

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Brett Ripley **FILE #** 18-050-373
 2. **APPLICANT:** Brett Ripley **HEARING DATE:** April 26, 2018
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 1685 Taylor Ave, between Aldine and Charlotte
 5. **PIN & LEGAL DESCRIPTION:** 28.29.23.41.0037; Ex. W 37 ft. Lot 10 and all of Lot 9, Block 3, College Place Taylor's Division
 6. **PLANNING DISTRICT:** 11
 7. **ZONING CODE REFERENCE:** § 62.102; § 62.106(h); § 62.109(e) **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** April 19, 2018 **BY:** Josh Williams
 9. **DATE RECEIVED:** April 6, 2018 **60-DAY DEADLINE FOR ACTION:** June 5, 2018
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- A. **PURPOSE:** Reestablishment of a nonconforming use as a four-family dwelling.
- B. **PARCEL SIZE:** 8,276 sq. ft. (0.19 acres)
- C. **EXISTING LAND USE:** Three-family dwelling
- D. **SURROUNDING LAND USE:**
 - North: One-family residential (R4)
 - East: Three-family residential (R4)
 - South: One-family residential (R4)
 - West: Two-family residential (R4)
- E. **ZONING CODE CITATION:** § 62.102 states the standards under which a use or structure will be presumed to be legally nonconforming. § 62.106(h) states that legal nonconforming status is lost if is discontinued for more than one year. § 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **PARKING:** Zoning Code § 63.207 would require a minimum of six off-street parking spaces if the structure is given legal nonconforming status as a four-family dwelling. The property has a 3-car garage and a concrete parking pad that can accommodate two or three vehicles.
- G. **HISTORY/DISCUSSION:** On November 15, 2013, the Planning Commission denied an application by Brett Ripley for reestablishment of nonconforming use of the house as a 4-family dwelling (Zoning File # 13-240-134). Mr. Ripley filed an appeal of this decision on November 26, 2013, after the ten-day appeal period had expired, so he reapplied to the Planning Commission to have the opportunity to appeal the Planning Commission decision to the City Council. On February 7, 2014, the Planning Commission denied the application of Brett and Laura Ripley for reestablishment of nonconforming use as a 4-family dwelling (Zoning File # 14-001-469), but no appeal of this decision was filed.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 11 Council has not commented.
- I. **FINDINGS:**
 1. The original building permit for the house at 1685 Taylor Avenue shows that it was constructed in 1897 as a one-family dwelling. The 1930 census shows that it was a one-family dwelling with owner occupants, John and Minnie Gebhard, and their son. The 1940 census shows that it was a one-family dwelling with a 74-year old owner occupant, Minnie Gebhard. City directories as recent as 1948 list only one resident in the house. In 1949 and again in 1965, city directories listed four apparently unrelated individuals residing at 1685 Taylor, with no indication of the number of units. A 1975 city directory listed four apparently unrelated individuals residing at the address, along with a phone number for

each, suggesting that there were four units in the structure at that time. A Sanborn Insurance map covering the years 1929-1955 shows that the house was a one-family dwelling in 1929 and that it had been converted to flats (two units) by 1955, very likely between 1949 and 1955.

2. The property was zoned "B" Residence, which allowed one- and two-family dwellings, from 1922 to 1975. The property was rezoned R4 one-family residential when the City adopted a new zoning code in 1975. The property has never been zoned to allow more than two dwelling units.
3. Department of Safety and Inspections (DSI) records show that the house received a Certificate of Occupancy (C of O) for four dwelling units in 1982, which appears to have remained in place until 2006, even though the property has never been zoned to allow more than two dwelling units and there is no evidence of building permits to convert the house to three or four units.
4. Both the applicant and City records (a C of O) indicate that the previous property owner began using the first and second floor as one living unit around 2006, and continued to rent the third floor unit and the basement dwelling unit. By 2011, all units were vacant. The structure was registered as a Category II vacant building in 2012. At that time, a DSI inspector confirmed that the first and second floors were still designed as two separate dwelling units (a locking door separating the units, and each having a fully functioning kitchen), and DSI Zoning ordered that the locking door be removed and one kitchen be removed by removing all cabinets and capping gas, water and drain lines inside the walls, and disconnecting them at the source if feasible. Compliance with these orders was to be required prior to issuance of a C of O for the property, a condition of sale for a Category II vacant building. The responsible party at the time (the executor of the previous owner's estate) appealed the order. It does not appear that the appeal was granted, but DSI Zoning agreed to removal of the basement unit in lieu of the required alterations to the first and second floor units.
5. On or about August 20, 2012, a DSI inspector met with the executor and Brett Ripley (the applicant) at the property and informed them that the structure was eligible for a C of O as a three-family dwelling, provided compliance with the previous order and that a fire separation between the first and second floors was established. According to City records, the sale of the home to the applicant was scheduled to close on August 29, 2012, and a new Certificate of Occupancy was issued in January 2013.
6. Zoning Code § 62.102 states: *"A use or structure will be presumed legally nonconforming if it can be demonstrated by clear and convincing evidence that prior to October 25, 1975, the use or structure was established, converted, or expanded and occupied pursuant to building permits issued by the city; if the use or structure was allowed in its location at the time it was established; or if it can be demonstrated by clear and convincing evidence that the particular use or structure has been in existence continuously since December 13, 1956. The burden of proof shall be on the property owner. ...the planning commission may approve permits granting legal nonconforming status to uses or structures that do not meet these standards as set forth in section 62.109(a) and (b)".* Based upon clear and convincing evidence that use of the house at 1685 Taylor Avenue as a two-family dwelling was established under the old "B" Residence zoning that allowed a two-family dwelling at this location, use of the house as a two-family dwelling can be presumed to have had legal nonconforming status under the current R4 one-family residential zoning. It has not been demonstrated by clear and convincing evidence that use of the house as a three- or four-family dwelling could ever have been presumed to be legally nonconforming under

the requirements for this in Zoning Code § 62.102.

