

HELP

save our NEIGHBORHOOD by saying **NO**
to any type of Beer Brewing for sales or consumption
at the **OLD STONE HOUSE** located at
445 Smith Avenue North, St. Paul, MN 55102
Building capacity - 60 to 75 people???
Hours of operation - 11:00 pm or later???
Patio for smokers and drinkers - 60 to 75 people???
Parking???

~~Jeff Golden~~ 4215 7th St NE
Don Kreidler 430 Smith Ave #8
Robert L. Brown 431 N. Smith Ave.
TONY GAROFALO 245 GOODRICH AVE
Sandy Justen 245 Goodrich
Paul [unclear] 247 Goodrich Ave
Joycellen Babin 233 Goodrich Ave 651-341-0344
[unclear] 235 Goodrich Ave
Alexis [unclear] 232 Goodrich Ave.
[unclear] 444 Smith Ave N 651-330-2948
Cand M. [unclear] 444 Smith Ave N 651-330-3945
Stephanie Peterson 202 Goodrich Ave 651-292-4989
Connie Worn 431 N Smith Ave 651-221-0013
Jim [unclear] 255 Western Ave. S. St 62 651-724-8749
David [unclear] 202 Goodrich Ave 651-292-4989
Ylona Peterson 214 Goodrich Ave
Barrett Fitzpatrick
TERRANCE L. SCHREINER 433 N. Smith Av. 651-340-1749

HELP

save our **NEIGHBORHOOD** by saying **NO**
to any type of Beer Brewing for sales or consumption
at the **OLD STONE HOUSE** located at
445 Smith Avenue North, St. Paul, MN 55102
Building capacity - 60 to 75 people???
Hours of operation - 11:00 pm or later???
Patio for smokers and drinkers - 60 to 75 people???
Parking???

Robert L. Brown	431 N. Smith Ave.
Don Kreicher	430 Smith Ave
Michelle Zick	428 Smith Ave
Paul Krupke	217 Goodrich
Jayellen Burke	233 Goodrich Ave
Pat Gantner	425 N. Smith
Brian Brown	431 Smith
Mark Camp	232 Goodrich
annette S. O'Keefe	235 Goodrich Ave
Jennifer Gellae	235 Goodrich Ave.
Richard P. De	444 Smith Ave N
Anna M. Kobelt	444 Smith Ave N.
Jeff Golden	425 7th St NE

From: Richard Haus [<mailto:dickhaus@comcast.net>]

Sent: Friday, August 21, 2015 12:30 PM

To: Boulware, Christine (CI-StPaul)

Subject: Stone saloon

Christine. I am writing to you to check how the meeting on the stone saloon property went. Please include my non endorsement of the project please include this with the info for the upcoming meetings. My reasons are that one the property will not benefit from the addition to the building, changing from 25-30%use to 70-75%use will not help the neighbourhood, having a parking lot 200ft from the stone saloon along a dark slippery alley sounds like a disaster looking for a home, next the addition of a kitchen will not help with the air quality in the area ,last the property needs full ADA access both for parking and access to the second floor party room planned. I hope these points will help the board reach a decision. Thank You for your time in reading this..

Dickhaus@comcast.net

Richard Haus
444 Smith Ave N
St. Paul Mn 55102
Cell 612 670 0972
Home 651 333 02948

Dave I am writing to you to express my displeasure with the plans for the stone saloon building We as neighbors have been told all sorts of things first a music shop then a club and now a tap room. As someone who lives directly across from the building my concern is for the continued good of the neighbourhood. We have watched the continued work across the street for a number of years and not seen any project completed with in any degree of time.

The concern that I bring is the disruptive influence that having two tap rooms with in 50 feet of each other is not a good thing, second the plan to expand the building with three new sections housing restrooms, a full kitchen, and a brewery on the property will greatly change the look of the site. The building is historic as it sits not as a 30% historic building and 70% New work.

The next point is the over use of the space on the property to go from using 30% to using 75% of the space really does change the historic use of the property. The fact that there is no parking at the property and the proposed parking is over 200 feet away down an unlit alley does not bode well for persons coming and going in the colder months, there is also the question of ADA access to both the building and to and from the parking and the proposed party room on the second floor, the third point is a request to have Smith changed to 27/7 permit parking to avoid the car doors slamming late at night (I seem to recall that bars with food have a 1am closing)

Thank you for taking the time to read this message if you have any questions please feel free to call me 612 670 0972

Again thank you. For your time

Richard Haus
444 Smith Ave N
St Paul Mn 55102

[Sent from Yahoo Mail on Android](#)

From: "RICHARD" <rphaus@comcast.net>

To: "Dave Thune" <Dave.Thune@ci.stpaul.mn.us>

Sent: Thursday, August 20, 2015 3:56:47 PM

Subject: Stone Saloon

Hi Dave,

Anna Kobett here at 444 Smith av N, right across from the stone house. No matter what you were told, the neighbors closest to that place are against the plans to have it be a tap room restaurant fiasco. We had been told it would be a violin shop with lessons there as well. We were accepting of that idea, however, a second tap room on the same block as Bad Weather Brewing (which we were also apposed to. There are enough bars here.) is far more than we are willing to put up with. The mess, noise, and smell would be bad enough; but add declining property values and increased home owners insurance is far more than we are willing to tolerate. Most of the people who are in favor of this are related to them, or friends of the family. Is it going to be necessary to have our friends and families also send letters and e-mails? If so I will start spreading the word from here too.

Anna Kobett
444 Smith Av N
651-330-2948

Hello Bill,

My husband, Terrance Schreiner and I (Joann Schreiner) live at 433 Smith Ave N. with my daughter and my two young grandchildren. We live right across the alley from the Stone House, 445 Smith Ave. Recently, Bad Weather Brewing moved in right behind us, from that building to the Stone House building it is 45 ft away from one another, do we really need another bar that close to one another. We are **against** having saloon that close to us, it is bad enough to have one behind your house we definitely don't need another along side us. Tom Schreoder is well aware that we are against the saloon as is many of our neighbors that will be directly affected by this, which we have signed petition showing as such. I will send you and Dave Thune a copy of it tomorrow.

Below is the email I sent to Dave Thune, one correction, the Star Tribune article was 11/30/10 not August 2014, which was an error on my part, that would be paragraph #4. These are the issues that concern all the neighbors that will be most affected if the variance is approved.

Also, ever since we heard Tom Schroeder planned to open a saloon at 445 Smith Ave, my husband and I have been in contact with the city, numerous times within the last two years, asking how can he do this if it is a residentially area then how can he make it into a saloon. Per the city, Tom Schroeder would need to have approval for this business from the neighbors within a 100 ft.. The signed petition will show that everyone within a 100 ft of 445 Smith Ave, oppose this business, oppose that our residential area will turn into a commercial area. If Tom Schroeder wants a business at 445 Smith Ave then it should be a business that can be ran in a residential area.

Sincerely,

Joann Schreiner

433 Smith Ave N.
St. Paul, MN 55102

To: Barbara Wencil and Gaius Nelson

Hi my name is Ruth Dantuma.

