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APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101

General DSI Line: 651-266-9008

Zoning office use only

File no. 18-097702

Fee \$ 856 -

Tentative hearing date:

August 27, 2018

APPLICANT

Name Mussie Embaye Company Little Grocery
 Address 1724 University ave west
 City Saint Paul St. MN Zip 55104 Daytime phone 651-276-0203
 Property interest of applicant (owner, contract purchaser, etc.) owner
 Name of owner (if different) _____

PROPERTY LOCATION

Address 1724 University ave west Saint Paul MN
 Legal description: Grocery store and tobacco
 (attach additional sheet if necessary)
 Lot size _____ Present zoning _____ Present use _____
 Proposed Use _____

Variance[s] requested:

Distance Requirement for tobacco product shop.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Attach additional sheet as necessary. Clearly state how each of the required six findings are met (list them).

Applicant's signature _____ Date _____ City agent _____

FILE
18-092702

Mussie Embaye
Owner & Operator
Little Grocery
1724 University Avenue West
Saint Paul, MN 55104

June 29, 2018

Honorable Members of BZA
Department of Safety and Inspections
375 Jackson Street, Suite 220
St. Paul, MN 55101

Dear Board Members:

We are small business owners and operators of Little Grocery situated at 1724 University Avenue West, Saint Paul. We have been in business since last years. Our business was licensed to sell groceries and tobacco products. Recently, the city inspector informed us that our business is within half mile of Vape Pros, a business that retails electronic cigarettes and their associated hardware. The City is requiring us to stop the sale of certain tobacco products, which makes up about 75% of my gross sales.

If the City's restriction goes into effect against our business, it will have adverse consequences on our business survival. We want to adhere to all City regulations as law abiding citizens, small business owners and residents of the City. Vape Pros does not retail any form of traditional tobacco products and our business do not have the capacity to retail electronic cigarettes. We have no intend to ever do business in electronic cigarette.

Our business is situated alone the Light Rail Train and serves commuters of the train, pedestrians and residents of the community. We are proud of the City's work and want to continue business. However, we are appealing to your Honorable Board for a variance to give us time to adjust to the new City's regulations. In foregoing, we attached reasons justifying that our business desire your consideration for a variance against City Ordinance Section 65.535 (a) - (Tobacco Products Shop)

Yours sincerely,



Mussie Embaye
Owner & Operator
Little Grocery

Attested and assisted by: African Economic Development Solutions

1. The variance is in harmony with the general purposes and intent of the zoning code.

The variance desired will concord with the general purposes and intent of applicable sections of the zoning code in that Little Grocery, though situated and is part of a large building with residential uses, does not generate large amounts of traffic (customers) at any given time of its operational hours. Most of the customers of Little Grocery are regular pedestrians on University Avenue and people going to or from the Metro Transit (train). A reasonable percentage of Little Grocery regular customers are residents on the Southside of University Avenue within walking distance of Little Grocery. Consequently, locating parking for vehicles of residents and employees within the building has never been a problem during operational hours of Little Grocery. There is always parking spaces on N. Herschel Street and Aldine Street. Additionally, there is a business parking lot at the corner of University Avenue and Aldine Street; and a residential parking lot behind the building hosting Little Grocery.

Little Grocery is a pedestrian-oriented business because our business is ideally situated to cater to pedestrians on the Southside of University Avenue. Our typical customers are people who walk in and out within five minutes. Therefore, granting the variance will continue to increase the transit usage from this location.

2. The variance is consistent with the comprehensive plan.

The granting of variance to Little Grocery will be consistent with the city comprehensive plan to promote the development of employment opportunities in the central corridor, and consistent with the Central Corridor Development Strategy. The Business is along the Light Rail Train and greatly depends on commuters of the train as customers. Little Grocery is not just a commercial enterprise for pedestrians, residents of the area and commuters of the train, it is also the livelihood of its two owners and operators. Today, Little Grocery has two employees – the owners. With the granting of the variance and expansion of economic opportunities along central corridor because of the Light Rail Train and development of the professional soccer stadium within half mile of Little Grocery, the business is expected to grow gradually. Little Grocery's owners are tenants with a lease and paying business rents. Economically, the long-term sustainability of Little Grocery is totally depended on the variance. The owners are fully aware that the variance will be for a limited time, but they expected to adjust and make proper decisions within the time that will be allotted by the variance.