7. Zoning Code § 62.106(h) states: *“When a legal nonconforming use is discontinued or ceases to exist for a continuous period of more than one (1) year, the building, or building and land in combination shall thereafter be used in conformance with the regulations of the district in which it is located, unless the planning commission approves a permit to reestablish the nonconforming use as set forth in section 62.109(e). A residential building vacant for more than one (1) year may be reestablished at the number of units for which it was originally constructed provided that it has not been physically converted to a fewer number of units”*. It appears that the house at 1685 Taylor, which was originally constructed as a one-family dwelling and is located in a R4 one-family residential zoning district, lost its legal nonconforming status as a two-family dwelling when it was vacant from 2011-2013. Zoning Code § 62.106(h) provides that the legal nonconforming use may be reestablished as set forth in § 62.109(e).
8. Zoning Code § 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met for reestablishment of legal nonconforming use of the house as a 2-family dwelling, but not as a 3- or 4- family dwelling. While the house was originally constructed as a one-family dwelling, which it was designed for, it is a relatively large house that was legally converted to a two-family dwelling several decades ago, and it would not be reasonable or economical to require conversion back to a one-family dwelling now. It appears that the house could reasonably and economically be used as a two-family dwelling.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met for reestablishment of legal nonconforming use of the house as a two-family dwelling, but not as a 3- or 4- family dwelling. Based upon clear and convincing evidence that use of the house as a two-family dwelling was established under the old "B" Residence zoning that allowed a two-family dwelling at this location, use of the house as a two-family dwelling can be presumed to have had legal nonconforming status under the current R4 one-family residential zoning. It has not been demonstrated by clear and convincing evidence that use of the house as a three- or four-family dwelling could ever have been presumed to be legally nonconforming under the requirements for this in Zoning Code § 62.102. Use of the house as a 3- or 4- family dwelling is less appropriate to the R4 one-family residential district than the previous legal nonconforming use of the house as a two-family dwelling.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The structure has been used for up to four units with no indication that it was detrimental to the existing character of development in the immediate neighborhood or that it endangered the public health, safety, or general welfare.

- (4) *The proposed use is consistent with the comprehensive plan. This finding is met. This property is located in an area that the Comprehensive Plan gives a future land use designation of "Established Neighborhood", described as a "predominantly residential area with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods". The Hamline Midway Community Plan advocates for "the development of alternatives to single- family housing throughout the neighborhood".*
- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on April 6, 2018: 16 parcels eligible; 11 parcels required; 11 parcels signed.*

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of a nonconforming use permit for reestablishment of legal nonconforming use of the house at 1685 Taylor as a two-family dwelling, and denial of the application for reestablishment of legal nonconforming use of the house as a four-family dwelling.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 18-050373
 Fee: 735⁰⁰
 Tentative Hearing Date: 4-26-18

PD=11

282923410037

APPLICANT

Name Brett and Laura Ripley Email brettriple@gmail.com
 Address 1679 Hubbard Ave.
 City St. Paul St. MN Zip 55104 Daytime Phone 218-329-7759
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 1685 Taylor Ave.
 Legal Description Lot 9 Block 3 of COLLEGE PLACE, TAYLOR'S DIVISION EX W 37 FT LOT 10 AND ALL OF LOT 9 BLK 3
 Current Zoning R4
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - Change of nonconforming use (para. c)
 - Expansion or relocation of nonconforming use (para. d)
 - Reestablishment of a nonconforming use vacant for more than one year (para. e)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Multi family 3-4 units
 Proposed Use Multi family 4 units

See Attachments

Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature Brett Ripley Date 4/5/18 City Agent pdd

4-5-18

4/5/18

Dear Planning Commissioners,

My wife, Laura, and I are the owners of 1685 Taylor Ave. W. The property is a 4-plex that is currently zoned as a non-conforming 3-plex in an R4 zone.

The property existed as a non-conforming 4-plex for many years until right before we purchased the property in 2012. It was downgraded to 3 units when the previous owner decided to occupy two units at the same time in the late 2000s.

Four years ago, we applied to re-establish the fourth unit but failed to meet one of the criteria. We believe that this result was achieved in error. The cost to combine two units while retaining the character of this 120 year old house was much more than we had anticipated.

Our neighbors have once again signed off that they are ok with the change. We have plenty of parking (5 off street spots). It's been clear to everyone who has seen the house or knows the case- from our neighbors to fire inspectors, contractors to city council members- that the house is best split up into 4 units and not 3.

In a city that needs affordable housing options, with the written consent of our neighbors, we would ask that you re-establish our house as it is currently laid out- as a 4-plex.

Thank you,

A handwritten signature in black ink, appearing to read "Brett and Laura Ripley". The signature is written in a cursive, flowing style.

Brett and Laura Ripley

Brett and Laura Ripley are requesting reestablishment of nonconforming use a four-plex.

(1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. The lot and structure are large enough to easily accommodate the 4 units for which it is currently set up. The building was a four-plex for at least 25 years. It would not be reasonable or economical to demolish one unit and combine it with another to make a single very large and inefficient unit.

(2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. The owners want to re-establish the same number of units that were in the building previously. The use as a four-plex - which was previously a legal non-conforming use – is appropriate in this zoning district.

(3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. The structure is already set up to be a four-plex. There have been no issues with its existence in the past. There will be no changes to the structure. Adequate parking is provided in a three-car garage and two off-street paved parking spaces.

(4) The proposed use is consistent with the comprehensive plan. The Future Land Use Map of the Comprehensive Plan guides this area as Established Neighborhood which accommodates a range of housing types, including small multifamily.

(5) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. The petition has been submitted.

March 26, 2018

David Schweich Remodeler/Handyman
6021 13th Avenue South
Minneapolis Minnesota 55417-3217

Estimate

Mr. Brett Ripley
Apartment Address: 1685 Taylor Avenue
St. Paul, MN
612-213-8393

Description of Project:

Making two apartment units into one:

<i>Demo Kitchen including cabinets, plumbing, ceiling, soffit, flooring:</i>	<i>\$3,850.00</i>
<i>Removing gas hook ups, vents, changing electrical, and framing to code:</i>	<i>\$7,220.00</i>
<i>Removing existing doors, and installing new doors:</i>	<i>\$1,850.00</i>
<i>Re drywalling ceiling, and center wall in new bedroom, patching holes, etc.:</i>	<i>\$4,128.00</i>
<i>Removing walls above stairway and installing matching oak railing and trim:</i>	<i>\$6,850.00</i>
<i>Installation new baseboard matching cove and trim to lower level:</i>	<i>\$5,625.00</i>
<i>Painting walls, ceiling, staining ceiling, varnishing trim, touch up areas, etc.:</i>	<i>\$3,950.00</i>
<i>Install oak flooring to match existing flooring, including base shoe:</i>	<i>\$4,275.00</i>
<i>Debris removal and cleanup:</i>	<i>\$1,280.00</i>
<i>Permits, misc, unforeseen:</i>	<i>\$1,500.00</i>

