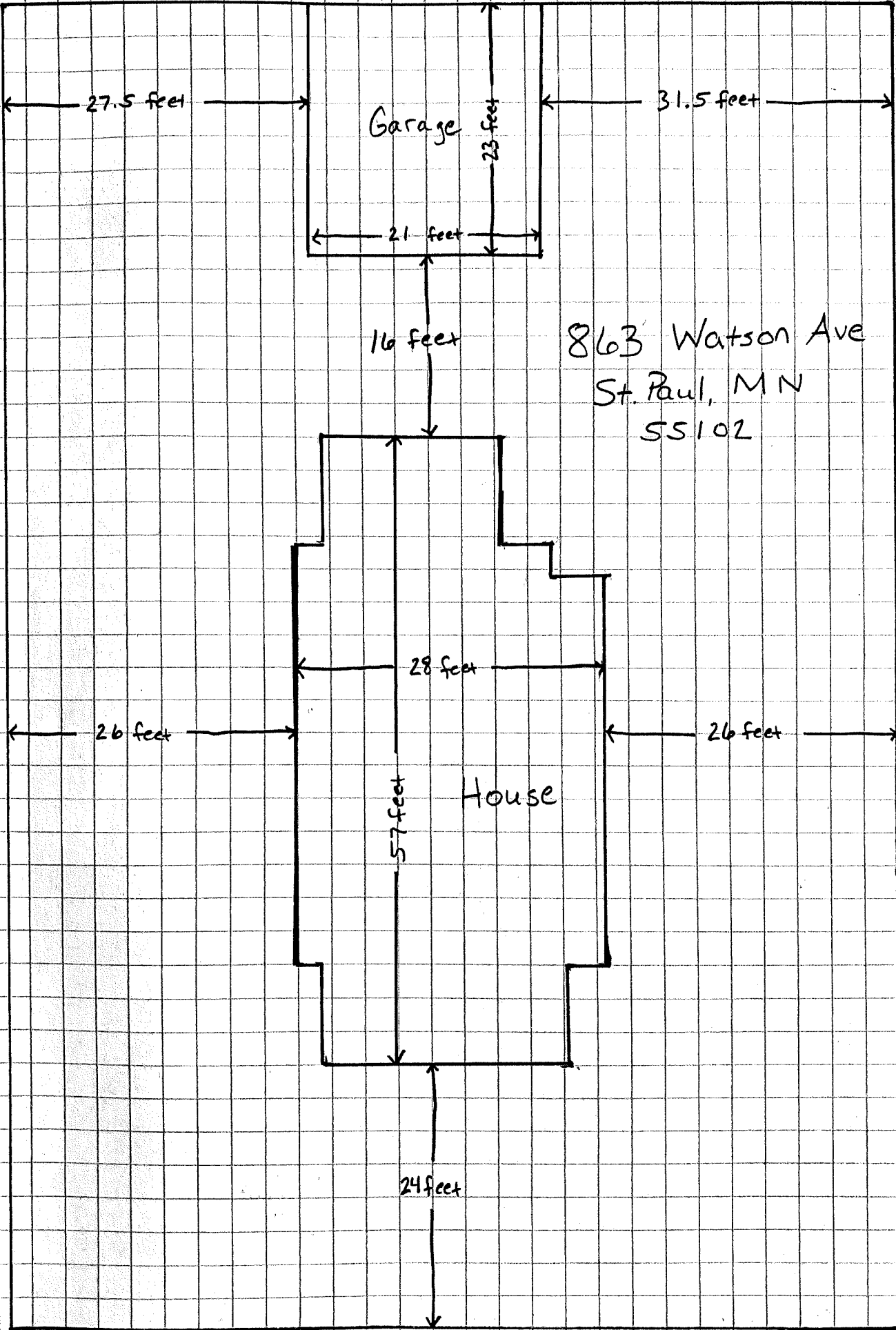
Unit 2 (Upper Level) Kitchen:





Disclaimer: The floorplans depicted and the stated dimensions in this illustration are indicative only and serve as an approximation of existing structures and features. The illustration is not guaranteed to be accurate or complete. The accuracy of all information should be verified through personal inspection and/or with appropriate professionals.

