

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*

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Saint Paul, MN 55102

Telephone: 651-266-6700  
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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

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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.