Total Estimate Cost: \$40,528.00

Notes:

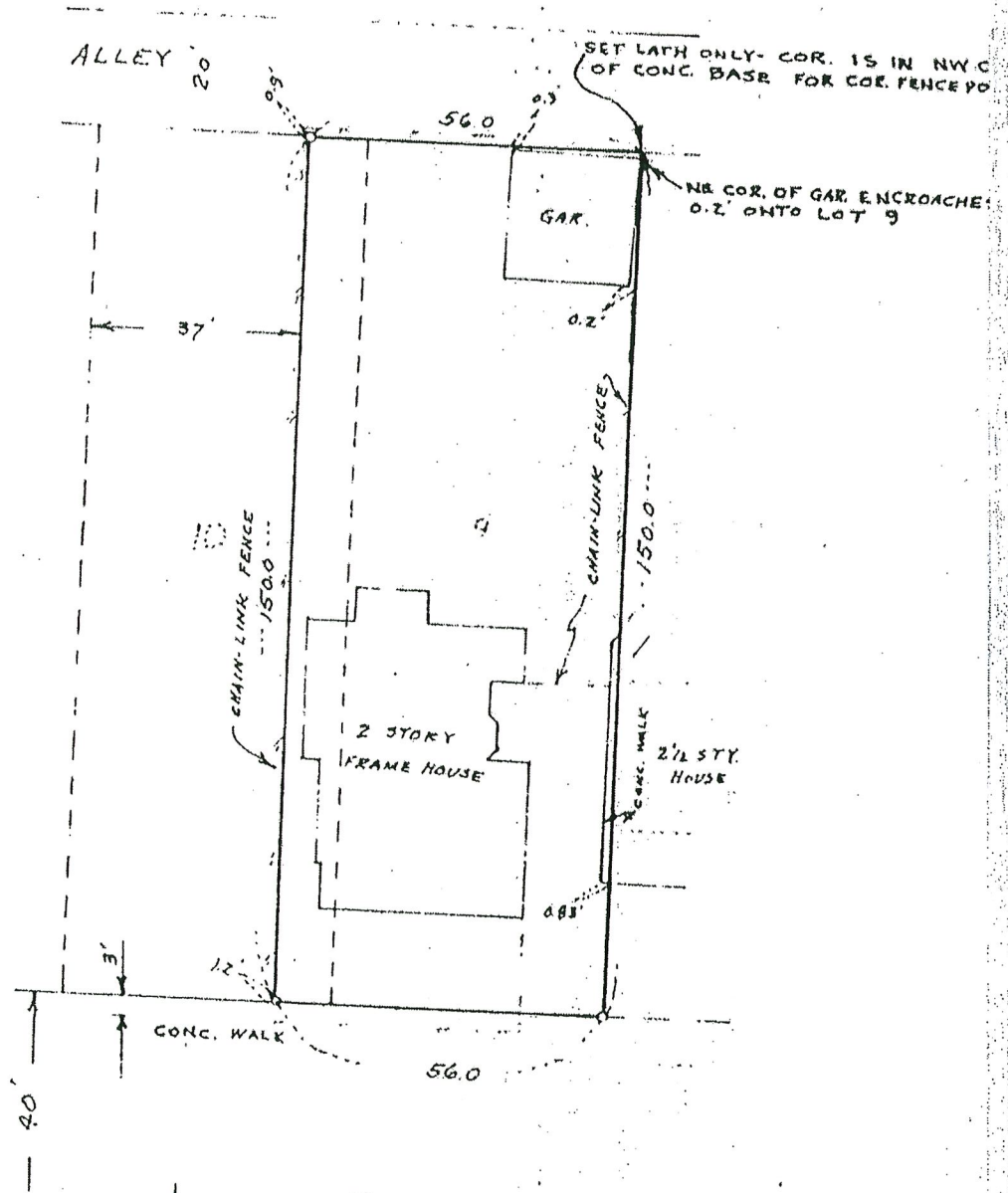
*This estimate reflects the cost of the project, but does not
include a payment schedule for project.*

*Should project be approved and signed by both parties, project would have a
Payment schedule.*

This new contract would be signed by both parties.

