

ZONING COMMITTEE STAFF REPORT

FILE NAME: 1329-1331 Lincoln Rezoning

FILE # 21-305-090

APPLICANTS: Gary and Catherine Ballman

HEARING DATE: October 21, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 1329-1331 Lincoln Avenue, between Hamline Avenue and Syndicate Avenue

PIN & LEGAL DESCRIPTION: 03.28.23.42.0031; Block 3, Lot 18, Stinson's Boulevard

PLANNING DISTRICT: 14

EXISTING ZONING: RT1

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: October 15, 2021

BY: Mike Richardson

DATE RECEIVED: September 24, 2021

60-DAY DEADLINE FOR ACTION: November 20, 2021

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- A. **PURPOSE:** Rezone from RT1 two-family residential to RM1 low-density multiple-family residential.
- B. **PARCEL SIZE:** 150' x 40' = 6,000 square feet. Area of half the alley adjacent to the parcel is 400 square feet.
- C. **EXISTING LAND USE:** Duplex – two-family residential
- D. **SURROUNDING LAND USE:** North: Commercial; East: Single Family Residential; South: Single Family Residential; West: Single Family Residential
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The building was constructed in 1923 as a duplex. RT1 zoning was established in 1975 as part of the establishment of our current citywide zoning districts. Permit history since 2001 describes the building as a duplex. A truth-in-sale of housing (TISH) report from 2017 also describes the building as a duplex. The applicant purchased the property approximately three years ago and states that sometime before the purchase a third unit had been built in the basement and was illegally rented out. Since the most recent purchase, only the upper two units have been rented. The applicant is applying to rezone the property to legally rent out the third basement unit.
- G. **PARKING:** The property has a four-car garage off of the alley.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Macalester-Groveland Community Council had not commented on the proposed rezoning at the time of this staff report.
- I. **FINDINGS:**
1. The application requests rezoning from RT1 two-family residential to RM1 low-density multiple-family residential for the purpose of accommodating a third residential unit.
 2. The Planning Commission's Triplex Conversion Guidelines (2009) state that staff will recommend denial of applications to rezone single parcels to permit conversion of structures to triplexes unless the following guidelines are met:
 - (a) *Lot size of at least 9,000 square feet.* This guideline is not met. The area of the lot is 6,400 square feet including the area of half of the adjacent alley as described in § 63.101.
 - (b) *Gross living area after completion of the conversion of at least 2100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The gross living area for three units would be approximately 4,180 square feet. The proposed basement unit is 978 square feet and no unit would be smaller than 500 square feet.
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are a required minimum.* This guideline is met. There are four off-street parking spaces provided in the garage off the alley on the north side of the property.
 - (d) *The property is located in a mixed density or mixed use neighborhood.* This guideline is met. The neighborhood surrounding the property contains a mix of uses and density.