I own two properties in the neighborhood of the Stone Saloon. Together with my husband, Dirk Dantuma, we own 59 Irvine Park and 311 Walnut. We moved into our Irvine Park property in 1997 and started the rehabilitation of 311 Walnut in January 2012. That home is right off West 7th Street and very near Tom Reid's bar, Burger Moe's and other drinking (and eating) establishments. There are two residential use properties on that block of Walnut (307 Walnut and 311 Walnut) and all residents knew of their proximity to the bars before buying or renting their home but that doesn't mean we are not willing to make and maintain lovely and livable homes.

Dissimilarly, the neighbors of the Stone Saloon may have a bar very close to them post purchase or rental of their home. I believe that Tom Shroeder is a thoughtful developer but I want to make it clear that he must yield to the neighbors in terms of business hours, noise, lighting and security if he gets the house rezoned.

I understand what it's like to live near a bar and the noise is not limited to business hours. Besides the noise of happy/unhappy intoxicated people, deliveries, garbage pickup and recycling can occur at any time day or night. These sounds are annoying and disruptive to residents. I ask you to defer to the neighbors for special conditions for use if the Stone Saloon house gets rezoned.

I appreciate the restoration but actually appreciate the residents of this neighborhood more. Please don't forget about them.

Ruth Dantuma
59 Irvine Park
Saint Paul, MN 55102
311 Walnut Street
Saint Paul, MN 55102

I wish to contribute my comments to the hearing on Thursday August 27th regarding the variance for 445 Smith Ave.

My name is Teresa Boardman and own the home at 105 Leech Street. I am opposed to all three of the variances being asked for so that this property can be used as a tap room/brewery with food service and additional parking. The property is in a residential area close to an existing brewery and a bar across the street.

Teresa Boardman Realtor®
651-216-4603
Boardman Realty

<http://StPaulRealEstateBlog.com>

To the Zoning Committee:

My name is Joycellen Boykin I live at 233 Goodrich, the property adjacent to the property 445 Smith St. The first thing I want to say is I am opposed to the Whole idea of a Tap Room Brewery/Restaurant next door to my home. I believe it will have a huge impact on the traffic in our neighborhood and all for the worse. There is already an issue with not enough parking on my block so I park in my drive way, I have been here 23 years and have only had one or two issues that have made me or my family uncomfortable. The Bad Weather Brewery which is a huge brew pub/tap room that is approximately one whole block, set to open 10/01/15 right behind my home and the owners have assured me and the neighbors that their traffic will remain on W 7th Street. The Bad Weather Brewery already increases the intensity and is too much for our neighborhood. The proposal of Stone House owner compromises every homeowner or renter on the Goodrich side as the foot traffic in the alley will be off the grid. Not to mention the car traffic in the alley looking for a place to park, potentially hitting walkers while all are trying to get to the establishment to drink. This has been a very quiet and peaceful neighborhood up until now. The party at 445 Smith St the night of the last hearing 08/13/15 was confirmation of all of my concerns. At 10:30pm when I arrived home there were people all over the alley, in My bushes urinating and they were guests of 445 Smith and there is an outhouse on the property, also there were about 20 people outside. Further demonstrating that his guests will have no regard for my privacy or my property.

The character of our neighborhood is family oriented at any time you may see people out peacefully walking their pets, children playing in the back yards of their homes. My concerns stem from the possibility of strangers accessing another establishment serving alcohol traveling our side streets and alleys. We are also proposing 24 hour parking in area 7.

If this building were a tourist house because of its history or ambience and it remained consistent with the character of our neighborhood I would not have any issues. However, to build a huge add on building with space to brew beer and accommodate a kitchen for bar/restaurant would impact our neighborhood in

such a way that totally does not preserve the little historic house that Fransis lived in for 70 plus years. When I bought my house 5 families lived along my property line, then the owner of Stone house bought 2 more of the remaining properties for his agenda. For 2-3 yrs he told all of us he was building a violin shop. It's no longer about the preservation of the Stone House, it's about a Saloon/Restaurant and trying to buy my home and Terrance's home next to his on Smith for parking purposes so that he can turn our quiet neighborhood into a commercial area. Contrary to what he believes this Saloon will not enhance our neighborhood. Tom is banking on me being unhappy and trying to sell my home so that he can build his parking lot next to his business.

My feeling is that Tom is also banking on the fact that this procedure is new, (first of its kind) sets the precedence for future endeavors. We expect this in commercial areas, not in our back yards. People that have a lot of money to invest in hobbies and preservation of buildings should not be able to take one historic building and use it to restructure a whole community for their own advantage. We should not have to fight for normalcy, safety nor integrity of the homes we have worked so hard to get or keep. We are normal hard working people. Please help us preserve our neighborhood. I hope that the newness of this procedure does not fail all of us that have planned our lives around our homes and community. We don't know all of the legal garb to be able to talk to you all about statutes and variances, we're just normal people that have worked hard to fulfill our dreams for our families.

Sincerely,

Joycellen Boykin

Dermody, Bill (CI-StPaul)

From: Paulette Myers-Rich <pmrich22@hotmail.com>
Sent: Monday, August 31, 2015 1:42 PM
To: Thune, Dave (CI-StPaul)
Cc: Dermody, Bill (CI-StPaul); Spong, Amy (CI-StPaul)
Subject: 445 Smith Stone Saloon
Attachments: 445 Smith Stone Saloon ZC.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dave,

Despite the concerns and testimony of many of our neighbors and ourselves, the zoning committee of the planning commission recently voted to permit the establishment of a microbrewery and taproom with food for 445 Smith. This is a site that has combined three R-4 zoned residential properties into a larger historic site which adjoins several residences and is directly across an entire block of residential homes. There were no conditions placed on the Stone Saloon's operation, only regarding the HPC requirements in its building.

We are very concerned with the fallout from the soon-to-be-opened Bad Weather Brewery taproom and even more so, the addition of the Stone Saloon. In its proposed form the Stone Saloon Taproom and Microbrewery project not only adds to the intensity of customers patronizing 3 adjoining drinking establishments, but also it destroys the integrity of Smith Avenue as the last stretch of intact historic houses on Smith between the River and downtown. This is the last fragment of Smith Avenue's residential history and it is not only the Stone House that is a historic house. We also oppose the moving of the Charles Palmer House, built in 1874 which is directly across from Jim Sasevich's house, also from the 1850's. Some of the houses are tired and a bit in need of updating, but some have been well cared for and renovated by homeowners who've been on Smith for decades. They are primarily owner-occupied family homes.

There are those who think Smith isn't a desirable street for a house, however all of us on this block love our homes, having worked very hard to acquire them and maintain them and our neighborhood and we fear what is to come. The consequence of the Stone Saloon opening is that there will be homeowners who move, as well as long-time tenants who leave. It may be a hard sell for the HRA to get a long-time owner occupant to move into 457 Smith due to two taprooms one one block in residential neighborhood. The houses that could be lovingly restored may be bypassed for this due to the poor quality of life two taprooms will bring and the context of Smith will be destroyed as a historic residential block. Our community runs the gamut- from stay-at-home working artists and professionals who office in their home to hard working folks out the door at 5 a.m. - 7 a.m. to stay-at-home caregivers of children and ailing aged family members. We have teens and we have elders. We hope we may even have toddlers at the HRA owned 457 Smith as we had in the past. We are here, we have been here for many years- decades in most cases, and want to remain here, on Smith, in our homes.

