



**APPLICATION FOR APPEAL**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

PD=3

Zoning Office Use Only  
File #: 18-063577  
Fee: 462.00  
Tentative Hearing Date:  
To Be Scheduled

#072822130175

**APPELLANT**

Name Jay Smigielski, Esq. o/b/o Scott Kramer Email jsmigielski@ferdlaw.com  
Address 842 Raymond Ave  
City St. Paul St. MN Zip 55114 Daytime Phone 651-647-6250

**PROPERTY LOCATION**

Zoning File Name Dearing Mansion Bed and Breakfast  
Address / Location 241 George Street W., St. Paul, MN 55107

**TYPE OF APPEAL:** Application is hereby made for an appeal to the:

**Planning Commission**, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

**City Council**, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: May 4, 2018 File Number: 18-035-742

**GROUND'S FOR APPEAL:** Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

See attached letter.

RECEIVED  
MAY 14 2018  
BY: \_\_\_\_\_

Attach additional sheets if necessary

Appellant's Signature [Signature] Date 5/14/18 City Agent [Signature]  
5-14-18 Rev 9/4/14

**FERDINAND F. PETERS, ESQ. LAW FIRM**

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842 Raymond Avenue, Suite 200  
St. Paul, Minnesota 55114  
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May 14, 2018

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102

**Re: Application for Appeal of Revocation of Conditional Use Permit**  
**Decision Date: May 4, 2018**  
**Zoning File Name: Dearing Mansion Bed and Breakfast**  
**File Nos.: 18-035-742**

To Whom It May Concern:

I represent Scott Kramer, who owns the Dearing Mansion, which is located at 241 George Street West in Saint Paul.

The purpose of this letter is to appeal the decision of the Planning Commission, made on May 4, 2018, revoking Mr. Kramer's conditional use permit for a bed and breakfast at Dearing Mansion based on a party that he threw on New Year's Eve in 2017. I was retained by Mr. Kramer just one business day prior to the appeal deadline, which is today. Mr. Kramer's application for appeal and the appeal fee are enclosed.

There are important facts that Mr. Kramer would like the opportunity to present to the City Council—facts that were not known to the Planning Commission before making the decision to revoke Mr. Kramer's conditional use permit.

Fundamentally, the Planning Commission viewed Mr. Kramer's party as a commercial enterprise that was inextricably linked to his use of Dearing Mansion as a bed-and-breakfast and short-term rental. In fact, the New Year's party was neither of these things.

The 2017 New Year's party at Dearing Mansion was an event Mr. Kramer threw personally, for fun—and at a loss of income from his short-term bed and breakfast rental business.

Perhaps nothing speaks to this more than the fact that Mr. Kramer began throwing New Year's parties at Dearing Mansion the year after he purchased it. The first party was in 2006—*eight years before Mr. Kramer applied for his conditional use permit*. And again, it must be underscored that for each of these occasions—including the 2017 party—Mr. did not make money, he lost money.

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Each of these parties was thrown by Mr. Kramer in his personal capacity as a home owner—the fact that some of these parties were held at the same time that Mr. Kramer operated a bed and breakfast should not automatically shift them from private party to commercial enterprise, as the Planning Commission appears to have done with its decision to revoke the permit.

Rather than a commercial endeavor intended to make the most money possible, this is something Mr. Kramer—an avid dancer—does for fun. He invited his friends and fellow dancers and their friends, and the cover charge was intended to cover the expenses, not to turn a profit. There is other information and a number of other documents that I would like to bring to the Council's attention, but as I have just recently been retained by Mr. Kramer, I will limit it now to the attached invitations to Mr. Kramer's previous parties.

Mr. Kramer recognizes that he has had past violations to the CUP, but would ask the Council for its understanding that at times it is difficult to separate what Mr. Kramer does at his home, personally, as opposed to how he operates his business.

Given the fact that Mr. Kramer shut down his bed and breakfast for four days over New Year's 2017—and did not take any short-term-rentals over a holiday during which he could have made several thousand dollars—there is no doubt in Mr. Kramer's mind that his traditional New Year's Eve party in 2017 was just that: The continuation of a tradition he had started in 2006.

The short-term-rental market continues to change in St. Paul, and it is Mr. Kramer's hope that the City Council can find a way forward that will allow Dearing Mansion. to continue to be a part of the bed and breakfast, short-term rental community in St. Paul

Please contact me with any questions. Thank you.

Very truly yours,



Jay Smigielski  
*Attorney at Law*  
JS/dg

Enclosures

cc: Client

# YOU ARE INVITED!

— ○ — TO THE — ○ —

# 7TH ANNUAL

## 241 GEORGE STREET NEW YEARS EVE PARTY

Things to bring:

- \*Fun Friends that enjoy Historic Mansions
- \*Dancing Shoes or High Heeled Sneakers
- \*Your favorite music. The DJ will play it!
- \*Wine, Beer, Champagne, and/or a snack to share

241 George st. W.  
Saint Paul, MN 55107

8PM - Late

18+

RSVP's are Encouraged

“ No one looks back on life  
and remembers the nights  
they got plenty of sleep. ”

# Once in a Blue Moon there is a party like this.



Your hosts  
invite you to celebrate the start of 2010 at the Dearing  
Mansion on St. Paul's historic west side.

