

From: [Dubruiel, Paul \(CI-StPaul\)](#)
To: tkuenster@comcast.net
Cc: [Musolf, Joe \(CI-StPaul\)](#); [Moermond, Marcia \(CI-StPaul\)](#); [Zimny, Joanna \(CI-StPaul\)](#); [Pereira, Luis \(CI-StPaul\)](#)
Subject: 1126 Lincoln FW: Message from "PE-14Copier"
Date: Wednesday, July 28, 2021 3:34:25 PM
Attachments: [20210728151857432.pdf](#)

7-28-21

Re: 1126 Lincoln

Mr. Kuenster,

The requested documentation.

Thank you for your inquiry.

Paul Dubruiel

Planning Tech

Pronouns: He/Him

Planning & Economic Development

25 W 4th Street, Suite 1400

Saint Paul, MN 55102

P: 651 266-6583

paul.dubruiel@ci.stpaul.mn.us

www.StPaul.gov

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

From: PE-14Copier@ci.stpaul.mn.us <PE-14Copier@ci.stpaul.mn.us>

Sent: Wednesday, July 28, 2021 3:19 PM

To: Dubruiel, Paul (CI-StPaul) <paul.dubruiel@ci.stpaul.mn.us>

Subject: Message from "PE-14Copier"

This E-mail was sent from "PE-14Copier" (MP C6503).

Scan Date: 07.28.2021 15:18:57 (-0500)

Queries to: PE-14Copier@ci.stpaul.mn.us



NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # _____
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Name _____
(must have ownership or leasehold interest in the property, contingent included)

Address _____ City _____ State _____ Zip _____

Email _____ Phone _____

Name of Owner (if different) _____ Email _____

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address/Location _____

PIN(s) & Legal Description _____
(attach additional sheet if necessary)

_____ Lot Area _____ Current Zoning _____

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.

- The permit is for: Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
- Change of nonconforming use (para. c)
- Expansion or relocation of nonconforming use (para. d)
- Reestablishment of a nonconforming use (para. e)

Present / Past Use _____

Proposed Use _____

SUPPORTING INFORMATION: Demonstrate that each of the requirements in Zoning Code § 62.109 for the type of nonconforming use permit being requested is met. Attach additional sheets if necessary.

Attachments as required: Site Plan Consent Petition Affidavit

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature _____ Date _____

NONCONFORMING USE PERMIT

Establishment of Legal Nonconforming Use

City of Saint Paul

ESTABLISHMENT OF LEGAL NONCONFORMING USE STATUS

Section 62.109(a)

A nonconforming use is a use that lawfully existed at the time of adoption of the zoning code (October 24, 1975) or a later amendment, but which is not currently permitted in the zoning district in which it is located.

The Planning Commission, following a public hearing at the Zoning Committee, may grant legal nonconforming status to a use that does not meet the requirements for administrative determination but has been in existence for at least 10 years. They must make the following required findings.

1. The use occurs entirely within an existing structure;
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 in existence continuously for a period of at least ten (10) years prior to the date of the application.
3. The off-street parking is adequate to serve the use;
4. Hardship would result if the use were discontinued;
5. Rezoning the property would result in "spot" zoning or a zoning inappropriate to the surrounding land 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;
7. The use is consistent with the comprehensive plan; and
8. A notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.

The Planning Commission may attach other conditions to insure the public welfare.

Applicant's Role

1. The applicant (or representative) receives a nonconforming use permit application form from the Zoning Section, 1400 City Hall Annex, 25 West Fourth St., Saint Paul, Minnesota 55102 or online at <http://www.stpaul.gov/depts/liep/zoning/deternonconform.html>. The forms include the following:
 - a. Application for Nonconforming Use Permit;
 - b. "Consent of Adjoining Property Owners" form;
 - c. "Affidavit of Petitioner" form for individual circulating the petition.
2. Complete the application form. Include evidence that all of the conditions listed in the code (1-8 above) are met. This would include evidence that the use has been in existence for ten years, evidence of hardship, floor plans, site plans, and other information to substantiate your case. If the application is for a permit to grant legal nonconforming status for a duplex or triplex, the application shall also include responses to the duplex/triplex conversion guidelines. These guidelines are available from the Zoning Section.
3. Complete the top portion of the consent petition form, including a clear description of the use you are proposing to establish as the legal nonconforming use. On the consent petition form, obtain

the consent signatures of two-thirds of the property owners within 100 feet of the property.

A private title company or Saint Paul Zoning staff can provide names and addresses of the fee owners of property within 100 feet of the site, using Ramsey County Property records. There will be a fee for this service.

4. Complete the "Affidavit of Petitioner" form and have it notarized. Bring the completed forms, consent petition, and supporting information to the Zoning Office along with the appropriate fee.
5. Be available to provide additional information to Zoning staff as needed.
6. Attend Zoning Committee public hearing to explain your application and answer questions.