3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.

The owners of Little Grocery are tenants and a large percentage (about 75%) of the gross sales comes from the sale of tobacco products, mainly cigarettes. They are now aware of the zoning regulations and want to continue to be law abiding citizens. However, their

business and livelihood cannot stop the sale of tobacco products without serious adverse and irreparable damage to their business interest. They look forward to the variance in providing a reasonable timeframe for Little Grocery to continue surviving and at the same time instituting necessary changes to fully comply the zoning regulations by the end of the variance period.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The plight of Little Grocery is unique in that Little Grocery obtained its license from the city in 2017 as a Grocery store that retails tobacco products. The city's regulations affecting Little Grocery from retailing tobacco products when into effect few months Little Grocery commence business operations. The short timeframe makes it difficult for Little Grocery as a small business and minority-owned to make the necessary changes without seriously affecting the survival of the business. Little Grocery understands the need to have the zoning district. In this instance, Little Grocery is requesting the variance to give it more time to adjust and keep its business opened.

5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The variance sought is to temporarily allow Little Grocery to sell traditional rolled tobacco products like cigarettes. The location is part of the already established zoning for tobacco products. Vape Pros is already licensed/permitted to sell cigarette products in this zoning district. However, Vape Pros is a very large business that specializes only in the retailing of electronic cigarette which is designed to be an alternative to traditional cigarettes. Electronic cigarette is a mixture of propylene glycol, glycerin, flavors and SOMETIMES nicotine. Vape Pros does not carry any form of traditional cigarette products in its store. Little Grocery will use the variance to retail traditional tobacco products that are already within this zoning district.

Vape Pros does not retail any forms of traditional tobacco products. Rather, Vape Pros retails electronic juice (electronic liquid) and associated hardware (detachable cartridges) used for electronic cigarettes. Even though Vape Pros and Little Grocery are within the same zoning district, the two businesses will sell different products. Little Grocery does not have the capacity, neither does it intend to retail electronic cigarettes.

6. The variance will not alter the essential character of the surrounding area.

Little Grocery is a store front business on University Avenue. The essential character of the surrounding will show pedestrians moving mostly up and down University Avenue; between the transit and business along University Avenue. Granting the variance will not change the essential character of the surrounding area of Little Grocery. Rather, the

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granting of the variance will allow a small business, Little Grocery, to serve residents in this neighborhood and commuters from the metro transit. The granting of variance for Little Grocery to offer tobacco products (mainly cigarettes) will not affect or alter the essential character of other business in the surrounding area. Vape Pro's is a much bigger business that specializes ONLY in E-Cig and E-Juice, and related hardware. Vape Pro's is the only retail outlet for E-cig and E-juice products in the Twin Cities. Little Grocery will sell regular (traditional) cigarette. The two business cater to different set of customers and their operation will not change the essential character of the area. The customers of Vape Pros are not necessarily the same customers of Little Grocery.

CERTIFICATE OF SURVEY

LAKE AND LAND SURVEYING, INC.
1200 Centre Pointe Curve, Suite 275
Mendota Heights, Minnesota 55120
Phone: 651-776-6211

FILE
18-092702

Survey Made For:

Mr. Mussie Embaye
1724 University Avenue West
St. Paul, MN 55104

Site Address: 681 Snelling Avenue North, St Paul, MN 55104

EXISTING BUILDING

SNELLING AVE N.

VAPE PRO'S ENTRANCE

2716 FEET



SCALE

1 inch = 200 ft.