**What:** Fires in many of the nine fireplaces for cozy conversation, dancing in the music room, dazzling view of the downtown skyline, new friends and great food.

**Where:** 241 West George Street in St. Paul

**When:** December 31, 2009 — 8 pm until late

**Wear:** Something festive and dancing shoes.

**Bring:** A bottle to share and something good to eat.

**Who:** The Twin Cities' most interesting people, of course. You are welcome to bring along friends who love a good party.

You may park in the church parking lot next to our house, but please be respectfully quiet when you leave. Bring your adorable kids to our Fourth of July party. New Year's Eve is for adults only.



**PRESENT**

# **SOULCIAL FUNKTION**

## **NEW YEAR'S EVE**

**WITH DJ GARRISON GROUSE  
GUEST DJ SET BY BEATRIX JAR**

**NO COVER**

**21+**

**10PM TILL WE FEEL LIKE IT**

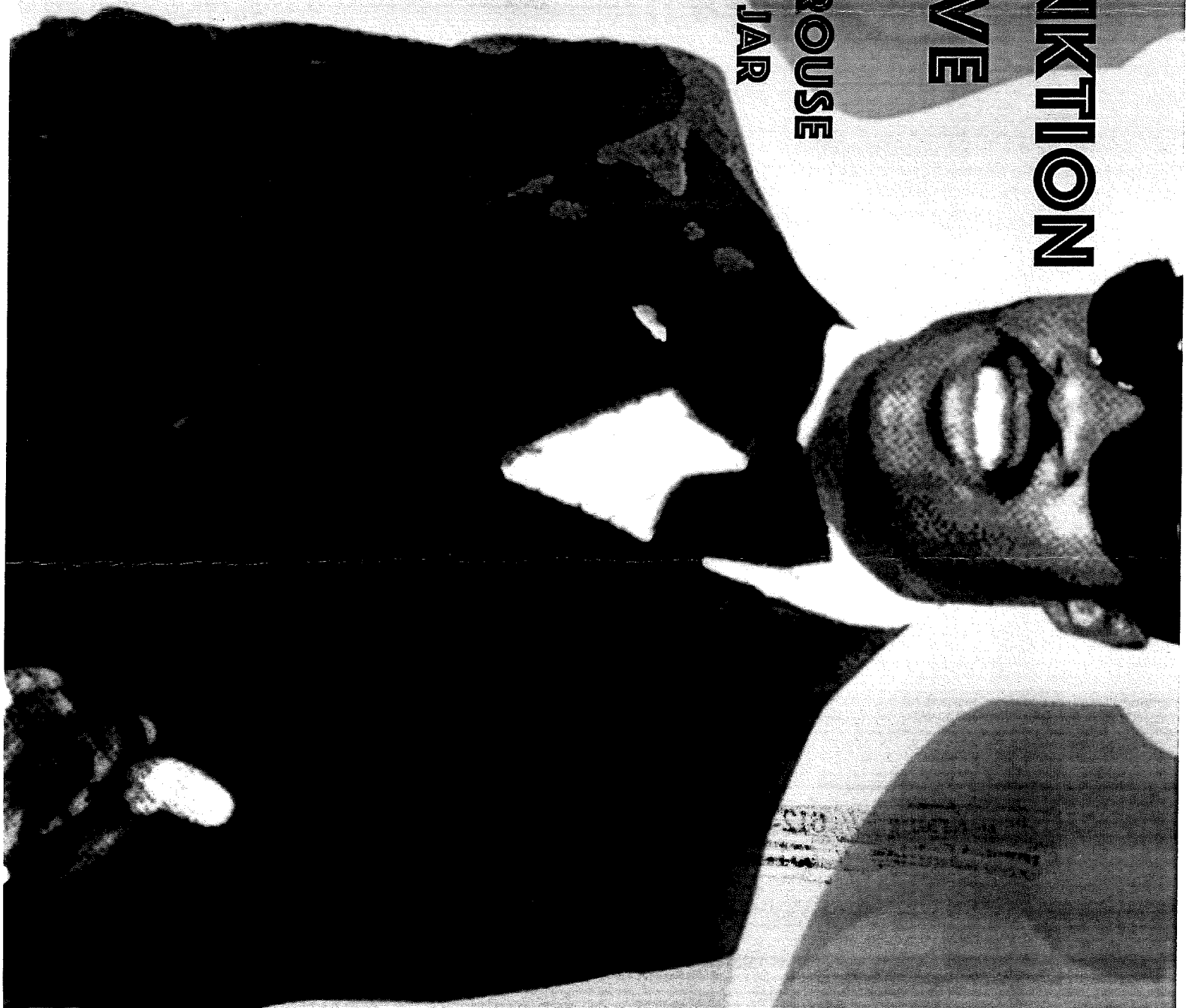
**DEARING MANSION**

**241 GEORGET**

**W, SAINT PAUL,**

**MINNESOTA**

**55107**



# kiss 2010 goodbye!



Featuring music for dancing by  
Nayman Tracy Nayman

Dress festive + bring fun friends, good food  
and a bottle to share

8 pm on New Year's Eve

The Deering Mansion  
241 West George Street  
Saint Paul, MN 55107

Please RSVP

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Small print: This party is for adults so get a sitter!