

MINUTES
BOARD OF ZONING APPEALS
15 W KELLOGG BLVD, ROOM 330
ST PAUL, MINNESOTA, JULY 2, 2018

PRESENT: Mmes. Maddox and Trout-Oertel; Messrs. Rangel Morales, Miller and Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Benner II, Mr. Diatta and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Gloria Bogen*

*Excused

The meeting was chaired by Thomas Saylor, Co-Chair.

Jean E. Schroepfer (#18-073086) 1185 Dayton Avenue: The applicant is proposing to convert an existing single-family dwelling into a duplex. The following variances are being requested: 1) A minimum lot width of 50' is required for a duplex; the existing lot width is 39.6' for a variance request of 10.4' and 2) A side yard setback of 9' is required; the existing side setback is 3.8' on the west side for a variance request of 5.2'.

Mr. Benner showed slides of the site and reviewed the staff report with a recommendation for denial based on findings 3, 4 and 6.

Six letters were received opposing the variance request and one e-mail with a petition signed by 36 neighbors opposing the project.

One letter was received from District 13 opposing the variance request.

Ms. Trout-Oertel asked when the 2nd and 3rd story were added to the house? Mr. Benner stated in 2009 shortly after the variance request was denied by the BZA (Board of Zoning Appeals).

Mr. Rangel Morales asked if the City has any complaints about this already being used as a duplex? Mr. Benner replied no, we have not received any complaints about that. However, there have been suspicions but nothing that has been thoroughly investigated.

The applicant **JEAN E. SCHROEPFER**, 271 Summit Avenue, Unit 1, was not present.

There was opposition present at the hearing.

Amy Caron, 1217 Selby Avenue, stated that she did write a letter. She stated that the history of this property is that in 2009 it was purchased, it was in poor condition. The new owner did apply for a variance to turn it into a duplex, that was denied. Yet suddenly the property was improved in a way that makes it, kind of function as a duplex. This is a property owner who has consistently asked for forgiveness rather than going through proper channels and doing things in the correct way. Some of her neighbors have seen that it is already for sale, and another neighbor has seen it listed, for sale as a duplex, on Craigslist, as being available on July 5, 2018. Since this is being marketed, it does not have the required Truth in Housing Report, and the TISH report according to DSI (Department of Safety & Inspections). This is a property owner who has moved forward regardless of what the proper channels are and the way the neighborhood would like things. Also as Mr. Benner has said that block in particular has a large amount of rental property to owner occupied units. The neighbors are concerned that when the rental units go too far and outnumber the owner-occupied units it does change the character of the neighborhood. If we can save this and keep it functioning as a single-family house, that is one more

house that we can have be stable with owners that stay there several years. Neighborhood wise it is pretty overwhelming and we would like to see this go into the category of single-family housing. We would like to see people stay there, whether they are renting it or actually owner occupying it. They would like to see them stay for years, we are happy to see rentals but at some point, it just becomes too many. These concerns are why there is so much discontent from the neighbors.

Adam Randel, 1177 Dayton Avenue, stated he has lived in his home for 25 years his wife has lived in this home for 50 of her 53 years, they are lifelong residents of the block. He is concerned that even though the property owner did not get the variance, he believes that she thumbed her nose at the City's denial and built out the home to be a duplex. He lives only two houses away from this property so he has gotten to know a lot of the people that rented the house. Since the first time she rented the house there has only been one family that lived in the house, he thinks they lived in the home for a year and a half, at most two years. Since then it has been college students, and one of the biggest challenges on the block is parking. There is a garage there and space for three cars but when there are 4-5 college students and they have significant others, they all drive cars and so do their significant others. The neighbors have nowhere to park. Aside from that there are a number of rental properties on that block and he thinks it would be more beneficial to just have a family that lives there and set down some roots. To either allow them to purchase the house or at least establish themselves as a family, maybe raise their kids for a few years and get them into the grade school. He and his wife are adamantly opposed to this becoming a duplex.