Site Plan

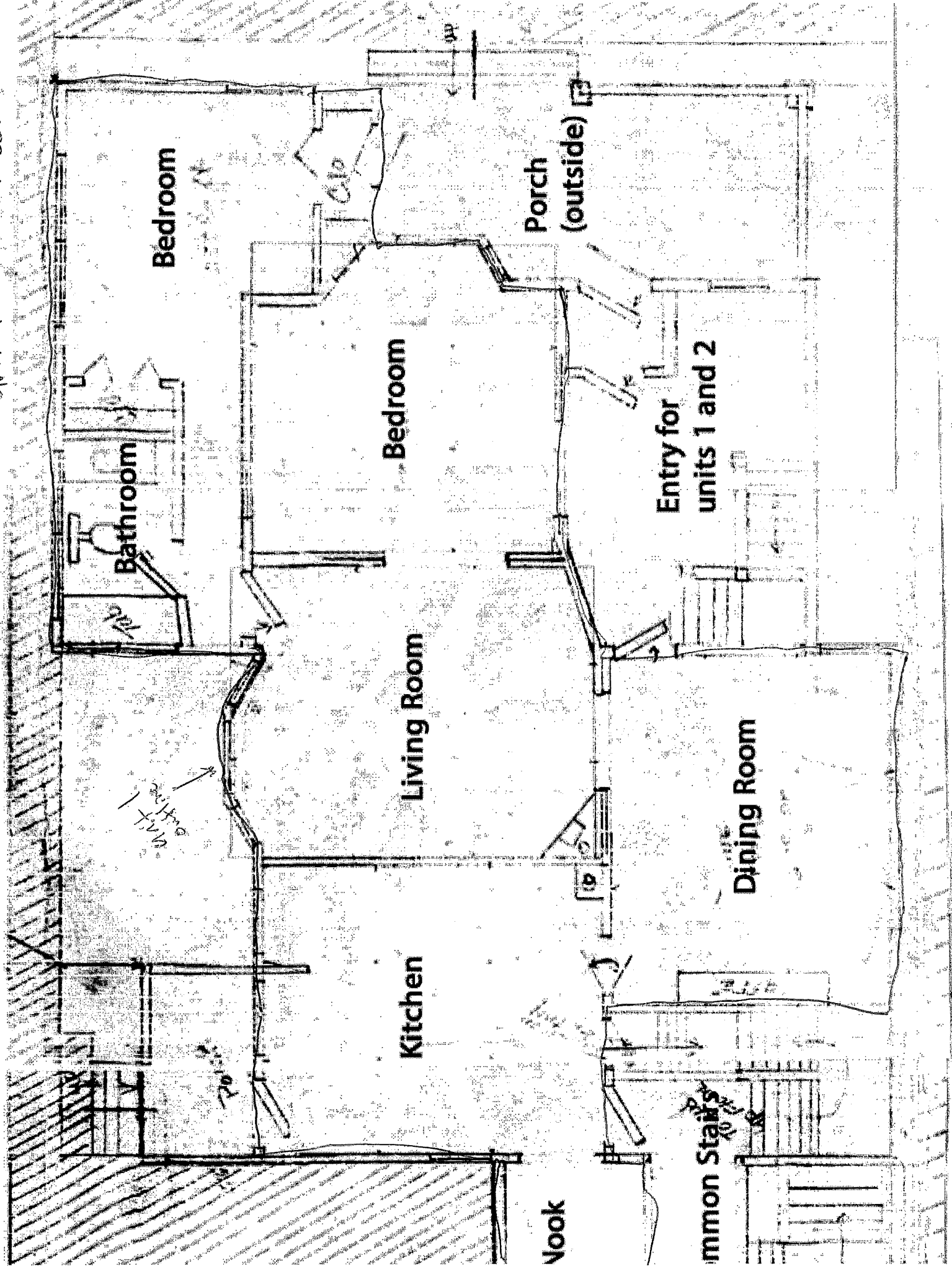
o indicates iron



Lot Survey

(see reverse for simplified version)

Unit 1 Main Floor



Bedroom

Bathroom

Bedroom

Living Room

Kitchen

Porch (outside)

Entry for units 1 and 2

Dining Room

Common Stairs

Wook

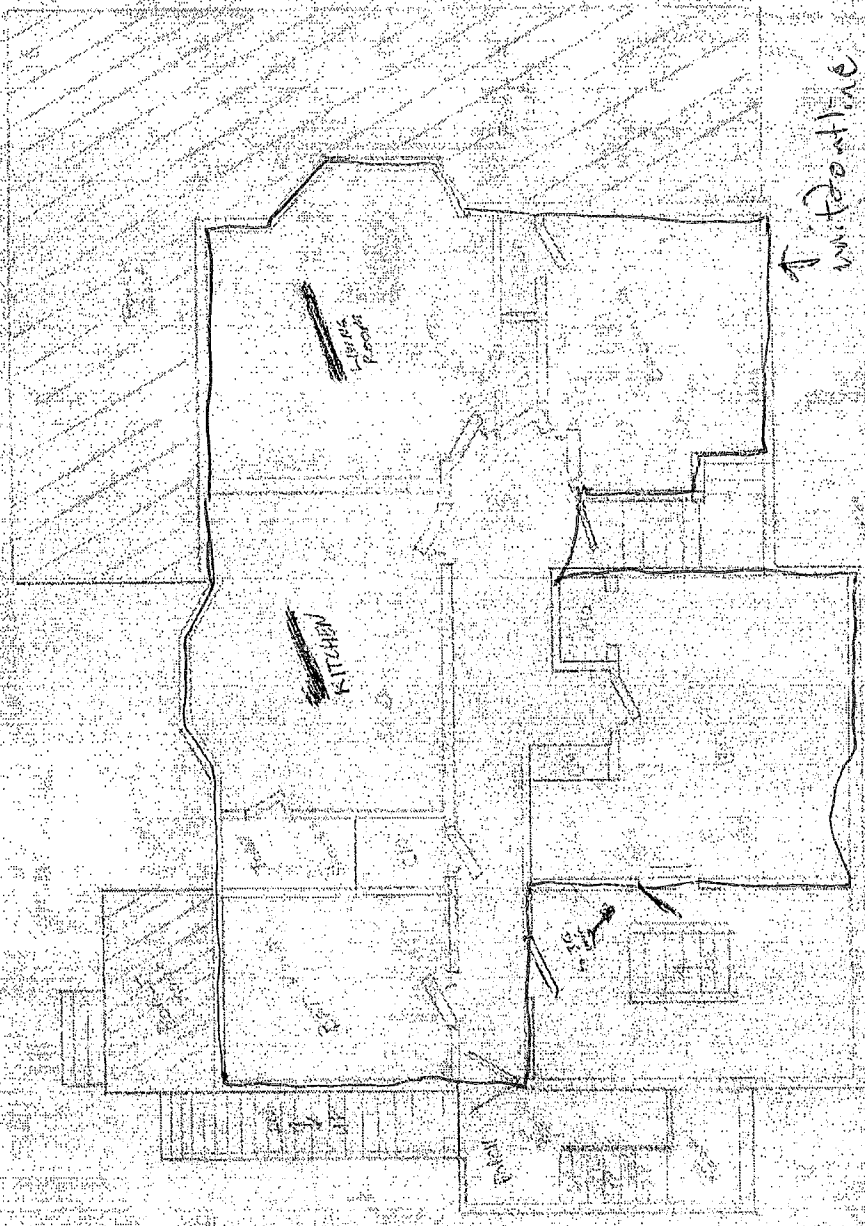
Unit 1 outline

Handwritten note with arrow pointing to a wall section.

Handwritten note 'Clo' near a bedroom.