Process

1. If the petition is found to be sufficient, Zoning staff opens the file, notifies representatives of the district council of the pending application, and sets up a public hearing before the Zoning Committee of the Planning Commission. The hearing is approximately 21 days from the date the application is received. The committee meets at 3:30 p.m. in City Council Chambers on alternate Thursdays.
2. Notice of the hearing is sent at least 10 days in advance of the public hearing to property owners within 350 feet of the site and also to planning district representatives.
3. At the public hearing, the Zoning Committee:
 - a. Hears the staff recommendation based on a review of zoning code requirements;
 - b. Hears public testimony in support and opposition; and
 - c. Recommends approval or denial of the request, and indicates when the recommendation will be made to the Planning Commission.
4. The Planning Commission receives the recommendation of the Zoning Committee and makes a decision at its scheduled meeting, held at 8:30 a.m. the Friday of the week following the Zoning Committee meeting. This is not a public hearing, and no public testimony is heard. However, this meeting is open to the public, and you may attend.
5. The Planning Commission will either approve or deny the application. The applicant or any persons affected by this decision may appeal the Planning Commission decision to the City Council within 10 days of the Planning Commission decision.

If you have any questions, contact:

Zoning Office
1400 City Hall Annex
25 West Fourth Street
Saint Paul, Minnesota 55102
(651) 266-6589

SAINT PAUL ZONING FEES, 2019

Sec. 61.302. Application forms and fees

- (a) **Application forms and fee.** All applications shall be filed on appropriate forms. A fee to defray the costs incurred in administering official zoning controls established pursuant to Minn. Stat. Chapter 462.351-364, as set forth in the schedule below, shall be paid by the applicant when a zoning application is filed. The fee for applications filed with the planning administrator shall be paid to the Department of Planning and Economic Development. The fee for applications filed with the zoning administrator shall be paid to the Department of Safety and Inspections (DSI).
- (b) **Fee schedule.** Fees for the following zoning control applications shall be as follows:

<u>TYPE OF CASE AND FEE</u>	<u>WHERE FILED</u>
(1) Site plan review:	DSI
a. \$357 residential, 1 to 2 dwelling units. \$332 for additions to 1 to 2 dwelling units.	
b. \$525 for sites up to 10,000 square feet of land, \$210 for each additional 10,000 square feet of land for all other uses, an additional fee of \$273 for sites on steep slopes, in the river corridor, or in the tree preservation districts. There is an additional fee of \$473 for site plans requiring a Travel Demand Management plan.	
c. In addition to the site plan review fee, \$315 for site plans that are reviewed before the planning commission.	
d. \$32 for site plan review of agricultural uses and farmers' markets.	
(2) Conditional use permit:	PED
\$840 up to 1 acre of land, \$210 for each additional acre of land, and an additional fee of \$190 for a river corridor conditional use permit.	
(3) Major variance:	DSI
a. \$547 one- and two-family residential and signs.	
b. \$589 multiple-family residential.	
c. \$856 commercial, industrial, institutional.	
(4) Minor variance: \$442.	DSI
(5) Nonconforming use permit, determination of similar use: \$735.	PLANNING
(6) Appeals:	DSI (for BZA) PLANNING (for PC)
a. \$547 for appeals from administrative decisions to the board of zoning appeals or planning commission.	
b. \$462 for appeals from decisions of the board of zoning appeals or planning commission to the city council.	
(7) Rezoning:	PLANNING
\$1,260 up to one (1) acre of land, \$263 for each additional acre of land, and an additional fee of \$525 for rezoning <u>any zoning district</u> with a master plan, and an additional fee of \$1,050 for rezoning to PD Planned Development District.	
(8) Reduced fees for multiple approvals: For any permit or variance application in subparagraph (2) through (6) above submitted for consideration by the planning commission at the same public hearing as a rezoning, or a permit or variance application in subparagraph (2) through (6) with a higher fee, an additional fee of \$315 shall be added to the rezoning fee set forth in subparagraph (7) or to the higher fee in subparagraph (2) through (6).	PLANNING

**City of Saint Paul
Zoning Committee/Planning Commission**

Schedule for 2021 Meetings

Cut-off	Zoning Committee	Planning Commission
12-10-20	12-31-20	01-08-21
12-24-20	01-14-21	01-22-21
01-07-21	01-28-21	02-05-21
01-21-21	02-11-21	02-19-21
02-04-21	02-25-21	03-05-21
02-18-21	03-11-21	03-19-21
03-04-21	03-25-21	04-02-21
03-18-21	04-08-21	04-16-21
04-01-21	04-22-21	04-30-21
04-15-21	05-06-21	05-14-21
04-29-21	05-20-21	05-28-21
05-13-21	06-03-21	06-11-21
05-27-21	06-17-21	06-25-21
06-10-21	07-01-21	07-09-21
06-24-21	07-15-21	07-23-21
07-08-21	07-29-21	08-06-21
07-22-21	08-12-21	08-20-21
08-05-21	08-26-21	09-03-21
08-19-21	09-09-21	09-17-21
09-02-21	09-23-21	10-01-21
09-16-21	10-07-21	10-15-21
09-30-21	10-21-21	10-29-21
10-14-21	11-04-21	11-12-21
10-28-21	11-18-21	12-03-21
11-18-21	12-09-21	12-17-21
12-09-21	12-30-21	01-07-22
12-23-21	01-13-22	01-21-22
01-06-22	01-27-22	02-04-22
01-20-22	02-10-22	02-18-22

Rezoning applications requiring consent petitions must be received 7 working days prior to any cut-off date