- (e) *The units 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. The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into building and fire code compliance.* This guideline will be met. Although a rezoning cannot have conditions attached, this guideline must be met for the third unit to be legally occupied.
 - (f) *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).* This guideline is met. This lot has not been rezoned since the 1975 citywide rezoning.
3. The proposed RM1 multiple-family zoning is not consistent with the way this area has developed. While the proposed RM1 zoning is compatible with the residential and neighborhood-serving commercial uses and zoning along Grand Avenue to the north, RM1 zoning is neither consistent nor compatible with the one- and two-family residential zoning and existing development along Lincoln Avenue. Existing development throughout the stretch of Lincoln Avenue from Ayd Mill Road to the parcels fronting on Snelling Avenue is characterized by one- and two-family dwellings. Both sides of the block faces along this area of Lincoln are consistently zoned R4 one-family residential west of Hamline Avenue and RT1 two-family residential east of Hamline. This pattern of one- and two-family residential development along Lincoln Avenue is consistent with the intent of the existing RT1 two-family residential zoning district, which is to provide "for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve residents in the district." While there is a legal nonconforming five-unit building at the corner of Lincoln and Hamline (a collector street), this building is an outlier. With this exception, the only uses on Lincoln Avenue extending at least three blocks in either direction are one- and two-family dwellings.
 4. The proposed zoning could be consistent with the Comprehensive Plan. Policy LU-34 encourages "medium density housing that diversifies housing options, such as townhouses, courtyard apartment, and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods." The parcel in question is within an area designated as an Urban Neighborhood, in which "single-family homes and duplexes are most common" and "[m]ulti-family housing...*may* also be scattered throughout." (Italics added for emphasis.)
 5. The current RT1 two-family residential zoning permits reasonable use of this 40-foot-wide lot and existing duplex at 1329-1331 Lincoln Avenue. The house, built as a duplex and already legally nonconforming based on the lot width, is a reasonable use of the property.
 6. The proposed RM1 multiple-family zoning of one small lot at 1329-1331 Lincoln Avenue would likely be considered "spot zoning" as it is a use classification inconsistent with the one-and two-family development pattern along several blocks of Lincoln Avenue and blocks to the south. "Spot zoning" is illegal in Minnesota. Spot zoning under Minnesota law "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." Rezoning one small lot at 1329-1331 Lincoln Avenue to RM1 multiple-family easily fits within this definition and would likely be considered spot zoning because it would create an island of nonconforming multiple-family residential use within a larger RT1 two-family residential zoning district.
- J. **STAFF RECOMMENDATION:** Based on findings 2(a), 3, 5 and 6 above, staff recommends denial of the proposed rezoning from RT1 two-family residential to RM1 low-density multiple-family residential at 1329-1331 Lincoln Avenue.



REZONING APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # _____
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Property Owner(s) Gary and Cathy Ballman
Address 384 Holly Ave City St Paul State MN Zip 55102
Email garyedwardballman@gmail.com Phone 651-285-3034
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____
(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY INFO

Address/Location 1329/1331 Lincoln Ave
PIN(s) & Legal Description 032823420031 Stinson's Boulevard Lot 18 Blk 3
(Attach additional sheet if necessary.)
Lot Area 6,360 sq ft Current Zoning RT1

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, _____
Gary and Cathy Ballman

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
RT1 zoning district to a RM1 zoning district, for the purpose of:

operating the building as a triplex. We are requesting that our property at 1329/1331 Lincoln Ave, which we purchased in 2017, be rezoned from RT1 to RM1 so that we can legally rent the basement apartment. The building was built in 1923 as a duplex. At some point after that the basement was finished as a studio apartment and rented out. When we purchased the building the basement unit was not rented, and we have not rented it out. Each of the three units has its own thermostat and front and back entrances off the common area entrances to the building. The property has a four-car garage. According to RENTCafe, the average rent in Macalester-Groveland is \$1,232/mo. We plan to charge considerably less than this, which will contribute to the affordable housing stock in the area. There are other multi-family buildings on the block, including a 5-unit building two buildings to the west. Across the alley from the lot is all commercial business.

Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

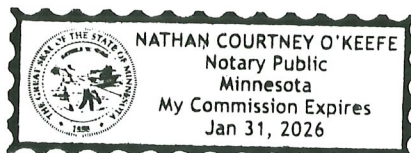
Subscribed and sworn to before me

Date 9-20-21 2021

Nathan O'Keefe
Notary Public

By: Cathy Ballman
Fee owner of property

Title: OWNER



Langer, Samantha (CI-StPaul)

From: Gary Ballman <garyedwardballman@gmail.com>
Sent: Wednesday, September 29, 2021 4:46 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: 1329/31 Lincoln Ave: more pics to come

Think Before You Click: This email originated outside our organization.

