

Moermond, Marcia (CI-StPaul)

From: Moermond, Marcia (CI-StPaul)
Sent: Monday, September 11, 2017 5:40 PM
To: 'jdk2007@icloud.com'
Cc: Martin, Lisa (CI-StPaul); Vang, Mai (CI-StPaul)
Subject: RE: 784 Holton

Ms. Rundenza,

A review of the relevant sections of the City's Zoning Code and the Minnesota Building Code makes clear that there cannot be shared living spaces for the 2 units. The living space in the basement has to attach to one of the units and may not be occupied or used for the purpose you propose. These are the relevant code sections:

Chapter 60.205. -D contains the following definition:

Dwelling unit. One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility (stove and/or oven, refrigerator, and sink), sleeping area, and bathroom provided within the unit for the exclusive use of a single household.

Sec. 202 of the MN Building Code defines dwelling unit(s) as follows (*the italicized text is from the annotated version of the Building Code*):

Dwelling: A building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwellings are buildings intended to serve as residences for one or two families. Dwellings can be owner occupied or rented. The term "dwelling," which refers to the building itself, is designed to distinguish it from the term "dwelling unit," which is a single living unit within a building. It is important to recognize that the code is not intended to regulate detached one- and two-family dwellings and townhouses that are regulated by the International Residential Code (IRC) (see Section 101.2) See also the definition of townhouse.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

A dwelling unit, as stated, is a residential unit that contains all the necessary facilities for independent living. This provides a single, independent unit that serves a single family or single group of individuals. This terminology is used throughout the code for the determination of the application of various provisions. A dwelling unit is also distinguished from a sleeping unit which does not have all the features of a dwelling unit and must comply with a different set of requirements (see the definition for "Sleeping Unit). A building containing three or more dwelling units is regulated as a Group R-2 occupancy. The most common term used for such a building is an apartment house or condominium. To be considered a Group R-3 occupancy, the structure must have one or two dwelling units, or be subdivided by fire walls between every unit or every two units.

Although there may be common access to certain parts of the basement, such as a laundry area, the space designed for living purposes must be connected to one of the units in the building, presumably the first floor unit. If the space is not connected to a unit, it is not a part of a complete unit for the use of a single household. (Your contractor's (Innovative Basement Systems) building permit applications indicated this was a basement finishing job for a single family dwelling. The notes in the electrical permit file from December 2016 indicate the basement was to be connected to the first floor unit's service. This makes it appear that if the space was not originally constructed to be an illegal unit, it was intended to be connected to the first floor. Your testimony that you constructed the space as a living area or sleeping unit for your daughter makes the former appear more plausible.)

Moving forward, in order for this space to be used for habitation, it must be connected to one of the two units in the house so the spaces form one cohesive unit with no locks or barriers and the space would be used exclusively by one household. Alternatively, you may apply to obtain a variance from the Board of Zoning Appeals to add a legal third unit to the building.

I will append this email to the record of your appeal and prepare the resolution for the Council's consideration so that it makes this clear.

Sincerely,
Marcia Moermond
Legislative Hearing Officer
Saint Paul City Council

From: Martin, Lisa (CI-StPaul)
Sent: Monday, September 11, 2017 4:13 PM
To: Moermond, Marcia (CI-StPaul)
Subject: Fwd: 784 Holton

Sent from my iPhone

Begin forwarded message:

From: Jenny Rundenza <jdk2007@icloud.com>
Date: September 11, 2017 at 2:47:13 PM CDT
To: "Martin, Lisa (CI-StPaul)" <lisa.martin@ci.stpaul.mn.us>
Cc: "Moermond, Marcia (CI-StPaul)" <marcia.moermond@ci.stpaul.mn.us>, "Vang, Mai (CI-StPaul)" <mai.vang@ci.stpaul.mn.us>
Subject: Re: 784 Holton

Lisa,

My attorney asked me to contact you with a question regarding the basement. If I were to remove the lock on the door that leads to the finished basement area, and share it with tenants as a lounge area/place to fold clothes or watch tv while doing laundry, would this be okay? The door to the basement laundry room is the exact same as the door to the finished basement area and would have a handle just like handle on laundry room door. Basically the entire basement would be shared area with two unlocked doors.

Thanks

Jenny

On Sep 8, 2017, at 6:59 AM, Martin, Lisa (CI-StPaul) <lisa.martin@ci.stpaul.mn.us> wrote:

To clarify, I never spoke to your friend who rents in the basement or have I ever met your friend. Your letter was emailed to you per your request in regards to the

recent hearing. I will be in my office until 8:30am if you still have more questions.

Thanks!

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

From: Jenny Rundenza [<mailto:jdk2007@icloud.com>]

Sent: Thursday, September 7, 2017 4:45 PM

To: Martin, Lisa (CI-StPaul) <lisa.martin@ci.stpaul.mn.us>

Subject: 784 Holton

Hi Lisa,

I've left you a few messages as I have questions. I understand you are busy but I really need some clarification. My friend who rents the room in the basement said he spoke with you and you told him he could live in the basement. However, from my understanding of the paperwork as well as the hearing it was my understanding that I could not rent to a friend as a shared unit to mine. Would you please clarify.

Thank you

Jenny