

1629 Hartford Avenue

Before 1629 Hartford Avenue became a Cat 2 Vacant Building, the previous owner, 45 North Investment Properties LLC, applied for a building permit to add a full second story to the home on 8/24/2018. Their plans required BZA approval of two variances. One for maximum building height: the zoning code allows a 22 ft. limit; the plan called for a height of 24.8 ft. The second was for side-yard setback on the west side: code requires a 4 ft. minimum; their plan was for a 3.8 ft. setback (the same setback as the existing house).

An application to the BZA for those variances was made on 11/18/2018. The BZA denied the application on 12/3/2018 (see the attached resolution).

The building permit application was modified to lower the maximum building height to the allowable limit (22 ft.) and to increase the side-yard setback of the second-story addition to the required 4 ft. (see the attached, modified application). The building permit was paid for and issued on 1/2/2019 (see the attached permit).

The check that paid for the building permit, in the amount of \$2,846.58, was returned to DSI for insufficient funds. That was noted in AMANDA on 2/5/2019. Despite several notifications to the contractor and owner, another payment was never issued to DSI. It wasn't until 10/29/2019 that a stop-work order was issued by Jason Brash, a DSI Building Inspector.

Lima One Capital, the mortgage lender, foreclosed on this property on 12/26/2019 (see attached sheriff's sale documents).

On 8/31/2020 an OTA was mailed and the property was placed in Cat 3 status. On 9/3/2020 the status was taken back to Cat 2 because an intended buyer submitted an executed purchase agreement. On 10/28/2020 we were notified that the intended buyer could not produce the required funding and the purchase agreement was canceled. That same day the property was placed back in Cat 3 status. On 11/6/2020 a Notice of Public Hearings was mailed.

On 11/23/2020 Building Inspector Nathan Bruhn, in an email, wrote: "At the time of my code compliance inspection the roof had not changed. It was still at the 24' 8". (Please see the attached Code Compliance Report, dated 5/7/2020). If that is the case, then either another application must be made to the BZA (if that is even allowable) to grant a height variance or the height of the structure must be reduced to 22 ft. Nathan didn't inform us of whether the side-yard setback requirement was met when the addition was built.

ing Review Worksheet

Address: 1629 Hartford Ave.

District Council: 15 Zoning: RA Proposed Use: add 2nd story on west of house

Date Submitted: 8/24/18 Date Completed: 12/18/18 Reviewed By: LS
 Permit Number: 18-098004
 Notes: ① Need variance for height. ② Needs articulation on W side on 2nd floor, maybe also on 1st floor. ③ W setback only 3.8'

Nonconforming Structures with Conforming Uses (62.105)

- No Addition is on back of building or fills in jog on side of building
- No Does not alter the front façade
- No Does not create a building height greater than 22'-0"
- No Footprint or addition does not exceed 250 SF
- No Roof pitch on front third of building is not altered

- Yes, it is NC structure w/ conforming use, BUT.
 fixed this, 2nd floor wall set back 2.5' from 1st floor.

Principal Structure: Height (66.231)
 Height Max: 22'

Proposed Height: 22'
~~QUESTION: When to measure; do we measure with a driver?~~

| District | 1-13, 16-17, HPC | 14 and 15 (*) |
|----------|------------------|----------------|
| R1 | 30' | 28' @ 10' SYSB |
| R2 | 30' | 26' @ 8' SYSB |
| R3 | 30' | 24' @ 6' SYSB |
| R4 | 30' | 22' @ 4' SYSB |

(*) In District 14 and 15, 1' can be added to every foot away from SYSB. Total max of 35'. (66.231)(L)

Principal Structure: Setbacks (66.231)

| Setback | Cardinal Direction | Required Minimum Setback | Proposed |
|---------|--------------------|--------------------------|-------------------------------|
| Front | <u>S</u> | | <u>32' no change in front</u> |
| Side 1 | <u>W</u> | <u>4</u> | <u>3.8'</u> |
| Side 2 | <u>E</u> | <u>4</u> | <u>8.8'</u> |
| Rear | <u>N</u> | <u>25</u> | <u>43'</u> |

Change of Use Variance

Lot Coverage (66.232)

Lot Size: Dimensions: 40 x 127 = 5,080 sq ft plus 1/2 alley (40 x 8 = 320) = 5,400 sq ft
 Principal Structure Size: 28.5 x 48.5 = 1,382 sq ft
 Garage/Accessory Structure Size: 22.1 x 22.3 = 493 sq ft
 Coverage = $\frac{1875}{5400} = 34.7\%$

(*) Principal Buildings must not exceed 35% of lot in Districts 1-13, 16-17, and HPC. All buildings must not exceed 40% of lot in Districts 14 and 15.

