



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

SEP 04 2013

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

### We need the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul  
(if cash: receipt number \_\_\_\_\_)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR  Mail-In  
for abatement orders only:  Email OR  Fax

HEARING DATE & TIME  
(provided by Legislative Hearing Office)

Tuesday, Sept 10

Time 1:30

Location of Hearing:

Room 330 City Hall/Courthouse

### Address Being Appealed:

Number & Street: 785/787 Ashland Ave City: St Paul State: MN Zip: 55104

Appellant/Applicant: John Semmer/Lynn Taplin Email: john@semmercc

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-327-9166

Signature: John Semmer POA for Lynn Taplin Date: 9/4/13

Name of Owner (if other than Appellant): Lynn M Taplin

Mailing Address if Not Appellant's: 787 Ashland Ave, St. Paul, MN 55104

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 612-327-9166

### What Is Being Appealed and Why? Attachments Are Acceptable

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

Driveway covering - Class 5



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

375 Jackson Street, Suite 220 Telephone: 651-266-8989  
Saint Paul, MN 55101-1806 Fax: 651-266-8951

September 3, 2013

LYNN TAPLIN  
787 ASHLAND AVE  
SAINT PAUL MN 55104

### **FIRE CERTIFICATE OF OCCUPANCY APPROVAL WITH CORRECTIONS**

RE: 785 ASHLAND AVE  
Ref. # 70724

Dear Property Representative:

Your building was inspected on September 3, 2013 for the renewal of the Fire Certificate of Occupancy and was approved. When the required fee has been paid you will receive your certificate. There are however seasonal or non-life safety deficiencies noted below which must be corrected prior to re-inspection. The following deficiencies must be corrected immediately.

**A reinspection will be made on September 27, 2013 at 10:00am.**

#### DEFICIENCY LIST

1. EXTERIOR - SPLC 34.08 (7) - All parking spaces shall be paved with asphalt, concrete, or durable dustless surfacing. Before any existing spaces may be paved, site plan approval must be obtained as specified in the St. Paul Zoning Code. Contact DSI Zoning at 651-266-9090. - **Class V driveway is not maintained, and there is evidence of former concrete slab. Alley is paved asphalt**

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

If you have any questions, email me at: [jeremy.hall@ci.stpaul.mn.us](mailto:jeremy.hall@ci.stpaul.mn.us) or call me at 651-266-8987 between 7:30 a.m - 9:00 a.m.

Sincerely,

Jeremy Hall  
Fire Inspector  
Ref. # 70724

STATE OF MINNESOTA

SECOND JUDICIAL DISTRICT

COUNTY OF RAMSEY

DISTRICT COURT

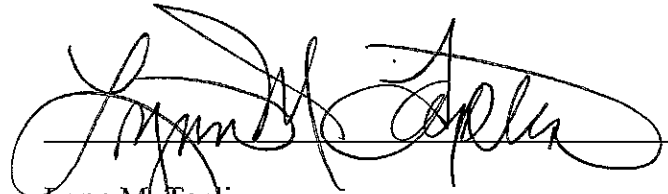
**POWER OF ATTORNEY IN FACT**

I, **Lynn M. Taplin**, an Individual and owner in fee simple of the residential rental property located at 785-787 Ashland Avenue, St. Paul, MN 55104, hereby appoint and authorize **John M. Semmer**, my husband, as attorney in fact to represent my interests regarding said residential rental property, to commence, prosecute, defend, satisfy or settle any claim or cause of action brought by or against said residential rental property in the court of Ramsey County, State of Minnesota, and to execute on behalf of the residential rental property any and all documents and pleadings necessary to accomplish said purpose.

I further appoint and authorize John M. Semmer as attorney in fact to receive any and all rents held in escrow by the Ramsey County District Court.


Date:

Aug 29, 2013

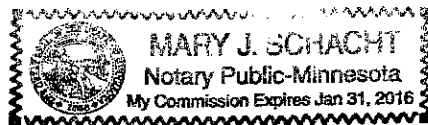
  
Lynn M. Taplin

Sworn and subscribed to before me this

29<sup>th</sup> day of August, 2013.



Notary/Court Clerk



CITY OF SAINT PAUL, MINNESOTA  
NONCONFORMING USE PERMIT

OK  
C 80  
8/23/01

ZONING FILE NO: 2000-128-118  
APPLICANT: Lynn Taplin  
PURPOSE: Nonconforming Use Permit to establish legal nonconforming status as a triplex.  
LOCATION: 785-787 Ashland; between Avon & Grotto  
LEGAL DESCRIPTION: PALACE ADDITION TO ST. PAUL LOT 19 BLK 1  
ZONING COMMITTEE ACTION: Approval  
PLANNING COMMISSION ACTION: Approval  
CONDITIONS OF THIS PERMIT: None  
APPROVED BY: Gladys Morton, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on August 25, 2000, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

**This permit will expire one year from the date of approval if the use herein permitted is not established.**

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 15 calendar days of the mailing date noted below.**

