

ZONING COMMITTEE STAFF REPORT

FILE NAME: 918 E. 5th St. Rezoning

FILE # 22-058-214

APPLICANT: House 11 LLC, James Faillettaz

HEARING DATE: June 30, 2022

TYPE OF APPLICATION: Rezoning

LOCATION: 918 5th St E, between Forest Street and Mendota Street

PIN & LEGAL DESCRIPTION: 33.29.22.23.0005; Lot 6, Block 95, Daily & Berrisford's
Subdivision of Block 95 of Lyman Dayton's Addition

PLANNING DISTRICT: 4

EXISTING ZONING: RT1

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: June 22, 2022

BY: Bill Dermody

DATE RECEIVED: June 2, 2022

60-DAY DEADLINE FOR ACTION: July 30, 2022

A. **PURPOSE:** Rezone from RT1 two-family residential to RM1 multiple-family residential.

B. **PARCEL SIZE:** 5,009 sq. ft.

C. **EXISTING LAND USE:** Duplex residential

D. **SURROUNDING LAND USE:** Single-family and duplex residential

E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The subject site and surrounding area were rezoned to RT1 two-family residential in 1975.

G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Dayton's Bluff Community Council has not provided a recommendation.

H. **FINDINGS:**

1. The application requests rezoning from RT1 two-family residential district to RM1 multiple-family residential district.
2. The proposed zoning is not consistent with the way this area has developed. Nearby interior lots of this size (5,000 s.f., 40 feet wide) have been developed as single-family or duplex residential. Only corner lots and larger lots in this area have been developed as residential uses with more than two units.
3. The proposed zoning is consistent with the Comprehensive Plan and compatible with the surrounding residential land uses. Even the existing duplex, however, is legally nonconforming in the surrounding RT1 two-family residential zoning district because of the small lot size.
4. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."* 918 E 5th Street is in the middle of a block in the middle of a large RT1 two-family residential zoning district. There is no other similar nearby small mid-block lot with multiple-family residential land use. Rezoning the small lot at 918 E 5th Street to RM1 multiple-family residential would establish a use classification inconsistent with the surrounding uses, create an island of nonconforming use within a larger zoned property, and constitute spot zoning.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezoning from RT1 two-family residential to RM1 multiple-family residential.



REZONING 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

PD=4

Zoning Office Use Only

File # 22-058-214
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Property Owner(s) James Faillettaz
Address 3204 Homes ave City Minneapolis State MN Zip 55408
Email revolutioninvestingllc@gmail.com Phone 612-323-9332
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____
(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY INFO

Address/Location 918 5TH ST E ST PAUL, MN 55106-5230
PIN(s) & Legal Description 332922230005
(Attach additional sheet if necessary.)
Lot Area 0.11 Acres Current Zoning RT1

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, _____

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
RT1 _____ zoning district to a RM1 _____ zoning district, for the purpose of:

To whom it may concern,

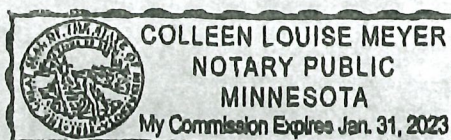
I am submitting a rezoning application for the property located at 918 5TH ST E ST PAUL, MN 55106-5230. This property is currently zoned RT1, but I am applying to change the zoning to RM1 for the following reasons: The bottom unit has two bathrooms, two kitchens, and 5 bedrooms. There are two separate heating systems for the bottom unit. There is two off-street parking spaces and two garage parking spots for the whole building. The top unit also has 3 bedrooms, one bathroom, and one kitchen. This property's current zoning only allows for single family homes and duplexes. I am requesting a change in zoning to legally operate this triplex.

Attach additional sheets if necessary. 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.

Subscribed and sworn to before me

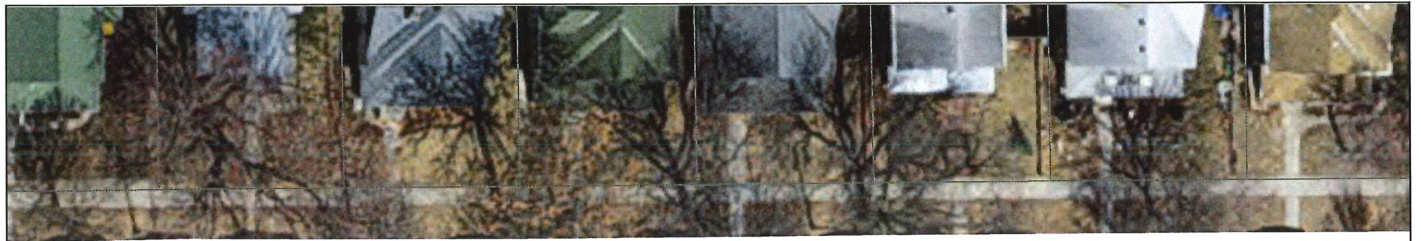
Date May 16th 2022

Notary Public



By: [Signature]
Fee owner of property

Title: _____



5th St E



File #22-058-214 Aerial Map Application of James Faillettaz

Application Type: Rezone
Application Date: June 1, 2022
Planning District: 4



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.

