

city of saint paul
planning commission resolution
file number
date

WHEREAS, in File # 18-035-742, the Planning Commission has considered revocation of a conditional use permit for a bed and breakfast due to noncompliance with conditions of the permit under the provisions of Zoning Code § 61.108, on property located at 241 George Street West, Parcel Identification Number (PIN) 07.28.22.13.0175, legally described as the west 15 feet of the south 35 feet of Lot 2, the south 41.53 feet of Lot 3, all of Lot 6, and the west 15 feet of Lot 7, Dorhardt Rearrangement; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 29, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. In October 2014 the planning commission granted a conditional use permit for a bed and breakfast residence with four (4) guest rooms. In March 2017 the planning commission modified the conditional use permit to increase the number of guest rooms from four (4) to six (6) and simply to prohibit use of the bed and breakfast residence for any commercial or social events. The planning commission attached four conditions to the modified permit. Condition #4 states, *The bed and breakfast residence shall not be used as a small conference center, private retreat center, or reception house for weddings, reunions, or parties. Documentation by the Zoning Administrator of any such use or advertising for such use shall result in immediate referral to the Planning Commission for revocation of the conditional use permit.*
2. Zoning Code § 61.108 states that the zoning administrator shall notify the planning commission when a development covered by a zoning approval is not in compliance with any of the conditions imposed on the approval. The commission may, at a public hearing, following notice to the owner of the property and adjacent property owners, upon determination that the conditions imposed by the approval are not being complied with, revoke the authorization for approval and require that the use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable or impossible of compliance.
3. The Department of Safety and Inspections received a complaint and documentation that

moved by _____

seconded by _____

in favor _____

against _____

there was a New Year's Eve party advertised as "Murder at Dearing Mansion: A New Year's Soiree." Based on this information the zoning administrator determined that the property owner was in clear violation of the fourth condition of the modified permit. The zoning administrator notified the planning commission of noncompliance of conditions of the permit in a letter dated February 20, 2018.

4. The property owner submitted a letter stating that this is a significant and unfortunate misunderstanding, adding that he collaborated with two friends and together they organized the event and advertised it to their private list of friends. The letter states that the house was not rented to a third party or private group to sponsor the party.
5. The advertisement for the New Year's Eve event does not list the property owner among the event's hosts. The advertisement identifies a fee to attend the event, allows a refund up to 7 days before the event, and states that the event was "sold out". The modified permit that was approved in 2017 prohibits use of the bed and breakfast residence for any commercial or social events. The advertisement for the event, including a fee to attend, indicates that this was a commercial event, something explicitly prohibited by the conditional use permit.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the Dearing Mansion Bed and Breakfast conditional use permit (Zoning File #14-326-683) at 241 George Street West is hereby revoked.



CITY OF SAINT PAUL
Melvin Carter, Mayor

25 West Fourth Street, Ste. 1400
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-266-6549

Date: April 25, 2018
To: Zoning Committee Members
From: Kady Dadlez
Re: Zoning File #18-035742, 241 George Street
Scott Kramer (Dearing Mansion)
Revocation of Conditional Use Permit

This matter came before the Zoning Committee on March 29, 2018. The Committee conducted a public hearing on the matter, closed the public hearing and, following discussion, moved to lay the matter over to its April 26, 2018 meeting while directing PED planning, DSI enforcement, and City Attorney staff to discuss and possibly offer additional advice to the Committee regarding the matter.

To reiterate the position of staff, based upon the findings set forth in the report dated March 29, 2018, staff recommends revocation of the conditional use permit. However, in light of the request of the Committee, staff has identified two outcome options regarding this matter and offers them for consideration at the Committee's April 26, 2018 meeting.

Option 1

Based upon the undisputed findings contained in the staff report and what is essentially an admission by the permit holder that there was a violation of condition No. 4, adopt the staff recommendation to revoke the conditional use permit.

Option 2

Based upon the undisputed findings contained in the staff report and what is essentially an admission by the permit holder that there was a violation of condition No. 4, accept the permit holder's statement that that he will not in the future violate the conditions of the permit. In light of the permit holder's promise to abide by the conditions, the Committee could determine that there was a violation but then elect to take no further action on the matter other than to inform the permit holder that the planning commission will hold him to his word that he will abide by the existing conditions of the permit, which are clear and do not require any modification, and that any future violations of the permit will likely be grounds to revoke the permit.

Request for Continuance

Date April 26, 2018

Dan Edgerton, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 18-050-373

Dear Mr. Edgerton:

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on April 26, 2018.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for May 4, 2018, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to May 24, 2018, I understand that the Planning Commission would then be scheduled to make their decision on June 1, 2018.