Walter Jirik, 1184 Dayton Avenue, stated that he lives right across the street from this property since 1986. Mr. Jirik stated he is referencing his e-mail letter to Jerome Benner dated June 27, 2018. During April 2009 Jean Schroepfer attempted to persuade neighbors to support her wishes to convert the one and a half story American Craftsman bungalow into a duplex. She purchased the bungalow March 30, 2009 for \$88,600. It had been registered with the City as a Category 2 Vacant Building and per the bank sale requirements it was a cash only offer, that would decide who could purchase 1185 Dayton Avenue. The first attempt for Jean to gain support for the conversion to a duplex was an open invitation to the neighborhood where she did a slide show and informational presentation. The neighbors attending were not convinced to support the concept at that time. The second attempt to generate support was the cover letter he is talking about. She inserted copies of this letter into their mail boxes on the block and he believes on adjacent blocks as well. Reading this letter, it offers option "a" and option "b", again the neighbors would have liked to see this bungalow remain a single-family home. It did need some minor improvements per the City's deficiencies that needed to be satisfied. At the bottom of the letter is a petition that she put in that would support her variance request. None of the neighbors signed it. What the neighbors supported was plan "a" which was to essentially bring the house up to code to satisfy the City's deficiency's and keep the existing architecture of the existing bungalow. The neighbors believed that once the deficiencies were satisfied a reasonable amount of profit could be obtained as a rental property or return the bungalow to the housing market when the housing market improved. The neighbors were most hopeful that instead of converting the bungalow into a duplex which was suspected would probably be a flip for profit. As she does have a history of this. That the structure would have a greater appeal for a dwelling for future home ownership. He stated that they do have enough rental property in the area and home ownership is primary. The idea came from neighbors that knew of potential buyers in the neighborhood who were interested in purchasing the home. To move in and establish themselves in their neighborhood. These potential buyers knew the condition of the home, they saw the deficiency lists, they walked through it. It is part of the American Dream to purchase and maintain one's own home and connecting to the fabric of our neighborhood. The impediment to these people purchasing this property was the banks cash only sale requirement. The purchaser had to have \$88,600 available that was unhindered and most wage earners do not have that unattached money or they do not have it sitting under their mattress, so they were eliminated. Some people did make the attempt to

do creative financing but the issue was time, in order to do that they needed time to talk to their bankers or other people. That ended when the house fell off the MLS listing. Ms. Schroepfer purchased it for \$88,600. The remainder of the story is what is in front of the Board. On May 4, 2009 the public hearing before the BZA (Board of Zoning Appeals), the BZA unanimously rejected the variance request. The issue was that the neighbors went home after the hearing and within an hour a surveying truck showed up and they determined the pins for the property and within the next few weeks they proceeded to demolish the top floor of the building and proceeded to build the structure that is seen today. This was part of Ms. Schoepfer's plan B which was rejected by the neighbors. The neighbors see this as a kind of arrogance, that a person of means, can ignore the ordinance requirements of the City and do whatever they want to do. Mr. Jirik stated that his wish and hope is that the BZA deny the variance request to allow the building to be used as a Duplex.

Mr. Rangel Morales stated he is looking at a picture of the house on page 91 of our packet. Mr. Jirik stated that Ms. Schoepfer basically built what she wanted. Mr. Rangel Morales stated that it does not seem that there was anything improper with building the addition that way, it seems to be more about the use of the property. He stated looking at this photo the house to the left is a duplex. Mr. Jirik stated as facing the house the property on the left is a duplex. Mr. Rangel Morales stated that the house to the right of it is a triplex. Mr. Jirik replied yes, it is. Mr. Rangel Morales asked how many duplexes and triplexes are on the block. Mr. Jirik stated on the corner of Dunlap and Dayton is a six-unit apartment building, going down that block toward Griggs there are four single-family homes than the columned triples next to the 1185 Dayton property, then duplex, duplex. Mr. Rangel Morales asked if there are more than those two duplexes on that block. Mr. Jirik replied yes.