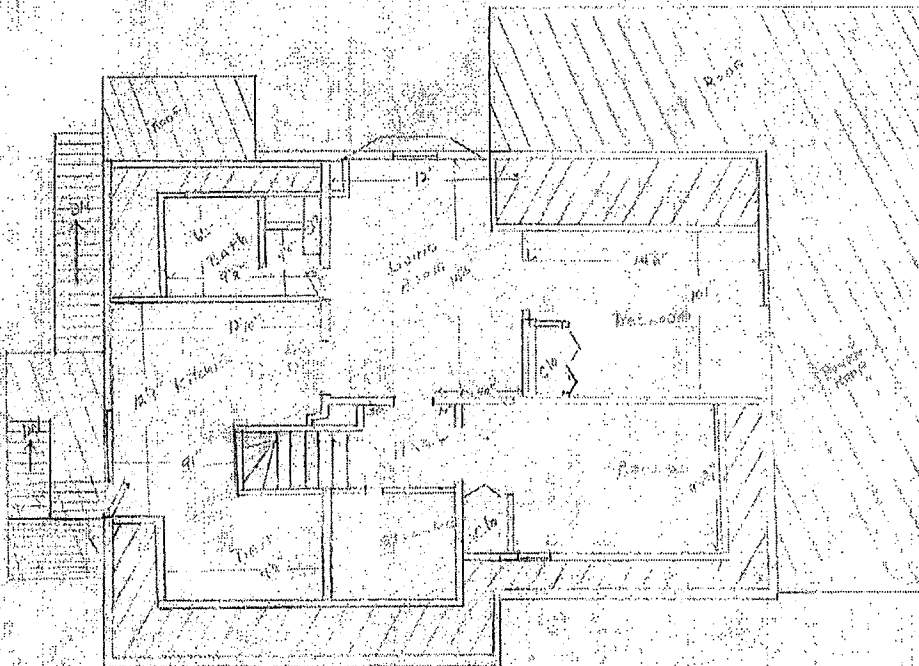
Handwritten note '10' near the common stairs.

DRG 1005
(cont'd)



CHEM-GAS CONSTRUCTION DIV.	
(L.P. REQUIREMENT, INC.)	
ST. PAUL, MISSOURI	
DATE	PROJECT

3rd Floor
(Unit 3)



RELEASED PER SET

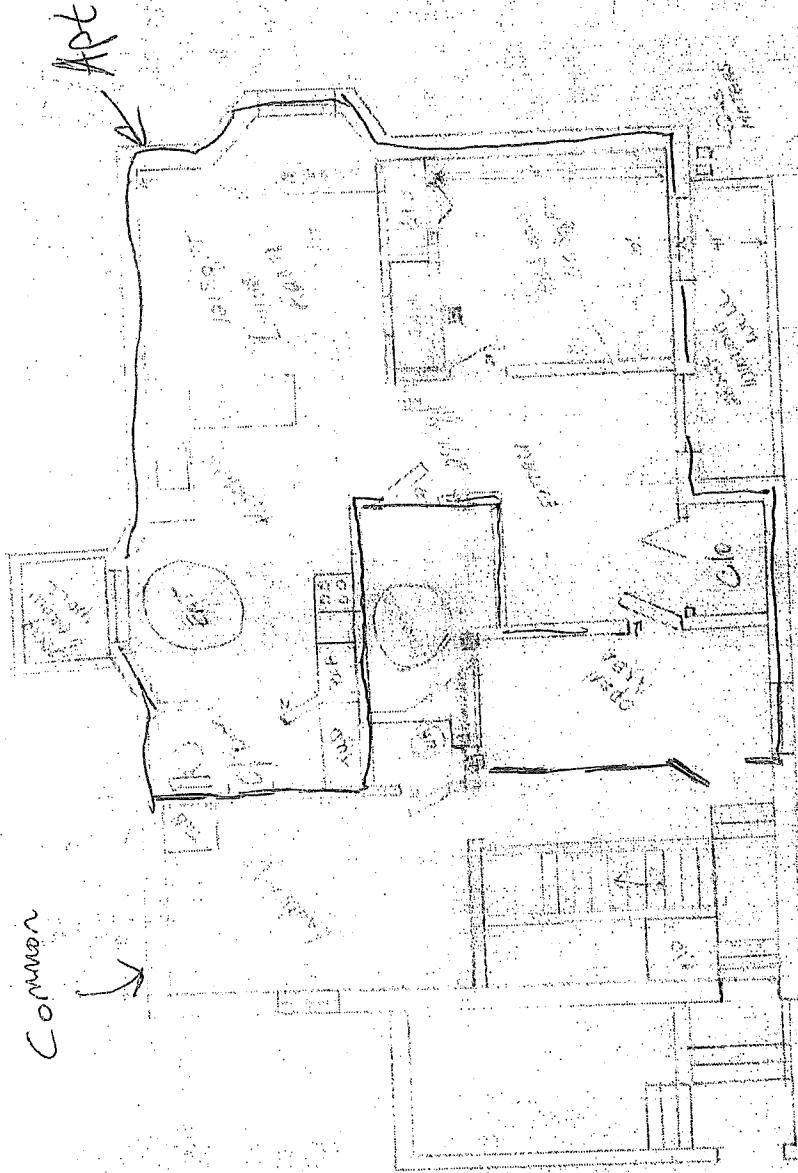
CHEM-GAS CONSTRUCTION DIY.

L.F. GAS EQUIPMENT, INC.
EVANSH, MISS.

NAME	ADDRESS	TELEPHONE
CITY	STATE	ZIP
DATE		
SIGNATURE		
TITLE		

SALE PRICE \$199.95

Basement Level



AREA 1190

CHEM-GAS CONSTRUCTION DIV.

(L.P. GAS EQUIPMENT, INC.)

37 PAUL BIRDA

10/1/87

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STAMP - Activity Detail

[New Search](#)
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1685 Taylor Ave

Click [here](#) to access other applications using this address - GISmo, MapIT, and Ramsey County Info

Run Date: 04/18/18 04:26 PM
Folder ID#: **06 250983** **In Date:** 10/23/06 **Issued Date:**
Status: History **Closed:** 08/20/12
Type: CO - Certificate of Occupancy - Residential 3+ Units
Reference#: 16008

Document:

[Fire Photo Document: 8-15-12 Photos](#) - Generated: 08/15/2012 - Sent: 08/15/2012
[Revocation - Letter 6/8:](#) - Generated: 08/15/2012 - Sent: 08/15/2012
[C of O with Deficiencies - Letter 3:](#) - Generated: 07/29/2011 - Sent: 07/29/2011

* Note: Clicking on above document links may not reflect the exact formatting of the original document.