Subject Parcel(s) Outlined in Blue

Subject Parcel(s)

ParcelPoly

ImageServices\AerialPhoto2020

RGB

Red: Band_1

Green: Band_2

Blue: Band_3



File #22-058-214 Existing Land Use Application of James Faillettaz

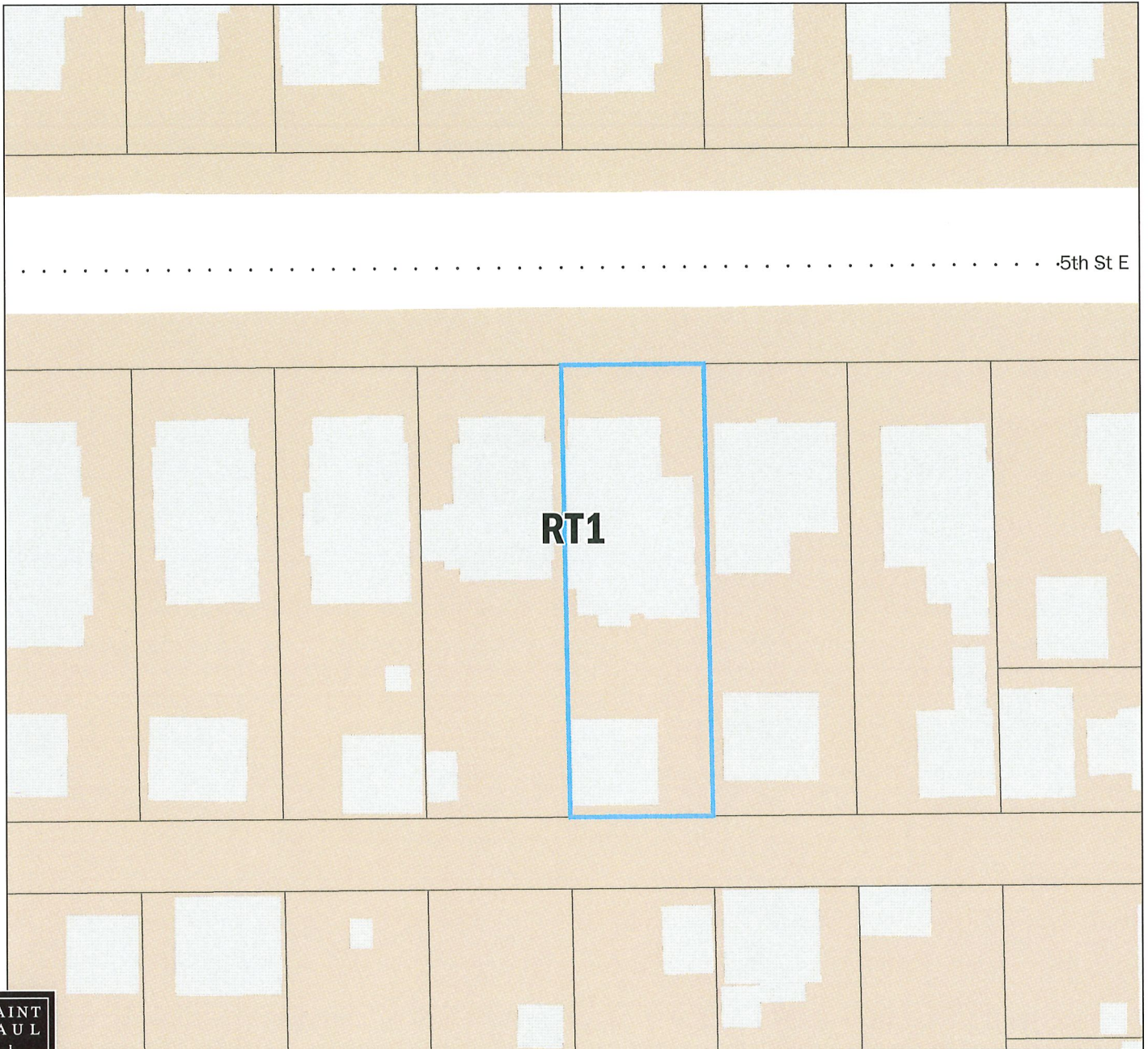
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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	Single Family Attached	Mixed Use Commercial and Other	Major Highway
ParcelPoly	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



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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	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	