I am aware of and understand the statutory requirements found in Minn. Statue § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by thirty days to July 5, 2018, to accommodate the continuance I am requesting.

Sincerely,

Brian D. Alton

Signature of Applicant or
Applicant's duly appointed
representative.

Brian D. Alton

Printed name of applicant or
applicant's duly appointed
representative

Updated: 10/13/2017

From: Williams, Josh (CI-StPaul)
To: Englund, Cherie (CI-StPaul)
Subject: FW: Nonconforming Use Permit for 1685 Taylor Avenue
Date: Tuesday, April 24, 2018 3:05:33 PM

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

From: Brian Alton [<mailto:brian@mcclay-alton.com>]
Sent: Tuesday, April 24, 2018 10:32 AM
To: Williams, Josh (CI-StPaul) <josh.williams@ci.stpaul.mn.us>
Subject: FW: Nonconforming Use Permit for 1685 Taylor Avenue

Josh,
FYI. Just received this message of support from Hamline Midway Coalition.
Brian

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

From: Michael Jon Olson [<mailto:michaeljon@hamlinemidway.org>]
Sent: Tuesday, April 24, 2018 10:19 AM
To: Dubruiel, Paul (CI-StPaul)
Cc: Brian Alton
Subject: Nonconforming Use Permit for 1685 Taylor Avenue

Paul,

Hamline Midway Coalition strongly supports the issuance of the nonconforming use permit to reestablish a four unit dwelling at 1685 Taylor Avenue. Please contact me if you have any questions. Thank you.

Cheers,

Michael Jon Olson
Executive Director
Hamline Midway Coalition
651-494-7682

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

From: Dubruiel, Paul (CI-StPaul) [<mailto:paul.dubruiel@ci.stpaul.mn.us>]
Sent: Monday, April 9, 2018 3:06 PM
To: Sawyer, Paul (CI-StPaul) <Paul.Sawyer@ci.stpaul.mn.us>;
michaeljon@hamlinemidway.org
Subject: Zoning File #18-050373 FW: Message from "PE-14COPIER"

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

From: scanner
Sent: Monday, April 09, 2018 2:51 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Message from "PE-14COPIER"

This E-mail was sent from "PE-14COPIER" (MP C6502).

Scan Date: 04.09.2018 14:51:07 (-0500)

Queries to: scanner

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This message has been verified by LastSpam (<http://www.lastspam.com>) eMail security service, provided by Digital Business Solutions, Inc.
www.digi-bis.com

From: [Englund, Cherie \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: 1685 Taylor
Date: Thursday, April 26, 2018 10:07:51 AM
Attachments: [doc05297820180426084630.pdf](#)

From: Brian Alton [<mailto:brian@mcclay-alton.com>]
Sent: Thursday, April 26, 2018 10:02 AM
To: Brian Alton <brian@mcclay-alton.com>; Williams, Josh (CI-StPaul) <josh.williams@ci.stpaul.mn.us>
Subject: RE: 1685 Taylor

Josh,

Attached is the building permit application and permit from 1959.
I believe that the triplex is legally non-conforming as it is today.

First, in 2014 the Planning Commission made a Finding of Fact, based on a staff report, that the property is a legal nonconforming triplex. That finding was correct then, is valid now and can be relied upon. In 2017 The Legislative Hearing Officer also made a finding that the property was a legal nonconforming triplex.

Secondly, it properly became a legal nonconforming four unit building in 1975 and continued as such until 2006, based upon the following:

- A duplex was a permitted use in the B zoning in effect from 1922 to 1975.
- In 1955 there is evidence that it had been converted to multi-family (flats).
- In 1959 a building permit application shows it was used as a duplex.
- Permit issued Feb. 20, 1959 is for an exterior staircase (for an entrance to a separate dwelling unit).
- It was conforming.
- After 1975, when the code was changed, it was presumed legally nonconforming.
- Existing legal nonconforming 2 family uses may be expanded (Sec. 62.106(m)).
- It was expanded at that time and used as a 4 plex from 1975-2006.
- Therefore, it has been a legal nonconforming 4 plex from 1975-2006.
- It may have lost legal non-conforming status.

The owner seeks to re-establish that legal non-conforming status as a 4 plex.

Brian

From: Brian Alton
Sent: Thursday, April 26, 2018 9:45 AM
To: Williams, Josh (CI-StPaul)
Subject: 1685 Taylor

Josh,

I have a copy of a building permit from 1959 states the use of the house as a duplex. That is consistent with the information you had.
Work was done to add an outside stairway (presumably for separate access to a dwelling unit).
I will scan the application and permit and send to you.
Other building permits on file with the City were destroyed in a flooded basement in the 1990's according to the Ramsey County Historical Society.