People:

Owner:
 Brett Ripley
 1685 Taylor Ave W
 Saint Paul MN 55104-1139

Relative Owner:
 Scott Huestis
 2147 University Ave W
 St Paul MN 55114-1313
 651-659-0200

Stated Owner:
 Brett Ripley
 1685 Taylor Ave. Apt. 1
 St Paul MN 55104
 218-329-7759
 bretttriple@gmail.com

Other:
 Barbara Jean Huestis
 1685 Taylor Ave
 Saint Paul MN 55104
 651-644-7084

Other:
 Donald J Mccall Tr
 1685 Taylor Ave
 St Paul MN 55104-1139

Responsible Party:
 Brett Ripley
 1685 Taylor Ave. Apt. 1
 St Paul MN 55104
 218-329-7759
 bretttriple@gmail.com

Previous Owner:
 Barbara J Huestis
 2147 University Ave W #21
 St Paul MN 55114-1327

Previous Owner:
Donald J Mccall Tr
1685 Taylor Ave
St Paul MN 55104-1139

Previous Owner:
Donald J Mccall Trustee
1685 Taylor Ave
Saint Paul MN 55104-1139
651-226-1123

Property:

1685 TAYLOR AVE, PIN: 282923410037

Info Value:

Landlord Training Class: N/A
Renewal Due Date: Oct 23, 2008
Is this a City Owned Building?: No
Contact: Scott Huestis - (651) 659-0200 / (651) 226-1123
Commercial Square Feet: 0
Possible Student Housing?: No
Total Residential Units: 3
Num Res Units Used In Grading: 3
Class: C
Score: 112
Number of Stories: 2
Number of Basement Levels: 1
Primary Occupancy Type Name: Dwelling Units
Primary Occupancy Group: R-2
Keybox: Yes
Fire Alarm System: No
Emergency Generator: No
Fire Pump: No
Fire Service Elevator: No
Smoke Control System: No
Special Extinguishing System: No
Last Inspection Date: Aug 20, 2012
Fireworks Permit?: No

Fee:

CO Residential 3+ Units Initial Fee: \$209.00

Pre-Inspection

Assigned To: Imbertson, Mitchell

Comment: Units: 3, Dwelling Units
07/24/09 - New owner info, updated RP address. - MI

Closed: 07/18/11

Result:

07/18/2011: Done

C of O Inspection

Comment: 07/19/11 - Full inspection made with Scott Huestis. All units are now unoccupied. Discussed with Scott and he was planning to fix up building for sale and wanted to obtain CofO before listing. He wasn't sure how the market looked and explained he would prefer to sell building quickly but may re-occupy rental units if not sold shortly. 1st floor unit is combined with 2nd floor unit since before last inspection, this unit was previously owner occupied and hadn't been inspected. This unit was found to have 2 kitchens. Stove and fridge were removed on 2nd floor kitchen but cabinets, gas line, plumbing lines, and sink are still in place. Property under investigation to check history and check with zoning. - MI

07/26/11 - Zoning has determined that since use is non-conforming, property cannot be reverted to 4 units again as the new PM had requested. They further confirmed that

conversion was not proper under permit for conversion from 4 units to 3 and that there was no approval for 2nd kitchen to remain and there was no approval for locked door to remain in place between 1st and 2nd floors. Mary Montgomery confirms that lines for plumbing, gas, and drain must be capped inside of wall and disconnected at the source where feasible. All cabinets must be removed. - MI
 07/26/11 - Called PM to discuss this. He was upset about requirement but seemed to understand what the requirements were when I explained. - MI

Closed: 07/29/11

Result:

07/29/2011: Correction Orders

C of O Re-Inspection

Comment: 08/29/11 - appeal approved for 2 egress windows. Rest of appeal result is unclear, note from Mai Vang states that she will need to clarify with Ms Moermond. - MI
 09/15/11 - no response from Mai Vang yet, sent another email for clarification - MI
 09/28/11 - recvd and approved 3 rh1 tests. Mai Vang from clerk's office has not responded with any clarification to my emails. - MI
 10/06/11 - still no response, send a 3rd email to Mai with clerk's office for clarification. - MI
 10/25/11 - again no response from clerks office. Appeal indicated that the issue would be revisited in 6 months. Updated orders which were granted in appeal and suspending file through 6 months as granted by appeal, check for further updates at that time. - MI
 03/01/12 - Rechecked from exterior only, still appears be be unoccupied throughout but exterior is being maintained and snow has been shoveled, etc. Could see inside of the 1st floor and this area was vacant with tools and a ladder sitting out, unable to see other units. Plumbing permit was recently pulled, the permit is not final yet and notes aren't clear about what work is covered. Sent email Mai Vang to clarify status. - MI
 03/21/12 - still no response from clerks office, no further action found on appeal. I re-read the appeal notes and minutes and understand that there was to be no action taken and I understand that the property was supposed to be out of the certificate of occupancy program until sold, occupied, or further action was taken when case is revisited by Marcia Moermond. - MI
 06/04/12 - No further action from appeal yet. Property hasn't been sold and no one has called for a CofO. Property is checked periodically from the exterior while in the area with other inspections and as recent as last week, I have seen no 'for rent' signage and no signs of occupancy. Suspend file further per appeal. - MI
 08/02/12 - No change. - MI
 08/10/12 - discussed with supervisor AJN, he has also been in contact with LHO to clarify the wording of the hearing. Determined that I would re-inspect when available and refer to VB if still vacant with deficiencies. - MI
 08/15/12 - Exterior reinspection made. Property is still visibly vacant and has for sale sign in front. 3 mailboxes on the building, appears to be set up for use as a triplex still from the exterior. Refer to VB. - MI

Closed: 08/15/12

Result:

08/15/2012: Revoked/Vacant

Deficiency:

Throughout: SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition. Repair windows as needed so that all double-hung windows throughout the building are easily openable without excessive effort. At least one window in each bedroom must easily open to a full height of 24 inches or greater to meet egress requirements. First Noted on: 07/28/2011, Notice#: 2, Severity: 2, Status: Abated

Unit 1: 1st Floor - Side Bedroom. MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information. Existing casement window does not meet glazed area requirement. Window has an openable and glazed area of 21 inches wide by 28 inches high, 4.1 square feet. First Noted on: 07/28/2011, Notice#: 2, Severity: 9, Status: Abated

Unit 3: 2 Bedrooms. MSFC1026.1 - Provide and maintain an approved escape window from

each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)-266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information. Front Bedroom: Double-hung window has an openable area of 16 inches high by 33.5 inches wide and a glazed area of 36 inches high by 33.5 inches wide, 8.4 square feet.