**Violation of the conditions of this permit may result in its revocation.**

*Carol Martineau*  
Carol A. Martineau  
Secretary to the Saint Paul  
Zoning Committee

Copies to: Applicant Lynn Taplin  
File No. 00-128-118  
Zoning Administrator Wendy Lane  
License Inspector Christine Rozek  
District Council 8

city of saint paul  
planning commission resolution  
file number 00-52  
date 8-25-00

WHEREAS, LYNN TAPLIN, file # 00-128-118, has applied for a Non Conforming Use Permit under the provisions of Section 62.102(i)(1) of the Saint Paul Legislative Code, to establish legal nonconforming status as a triplex located at 785-787 ASHLAND, legally described in the file; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 17, 2000, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of Section 64.300 of the Saint Paul Legislative Code; and

WHEREAS; the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

- a. The applicant initiated remodeling early in 2000 in order to enhance and preserve the building. When pulling permits to conduct the rehabilitation, the illegal status of the third unit arose. The applicant had purchased the property as a triplex, and has leased the third unit during her ownership of the property.
- b. The applicant submitted a request for continuance of the process; thus the deadline for action was extended until August 25, 2000.
- c. §62.102(i)(1) of the Zoning Code states that the planning commission may grant legal nonconforming use permits pursuant to the following:

(1) Establishment of legal nonconforming use status. The planning commission may grant legal nonconforming status to the use of structures which fail to meet the standards of section 62.102(b) if the commission makes the following findings:

moved by Field  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

site plan meeting the requirements of section 64.102, floor plans, and other information as required to substantiate the permit.

The condition is mostly met. All required materials were submitted except floor plans; since this is an existing unit not being modified or enlarged staff did not require floor plans.

4. According to "Duplex and Triplex Conversion Guidelines for Zoning Cases" adopted by the Planning Commission in 1992, applications for nonconforming use permits are also to be reviewed for conformance with the following guidelines (staff finds that these guidelines are not entirely consistent with the intent of the newly adopted housing plan referenced above):

- a. Lot size of at least 8,000 square feet with a lot width or front footage of 50 feet.

This guideline is not met. Lot is 4,720 square feet and has frontage of 40 feet.

- b. Gross living area, after completion of triplex conversion, of at least 2,700 square feet for the three units.

This guideline is met. The building is 3,100 square feet.

- \* c. Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum. A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided.

\* This guideline is met. Four off-street spaces exist and are covered with crushed limestone.

- d. All remodeling work for the triplex conversion is on the inside of the structure.

This guideline is met.

- e. The proposed triplex structure is located in a mixed density neighborhood, not a homogeneous single-family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets.

This guideline is met. The district allows housing and other duplexes and triplexes have been established as legally non-conforming uses. There are apartment buildings within one block as well. There are more single family homes than other structures on the block.

- f. The unit must be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with three or more units..

This guideline is not met. Due to construction, final inspection will not be completed until mid September. The applicant and inspector have met to identify all remaining

- a. The use occurs entirely within an existing structure;

The condition is met.

- b. The use is similar to other uses permitted within the district;

The condition is met. The district allows housing and other duplexes and triplexes have been established as legally non-conforming uses. There are apartment buildings within one block as well.

- c. 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.

The condition is met. The applicant submitted leases demonstrating rental history to 1987, and stated that neighbors report the building has been used as a triplex for at least 30 years.

- ~~X~~ d. The off-street parking is adequate to serve the use;

The condition is met. Four parking places are along the back of the property.

- e. Hardship would result if the use were discontinued;

The condition is met. The applicant stated that desired and necessary repairs were contracted dependent on the income generated by the third unit. Loss of this income would inhibit the owner from paying off remodeling costs. It was during the contracting process that the illegal unit was noted by the City despite years of operation as a triplex.

- f. Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses;

The condition is met. Rezoning would create "spot" zoning.

- g. 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;

The condition is met. The triplex has operated for many years. There is no opposition to this triplex according to signatories to the petition.

- h. The use is consistent with the comprehensive plan; and

The condition is met. Strategy 2 of the 1999 Land Use Plan ("Neighborhoods as Urban Villages") calls for a range of housing types and housing prices in all neighborhoods. The Housing Plan Chapter 4, Strategy One titled "Take Care of What We Have" states: "Maintaining—and, where necessary, repairing—what is here now may be the most important thing the City and its partners can do to encourage new investment in existing housing and the production of new units."

- i. A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.

The condition is met. Twelve signatures are required; fourteen were submitted and approved.

The application for the permit shall include the petition, evidence of a ten-year period of existence, evidence that conversion of the use and structure would result in hardship, a

steps for receiving the certificate of occupancy; contractors are hired to complete the work.

- g. An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the request. The condition is met. See finding 2(e).

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, that under the authority of the City's Legislative Code, the application for a non conforming use permit to establish legal nonconforming status as a triplex located at 785-787 ASHLAND, is hereby approved.