Regards,

Brian

Brian D. Alton

MCCLAY · ALTON, P.L.L.P.

951 Grand Ave

St. Paul, MN 55105

FAX 651-290-2502

651-290-0301

brian@mcclay-alton.com

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Original to Building Dept.

CITY OF SAINT PAUL
DEPARTMENT OF PARKS, PLAYGROUNDS
AND PUBLIC BUILDINGS
DIVISION OF BUILDING INSPECTION

Permit No. _____
Plan No. _____
(For Dept. use only)

\$ 3.00
TOTAL FEE COLLECTED

APPLICATION FOR PERMIT
GENERAL

Application G N° 8297

Date February 20 1959

To:

MARK
SQUARES
BY X

BUILD
☐

INSTALL
☐

C.M.&F.C.
☐

ADD.
☒

ALTER
☐

REPAIR
☐

RESIDE
REROOF
☐

MOVE
☐

WRECK
☐

HANG
☐

STRUCTURE USED AS

ERECT NEW SIGN	REPAIR OLD SIGN	ILLUM- INATED	NON- ILLUM- INATED	ROOF	PRO- JECTING	HORI- ZONTAL	VERTI- CAL	COMBINATION HORIZONTAL AND VERTICAL
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Owner Mrs Lillian Fuller Address 1685 Taylor Avenue
Architect _____ Address _____
General Contractor Iver H Carlson & Son Inc Address 749 North Snelling Avenue
Masonry Contractor _____ Address _____

NUMBER	STREET	SIDE	BETWEEN WHAT CROSS STREETS		
1685	Taylor Avenue	<u>No.</u>	Charlotte & Aldine		
WARD	LOT	BLOCK	ADDITION OR TRACT		
<u>10</u>	Except west 37 feet of lot 10 all of lot 9 Bk 3 Colloge Place Taylors - division				
LOT SIZE	WIDTH	DEPTH	SIDE LOT CLEARANCE	FRONT BUILDING LINE	
STRUCTURE DETAILS	DEPTH	WIDTH	HEIGHT	TYPE OF CONSTRUCTION	ESTIMATED COST
				Windows & ^{outside} Stairway	\$1.500.00

DETAILS OR REMARKS:

Subject to inspectors approval

The undersigned hereby makes application for a permit to do Building Work as herein specified, agreeing to do all work in strict accordance with all ordinances of the City of Saint Paul, Minnesota.

SIGNED Iver H Carlson & Son Inc

BY Iver H. Carlson.

ZONING WORKSHEET

ADDRESS: 1685 Taylor Avenue
 PIN: 28.29.23.41.0037

BUILDING CARD INFORMATION:

CONSTRUCTION DATE: 1890 PERMIT: 34749 TYPE OF STRUCTURE: _____

PERMITS _____ COUNTY ASSESSOR'S RECORDS _____ LICENSE RECORDS _____ CITY DIRECTORY _____

(84231) 1934 -
 1948 - Double dwelling
 1959 - alter duplex - remodel kitchen - 3rd floor remodel into unit
 1970 - 3rd floor - 2 kitchens
 1981 - 3 mail boxes here
 1982 - have 3 central air con. systems, triplex
 1985 - 3 kitchens
 1990 - no change

1950 - 2
 1954 - 1
 1965 - 4 names
 1973 - apts - 4
 1985 - 4 names
 1991 - 4 names
 1998 - 2 names
 2006 - 3 names

LEGAL DESCRIPTION: College Place Taylors Division Ex W 37 Ft lot 10 and
all of lot 9 BK 3

LOT SIZE: 8960 56 X 150

CROSS STREETS: Aldine + Charlotte

ZONE	USE (C/NC)	UNITS PERMITTED	REQUIRED LOT SIZE	LOT SIZE (C/NC)
X	C			C
1922				
1960				
1964	BKs	NC		
1975	RA	NC	ROOMS: UNITS: 9000 ^{sq}	

ZONING STATUS FOR _____ COMMERCIAL USE: _____ PLANNING: _____
4 units RESIDENTIAL USE: _____ ZONING FILE _____
 _____ LEGAL - CONFORMING _____ NO RECORD _____
 _____ LEGAL - CONFORMING USE WITH NON-CONFORMING LOT SIZE
 (for residential)
 _____ LEGAL - NON-CONFORMING USE
 _____ ILLEGAL

k2acho
 4.26.18

GENERAL BUILDING PERMIT
CITY OF SAINT PAUL
DEPARTMENT

DIVISION OF HOUSING AND BUILDING
CODE ENFORCEMENT
445 CITY HALL
ST. PAUL, MN 55102

PERMIT NO. 119108
PLAN NO. 10-104

☒ REMODEL DESCRIPTION OF PROJECT ST. CODE 42560

DATE July 7 1981 OWNER Dorothy M. Huestis

OWNERS ADDRESS 649 Sibley Highway

☒ OLD TYPE OF WOOD FRAME TYPE OF OCCUPANCY R-1
☐ NEW TYPE CONST.