1724 ENTRANCE

1722 ENTRANCE

University Ave W.

Site Address: 1724 University Avenue West, St Paul, MN 55104

468 HERSCHEL STREET
EXISTING BUILDING

Herschel Street

I certify that this survey, plan or report was prepared by me or under my direct supervision, and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

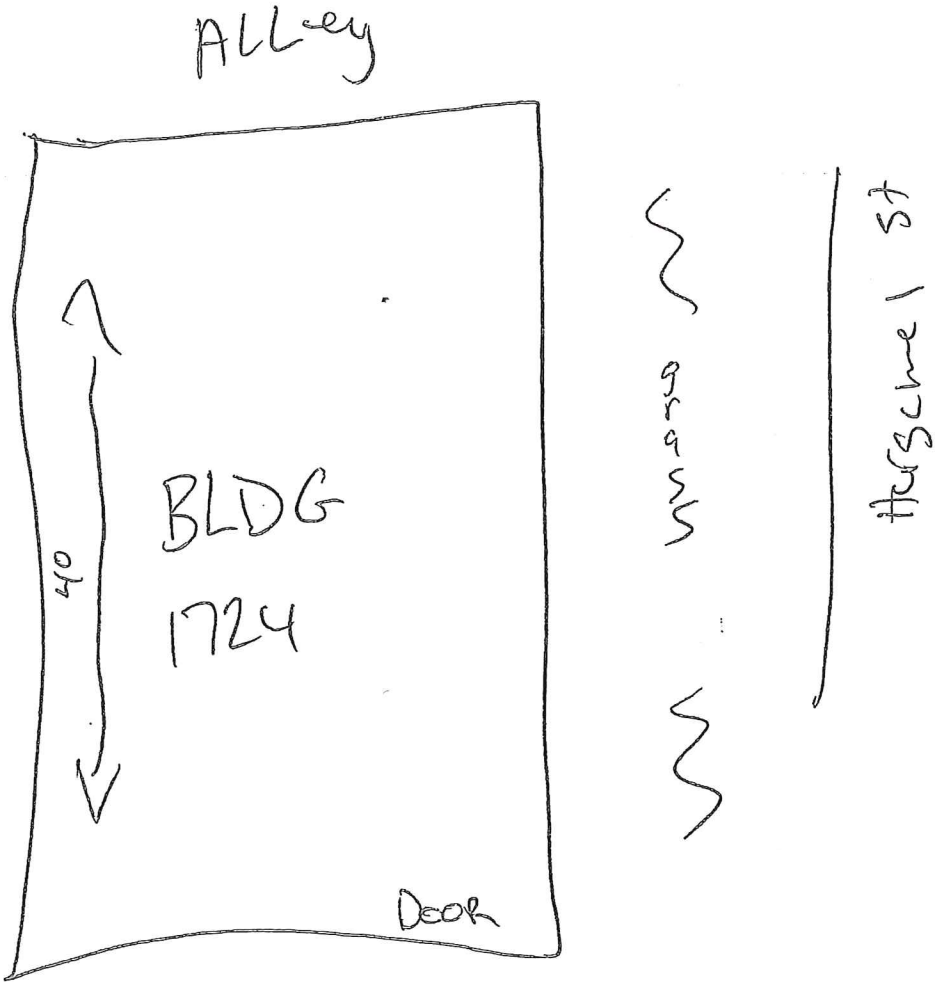
July 18, 2018

Jonathan L. Faraci
Registered Land Surveyor & Registered Engineer
Minnesota Registration No. 16464