We have observed that Tom Schroeder has put a lot of effort into promoting the Stone Saloon in many media outlets as a community benefit, but to which community? He is well connected and a powerful attorney who has friends and admirers at City Hall and in the various offices around town that deal with historic preservation. However, I wonder how many have seen his most recent plan which basically dismantles the stone house's earliest part of the frame structure and removes the last, authentic residential house from 1874

on his parcel in order to build large faux-historic 2-story brewery in the midst of other historic homes. The HPC at least is concerned about this, and many I've spoken with in support of the Stone Saloon idea are completely unaware of the details of this project and are surprised to learn what is actually proposed. The information and history put out by Schroeder has been very one-sided and self-serving, however it's not complete nor is it even accurate. Much of it is speculative and misleading. But through his media campaign he has gained a great deal of support which has swayed members of the zoning commission and of course the Federation. (Adam Yust is our neighborhood representative there- what chance do we have with the Federation?) And many of Schroeder's letters of support come from well outside the area.

You are our last hope for conditions being placed on this project (which we oppose) but if this is to go through we beg you to see that conditions are placed on this establishment. Please read the attached letter which is detailed. It is long (not anywhere nearly as long as all the written materials on behalf of the Stone Saloon) but it rebuts and addresses the concerns of many residents in the surrounding area of Uppertown. Included in this letter are the conditions we would like to see. Also, please note that the zoning commission isn't adhering to its own list of requirements for such a variance. The Historic Use Variance shouldn't be exempt from the standard Planning Commission requirements for variances. If this is the case then the HUV appears to have created a form of spot zoning which can be used to assert historical elements of a building for future uses that wouldn't normally be allowed. This will set a bad precedent.

Please take time to review the attached letter of testimony submitted to both the HPC and the Zoning Committee and protect the peaceful use of the homes in our neighborhood, as well as the historic character of Smith Avenue.

All best wishes-

Paulette Myers-Rich & David Rich on behalf of many residents of Smith and Goodrich in Uppertown.

Paulette Myers-Rich and David Rich, 436 Smith Avenue N., St. Paul 55102

August 18, 2015

To the St. Paul Planning Commission Zoning Committee regarding the historic use variance for 445 Smith Avenue North as a tap room and microbrewery with food service and parking variance.
File #15-143-784, 15-143-968, 15-146-534

We are submitting this letter, as we cannot attend the August 27th meeting. Please take this as our testimony and also as a rebuttal regarding much of what has been written in support of the microbrewery with taproom and food service proposal for 445 Smith Avenue N. It is long and detailed, but we request that this letter be read in full and taken as seriously as the multi-paged application for the variance is.

After much deliberation and ambivalence, we are writing to say for the record that despite earlier signing a petition of support of Tom Schroeder's plans for this site, we have rescinded that signature in favor of a less impactful plan for 445 Smith. Based on recent experience, we now believe this plan is too intense for our neighborhood. We know that the Fort Road Federation has voiced support for this project but it must not be aware of the opposition of a majority of the immediate neighbors. We reviewed the HPC packet online and saw that a large majority of the support for this project comes from outside our neighborhood and from outside the city. However, many of our neighbors did testify against the project at the HPC hearing on August 13th as well as signing a petition opposing this variance. Most of those signatories live within 100 feet or less.

Residential property owner's personal response

We've reviewed the staff report for this hearing and the many letters written on behalf of the "Stone Saloon." We must say that we are disheartened at some of the area community and business representatives' disregard for the immediate households on Smith and Goodrich adjoining the site. Many have written how this will be a "wonderful community gathering space" for Schroeder's supporters and tourists near and far. And how our neighborhood "needs" this use. The "Stone Saloon" has been widely promoted by the owner Tom Schroeder in the media and his letters of support show that much of it comes from outside the historic Uppertown neighborhood. However, this support is in complete disregard for the immediate neighbor's opposition to the variance requested by Schroeder for his renovation plans, which have changed substantially since he first acquired 445 Smith.

In particular, one influential community leader who we have worked with since the early days of the West End Garden Tour, Kent Petterson, writes in his letter:

"My opinion is that Smith Avenue is not a long term desired location for a home, while this idea (German Lager Saloon) hits the sweet spot."

This is particularly appalling to us, as our home at 436 Smith was on the first Garden Tour and our son's home, adjoining the back of our building at 208 McBoal was on the garden tour this spring and also four years ago. We have worked very hard renovating two derelict properties on the immediate block in question. The residence at 208 McBoal was a HUD Section 8 foreclosure abandoned by an absentee-owner, creating a Category 2 vacant building with squatters. We bought it in 2011, renovated and landscaped it beautifully, providing peace and quiet to our neighbors John Yust and Tom Schroeder. Our property at 208 McBoal adjoins the Martin Weber house at 202 McBoal, a newly designated historic limestone house, and has improved that property's quality tremendously. It also provides a stable home and office for our son who is a writer, and a lovely rental unit that has

attracted young professionals to our neighborhood. Our present tenant also works at home, as many of us in the neighborhood do.

We find life on Smith and the immediate block quite desirable and have lived here for 13 years. Our son moved here from Lowertown and has lived here for 4 years. We have no interest in leaving and do not see this as a sub-par street. In fact we see this block as already a very "sweet spot" indeed. In addition, our hard work and large investment of capital into these two properties that are in very close proximity to two historic limestone houses has offered stability and favorable contexts that would not be present had we not made our investments, which are considerable.

The residents on Smith love their neighborhood and have many decades of life on this street in this primarily working-class neighborhood of single-family homes and rental units, including several tenant-neighbors who have been here for nearly a decade or more. It's insulting to hear that our block isn't desirable, or that we and our homes and properties are less than, in favor of this perceived "improvement" via a "historic" German Lager Saloon and microbrewery with food service.

And despite Schroeder's testimony in his application, this is primarily a residential block with many other historic structures and is under consideration as a historic residential district. We refute his points in the Staff Report. As a part of his application, Schroeder writes:

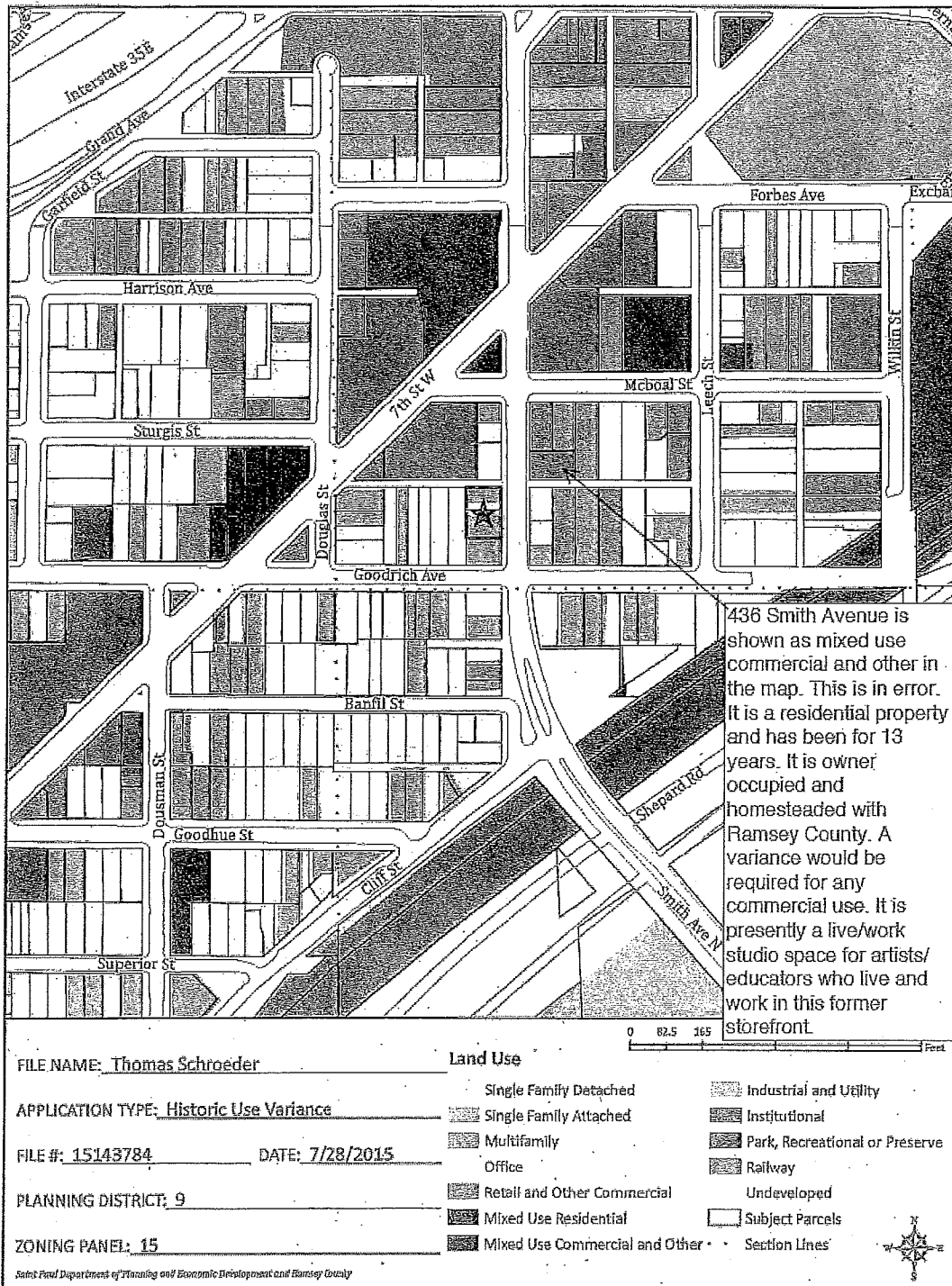
d. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area:

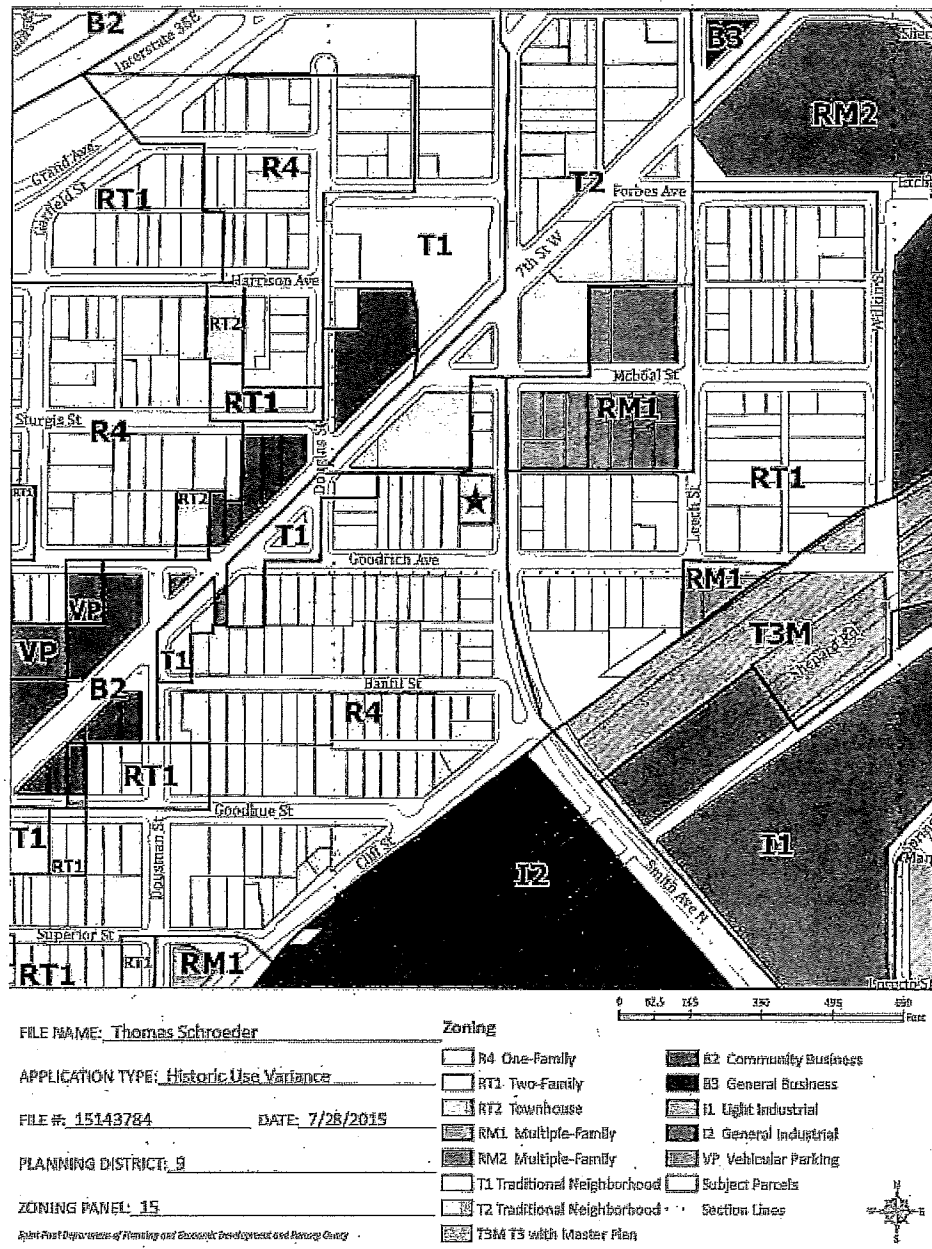
"The use of the Stone Saloon as a tap house/microbrewery is similar (although smaller in scale) to the current use of a much larger and partly contiguous TN2 site immediately across the 16'-wide alley to the northwest (also adjoining three residences to the northeast), newly operating as Bad Weather Brewery (not yet operating)... Garafolo's Automotive Repair operated from a T1 parcel approximately 180 feet down the alley from the Stone Saloon. A flat-roofed former factory building turned used clothing store turned artists' studio lies immediately across Smith Avenue...to the north of the Stone Saloon. (our residence at 436 Smith) Bonfe's Auto Repair lies approximately 300 feet north and across Smith Avenue in T2 zoning. (This auto body shop would never be approved as a new business adjoining a block of residences today). With the immediate neighborhood and along W. 7th St. numerous T1-T2-B2 and B3 zoned parcels sit immediately adjacent to R4 and other residential zoning classifications. The proposed use for the Stone Saloon is compatible with this mix of commercial and residential classifications in the immediate and surrounding areas..."