Building Width (66.233)

Minimum of 22' x 22'

Sidewall Articulation (Applicable in Districts 14 and 15, R1-R4, except HPC) (66.234)

W Compliant on Side 1
E Compliant on Side 2
 PROBLEM: 1st floor: rear porch is now enclosed, 1st is NC. 2nd floor: Needs to bring in chimney? Has chimney 2 x 5 10". (De minimus)

(*) Articulations required for building faces greater than 35'. Articulations must be a minimum of 6' Length and 1' Width.

OK 1st floor rear porch is enclosed. W side 1st floor is NC. 2nd floor W side was revised to inset 14" as articulation. LS 1/11/18

Zoning Review Worksheet

Address: 1629 Hartford Ave.

District Council: 15 Zoning: R4 Proposed Use: 2nd story addition - front 2/3 of house.

Parking - Front Facing Attached Garages (63.501)

 Driveway Maximum of 12' width (except 4' wider than garage door within 30' from garage)

 Total Maximum Surface Parking 15% of lot area or 1000 SF, whichever is less

Stormwater/Rainwater Drainage

No change in footprint or grading

Parking - Detached Garage (63.501)

OK Detached garage separated a minimum of 6' from principal structure 14'

NA Driveway Maximum of 12' width (except 4' wider than garage door within 30' from garage) 63.316

OK Total Maximum Surface Parking 15% of lot area or 1000 SF, whichever is less

Detached Garage or Accessory Structures (63.501)

Y Constructed in Rear Yard existing 2 car garage on alley

Y Access to Alley

Y Off Street Parking shall not be in Front Yard

NA Garages shall be setback from the Front Lot Line at least as far as principal structure

NA Except in Rear Yard, Garage Doors facing public street shall be no more than 9' high

NA Except in Rear Yard, Garage Doors shall not exceed 60% of width of principal structure facing same street

NA Corner Lots, accessory structure set back from the street a distance equal to principal structure required setback

NA Rear Yard adjoining Side or Front Yard, set back from interior line a distance equal to minimum side yard of principal structure

OK All other lots, set back a minimum of 3' from all interior lines Existing 3.9'

OK Garage set 1' from alley existing 6.3'

OK Overhangs set back at least 1/3 distance of setback of garage wall or 1', whichever is greater

NA Setback waived when Maintenance Easement Agreement is recorded

Accessory Structure/Garage Lot Coverage (63.501)

Rear Yard Size: 40x43 SF = 1720

Garage/Accessory Structure Size: 493 SF 29% of rear yard

OK Accessory Structure less than 1000 SF

Zoning Review Worksheet

Address: 1629 Hartford
District Council: 16 Zoning: R4 Proposed Use: 2nd story addition
Design Standards (63.110)

- OK Primary Entrance
- Y Entrance located in front third of principal structure no change
- Y Delineated with roof overhangs, recessed entry, landscaping
- Y Direct pedestrian connection to street
- Y Face improved abutting street
- Y Located off a front porch, foyer, courtyard... small porch
- NA Setback at least 8' from side lot line if door facing side

- In Pedestrian Oriented Commercial District
- Built up to public sidewalk
- Or new principal structures shall have a maximum front yard setback of 15'
- At intersections, hold the corner
- Primary entrance shall face an abutting public street

- OK Building Materials and architectural treatments used on sides facing public street should be similar to principal façade
- OK Visual impact of rooftop equipment shall be reduced

- N Local/National Historic District
- Y District 14 or 15
- N City of Saint Paul Historic District _____
- N NRHP District _____
- N City of Saint Paul River Corridor Overlay _____
- N Tree Preservation Overlay _____

Zoning Review Worksheet

Address: 1620 Hartford Ave

District Council: 15 Zoning: R4 Proposed Use: 2nd story add'n

Window Glazing Percentages (63.110) not required for additions 120 SF and less

15% of total area of building faces on public street (front and side if on corner lot)
 10% of total area of building faces overall
 Window glazing measured on all construction greater than 120 SF

openings are OK.

Front: Cardinal Direction: S Street Face: Hartford

Wall *Complicated - see attached tracing paper.*
 528.63 sf

Openings
 $6 \times 3.5 = 21$
 $1.75 \times 2.5 = 4.38$
 $8 \times 4.5 = 36$
 $3 \times 7 = 21$

 82.38 sf
 15.6%

See revised front calculations!