Side Bedroom: Casement window has an openable area of 37.5 inches high by 17 inches wide and a glazed area of 37.5 inches high by 20.5 inches wide, 5.3 square feet. First Noted on: 07/29/2011, Notice#: 2, Severity: 9, Status: Abated

Vacant

Comment: 8/20/12 PO Scott called inquiring about the property requesting permission to remove basement unit and allow floors 1, 2, 3 for occupancy. I advised would check with Zoning. I contacted Wendy in Zoning and she is ok with basement unit as the one to be removed. I met current and potential buyer at the property. The home is scheduled to close on 8/29/12. I advised owner that ok to remove basement unit, and allow occupancy of floors, 1, 2, and 3 with the condition that a fire separation is provided between floors 1 and 2 where an existing non fire rated door exists. I advised this area had not been inspected due to previous owner occupancy. I emailed VB to close file and will lift revocation. I advised full compliance by 10/1/12. ajn

Closed: 08/20/12

Result:

08/20/2012: Ready for C of O Inspection

Deficiency:

Basement: Dryer. UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work may require a permit(s). Call DSI at (651) 266-8989. Remove the screws and properly secure the vent. Vent is also pressure fitted between the air conditioner and its piping.. First Noted on: 07/29/2011, Notice#: 3, Severity: 3, Status: Deficiency

Basement: MSFC 703 - Provide, repair or replace the fire rated door and assembly. Repair and maintain the door closer and latch on both doors to utility rooms. First Noted on: 07/29/2011, Notice#: 3, Severity: 6, Status: Abated

Basement Unit: MSFC 703 - Repair and maintain the required fire resistive construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. Repair and maintain ceiling in unit in an approved manner. First Noted on: 07/29/2011, Notice#: 3, Severity: 6, Status: Abated

Rear Entryway: MSFC 703 - Repair and maintain the required fire resistive construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. Patch wall and underneath stairway in an approved manner. First Noted on: 07/29/2011, Notice#: 3, Severity: 6, Status: Abated

Throughout: NEC 410-8 (b) (1) Provide for the incandescent light fixtures in closets to have a completely enclosed lamp. This work may require a permit. Contact DSI at (651) 266-8989. First Noted on: 07/28/2011, Notice#: 3, Status: Abated

Throughout: MSFC 605.1 - Repair or replace damaged electrical fixtures. This work will require a permit(s). Call DSI at (651) 266-8989. Repair all incorrectly wired receptacles throughout the building. Multiple 3-prong receptacles have open ground connection. Reversed polarity at other receptacles. First Noted on: 07/28/2011, Notice#: 3, Severity: 5, Status: Abated

Throughout: MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions. First Noted on: 07/28/2011, Notice#: 3, Status: Abated

Throughout: MSFC 1008.1.8.4 - Bolt Locks - Manually operated flush bolts or surface bolts are not permitted. - Remove slide bolt locks. First Noted on: 07/28/2011, Notice#: 3, Severity: 9, Status: Abated

Throughout: MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area. Repair all smoke detectors throughout the building as needed where giving low battery sign or where non-working. First Noted on: 07/29/2011, Notice#: 3, Status: Abated

Unit 1: 1st Floor - Bathroom. MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090. Replace GFCI outlet with non-working breaker. First Noted on: 07/28/2011, Notice#: 3, Severity: 5, Status: Abated

Unit 1: 2nd Floor. MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090. Repair non-metallic cable (Romex) run along floor exposed across doorway by kitchen. First Noted on: 07/28/2011, Notice#: 3, Severity: 4, Status: Abated

Unit 1: 2nd Floor - Kitchen. MFGC 404.12 - Provide leak tight caps or plugs on disconnected or unused gas lines. First Noted on: 07/28/2011, Notice#: 3, Status: Abated

Unit 1: 2nd Floor - Rear Door. SPLC 34.09 (3) i - Provide and maintain an approved one-inch throw single cylinder deadbolt lock. Deadbolt locks are required on all unit doors leading to exterior or to common area. First Noted on: 07/28/2011, Notice#: 3, Severity: 5, Status: Abated

Unit 1: 2nd Floor - Rear Door. MSFC 705.1 - Provide a required occupancy separation with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090. The minimum rating must be:. First Noted on: 08/20/2012, Notice#: 1, Severity: 6, Status: Deficiency

SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office. First Noted on: 07/18/2011, Notice#: 3, Severity: 5, Status: Abated

SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office. First Noted on: 07/18/2011, Notice#: 3, Severity: 9, Status: Abated

SPLC 62.101 - Use of this property does not conform to zoning ordinance. Discontinue unapproved use or call DSI Zoning at (651) 266-8989 to convert to legal use. Discontinue use of property as four (4) units and convert to legal occupancy of three (3) units in accordance with all Zoning Dept. requirements. This includes:

- Remove the kitchen from the basement and all appliances. Remove and cap any gas lines if necessary.

- Provide approve occupancy separation between the first and second floor unit with approved fire rated construction materials. Wood panel door separating two units.. First Noted on: 07/28/2011, Notice#: 3, Severity: 9, Status: Deficiency

STAMP - Activity Detail

[New Search](#)
[Help using this report](#)

1685 Taylor Ave

Click [here](#) to access other applications using this address - GISmo, MapIT, and Ramsey County Info

Run Date: 04/18/18 05:26 PM
Folder ID#: **11 268885** **In Date:** 08/29/11 **Issued Date:**
Status: History **Closed:** 10/25/11
Type: CN - C of O Condition
Reference#: 16008

Description:

Appeal of Scott Huestis, Trustee for Dorothy M. Huestis Trust, to a Fire Certificate of Occupancy Correction Notice at 1685 TAYLOR AVENUE.
 Item 9 (egress windows throughout) - grant the appeal. For those that doesn't meet egress or don't open, put signage on them;
 Item 12 (glazed area in Unit 1, first floor side bedroom) - deny a variance on the glazed area;
 Item 16 - grant an 8-inch variance on the openable height of the egress window in the front bedroom in Unit 3; grant a 3-inch variance on the openable width of the egress window in the side bedroom in Unit 3;
 Item 19 (legal use of unapproved unit) - Appellant will work with Zoning. (Mitch Imbretson)
 Ms. Moermond indicated that she will re-visit this matter in 6 months. The property can be out of the Certificate of Occupancy Program.

Document:

[DSI Misc:](#) - Sent: 10/25/2011
[DSI Misc: 8-23-11 appeal](#) - Sent: 08/29/2011

* Note: Clicking on above document links may not reflect the exact formatting of the original document.

