



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
310 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1615
Marcia Moermond, Legislative Hearing Officer
EMAIL: legislativehearings@ci.stpaul.mn.us
PHONE: (651) 266-8585 FAX: (651) 266-8574

July 26, 2021

Larry Kuenster
711 Sumner St.
St. Paul, MN 55116

VIA EMAIL: tkuenster@comcast.net

Re: Appeal for Property at 1126 Lincoln Avenue

Dear Mr. Kuenster:

This is to confirm that on July 20, 2021 at the Legislative Hearing Ms. Moermond, Legislative Hearing Officer, recommended denying your appeal. The basement unit cannot be reoccupied until deemed compliant through zoning process and/or Fire C of O approval.

Per your conversation, regarding the zoning process & the Rental Rehab Program, please reach out to Principal Project Manager, Joe Musolf at joe.musolf@ci.stpaul.mn.us or 651-266-6594. If you wish to proceed with establishing the nonconforming use as a triplex, please note the following:

The below requirements would apply at minimum, with the exception of the last standard, as a mayoral Executive Order currently waives this petition requirement.

- (a) *Establishment of legal nonconforming status.* *The planning commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in section 62.102 if the commission makes the following findings:*
- (1) *The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district **has been in existence continuously for a period of at least ten (10) years prior to the date of the application;***
 - (2) *The off-street parking is adequate to serve the use;*
 - (3) *Hardship would result if the use were discontinued;*
 - (4) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses;*
 - (5) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;*
 - (6) *The use is consistent with the comprehensive plan; and*

~~(7) 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.~~

The application for the permit shall include the petition, evidence of a ten-year period of existence, evidence that conversion of the use and structure would result in hardship, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

Please reach out to Paul Dubruel at paul.dubruel@ci.stpaul.mn.us or 651-266-6583 with questions about the application process.

The City Council Public Hearing is scheduled for August 4, 2021 at 3:30 p.m. Due to the COVID-19 pandemic, **we will not be holding hearings in person.** If you are contesting Ms. Moermond's recommendation, you may send written testimony to be added to the record to legislativehearings@ci.stpaul.mn.us or by voicemail at 651-266-6805. If you don't wish to contest, no further action is needed.

If you have any questions, please contact me at 651-266-8515.

Sincerely,

/s/

Joanna Zimny
Legislative Hearing Executive Assistant

c: Fire Supervisors
Joe Musolf – Department of Planning & Economic Development, Principal Project Manager
Paula Dubruel - Department of Planning & Economic Development, City Planning Technician