-Tom Schroeder (comments in parens. mine).

Schroeder's narrative is asserting that this block is not as residential as it actually is. (See zoning maps below.) It is true that there are a few commercial enterprises nearby, but they are very low key. Schroeder mentions Garafolo's Automotive Repair on Goodrich on the alley, but fails to mention it is also the site of their residence. Digideo's is across on W. 7th however; a large bermed park with trees buffers our homes from it. Bonfe's Auto Body closes at 5 pm weekdays and is not open on weekends. The verdict is out on Bad Weather Brewery, as the business has not yet opened. It is not yet operating as Schroeder states.

Not mentioned is the nearby Smith Avenue North High Bridge Garden and Sculpture Park, which is a neighborhood gathering space. We have worked on many of the projects there including the rebuilding of the well-known "Green Chair," the St. Stan's Baptismal Gates project, planting pollinator gardens and maintaining and cleaning the park. This is a family destination with beautiful views of the river below.





Despite Schroeder's above testimony "With the immediate neighborhood and along W. 7th St. numerous T1-T2-B2 and B3 zoned parcels sit immediately adjacent to R4 and other residential zoning classifications, you can see in the above map, there are no such zones in the immediate area of 445 Smith Avenue. The B-3 mixed use commercial has many storefronts with residences above and is across W. 7th from our block. The adjacent T-2 site is Bad Weather Brewery, which is not operational at this time. It is in a permitted zone, but we also fear disturbances from this site. The T-3M zone is below the High Bridge and river bluff, The T-1 and T-2 zones nearby are the Salvation Army and United Hospital. The Labor Union office building is about to be built nearby in the T-2 area on Smith. There is a gas station well on the other side of Smith and W. 7th but it also adjoins a few historic but derelict houses on that stretch of Smith. The primary occupants of the mixed-use zones are primarily social service entities, storefronts and offices with residences on Smith and W. 7th that have an entirely different impact from entertainment, tourism and hospitality operations that have late hours and large numbers of customers. And they are all on the other side of W. 7th, not in "immediate" proximity to our R-4/RM-1/RT-1 blocks.

Schroeder also fails to mention the Salvation Army, (closer to 445 Smith than Digideo's is), which houses services for the homeless, daycare, after school programs, breakfast program, food pantry, voting and church services. He fails to mention the Women of Nations Shelter on Leech St. at the NW corner of McBoal, where many women and their children experiencing domestic abuse are housed while in crisis. He doesn't mention the Seventh Day Adventist Church on Leech St. at the NE corner of McBoal, a community that discourages the use of alcohol and promotes healthful living. One more drinking establishment in a neighborhood with many residents in recovery and in need of social services and where they worship is not harmonious in my opinion. I'm quite certain that these organizations would not see the use of 445 Smith as a German Lager Saloon as a "sweet spot." Indeed, they may be unaware of the plans, as I see no response from these communities. They may know but be too short staffed to respond. Regardless, they are a significant part of our community and of the equation of what's a harmonious use in the context of the immediate area.

Schroeder refers in his zoning narrative to the "*flat roofed factory building turned artist's studio*" which is our private residence and studio space at 436 Smith. We can promise you that a bar directly across the street from our building is not compatible with our private or professional life. Paulette Myers-Rich's studio is in the front of the building on Smith and is where she does her writing, research and meticulous fine press bookwork, which is well respected and collected internationally. Her work is held in the MNHS Library and Archives and she has received 3 Minnesota Book Awards for work made in this studio. Unit #3 at 208 McBoal is her study room and artist book library where guests and scholars can do research and access a substantial collection of Minnesota-based book art. David is a painter and art educator for over four decades and exhibits his work internationally. We are both in the collections of the Walker Art Center. Our son is a nationally known writer and works at the home he owns in partnership with us at 208 McBoal, behind our building. We share the back yard as a restful environment away from the street. We live part-time in New York City in the winter months and return to our residence on Smith for 6-9 months each spring to work in our studios and enjoy our gardens and outdoor spaces both front and back. The use of 445 Smith would disrupt the peaceful use of our live and workspaces especially during the summer.

Chronology

The renovation of the stone house began at a modest scale with the intention of saving it from demolition. Tom Schroeder has always talked with his neighbors and spoke to us of his plans from the earliest moment, prior to even buying the property in 2008, which was then a Category 3 vacant building. We were ever so grateful to him for saving the house. Tom's original stated use was that it would be residential, and that his brother-in-law was thinking of living there and using it for a violin repair shop. We supported that use and thought it would be a very good fit.

Tom also bought and demolished a problem property two doors down from 445 Smith, which was vacant and derelict in order to renovate the stone house due to shared water mains. We supported that as the property was beyond reclamation and if it was necessary for the renovation of the stone house, then so be it.

However, over time, Tom's plans grew more and more ambitious. He bought out our neighbor, the owner of the adjoining "Charles Palmer" house (seen in the photo below on the left of the stone house) and arranged for it to be moved. We opposed this and talked to him about having it shifted over to the adjoining lot to fill in the huge open space that remains from the first house Tom had demolished. But he decided to stage things in favor of his ever expanding "Stone Saloon" plan despite nearby neighbor's opposition, which has been clearly and frequently expressed to him.

The stone house and the recently combined lots have primarily been residential property throughout its history. Despite the discovery of its initial commercial use, that origin isn't sufficient to override what is indeed, a residential neighborhood and overturning its residential zoning code in order to

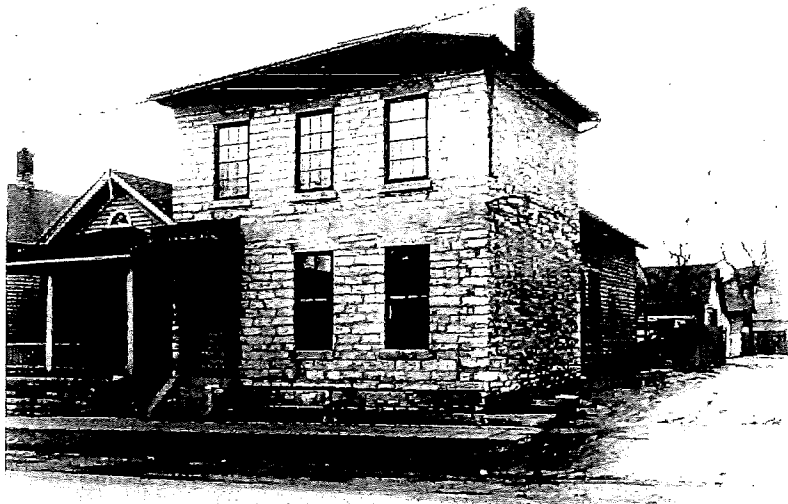
return to some short-term "original use" is disingenuous at best. Much of the long-time context of the site has been utterly demolished and removed by the applicant as he is intent on building new structures for commercial use on the residential R-4 zoned lots adjoining 445 Smith by combining them into one site. It is quite obvious this is not a truly historic use of these sites, and absolutely not an appropriate one for this R-4 single-family housing zone. In the case of 445 Smith, we consider the new Historic Use Variance as actually a form of "spot" zoning, defined as creating an island by singling out a parcel for special privileges not consistent with surrounding uses. The practice is illegal in Minnesota.