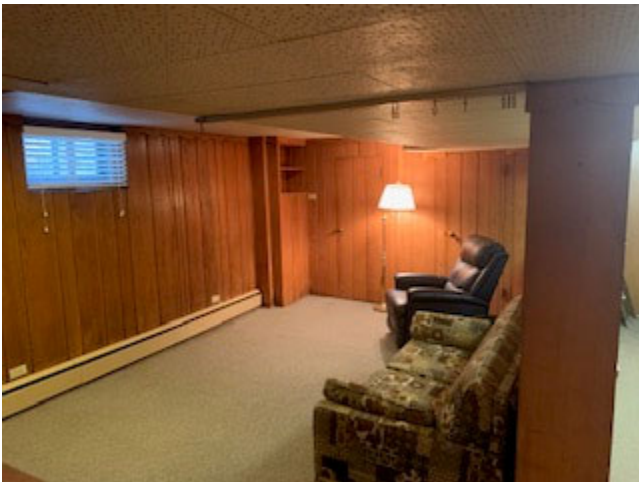


Sent from my iPhone

Langer, Samantha (CI-StPaul)

From: Gary Ballman <garyedwardballman@gmail.com>
Sent: Wednesday, September 29, 2021 4:48 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Pictures 3&4

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Sent from my iPhone

Langer, Samantha (CI-StPaul)

From: Gary Ballman <garyedwardballman@gmail.com>
Sent: Wednesday, September 29, 2021 4:48 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Pictures 5&6

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Sent from my iPhone

Langer, Samantha (CI-StPaul)

From: Gary Ballman <garyedwardballman@gmail.com>
Sent: Wednesday, September 29, 2021 4:49 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Pictures 7&8

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Langer, Samantha (CI-StPaul)

From: Gary Ballman <garyedwardballman@gmail.com>
Sent: Wednesday, September 29, 2021 4:50 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Pictures 9&10

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Langer, Samantha (CI-StPaul)

From: Gary Ballman <garyedwardballman@gmail.com>
Sent: Wednesday, September 29, 2021 4:51 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Last picture