Theresa Mason, 1205 Dayton Avenue, stated that she has owned her home since 1996. She signed the petition and she spoke at the BZA hearing in 2009 as a neighbor. They were concerned that Ms. Schroepfer was going ahead with the duplex even though she was denied. Building the addition as proposed in the variance request. The purpose stated that the applicant is proposing to convert, however, there is evidence that she is already converting the house. She brought the " Craigslist " listing for the home. It reads "Coming soon, like new duplex in great neighborhood, available July 5, 2018. Ms. Schroepfer is proposing it but it is already available for sale on Craigslist with proposed scheduled rents of \$1400 and \$2500 a month. There are already 5 or more duplexes on that side of Dayton. The downstairs is listed as unit 1 and the second floor is listed as unit 2 and it says built new in 2009. There are also photos of both units on Craigslist. Ms. Mason submitted the copies of the Craigslist documents. Her concern is that Ms. Schroepfer is ignoring the will of St. Paul and the neighbors and we already have enough duplexes. There are six people that live in the house next to her and she thinks that is enough people living there. She thanked staff for the proposed denial.

Eunice Smith, 1156 Dayton Avenue, stated that they have lived there since 1975, they have seen a lot of history in the neighborhood. She did send a letter and will not repeat everything that has been said, but it concerns her that somebody could just snub their nose at the neighborhood and ignore the rules, doing whatever they want to do. It is bad enough that the applicant has already done this but what she intends to do or how she intends to use the property. There was already talk of her using it as a halfway house. She asked why there would be space for six vehicles on a single-family home or even a duplex in that neighborhood. We are half a block from Selby Avenue bus line. She would ask that the Board deny the variances. She is not opposed to good landlords, even absentee landlords, she is not opposed to duplexes although there are too many on their block. Ms. Smith stated that she is opposed to somebody that comes in and just ignores the rules, does what they want to do and forgets everyone else.

Hearing no further testimony, Mr. Saylor closed the public portion of the meeting.

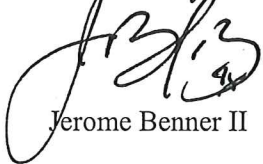
Mr. Rangel Morales noted that as upsetting as it might be, the applicant built the project that she proposed, it does not seem that there was anything wrong with building it that way. It would have been wrong to use it that way. That is the most concerning point and she is not here so the Board can ask her about it. He asked Mr. Benner to correct him if he is wrong, there is nothing wrong with her building the house like this, as long as she is not using it as a duplex. Mr. Benner replied that is correct, the house to his knowledge has remained a single-family dwelling and she is within her right to expand the existing structure. Mr. Rangel Morales stated that his question is has this been used as a duplex for the last eight years and he wonders why there hasn't been any report or complaint if it has been used as a duplex for the last eight years. Mr. Rangel Morales stated that he sees the posting that this house will be available on July 5, which is after today, he thinks the applicant is getting ahead of themselves as to what the Board is going to do today. It may be listed today, but he does not know if it will be listed tomorrow if we do not deem it a duplex. He can see why the neighbors are upset about it but he does not think that the applicant has done anything wrong unless there is a formal report saying it is being used as a duplex.

Mr. Miller stated that to Mr. Rangel Morales' point, it seems that whatever agency is in charge of if there are more than 5 unrelated adults living the property that is being rented. Mr. Rangel Morales stated like if it has two mail boxes. If it is two units than each unit would be able to have 4 unrelated adults living in it. If they have more than four unrelated people living in the building than it could probably be considered. Mr. Benner stated as it stands, as a single-family dwelling, only four unrelated adults or a family could occupy that space. If it were to be a duplex there could be 8 unrelated adults living in the structure. Mr. Miller stated that based on what the neighbors have said it has probably been rented illegally whether it has been used officially as a duplex or not. If they have five college kids living in there it is already one over the limit, whether she has violated other rules. His other point is that this has been denied once.

Ms. Maddox moved to deny the variance and resolution based on findings 3, 4 and 6, and leave it to the City to look into it.

Mr. Miller seconded the motion, which passed on a roll call vote of 5-0.

Submitted by:



Jerome Benner II

Approved by:



Diane Trout-Oertel, Secretary