On his website about this project, (which has been promoted heavily in the media before all variances and permits have been given), Schroeder states:

It wasn't until Tom and Ann Schroeder bought the "house" in 2008 that the building's actual history was uncovered. As the Schroeders and local architect John Yust carefully deconstructed the interior of the building, they found baseboards and finished plasterwork mysteriously running behind the front wall. That evidence, combined with the odd position of the front door and a significant fault line in the front exterior wall, made it clear that someone had filled in an original commercial façade with matching limestone masonry as part of a 125-year old residential rehab.

The commercial facade was filled in to turn it into a single-family home, which has been its primary use since 1864. Despite this part of the site's history, Schroeder writes as though the 145-year use of this structure as a residence is moot. The speculated upon short-term use as a saloon is interesting, however it doesn't override the fact that this property was converted into and used as a residence for well over a century and is in an R-4 zone.

The stone house's brief use as a saloon is not more significant than, nor does it trump the residential nature of the households who once lived at 445 Smith and especially those who currently live and work in the adjoining properties whose lives will be disrupted by such an intense use of these residential sites. Furthermore, the adjoining lots being brought into this plan were always residential housing. The house at 457 Smith adjoining the south of this combined site of 445 Smith is a Category 2 vacant building presently owned by the HRA as a part of the Invest St. Paul program and is soon to be rehabbed for sale as a single-family residence. It will be difficult to recruit an owner occupant to purchase this property next to such a public and active site such as this "historic" Stone Saloon. Adding to the intensive impact on our neighborhood is the Bad Weather Brewery site adjoining 445 Smith Avenue that will share pedestrian, car and truck traffic in the alley that is also the only access to many resident's off street parking and trash containers. (See photo below).



After reflecting on Tom Schroeder's plans and in speaking with our immediate neighbors, we spoke with Tom face-to-face a few weeks ago just before the HPC hearing and told him our concerns about the scale of the project. Tom asked for the benefit of the doubt assuring us that the Stone Saloon and microbrewery and historic site project would not have a negative impact on the block, as it won't be that kind of establishment and he would personally see to that. We gave him that benefit and chose to not testify against this project at the HPC hearing on August 13. However, the in the evening after the hearing, he held a gathering at 445 Smith for Civil War re-enactors and despite Tom's assurances the gathering was indeed disruptive due to the very nature of the built environment. It's simply not possible to have a gathering in our neighborhood without it affecting the nearby neighbors. We all have gatherings from time to time but they are low key and infrequent. This will be a daily and nightly occurrence and we can't withstand such disruption in our homes and work life.

Neighborhood History and Context

Several of us on Smith, Goodrich and McBoal perform our professional work in our homes, and many others are workers with early morning start times for their jobs. There are children who get up early for school and need to do their homework. There are elders who have health challenges. We have struggled long and hard to acquire a peaceful quality of life for our block after years of disruptive properties and are dismayed that we may suffer a disruptive environment once again. This is a residential neighborhood and this project is out of scale for its context. It will damage the quality of life for those who are in this historic residential neighborhood unless there are conditions that meet the needs of this residential zone.

Tom Schroeder has stated that "the highest and best use" for 445 Smith is as the "Stone Saloon." Many disagree, including the HPC Staff Report for a Historic Use Variance:

6. The use variance is the minimum needed to enable the property to be used in a manner that will have *the least impact upon its historic character and the character of the surrounding area.*

This finding is not met. Other uses, such as single-family housing or a live-work unit with a small office on the first floor would not require a large building addition, the demolition of the circa 1885 addition or the moving of the nearby circa 1870's cottage outside the potential West Seventh Street historic district, and therefore would have less impact on the site's and neighborhood's historic character. (itals. mine). The 2011 Mead and Hunt survey recommended this four block area for historic designation given it possibly represents the largest collection of the earliest houses constructed in the City. These Pre-Civil War houses are primarily modest vernacular forms or more formal Federal and Greek Revival architectural styles. By 1925 there were four buildings on one lot (445 to 457 Smith), all oriented at the front sidewalk and three of them were very close together. The overall character of this area is of modest homes, some with multiple dwellings on one lot and few accessory structures.

The house at 445 Smith can still become a lovely single family home, much as the Schillinger-Brings House at 178 Goodrich. They are in fact very similar structures. (See photos below). The "commercial storefront" window would suit a single family home as it is very much in that style. (See attached HPC Report) If Tom Schroeder is stating that he didn't create the hardship he is having with the expense of renovating this site that is disingenuous. He didn't have to purchase the Charles Palmer house next door. But the fact is he did in order to have it moved. Instead, he could have sold it with the condition that this historic worker's cottage be moved to his adjoining lot and restored, using those funds for his stone house. Doing this would have added so much charm to Smith Avenue and be much more authentic than what he is proposing. Instead, nearly all the early authenticity of those two additional residential sites combined into his one lot has been demolished or removed by Tom Schroeder in order to fulfill his goal of opening a "historic" bar and restaurant, which is the proposed use. This is not true historic preservation of this section of Smith Avenue.

Tom Schroeder is much more enthralled with his speculative version of Uppertown's history and primarily concerned with his personal priorities rather than the quality of life and restoration of other nearby historic Smith Avenue houses. Despite pleas from his neighbors to not move the Charles Palmer cottage, and concerns about our quality of life and peaceful use of our homes and our occupations being disrupted by this saloon and microbrewery on Smith Avenue he has forged ahead.

Schroeder began renovating 445 Smith six years ago knowing it was residential. When he decided to do the Stone Saloon project, he lobbied hard for this new Historic Use Variance with the HPC to be passed at City Hall. He has heavily promoted it in the media despite the many conversations neighbors have had with him in opposition to various aspects of his project. To say he didn't have a hand in any "hardship" that he may find himself in is a fiction. He has been an active agent with a single-minded plan before variances for such a use, historic or otherwise, have been granted. This is a project not permitted on a residential block, as we all know. It is why he has worked so hard to promote it with those in power and with other history enthusiasts while ignoring his immediate neighbors. It appears to be spot zoning by and for this applicant by many people, including adjoining property owners who are skeptical of this project.

Schillinger-Brings House at 178 Goodrich.



Anthony Waldman House, camera facing southwest.

Anthony Waldman house at 445 Smith Avenue.

