

city of saint paul  
planning commission resolution  
file number 18-27  
date May 4, 2018

WHEREAS, in File # 18-035-742, the Planning Commission has considered revocation of a conditional use permit for a bed and breakfast due to noncompliance with conditions of the permit under the provisions of Zoning Code § 61.108, on property located at 241 George Street West, Parcel Identification Number (PIN) 07.28.22.13.0175, legally described as the west 15 feet of the south 35 feet of Lot 2, the south 41.53 feet of Lot 3, all of Lot 6, and the west 15 feet of Lot 7, Dorhardt Rearrangement; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 29, 2018, 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 §61.303 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:

1. In October 2014 the planning commission granted a conditional use permit for a bed and breakfast residence with four (4) guest rooms. In March 2017 the planning commission modified the conditional use permit to increase the number of guest rooms from four (4) to six (6) and simply to prohibit use of the bed and breakfast residence for any commercial or social events. The planning commission attached four conditions to the modified permit. Condition #4 states, *The bed and breakfast residence shall not be used as a small conference center, private retreat center, or reception house for weddings, reunions, or parties. Documentation by the Zoning Administrator of any such use or advertising for such use shall result in immediate referral to the Planning Commission for revocation of the conditional use permit.*
2. Zoning Code § 61.108 states that the zoning administrator shall notify the planning commission when a development covered by a zoning approval is not in compliance with any of the conditions imposed on the approval. The commission may, at a public hearing, following notice to the owner of the property and adjacent property owners, upon determination that the conditions imposed by the approval are not being complied with, revoke the authorization for approval and require that the use be discontinued. The commission, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable or impossible of compliance.
3. The Department of Safety and Inspections received a complaint and documentation that

moved by Edgerton  
seconded by \_\_\_\_\_  
in favor 10  
against 1 (Ochs)

there was a New Year's Eve party advertised as "Murder at Dearing Mansion: A New Year's Soiree." Based on this information the zoning administrator determined that the property owner was in clear violation of the fourth condition of the modified permit. The zoning administrator notified the planning commission of noncompliance of conditions of the permit in a letter dated February 20, 2018.

4. The property owner submitted a letter stating that this is a significant and unfortunate misunderstanding, adding that he collaborated with two friends and together they organized the event and advertised it to their private list of friends. The letter states that the house was not rented to a third party or private group to sponsor the party.
5. The advertisement for the New Year's Eve event does not list the property owner among the event's hosts. The advertisement identifies a fee to attend the event, allows a refund up to 7 days before the event, and states that the event was "sold out". The modified permit that was approved in 2017 prohibits use of the bed and breakfast residence for any commercial or social events. The advertisement for the event, including a fee to attend, indicates that this was a commercial event, something explicitly prohibited by the conditional use permit.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the Dearing Mansion Bed and Breakfast conditional use permit (Zoning File #17-000-688) at 241 George Street West is hereby revoked.