$528.6 \times 15 = 79.3 \%$ required

Side 1 (or Public Face 2): Cardinal Direction: W Street Face: _____

Wall *No drawing of west facade, but same area as east facade.*
 939.5 sf

Openings *Havest. ins. more than 10% window without W side. No W elevations, I made estimates from axonometric illustration.*
 $(3) 3 \times 3.5 = 31.5 \text{ sf}$
 $5 \times 4.5 = 22.5$
 $2.5 \times 4.5 = 11.25$
 $6 \times 5 = 30$
 $(2) 3 \times 1.25 = 7.50$

 37.50

Side 2: Cardinal Direction: E

Wall
 $42 \times 20.5 = 861$
 $10 \times 7 = 70$
 $\frac{1}{2} \times 4 \times 4.25 = 8.5$

 939.5 sf

Openings
 $3 \times 3.5 = 10.5$
 $4.25 \times 3.5 = 14.88$
 $3 \times 4.25 = 12.75$
 $2.5 \times 4.5 = 11.25$
 $2.5 \times 4.5 = 11.25$
 $5 \times 4.5 = 22.5$
 $3 \times 3 = 9$
 $3 \times 1.25 = 3.75$
 $3 \times 1.25 = 3.75$

 96.11

Rear: Cardinal Direction: N

Wall *also figured out on attached tracing paper.*
 594 sf

Openings
 $6 \times 4.5 = 27$
 $3 \times 3 = 9$
 $14 \times 4 = 40$
 $3.25 \times 7 = 22.75$
 $5 \times 6 = 30$

 128.75 sf

Wall Total: 3001.6 SF
 $\times 10\% = 300.2 \text{ sf}$ required

Opening Total: 344.7 SF
 total 11.6% openings

Zoning Review Worksheet

Address: 1629 Hartford Ave. - revision 12/13/18

District Council: 15 Zoning: R4 Proposed Use: 2nd story addn

Window Glazing Percentages (63.110) not required for additions 120 SF and less

Reviewed
12/13/18

15% of total area of building faces on public street (front and side if on corner lot)
10% of total area of building faces overall
Window glazing measured on all construction greater than 120 SF

Revised house front

Front: Cardinal Direction: S Street Face: Hartford

| | | | |
|----------------------|-----------------|---|------------------|
| Wall | 12.25 x 26 | = | 318.5 |
| | 6.25 x 26 | = | 162.5 |
| | 1/2 x 4.25 x 26 | = | 162.5 |
| | 1/2 x 7 x 1.5 | = | 52.25 |
| | | = | 5.25 |
| | | = | 541.5 |
| Less 1st floor roof: | | = | -24.5 |
| | | = | 517 |

14 x 1.75 = 24.5

17.3%

| | | | |
|----------|-----------|---|-------|
| Openings | 6.5 x 2.5 | = | 16.25 |
| | 6.5 x 2.5 | = | 16.25 |
| | 3 x 7 | = | 21 |
| | 8 x 4.5 | = | 36 |
| | | = | 89.5 |

517 x .15 = 77.6 # required

Side 1 (or Public Face 2): Cardinal Direction: W Street Face: _____

Wall : Openings

No change from earlier review
939.5 #

Side 2: Cardinal Direction: E

Wall : Openings

No change
939.5 #

Rear: Cardinal Direction: N

Wall : Openings

No change
594 #

11.9%

Wall Total: 2990 SF

Opening Total: 355.30 SF

CITY OF SAINT PAUL Deadline for Action: January 7, 2019
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 18-123560
DATE: December 3, 2018

WHEREAS, Suzanne Griffiths - 45 North Investment Properties LLC has applied for a variance from the strict application of the provisions of Section 66.231, 66.231(1) of the Saint Paul Legislative Code pertaining to construction of a second story addition to an existing, one- and a half- story single-family dwelling. For single-family dwellings zoned R4 and located in Planning Districts 15, a maximum building height of 22' at a 4' side yard setback is allowed. The existing side setback for this structure is 3.8' on the west side, which would allow a maximum building height of 22' and the proposed height of the structure will be 24.8', for a variance request of 2.8' for height and a variance request of .2' for the west side yard setback in the R4 zoning district at 1629 Hartford Avenue. PIN: 092823410082; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on December 3, 2018 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

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

The applicant is proposing to construct a second story addition to an existing, one- and a half-story single-family dwelling. For single-family dwellings zoned R4 and located in Planning Districts 15, a maximum building height of 22' at a 4' side yard setback is allowed. The existing side setback for this structure is 3.8' on the west side, which would allow a maximum building height of 22' and the proposed height of the structure will be 24.8', for a variance request of 2.8' for height and a variance request of .2' for the west side yard setback.