Schroeder and many of his supporters have stated that it is not economically possible to do this restoration project without the economic support of the income generated by the saloon, hence the "hardship." This proposed project promises to be even more expensive with the addition of the outbuildings, the fittings for a microbrewery with kitchen and staff to manage it all, than it would be to simply repair or replace the rear addition of the stone house, so that claim is not convincing. To assert a hardship claim to justify his need to position this microbrewery in a residential zone despite neighbor's objections is disingenuous as well as callous. As stated above, this building could be returned to use as a single-family home with a live/work component. The side yards could be beautifully landscaped. The small adjoining house about to be moved off the block could instead be moved next door to the vacant R-4 parcel and complete the streetscape in a more authentically historic fashion as has been done with empty lots all over Uppertown and Little Bohemia. Funding from the Legacy Amendment and other historic grants could be applied for, or a co-operative or LLC partnership could be formed to do this type of restorative work. This may still be an option, as the house hasn't been moved yet. Regardless, a German lager saloon and microbrewery with food service is not the highest and best use of this site. A return to the intact streetscape with renovated structures would be the highest and best use of the property and enhance the context of this historic aspect of this important block of Smith Avenue and assure the peaceful use of the surrounding residences, which is much more in harmony than this proposal.

Schroeder chose instead to attempt a saloon in a residential neighborhood despite these other options for "higher and best use." There is no reason he couldn't have sold the side lot or brought in partners devoted to restoring the Charles Palmer worker's cottage such as was done with the Dahl House in the nearby W. 7th Brewery neighborhood, as opposed to reestablishing a long-defunct, short-lived saloon. He willingly gambled on this proposed project rather than adhering to the residential nature of these sites. Furthermore, a large majority of Schroeder's proposal is new construction of a faux-historic nature that will overshadow the stone house and its neighbors. In no way is this project an improvement for our street- nor does it replace or make up for what is being lost in the opinion of many other historic preservation minded citizens and neighbors. It feels false because it is false.

Neighborhood Impact

The biggest concern from our block is that this establishment is a hobby project for an individual with no actual experience of owning and operating a bar and restaurant, which is essentially what this proposal is. We know the serious responsibilities that come with managing this kind of business, as our son has been in the industry as a bartender, waiter and bar manager for over 20 years in St. Paul. David Rich descends from a family of bartenders and bar owners in the city of Chicago. We know that an experienced bar owner would be reluctant to operate in immediate proximity to single family homes even if it were permitted, knowing the issues that are sure to arise due to customers who act out on the street. Schroeder's recent gathering at 445 Smith gave us cause for these concerns despite his assurances, as his guests spent much time out in the alley and on the sidewalk and stoop out front at nearly midnight on a weeknight, smoking and talking, even after personally expressing this concern to Tom just a week before. We can hear all this inside our homes, even with windows closed, and it means we can't have our windows open in summer if this variance is permitted. Additional concerns are the numbers of customers patronizing this drinking establishment; "history" tour groups and tour buses; evening hours; parking issues on a restricted residential permit street (Area 7) where the restrictions end at 8 pm allowing for parking that results in late night noise and nowhere for residents who work evening shifts or have evening errands or events to park when they come home.

Zoning Code variances in St. Paul

From the city of St. Paul website:

Code Requirements

Before the Planning Commission can grant a Nonconforming Use Permit, they must make the following findings:

- The use occurs entirely within an existing structure; *(a new addition and structures will be built)*
- The use is similar to other uses permitted within the district; *(bars are not permitted in an R-4 zone or property)*
- The use has been in existence continuously for a period of at least 10 years prior to the application; *(not used as a saloon for at least 145 years in this case and never as a brewery).*
- The off-street parking is adequate to serve the use; *(not adequate, this area is restricted Residential Permit Parking Zone 7 and is one block from the river. Parking will spill over onto adjoining residential streets with inadequate off-street parking for residents, despite his very small parking lot at the end of the alley).*
- Hardship would result if the use were discontinued; *(no hardship here, there are options for this site and the use has been residential for 145 years. Schroeder knew this at the time of purchase).*
- Rezoning the property would result in "spot" zoning or a zoning inappropriate to the surrounding land uses; *(This results in "spot zoning" turning a single family house into a bar and microbrewery)*
- 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; *(it is detrimental to all these things. The additional traffic in and out of the alley by inebriated customers walking to their cars is a concern, as is the fact that the highest crash rate on the entire stretch Smith Avenue is between the High Bridge and W. 7th St. This is well documented by Public Works studies done for traffic calming on Smith and police reports. We are very worried about adding yet one more bar to the area.)*
- The use is consistent with the comprehensive plan; and
- That a notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use. *(This has not been obtained. On the contrary there is a petition of immediate neighbors against this variance). (Italics mine)*

Zoning Committee Staff Report rebuttals:

D: The surrounding land use of 445 Smith is primarily residential, with operating hours and buffers for the few operating businesses: DiGideo's, Bonfe's Garafolo's Automotive. The live/work unit to the northeast is our residence and is a homesteaded residential property. Bad Weather Brewery is not operational at this time. We also fear disturbances from this site, but it is in a permitted zone.

H: 3(a) Findings: *the variance is in harmony with the general purposes and intent of the zoning code and R-4 minimum setbacks...* It is not solely the setbacks that are of concern, but the commercial use of three original historic residential sites combined into one, adjoining and near many residences including 457 Smith, an HRA owned Category 2 vacant house which will soon be rehabbed back to an owner-occupied single-family dwelling. The side porch on the proposed addition to the stone house faces that nearby property. In addition, the front sidewalk and porch of 445 Smith has become a central gathering spot for guests and tourists. The front of the building is only 50' across the street from single-family homes that are already being disrupted by its present use as a historic site. This is based on past and recent experience from events and tours, which have been hosted by Tom Schroeder. In addition, we often have tourists and others congregate in front of our residence while talking about the stone house and taking pictures from this side of Smith Avenue which disrupts the peaceful use of our home.

www.youtube.com/watch?v=xNYbYATnDQ0

Requested Conditions

The Planning Commission may impose such reasonable conditions and limitations in granting an approval as are determined to be necessary to fulfill the spirit and purpose of the zoning code and to protect adjacent properties.

We therefore request that if a variance is granted (which we are opposed to) we ask that it be with the following conditions based on our experiences with gatherings at 445 Smith Avenue.

- A closing time no later than 8 pm, 7 days a week which coincides with residential parking restrictions.
- No smoking on the (very narrow) public sidewalk in front of 445 Smith Avenue.
- Windows and doors at 445 Smith should be closed at all times due to the noise that carries into nearby homes.
- No outdoors, patio or porch service or smoking due to proximity of nearby homes.
- Tours on foot and by bus should be restricted to once a week and tour buses should not be permitted to idle on the street due to noise and fumes affecting nearby homes. (We've had groups gathered outside with guides talking about the site. We can hear every word inside our homes while trying to work. It is quite disruptive. We've had tour buses idle for extended periods of time and pollute the air with diesel and noise resulting in keeping our windows closed.)
- No live or recorded music that can be heard from the sidewalk

If, as Tom has claimed on the past, that this "Stone Saloon's" use will be as a "nano-brewery," a historic site and community gathering place more along the lines of a private club as many neighbors and friends were first told, then he won't object to these conditions. If however, Schroeder insists on following through with his submitted proposal it will have a major impact on the neighborhood as it will require regular consumption of the product brewed on site making it necessary to open it to the general public or host events to turn enough profit to pay for and manage this ambitious enterprise. In that event, these conditions are necessary for the peace, well-being and stability of Smith Avenue and the north side of Goodrich that shares the alley with 445 Smith Avenue.

Again, it is with regret that we must be in opposition to Tom Schroeder's plans and withdraw our support. We have been good neighbors for 13 years. However, he gives us no alternative, as the impact of his proposed project will irreparably harm this sweet little historic residential area of Uppertown. It has already very much polarized our neighborhood. For those in the area who see this as an asset to the neighborhood and its historic character, we respond that our homes on Smith and a part of Goodrich will be difficult to live in due to the disruptive nature of a "saloon" (bar) and micro-brewery in our midst. We are upset that the historic Charles Palmer worker's cottage is being removed from Smith Avenue in favor of new construction. We also fear the unintended consequence of owner-occupied houses reverting to or remaining absentee landlord sub-par properties due to unfavorable living conditions. We presently have long-time neighbors on Smith who are preparing to move should this project be approved. We lose good neighbors and it diminishes the potential for future owner-occupied, lovingly restored historic houses on Smith and Goodrich. We have worked long and hard to turn this area around. Please deny the variance for the proposed commercial use of 445 Smith and keep the R-4 single-family zoning intact. If the variance is granted, please do so with the above conditions and the enforcement of those conditions. Thank you for your time and consideration in this matter.

Sincerely, and on behalf of many of our immediate and area neighbors,

Paulette Myers-Rich

David Rich

436 Smith Avenue N., St. Paul, MN 55102

Please add this testimony to my earlier submission from 8/23/2015.

Regarding the demolition of the historic, rear 1 1/2 story frame addition, it is our observation that the Charles Palmer cottage cannot be moved unless the 445 Smith historic and original addition is torn down. We find it implausible that in order to restore a historic structure, one must be destroyed and replaced with a larger addition destined for commercial use, rather than restoring or replicating the smaller residential original, and that the historic worker's cottage on the site must be moved off the lot, rather than to the south of the stone house of 445 Smith Avenue N. where it could fill in and complete the streetscape in a more authentic way. We are very concerned that the original fabric of this block of Smith Avenue is being destroyed and replaced with faux-historic commercial structures (microbrewery with food service) that have no bearing on the actual history of the site and are detrimental to the quality of life of the current and future residents on this residential block. We share this concern with neighbors who have not signed in agreement with Schroeder's plans, but also have not weighed in officially in opposition. This is a polarizing issue in our area and some are keeping their heads down in order to avoid friction. Schroeder has been very intent in his plans despite neighboring opposition and has set up certain conditions at 445 Smith that have seemingly painted him into a corner.

Any supposed hardship asserted by the owner Tom Schroeder has come about by his own actions. The Charles Palmer cottage cannot be moved from the front as the stone house's concrete stoop comes in front of the cottage, blocking it and preventing removal from that direction. There is also a tree and a light post on the boulevard directly in the way. The only pathway to move the cottage is to tear off the original addition to the stone house and move it before the new addition is built. None of this demolition or removal work would need to be done if this property owner wasn't so intent on establishing a microbrewery and taproom with food service on three combined 4-R lots in a residential-zoned neighborhood being considered for historic district designation. Schroeder's plan hasn't passed the Zoning committee or the City Council yet, and there is considerable neighborhood opposition, yet he still moved forward, gambling the outcome would favor him.

This is not an act of historic preservation, but an act of historic destruction in order to build new construction that simulates historic structures. Structures that do not reflect the original structures that the owner both already has, and intends to have, removed. The block had simple, modest 1 1/2 story houses on these lots which were purchased by the owner with the intent of removing them in favor of his project before any variances or permissions have been granted, and knowing it was all R-4 zoned. Schroeder himself set up most of the "hardship" conditions being addressed in this hearing and created a situation with what seems to have produced an inevitable outcome. He caused many of these conditions and is now claiming financial hardship and a need to earn money from the site in order to save it. We find his argument weak and self-serving and destructive to historic context of the block. There are other more fitting approaches to the reuse of this site.

Please find a way to keep 445 Smith a residential restoration and leave open the possibility that

a more authentic and appropriate historic structure, including the Charles Palmer cottage, may find it's way to the open space adjoining 445 Smith, or have this space become a lovely side yard for the stone house, or perhaps split the lot with 457 Smith, giving that house more green space and a place for off-street parking in order to create a more peaceful, harmonious and authentic restoration of these R-4 lots on this important historic street.

Sincerely,

Paulette Myers-Rich
David Rich
436 Smith Avenue N
St. Paul, MN 55102

REQUESTED AS AN ADDENDUM TO THE PREVIOUS TESTIMONY (RCV'D 8-25):

Dear Christine and Amy,

Many in our neighborhood and the vicinity hope that everything possible can be done to preserve as much of this very early residential street as possible and to prevent the moving of the Charles Palmer cottage from this historic site as well. It is dismaying to many of us who know the difference between the actual complex history, and the speculative, narrow focus of Schroeder's own priorities. I have read his application to the National Register of Historic Places (attached) and so much of the actual use of 445 Smith as a saloon is conjecture- and regardless, if it was used as a saloon it was very short-term and there was never a brewery, micro or otherwise on this site. The building has also been referred to as a "store" in city records so its actual use is speculative. What we are certain of is that it's longest-term use has been as a single-family residence. Schroeder minimizes the nature of the contribution of the families who lived there and emphasizes the importance of German lager beer to the development of the city as though the worker's lives and their contributions are insignificant. This is typical when it comes to the working-class aspect of local history. This project is proposed by an amateur history buff and a long-time brewing hobbyist longing to set up a pseudo-historic saloon, brewery and eventual restaurant in a historic neighborhood in a still-delicate phase of reclamation. The HPC is our only hope of saving this very significant portion of one of St. Paul's earliest neighborhoods from what many feel is an act of historic vandalism. Indeed, parts of the rear of the Charles Palmer cottage have been demolished in preparation for this move and Xcel Energy has very recently taken out the gas line. The wheels have been set in motion.

Once these structures are gone and the site altered, irreparable damage will have been done to what has remained intact for over 150 years, ironically and largely due to the restricted income of many long-term residents who called 445 Smith home. The selective history on the part of the applicant and his desire to remove structures for his project has been maddening to say the least. Your staff report states "The demolition of the 1880s wood frame portion of the building will have a negative effect on the building and on the surrounding neighborhood..." It would

not only be the loss of the small wood frame structure that would have a negative impact, but the loss of an original early house as well. I truly believe that the driving reason to demolish this structure is to remove the Charles Palmer cottage from the site, which would destroy the integrity of the block. If all goes according to Schroeder's "Stone Saloon" plan, the result will be a theme park, not an authentic historic site. Please save this block from further damage and maintain the integrity of the entire built environment of this block of Smith Avenue.

Many thanks-

Paulette Myers-Rich
David Rich
436 Smith Avenue N
St. Paul, MN 55102

(RCV'D 8-26)

Amy,

Thank you very much for all this information. It has been very confusing in our neighborhood how all this works. Many neighbors believe this is already a done deal, as there has been much media attention paid due to Schroeder's efforts in publicizing all this before anything has been granted. People keep asking me when the saloon is going to open as the expectation is that this is a certainty. So some opposed have been under the impression that there wasn't recourse, but the notices sent gave them the information they needed to learn the process and that they have a voice.

I will share this information with my neighbors, and please feel free to add my earlier email's final two paragraphs and other points in this one about the importance of the integrity of Smith Avenue to my testimony.

All best wishes-

Paulette