☐ BUILD ☐ AND EXC. ☐ PLASTER ☐ DRYWALL ☐ FENCE

☐ ADDITION ☐ ALTER ☐ REPAIR ☐ MOVE ☐ WRECK

☒ NUMBER 1685 ☒ STREET Taylor Ave ☒ SIDE N ☒ CROSS STREETS ALDINE

WARD 10 E. pt. of 9+10 LOT 3 BLOCK 3 ADDITION OR TRACT Taylor's Div.

LOT WIDTH DEPTH SIDE LOT CLEARANCE BUILDING LINE FRONT REAR

STRUC- TURE WIDTH LENGTH HEIGHT STORIES

☒ ESTIMATED VALUE 10,000 BASEMENT ☐ YES ☐ NO TOTAL FLOOR AREA SQ. FT. INCLUDE BASEMENT

DETAILS & REMARKS:

THIS PERMIT TO COVER WORK ON
1ST, 2ND, & 3RD FLOORS -
BASEMENT NOT INCLUDED -
GARAGE NOT INCLUDED -

ARCHITECT TEL. NO.

ARCHITECT

☒ CONTRACTOR William D Huestis ADDRESS & ZIP

MASONRY

PERMIT FEE	STATE VALUATION	CASHIERS USE ONLY
<u>80.50</u>	<u>\$10,000.00</u>	
PLAN CHECK	<u>52.33</u>	JUL. 15 '81 11:30
STATE SURCHARGE	<u>5.00</u>	BLDG2811 80.50
TOTAL FEE	<u>137.83</u>	PLCK4074 52.33
		SURB6399 5.00
		TOTAL 137.83

WHEN VALIDATED THIS IS YOUR PERMIT 137.83

APPLICANT CERTIFIES THAT ALL INFORMATION IS CORRECT AND THAT ALL PERTINENT STATE REGULATIONS AND CITY ORDINANCES WILL BE COMPLIED WITH IN PERFORMING THE WORK FOR WHICH THIS PERMIT IS ISSUED.

ADDRESS OF JOB

☒ William D Huestis
AUTHORIZED SIGNATURE

From: [Jon Neal](#)
To: [Williams, Josh \(CI-StPaul\)](#)
Subject: Support of the Ripleys
Date: Wednesday, April 25, 2018 9:34:47 PM

Hello Josh,

My name is Jon Neal, and I'm a previous tenant of 1685 Taylor Ave. I wanted to email to show my support of Brett and Laura Ripley. The house is clearly laid out as a 4-plex, and it would not make any sense to combine any of the units. The Ripleys are great landlords, and clearly care about the neighborhood. Thank you for your consideration.

From: molddoctor@minnesotamolddoctor.com
To: [Williams, Josh \(CI-StPaul\)](#)
Subject: variance: 16985 Taylor Avenue, Saint Paul 55104
Date: Wednesday, April 25, 2018 7:38:13 PM

If the variance can be for specifically the current owners, it has my full support but if the variance goes with the property am I a bit hesitant. At one time there were parking problems. They have been resolved. The current tenants and landlord are considerate.

If the property were to be sold, I would be more comfortable in it reverting to three apartments until more is known about any potential new owner.

Stephanie Digby
1682 Taylor Avenue
Saint Paul, Minnesota 55104
651 642 1288

From: [Williams, Josh \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: 1685 Taylor Ave St. Paul MN
Date: Wednesday, April 25, 2018 9:40:43 PM

From: Carol Imsdahl [mailto:cimsdahl123@gmail.com]
Sent: Wednesday, April 25, 2018 6:48 PM
To: Williams, Josh (CI-StPaul) <josh.williams@ci.stpaul.mn.us>
Cc: bretttriple@gmail.com
Subject: 1685 Taylor Ave St. Paul MN

Dear Josh,

I am writing to say I feel the property at 1685 Taylor Ave in St. Paul should be allowed to be turned back into a four unit apartment building. Since it was built to be a four unit apartment I see no reason why it should not be turned back into one. **I live right next door and have never had a problem with the owners or any tenants that have lived there.**

The owners, Brett and Laura Ripley are very responsible, conscientious landlords. They maintain the property and live just a few blocks away if any problems should occur.

Thank you for your time.

Regards,
Carol Imsdahl
1689 Taylor Ave. St. Paul, MN