Lot = 80 feet wide



863 Watson Ave
St. Paul, MN
55102

Lot = 120 feet

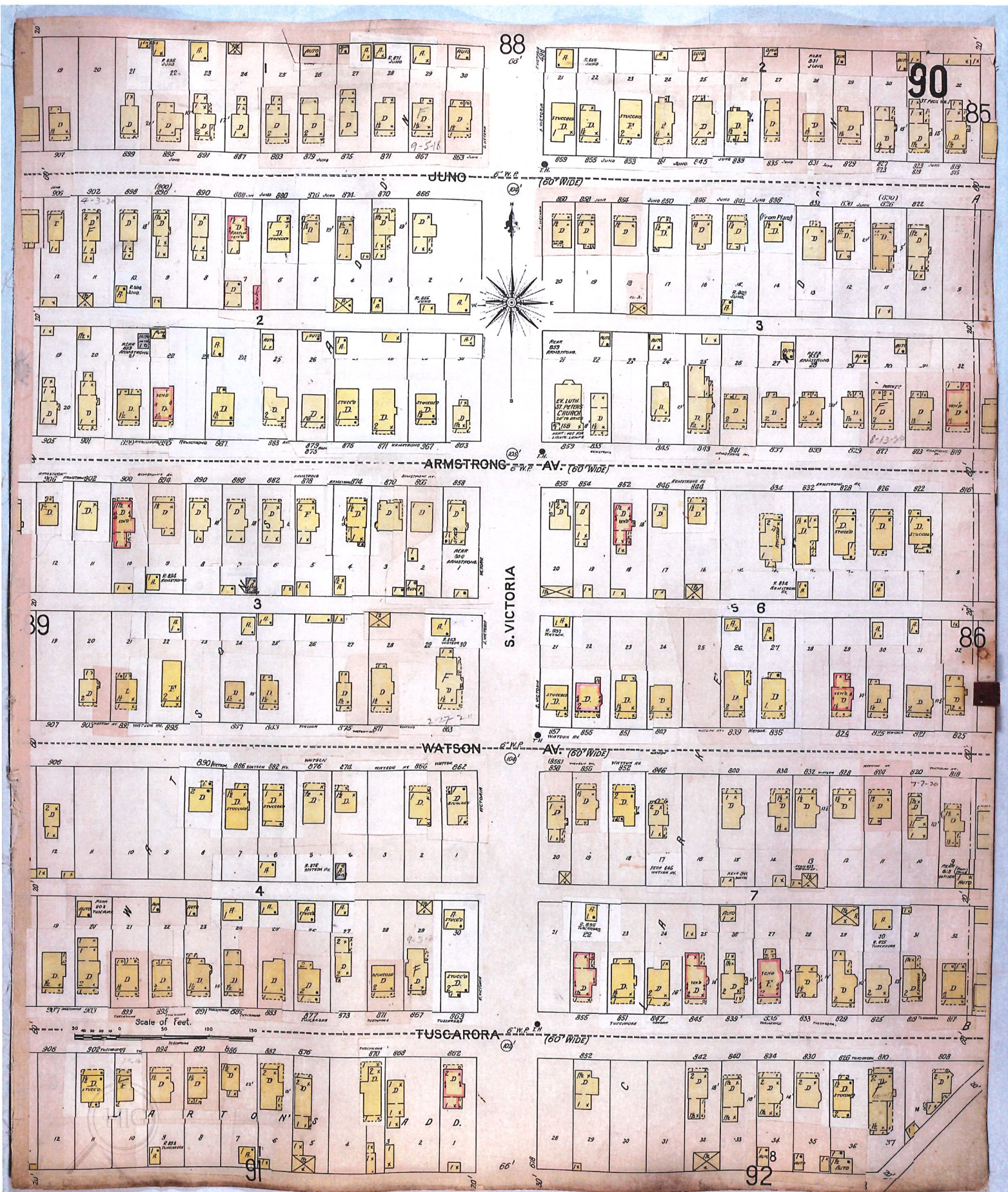
Lot = 120 feet

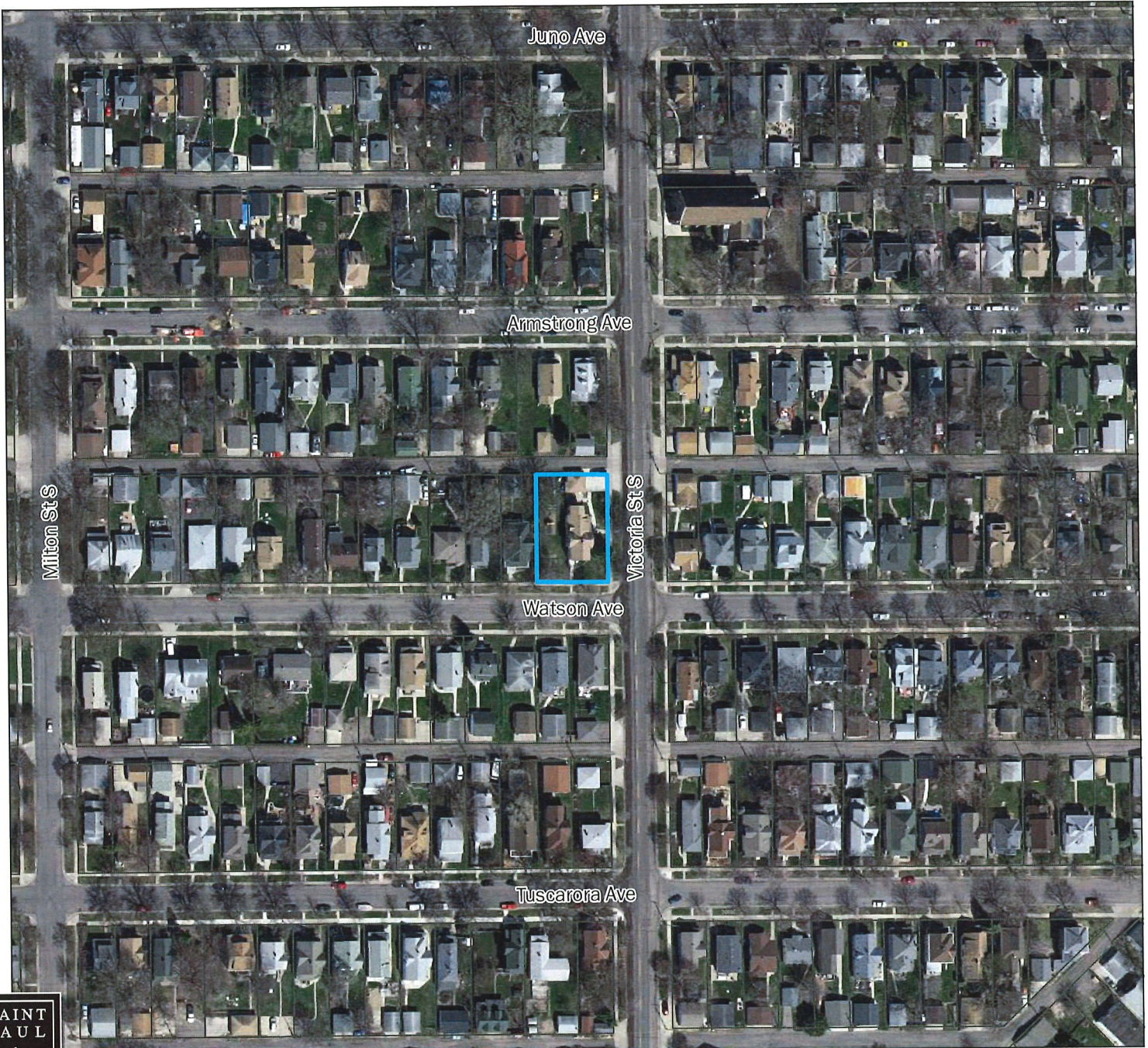
Victoria Street South

Lot = 80 feet wide

Watson Avenue

Scale: 1 box = 3 feet





FILE # 19-111-186 | AERIAL MAP

Application of Sophia Grace Properties

Application Type: Reestablishment of Nonconforming Use from House to Duplex

Application Date: December 27, 2019

Planning District: 9

Subject Parcel(s) Outlined in Blue



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE # 19-111-186 | EXISTING LAND USE MAP
Application of Sophia Grace Properties

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 Application Date: December 27, 2019
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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| InsideRoadEdgesOverlay | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |



FILE # 19-111-186 | ZONING MAP

Application of Sophia Grace Properties

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Subject Parcel(s) Outlined in Blue

InsideRoadEdgesOverlay	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	