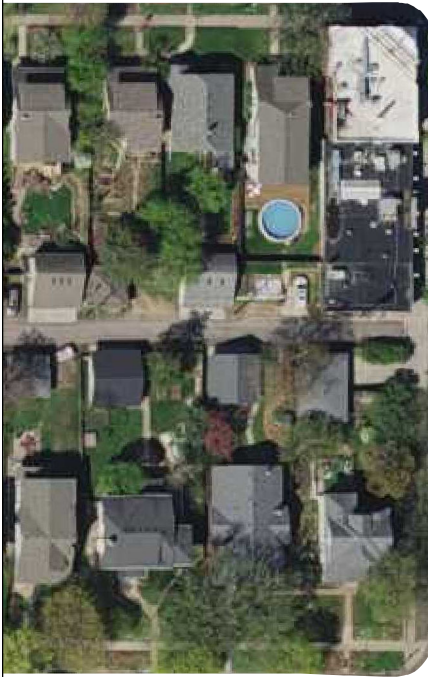
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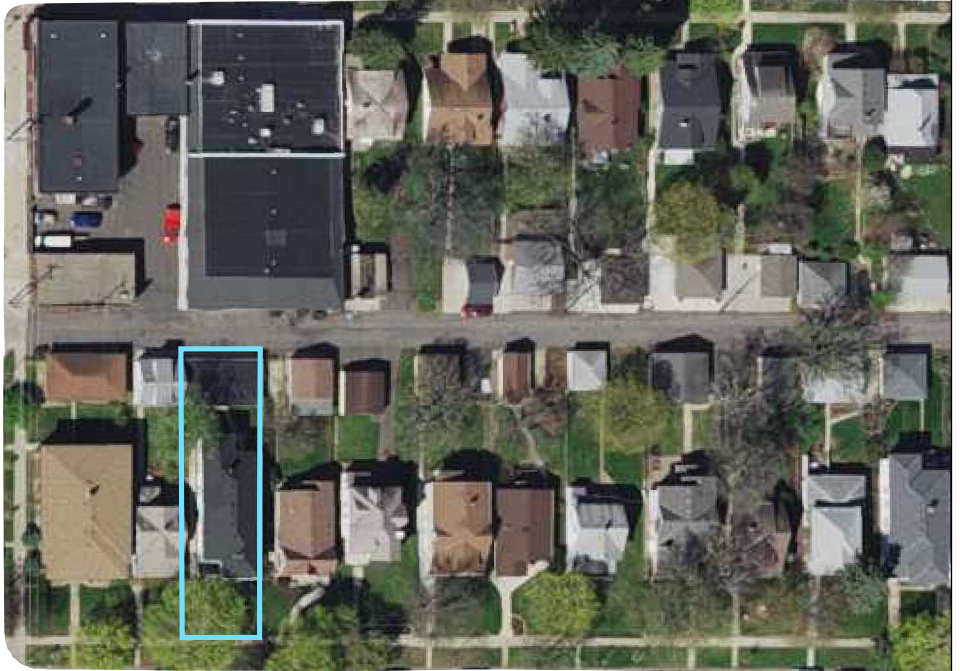
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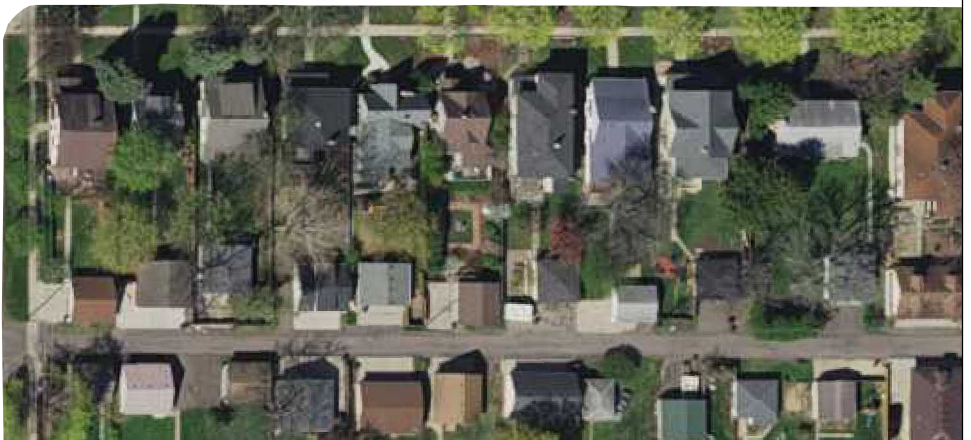
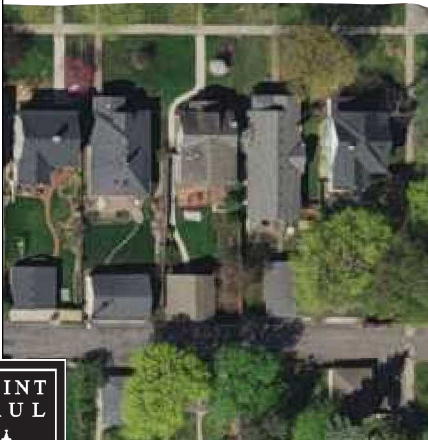
Grand Ave



