

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, March 2, 2017 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Edgerton, Gelgelu, Lindeke, Makarios, McMahon, and Reveal  
EXCUSED: DeJoy  
STAFF: Tony Johnson, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Makarios.

**Budd Sieger et al - 17-005-500 - rezone from RT1 two-family residential to RT2 townhouse residential, 816 Ashland Ave., between Avon and Victoria.**

Tony Johnson presented the staff report with a recommendation of approval for the rezoning. He noted that District 8 made no recommendation, and there were no letters in support or opposition.

Chair Makarios asked if there are a series of guidelines for rezoning that would need to be followed. Mr. Johnson said the guidelines are applicable if the project would not meet the standards and because this is on a double lot it appears that it would be combined with all zoning standards. He added it is more than enough lot area per unit and easily meets all of the setbacks and parking requirements.

Commissioner Reveal asked that these guidelines be included in the staff report. Mr. Johnson said he did not include the guidelines because under the new zoning code they could potentially have four units.

In response to a question by Commissioner McMahon, Mr. Johnson said that he spoke with the Executive Director at Summit University Planning Council and she did not think they would have an opinion on this case. He added that they had a meeting, but he had not heard from them since.

Mr. Torstenson noted the triplex conversion guidelines for applications to rezone from single parcels to RT2 or higher to provide for conversion to a triplex. He added that the guidelines do apply in this case and that was missed. He said we can either lay this case over to allow staff to add the guidelines to the staff report or to include reference to the guidelines in the recommendations from the Zoning Committee to the Planning Commission. He noted that staff may recommend denial unless the following guidelines are met: A. lot size of at least 9,000 sq. ft.; B. gross living area after the conversion of at least 2,100 sq. ft. for the three units and no unit shall be smaller than 500 sq. ft.; C. four off street parking spaces are preferred, and a minimum of three spaces are required.; D. the property is located in a mixed density or mixed use neighborhood; E. the units must be inspected by the Fire Marshall's office as part of the certificate of occupancy program; and F. the lot and surrounding area have not been previously rezoned as part of a community wide plan and zoning study. He added that these guidelines have been met, but is unsure about the size of the gross living area.

Commissioner Reveal said that she does not believe this needs to be laid over and will be fine to comment on this for the final recommendation.

The applicant, Budd Sieger, 3526 Sunbury Dr., Woodbury, said the reason for this application is to make it easier to manage the property by having two smaller units and one, large, five-bedroom unit. He said they purchased this property in November 2016 and are trying to make this a better property for the neighborhood.

The applicant, Michael Umphress, 3525 Sunbury Dr., Woodbury, added that the comments provided in a letter of opposition were prior to their purchase of the property.

In response to a question by Chair Makarios, Mr. Sieger said the total square feet of all three units is about 2,900 sq. ft. and the upper unit is larger than 500 sq. ft.

No one spoke in favor.

Maryann Swayze, 27 Benhill Rd., spoke in opposition. Ms. Swayze said she sold the property next door to her daughter in 2001 on a contract for deed and that her daughter could not be at the meeting. She said that this neighborhood has risen to the tax base that it is, because in the 1960's and 1970's and the duplexes and

single-family homes had deteriorated once they became triplexes and then quadraplexes and when she purchased the home this neighborhood was and still is 99% are homesteaded, owner occupied, duplexes. She added that this will be one of only two properties in a square block that is a non-homestead, investment property. She said parking is atrocious with parking on only one side of Ashland Ave and that that in the past the tenant in the lower unit had been steady and the upper unit tenant had been a frat party, with four to five people living there. She said she realizes that this was not the responsibility of the current owner. She said the property across the street that is zoned RT2 are side-by-side homestead, condominiums and is not sure that it falls into the same classification as a triplex. She said that the new owner cut down a tree and because of the double lot size, another concern is future expansion into a quadraplex or addition and losing the buffer to her daughter's house. She said if she could be guaranteed that the new property owner isn't just turning a profit and would rent to stable families, she would be in favor of this application.

In response, Mr. Umphress said as a homeowner he shares these same concerns. He said there intent it to create stability in the neighborhood. He added that the tree was removed to maintain the quality of the house, due to squirrels accessing the property and in the spring the intent is to plant more trees.

Mr. Sieger said that he has been a landlord in the City of St. Paul for 30 years and has never had any problems as he manages the properties, gets the proper inspections, and lives nearby. He added that they continue to make improvements to the house and property.

Mr. Umphress added that this property will not be a short-term rental.

Mr. Umphress responded to Chair Makarios that there will be two off-street parking spots, a two-car garage, and three proposed parking spots alongside the garage.

The public hearing was closed.

Commissioner McMahon moved approval of the rezoning. Commissioner Reveal seconded the motion.

In response to questions by the Commissioners, Mr. Johnson said that the maximum number of units allowed for this structure is four. He also said that they can have a maximum footprint of 35% of the lot and because of the lot size could potentially expand the structure on both sides and maintain a 20' setback on each side. He added that the required setback in an RT2 district is 9'.

The Commissioners responded to Chair Makarios that they are satisfied that all triplex conversion guidelines have been met.

In response to a question by Commissioner Edgerton, Mr. Warner said the nature of zoning applications are legislative, and the Municipal Land Planning Act reserves the decision-making exclusively in the City Council. He advised the Commissioners that their role is advisory in making an approval or denial recommendation to the Planning Commission for the rezoning.

The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:

Submitted by:

Approved by:

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Cherie Englund  
Recording Secretary

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Tony Johnson  
Zoning Section

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Kyle Makarios  
Chair