Massie Embury
2395 Benson Ave
Saint Paul MN 55116

Site Plan

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18-092702



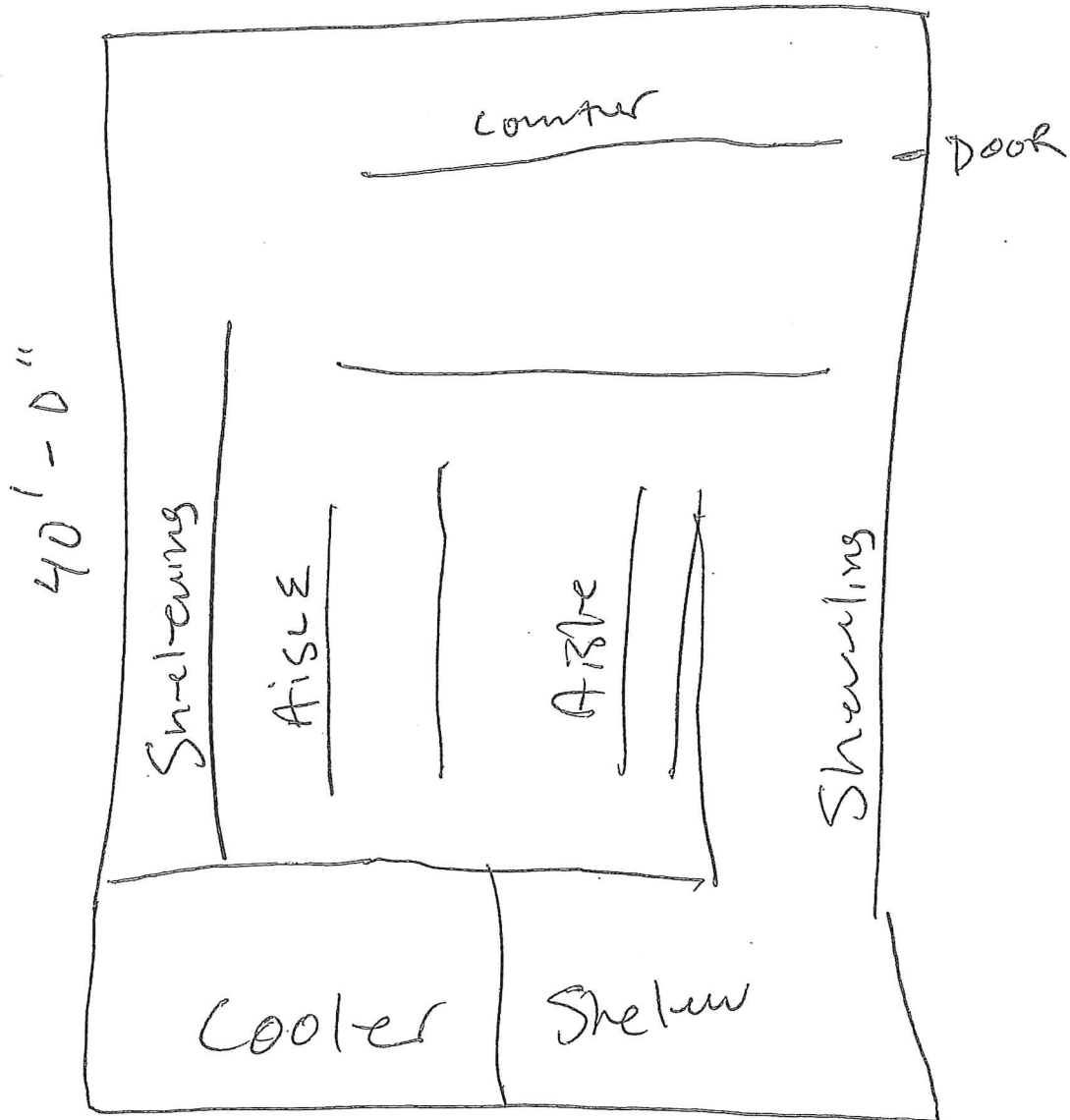
University Ave

Scale
1" = 20 feet

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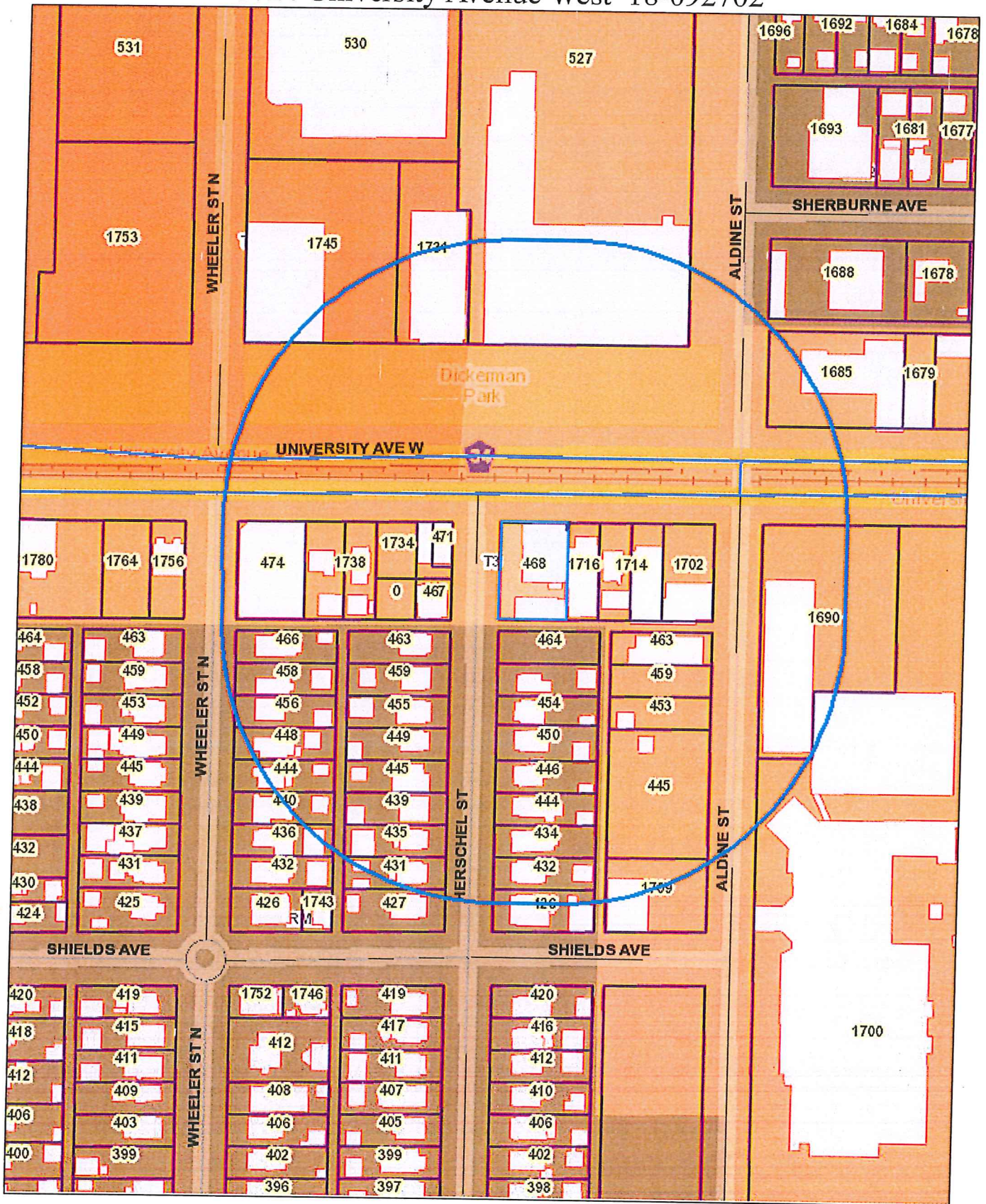
FLOOR PLAN

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Scale $\frac{3}{32}$ " = 1 foot

1724 University Avenue West 18-092702



0.00000016
Miles

Date: 8/9/2018 Time: 8:55:20 AM

Service Layer Credits: OTC GIS

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