People:

Applicant:
 Scott Huestis
 2147 University Ave W
 St Paul MN 55114-1313
 651-659-0200

Owner:
 Donald J Mccall Tr/Tr
 1685 Taylor Ave
 St Paul MN 55104-1139

Other:
 Barbara Jean Huestis
 1685 Taylor Ave
 Saint Paul MN 55104
 651-644-7084

Responsible Party:
 Scott Huestis
 2147 University Ave W
 St Paul MN 55114-1313
 651-659-0200

Previous Owner:
 Barbara J Huestis
 2147 University Ave W #21
 St Paul MN 55114-1327

Property:

1685 TAYLOR AVE, PIN: 282923410037

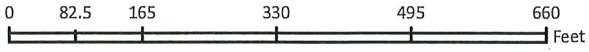
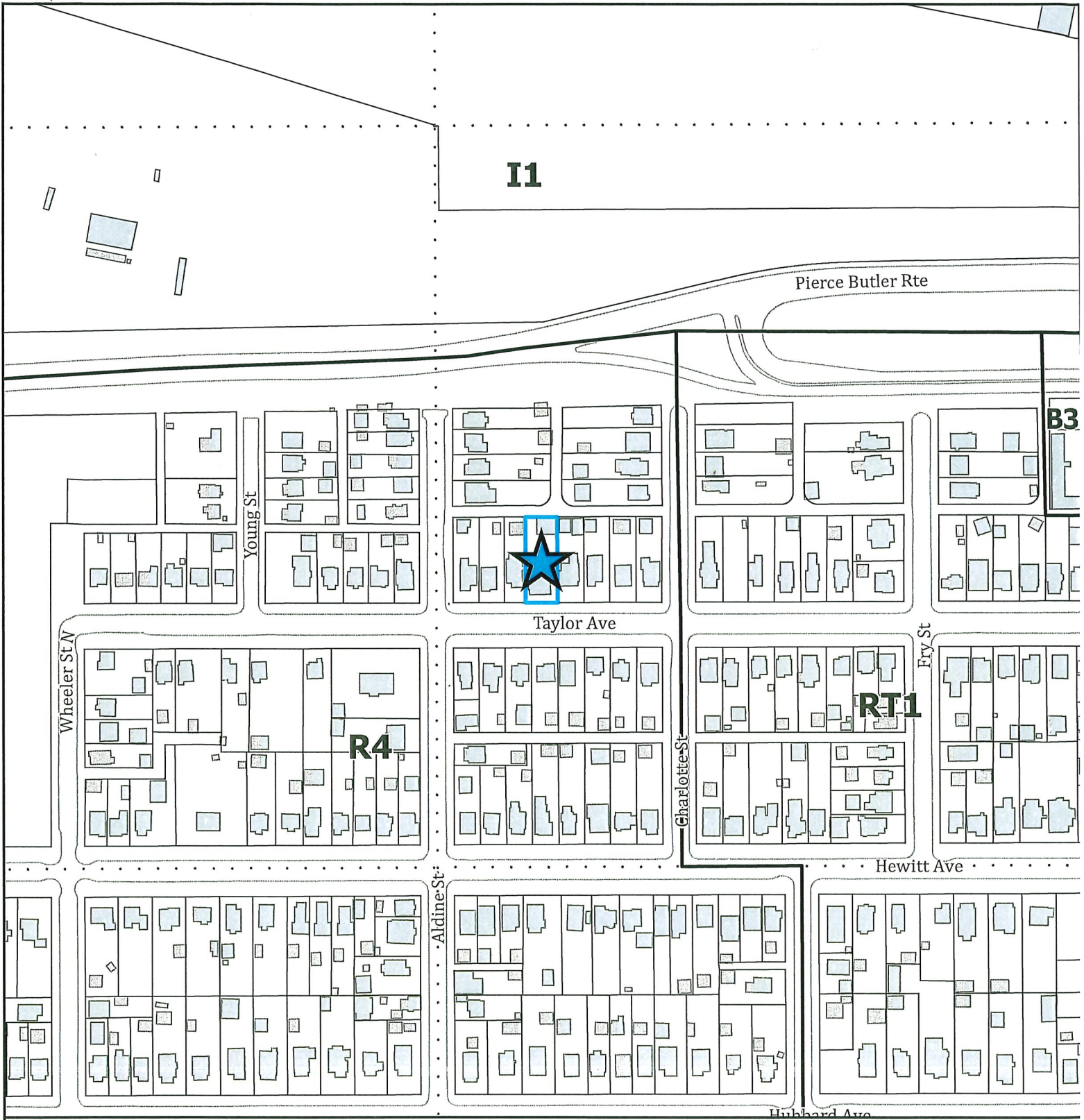
Info Value:

C of O Renewal Due Date: Oct 23, 2008

Primary Occupancy Group: R-2

C of O Status: In Process

Fire Condition Process**Assigned To:** Imbertson, Mitchell**Closed:** 10/25/11Result:**10/25/2011:** History**Closed:** 10/25/11Result:**10/25/2011:** History



FILE NAME: Brett and Laura Ripley

Zoning

APPLICATION TYPE: Re-est NCUP

 Subject Parcels

FILE #: 18-050373 DATE: 4/6/2018

• • Section Lines

PLANNING DISTRICT: 11

ZONING PANEL: 8





Pierce Butler Rte

Young St

Taylor Ave

Charlotte St

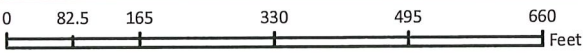
Fry St

Wheeler St N

Aldine St

Hewitt Ave

Hubbard Ave



FILE NAME: Brett and Laura Ripley

APPLICATION TYPE: Re-est NCUP

FILE #: 18-050373 DATE: 4/6/2018

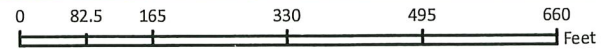
PLANNING DISTRICT: 11

ZONING PANEL: 8

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Institutional
- Park, Recreational or Preserve
- Railway
- Subject Parcels
- Section Lines





Aerial

 Subject Parcels

FILE NAME: Brett and Laura Ripley

APPLICATION TYPE: Re-est NCUP

FILE #: 18-050373 DATE: 4/6/2018

PLANNING DISTRICT: 11

ZONING PANEL: 8



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

4-5-18

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED:

4-6-18

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE:

16

PARCELS ELIGIBLE: _____

PARCELS REQUIRED:

11

PARCELS REQUIRED: _____

PARCELS SIGNED:

11

PARCELS SIGNED: _____

CHECKED BY: _____

Paul Dabruiel

DATE: _____

4-6-18

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Brett Ripley, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

Brett Ripley

NAME

1679 Hubbard Ave

ADDRESS

218-329-7759

TELEPHONE NUMBER

Subscribed and sworn to before me this
20th day of March, 2018.

[Signature]

NOTARY PUBLIC

