

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gary Blair **FILE #** 11-141-752  
2. **APPLICANT:** Gary Blair **HEARING DATE:** June 2, 2011  
3. **TYPE OF APPLICATION:** NUP - Establishment  
4. **LOCATION:** 1121 Minnehaha Ave E, NEcorner at Frank  
5. **PIN & LEGAL DESCRIPTION:** 282922430096, Terrys Addition Lot 13 Blk 1  
6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** RT1  
7. **ZONING CODE REFERENCE:** §Sec. 62.109(a)  
8. **STAFF REPORT DATE:** May 25, 2011 **BY:** Josh Williams  
9. **DATE RECEIVED:** May 11, 2011 **60-DAY DEADLINE FOR ACTION:** July 10, 2011
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- A. **PURPOSE:** Establishment of Legal Nonconforming Use for outdoor storage in a semi-trailer  
B. **PARCEL SIZE:** 6927 sq. ft.  
C. **EXISTING LAND USE:** C-Retail-General  
D. **SURROUNDING LAND USE:**  
North: Residential (RT1)  
East: Residential (RT1)  
South: Residential (RT1)  
West: Residential (RT1)  
E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.  
F. **HISTORY/DISCUSSION:** No zoning history exists for the property.  
G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council has recommended approval of the application.  
H. **FINDINGS:**
  1. The applicant owns and operates a retail carpet and flooring business in a residential at 1121 Minnehaha Ave E; the property already has legal non-conforming use status. The applicant has owned and operated the business in it's current location for over thirty years, and in 2008 was recognized the City of Saint Paul with a *Good Gardener Award* for an outstanding garden at a business in Saint Paul.
  2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
    - (1) *The use occurs entirely within an existing structure.* This finding is met. Storage of carpet and other materials ordered by customers but not yet installed occurs entirely within the semi-trailer.
    - (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This finding is met. The applicant states that the trailer has been in its current location for the entire time he has owned the property, a period of over thirty years. Aerial photographs from 2006, 2001, and 1997 show the same or a similar trailer parked in the same location on the lot. Direct visual inspection of the trailer on the property suggests that it has not moved in quite some time.
    - (3) *The off-street parking is adequate to serve the use.* This finding is met. The off-street parking requirement for the flooring businesses is met or legally non-conforming, and the accessory storage requires no additional off-street parking.
    - (4) *Hardship would result if the use were discontinued.* This finding is met. According to the applicant, the existing building housing the flooring business does have sufficient space to accommodate both the showroom and product storage, and requiring the applicant to erect a

permanent structure of sufficient size to accommodate storage needs would present a financial hardship.

*(5) Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. Outdoor storage is only allowed in industrial zones. The property is completely surrounded by residential zoning and uses, and rezoning to industrial would be inappropriate with regard to the surrounding residential uses.

*(6) 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.* This finding can be met. The use--storage entirely enclosed within a semi-trailer--is not inherently detrimental to the character of the neighborhood, nor a danger to the public health, safety and general welfare, provided the structure is visually and functionally similar to a permanent structure in which storage would be permitted as an accessory use. This can be accomplished by screening of the base of the structure (i.e., wheels and front stand) with lattice and vegetation, opaque fencing, or similar. Screening should be constructed so as to prevent the harboring of rodents or other vermin.

*(7) The use is consistent with the comprehensive plan.* This finding is met. Policy LU 1.7 of the Saint Paul Comprehensive Plan is to *permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods*; establishing legal non-conforming use status for storage in a semi-trailer will facilitate the continued operation of the applicant's flooring business. The vision of the Dayton's Bluff District 4 plan includes the *promotion of the livability of the neighborhood by enhancing its appearance through cleanliness...and rectifying code violations*. Establishing legal non-conforming use of the semi trailer for storage with requirements to improve the visual appearance will both enhance neighborhood appearance and rectify a code violation.

*(8) A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 16, 2011: 14 parcels eligible; 10 parcels required; 10 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Establishment of Legal Nonconforming Use for outdoor storage in a semi trailer subject to condition that the owner screen the base of the trailer with lattice and vegetation, opaque fencing, or similar.