Hamline Ave S



Lincoln Ave



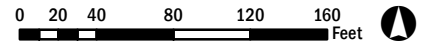
FILE # 21-305-090 Aerial Map

Application of Gary Ballman & Cathy

Application Type: Rezone



Application Date: September 22, 2021

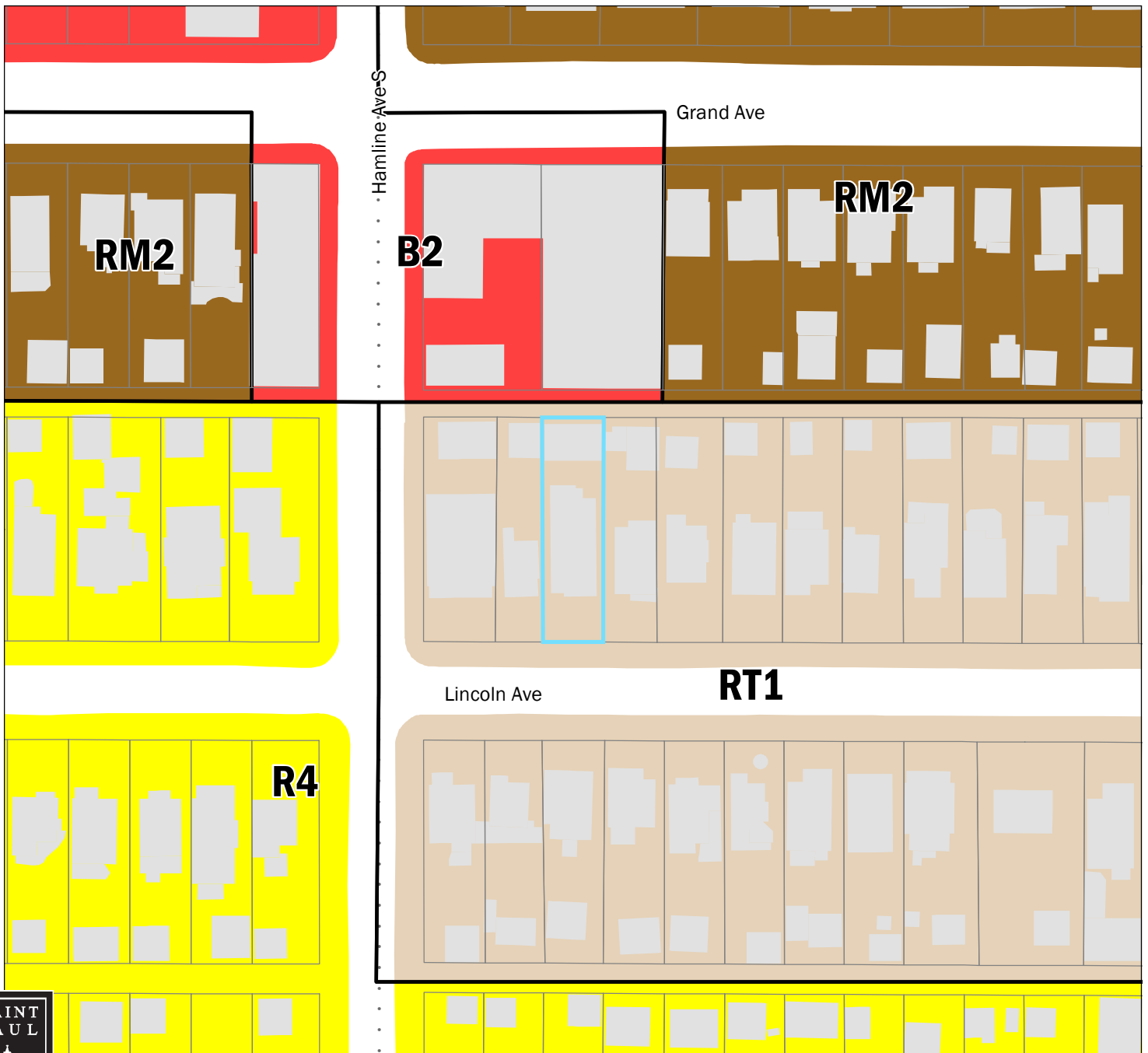
Planning District: 14



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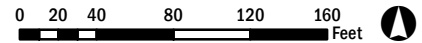
Subject Parcel(s) Outlined in Blue

-  Subject Parcel(s)
-  ParcelPoly



FILE #21-305-090 Zoning Map Application of Gary & Cathy Ballman

Application Type: Rezone
 Application Date: September 22, 2021
 Planning District: 14



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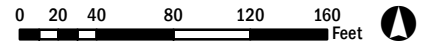
Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	



FILE #21-305-090 Existing Land Use
Application of Gary & Cathy Ballman

Application Type: Rezone
 Application Date: September 22, 2021
 Planning District: 14



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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s) | Single Family Attached | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |