



APPLICATION FOR ZONING VARIANCE
 Department of Safety and Inspections
 375 Jackson Street
 Suite 220
 Saint Paul, MN 55101-1806
 General: 651-266-9008
 Fax: (651) 266-9099

received
 7/28/14
 deck # 2004
 front corner

Zoning office use only
 File Number: 14-315255
 Fee: \$ 815
 Tentative Hearing Date: 07/18/14
 Section(s) 63-207 & 66-331(x)
 City agent T. D. H. T. A.

APPLICANT

Name Steve & Jenny Virkus Company _____
 Address 937 Lincoln Ave.
 City St Paul ST MN Zip 55105 Phone 612-987-3038
 Email newlifeccontracting@comcast.net Fax _____
 Property Interest of Applicant (owner, contract purchaser, etc) owner
 Name of Owner (if different) same Phone same

PROPERTY INFORMATION

Address / Location 814 Grand Ave., St. Paul MN 55105
 Legal Description (attach additional sheet if necessary) mixed commercial / Residential
 Lot Size _____ Present Zoning T2 Present Use commercial / residential / rental
 Proposed Use same: commercial & residential rental

Variance[s] requested: 1. off street parking (no room for required spot due to previous garage conversion); 2. side yard setback

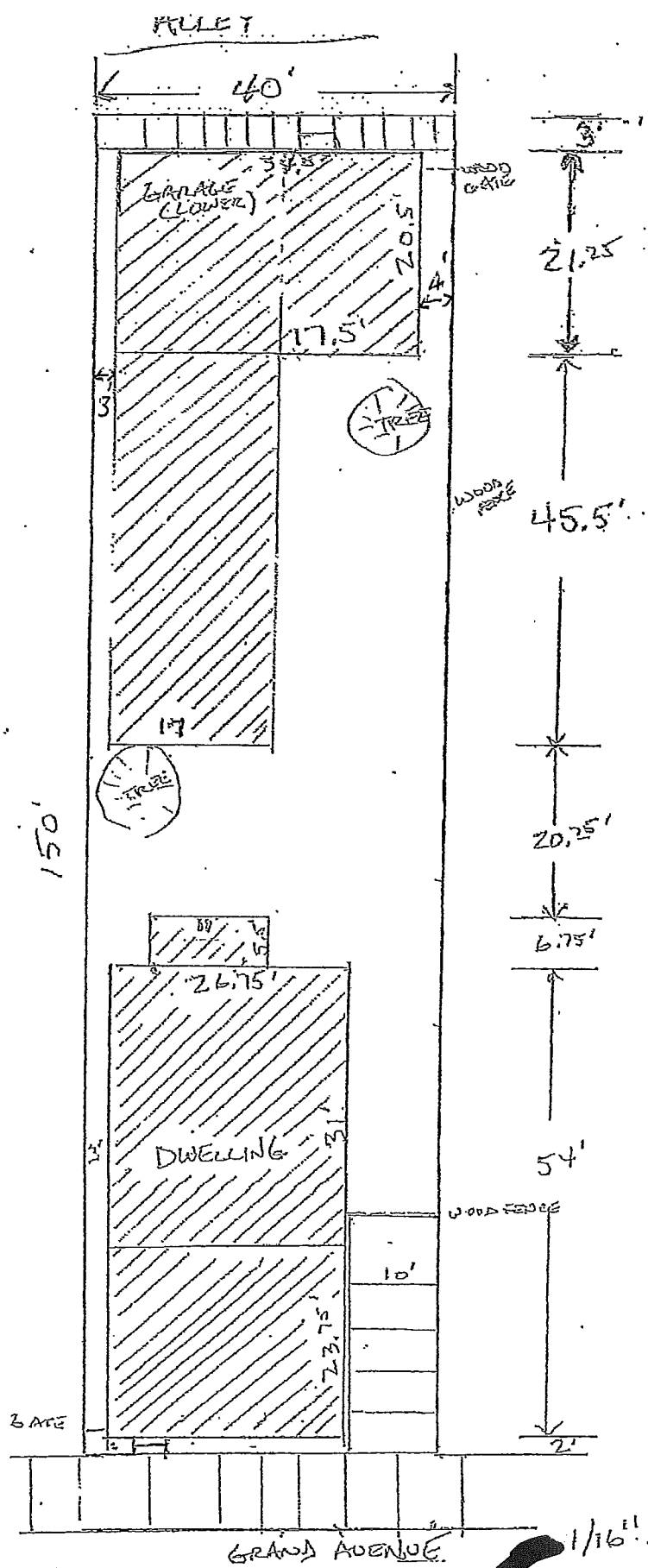
Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

see attached

Attachments as required: Site Plan Attachments Pro Forma

Applicant's Signature J. C., Attorney For Virkus' 4 Date 7/28/14

FILE
 14-315295

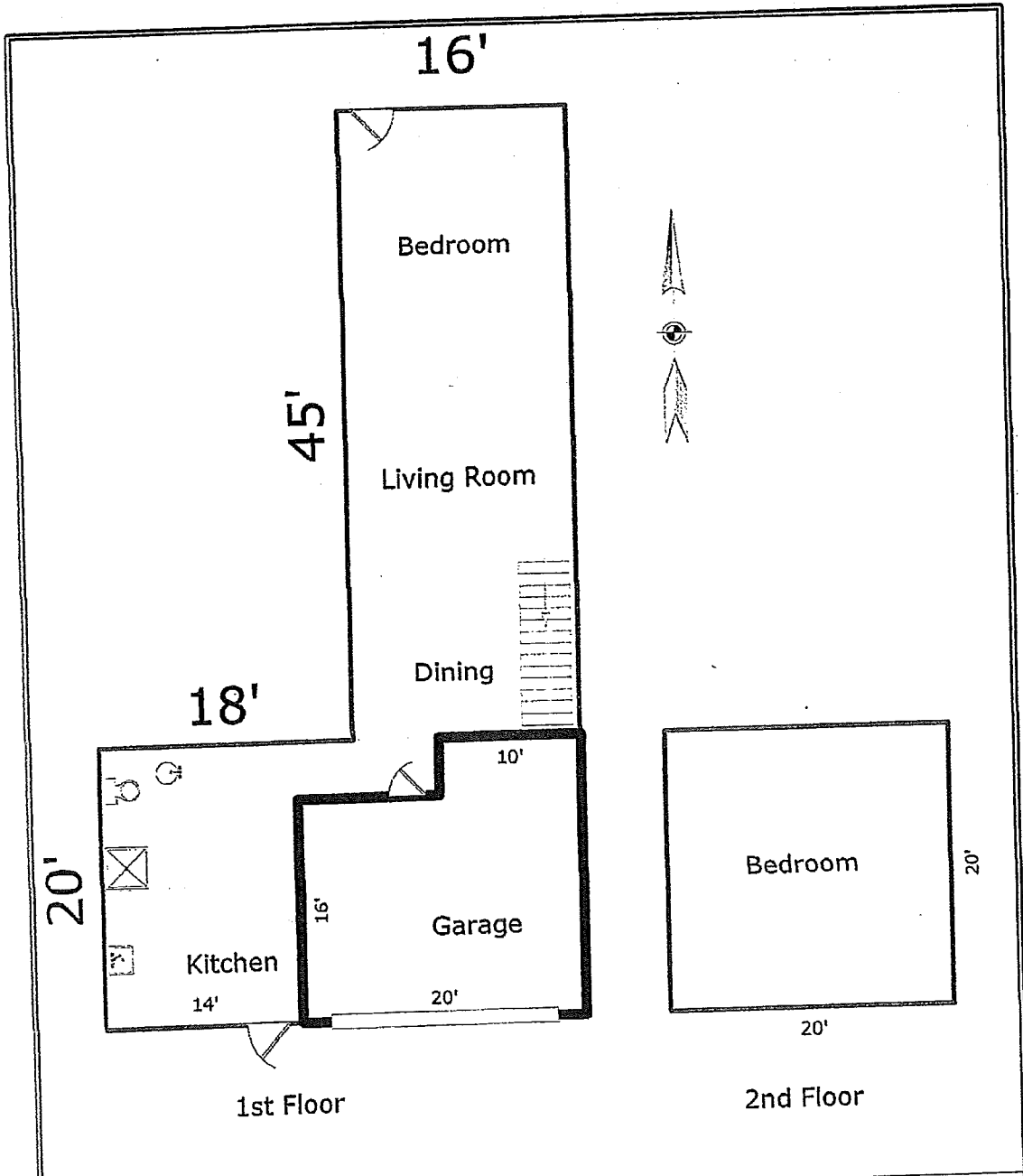


814 GRAND AVE
 ST. PAUL, MN
 55105

↓
 NORTH

GRAND AVENUE 1/16" = 1'





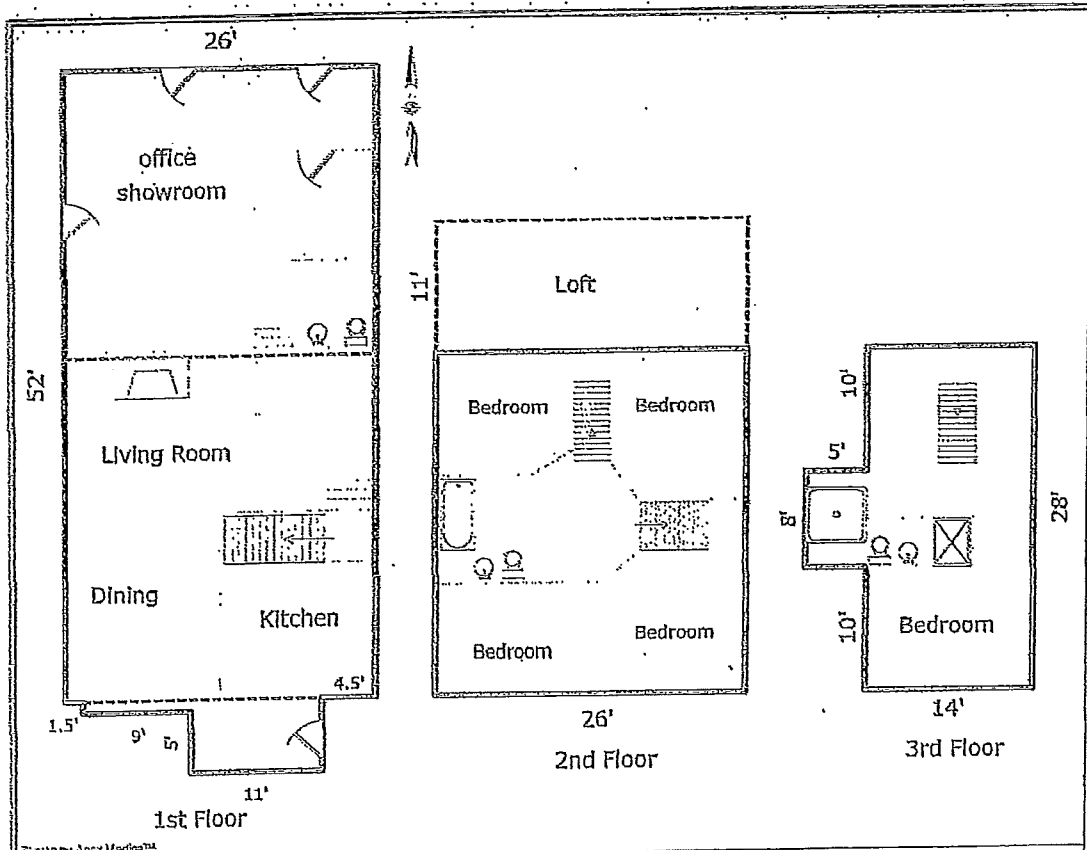
Sketch by Apex Medina™

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals	
GLA1	First Floor	1040.00	1440.00	Fir
	Second Floor	400.00		
GAR	Garage	360.00	360.00	

Appraiser Building Sketch: Rental Apartment

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Sketch by Apex Media™

AREA CALCULATIONS SUMMARY				BUILDING AREA BREAKDOWN	
Code	Description	Net Size	Net Totals	Breakdown	
GRA1	First Floor	1427.00	2873.00	First Floor	
	Second Floor	728.00		26.00 x 52.00	
	Third Floor	432.00		1.00 x 20.00	
	Loft	286.00		5.00 x 21.00	
BSMT	Basement	728.00	728.00	Second Floor	26.00 x 28.00
				Third Floor	

Appraiser Building Sketch: Main Building

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Supporting Information:

We are requesting this variance as there is no room for a parking space at our property, 814 Grand Ave St. Paul, MN 55105 due to the garage conversion/construction done by the previous owner, Laura Stone.

When we purchased the property the current owner, Laura Stone, had been renting out the back unit of the property. As far as we had been informed and were aware there were no issues with the back unit or had the city has any concerns with the property. Our intent for the property was to also rent it as well as run our business of the front part of the main building on the property. We had been unaware of the parking rule stating there must be a parking spot in the alley for the property, this was also not disclosed to us and we had no way of knowing this was a requirement.

After purchasing the property it was brought to our attention that the back building on the property had been illegally converted. After the conversion, no room for the required parking spot was left. Upon further research we found that the previous owner, Laura Stone, was denied the conversion by the City of Saint Paul but had her contractor go ahead and do the work anyways, illegally, with no permits. We were also informed she had never had a certificate of occupancy the entire time she owned/lived in the property. None of this information had been disclosed to us, brought to our attention or stated in the truth in housing.

We believe that the variance is in harmony with the general purposes and intent of the zoning code as our intent is to make full use of the property. We are also consistent with the comprehensive plan already.

We have established that there are practical difficulties in complying with the provision. The property was built out prior to us obtaining it. There is no other land access for the parking pad on the property and no access off Grand Avenue to put a parking space. This issue is unique to this particular property.

We believe granting this variance will not alter the essential character of the surrounding area as the surrounding area is a mix of single-family, mixed use, multi-family and commercial properties.

1. The variance is in harmony with the general purposes and intent of the zoning code.

Steve and Jenny Virkus live just down the street and a block over from 814 Grand. They moved to this neighborhood because of the way the City of St. Paul's zoning committee has maintained a great balance between the residential and business needs. Steve and Jenny understand how important the "harmony" of their neighbors with the local businesses. Steve and Jenny's variance requests will not in any way disrupt that unique harmony and balance neighboring homeowners and businesses in the 814 Grand Ave. neighborhood.

2. The variance is consistent with the comprehensive plan.

Applicants request two variances: 1) Waiver of off-street parking; and 2) side yard setback. Each of the two variances requested will be consistent with the general purpose and intent of the zoning code. The Virkus' are not asking for variances based on construction they plan to do. They are asking for variances for construction already done by the previous owner. Even before the Virkus' purchased 814 Grand, the construction completed by the prior owner is not inconsistent with the general purpose and intent of the zoning code. At no time, including the present, has the past construction created any situation inconsistent with the general purpose or intent of the zoning code, not in anyway has the construction been detrimental, unsafe or uncharacteristic to the charm of the neighborhood where 814 Grand is located.

3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposed to use the property in a reasonable manner not permitted by the provision. Economic considerations along do not constitute practical difficulties.

Steve and Jenny Virkus purchased the 814 Grand Ave. property long after the conversion construction had been completed. The Virkus' had no involvement or knowledge of the then owner's construction plans.

When the Virkus' purchased the property, the previous owner had been renting out the back unit and usable garage. They were told there were no issues with the back living unit prior to their purchase. The Virkus' had no knowledge that the city had any concerns with the property. It was always their intention to have their business in the front main building and rent out the back building. They were unaware, nor were they informed by the then-owner, Laura Stone, that a parking spot in the alley was required. They were also unaware that a window could not face a side yard with a six-foot setback.

After the Virkus' purchased the property, it continued to be rented out the same way the previous owner had done. It was not until the issues before us, relative to the variances arose, that the Virkus' found out Laura Stone was denied a building permit for the partial conversion of the garage by the City of Saint Paul. Even though she was denied, Laura Stone had her contractor go ahead and do the conversion without permits. The Virkus' have since discovered Ms. Stone never obtained a certificate of occupancy the entire time she owned and lived at the property. None of this information was disclosed to them.

The practical difficulties in complying with these provisions, in addition to the above, are that the property was built out prior to their ownership. There is no other land access for the parking pad on the party and there is no access off Grand Avenue to put a parking space. The issue is unique to this particular property. The windows the previous owner chose to install are not standard. It would be very difficult to remove the garage's upper decorative windows. They wrap around two sides of the upper part of the garage space.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

As stated in answer number 3, all of the construction and modification to 814 Grand was completed before the Virkus' purchased the property. The previous owner, Laura Stone, created problems when she modified the property without the required permits. No disclosure was made by the previous owner prior to, or during the sale of the property. Laura Stone, the previous owner, was denied a building permit by the City of Saint Paul. Ms. Stone disagreed with the denied permit and went ahead and built anyway. Ms. Stone then represented to the Virkus' there were no problems with renting out the garage she modified and was renting out at the time of the sale. Ms. Stone's misrepresentation has now placed the Virkus' in a position to incur financial damages through no fault of their own.

5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The variances, if granted, will not in any way create or change any use in the zoning district where 814 Grand is located.

6. The variance will not alter the essential character of the surrounding area.

Fortunately the granting of the variances will not alter the "essential character" of the neighborhood. The construction work done by the previous owner was at least done in good taste and with quality workmanship. No layperson walking through the neighborhood where 814 Grand is located would say the building in any way alters the "essential character" the 814 Grand Ave neighborhood possesses.

VIRKUS GARAGE



igreenDESIGNS, Inc.
11600 Grand Ave. Suite 200
Golden Valley, MN 55427
Contact: Justin Hayes
Tel: (763) 424-4315
Email: Justin@igreenesigns.com
www.igreenesigns.com

NO.	REVISION	DATE

Project: VIRKUS GARAGE
Client: Justin Hayes
Date: 7/21/14

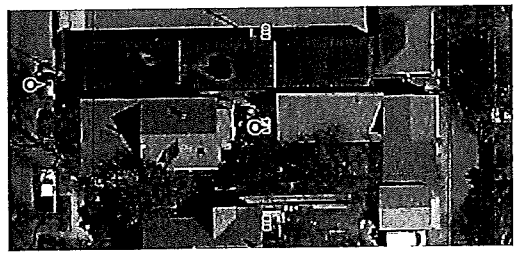
814 GRAND AVE.
ST. PAUL, MN 55116

VIRKUS GARAGE

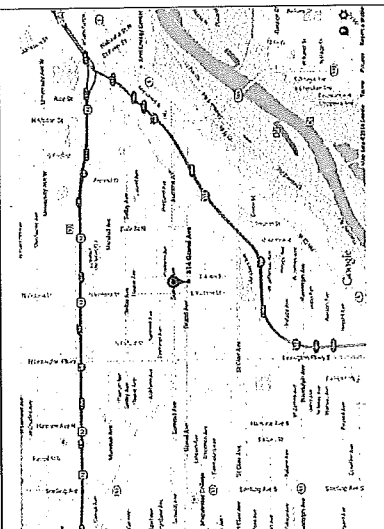
Project Number	14235
Date	7/21/14
Drawn By	JH
Checked By	JH/BC
Discipline	A1

MAIN FLOOR PLAN & GARAGE

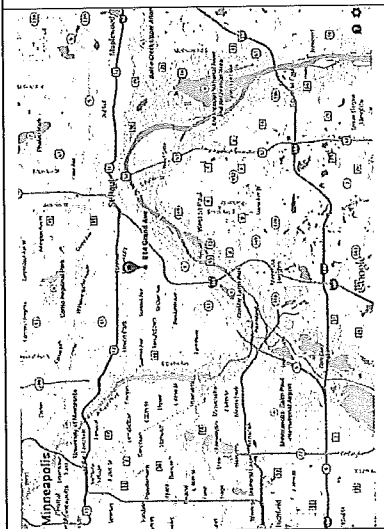
WALL AND PARTITION KEY
EXISTING WALLS TO REMAIN.



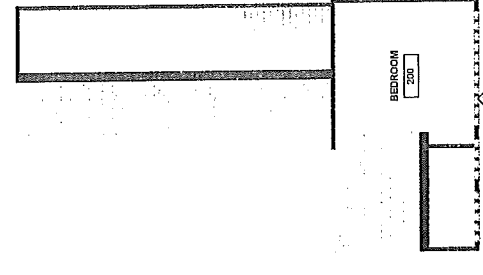
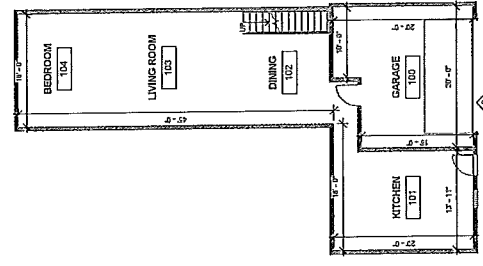
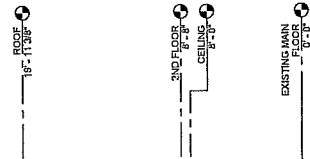
SITE



LARGE SCALE MAP

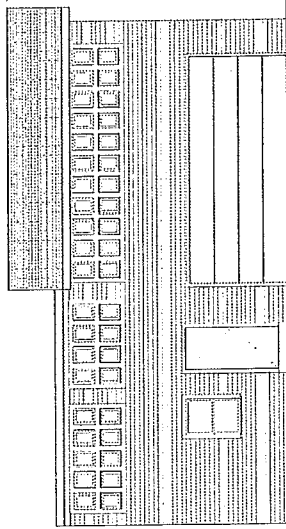


SMALL SCALE MAP



1 MAIN FLOOR
A1 18'-0" x 18'-0"

3 2ND FLOOR
A1 18'-0" x 18'-0"



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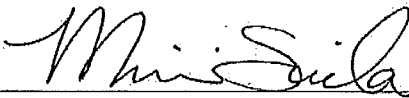
NORTH
1/4" = 1'-0"

5. Affiant spoke with Ms. Pam Davenport about renting a parking spot from 51 Avon Street South, 57 Avon Street South, or 63 Avon Place to be used by the occupants of 814 Grand Ave, St Paul. Ms. Pam Davenport told affiant there were no parking spots available to be rented.
6. Affiant, on September 25, 2014, personally spoke by phone with Rory Anderson, Property Manager for RES Realty, for the property located at 818 Grand Ave in St. Paul, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.
7. Affiant spoke with Mr. Rory Anderson about renting a parking spot from 818 Grand Ave to be used by the occupants of 814 Grand Ave, St Paul. Mr. Rory Anderson told affiant there were no parking spots available to be rented.
8. Affiant, on September 26, 2014, personally spoke by phone with Mr. Andrew Jewell, Property Manager and owner for Jewell Properties, Inc., for the property located at 824 Grand Ave in St. Paul, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.
9. Affiant spoke with Mr. Andrew Jewell about renting a parking spot from 824 Grand Ave to be used by the occupants of 814 Grand Ave, St Paul. Mr. Andrew Jewell told affiant there were no parking spots available to be rented.
10. Affiant attempted to contact Mr. Keith Collins, Property Manager for the property located at 834 and 836 Grand Ave in St. Paul, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.

11. Affiant left Mr. Keith Collins two messages on September 26, 2014 about renting a parking spot from 824 Grand Ave to be used by the occupants of 814 Grand Ave, St Paul. Mr. Keith Collins has not returned affiant's phone calls.
12. Affiant, on September 26, 2014, personally spoke by phone with Ms. Michelle Plombon resident of 834 Grand Ave, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.
13. Affiant spoke with Ms. Michelle Plombon about renting a parking spot from 834 Grand Ave to be used by the occupants of 814 Grand Ave, St Paul. Ms. Michelle Plombon told affiant there were no parking spots available to be rented.
14. Affiant, on September 26, 2014, personally spoke by phone with Mr. JB Larson, Property Manager of Condominium Resources, LLC, for the property located at Grand Victoria Flats at 830 Grand Ave in St. Paul, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.
15. Affiant spoke with Mr. JB Larson about renting a parking spot from 830 Grand Ave to be used by the occupants of 814 Grand Ave, St Paul. Mr. JB Larson told affiant there were no parking spots available to be rented.
16. Affiant, on September 26, 2014, personally spoke by phone with Mr. Jamie Kreisman, Property Manager for Beka, Inc., for the property located at 840 Grand Ave in St. Paul, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.
17. Affiant spoke with Mr. Jamie Kreisman about renting a parking spot from 840 Grand Ave to be used by the occupants of 814 Grand Ave, St. Paul. Mr. Jamie Kreisman told affiant there were no parking spots available to be rented.

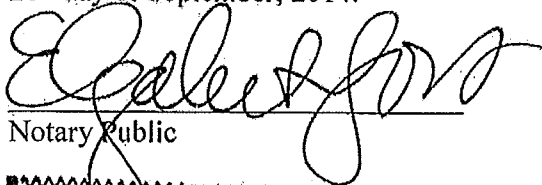
18. Affiant, on September 26, 2014, personally spoke by phone with Ms. Julie Hurley, Property Manager and owner for Preferred Management Services, for the property located at 844 Grand Ave in St. Paul, which would meet the requirement for off site parking within 300 feet of the 814 Grand Ave Virkus property.
19. Affiant spoke with Ms. Julie Hurley about renting a parking spot from 844 Grand Ave to be used by the occupants of 814 Grand Ave, St Paul. Ms. Julie Hurley told affiant there were no parking spots available to be rented.

FURTHER YOUR AFFIANT SAYETH NOT.



Miriam Sivula

Subscribed and sworn to before me this
26th day of September, 2014.



Notary Public