The proposed height of the structure does not align with the district council's intent to maintain the height of single-family dwellings at 22' within its district. This finding is not met.

Resolution
File #: 18-123560

2. *The variance is consistent with the comprehensive plan.*

The proposed addition is an improvement to the property that would support the rehabilitation of Saint Paul's existing housing stock. The requested variances are consistent with the Comprehensive Plan by allowing the existing property owner in an "established neighborhood" to reinvest in his property and maintain its vitality and preserve and promote the neighborhood

(Strategy 2.1 of the Housing Plan). This finding is met for both variance requests.

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

This house was constructed in 1928 and was not built centered to the lot. As a result, the structure now has a nonconforming side yard setback of .2' from the west property line and a setback of 8' from the east side property line. Because this house was built closer to the west property line, the applicant would have to shift the addition over .2' to meet the required side setback, which would be unreasonable.

The existing rear addition was constructed prior to the zoning code change for building height for single-family dwellings in District 15. It is difficult to align the building height on rear of the house with the front without the requested variance. The new roof pitch in the front of the house will complement the south elevation and improve the aesthetics of the structure. This finding is met for both variance requests.

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

The proposed additional height of the building is a plight created by the landowner. This finding is not met.

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

This property is zoned R4, single-family residential district. The proposed variances will not allow a use that is not permitted. This finding is met for both variance requests.

Resolution

File #: 18-123560

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

The proposed siding would not improve the aesthetic of the house and it would alter the essential character of the surrounding area. This finding is not met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the request to waive the provisions of Section 66.231, 66.231(1) to allow the height of the structure to be 24.8', for a variance request of 2.8' for height and a variance request of .2' for the west side yard setback on property located at 1629 Hartford Avenue; and legally described as Mattock Park Lot 14 Blk 5; in accordance with the application for variance and the site plan on file with the Zoning Administrator **IS HEREBY DENIED.**

**BUILDING PERMIT**

PERMIT#: 20 18 098004
Issued Date: January 02, 2019

CITY OF SAINT PAUL
 Department of Safety & Inspections
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101- 1806
 www.stpaul.gov/dsi
 Phone: 651-266-8989
 Fax: 651-266-9124

CONTRACTOR:**OWNER:**

MIDWAY VO- TECH INC DBA RPZ
 TESTING SERVICE
 1355 GENEVA AVE N
 OAKDALE MN 55128

45 NORTH INVESTMENT PROPERTIES
 LLC
 11190 SANDCASTLE DR UNIT E
 ST PAUL MN 55129- 8616

PERMIT ADDRESS:
 1629 HARTFORD AVE
 ST PAUL MN 55116- 1410

Inspector: David T.
Phone: 651- 266- 9020
Schedule Inspection:
 7:30- 9:00 AM Monday - Friday

SUB TYPE: Single Family Dwelling

WORK TYPE: Addition

WE WILL BE MAKING THE CURRENT HALF STORY TO A FULL 2ND STORY TO TIE IN WITH PREVIOUS 2 STORY ADDITION (75% OF 2ND FLOOR), OPENING 1 WALL BETWEEN KITCHEN AND DINING ROOM AND ADDING A MUD ROOM ON MAIN FLOOR. ONLY NEW SECTION OF 2ND FLOOR WILL GET NEW SIDING. The following "Trade" Permits are required for this project: Electrical, W.Air Vent, Plumbing,

| | | | |
|--------------------------------------|--|--------------------------------------|---------------------------|
| Contractor Name | Midway Vo- Tech Inc Dba Rpz Testing Service | Application Method | Walk- in |
| Date Received | Aug 24, 2018 | # of Existing Dwelling Units | 1 |
| Change/Expansion of Use? | No | Final # of Dwelling Units | 1 |
| Valuation Override | No | Design Review Require? | Yes |
| Proposed Primary Use (Single Family) | R- Single Family Dwelling | Existing Primary Use (Single Family) | R- Single Family Dwelling |
| State Valuation | \$125,000.00 | Estimated Start Date | Sep 01, 2018 |
| Estimated Completion Date | Dec 31, 2018 | Scope of New Work | Full Permit |
| Exterior Repair Work (R) | Misc.Minor Repairs | Primary Occupancy Group | IRC- 1 |
| Primary Construction Type | V- B | Addition Length (ft) | 48 |
| Addition Width (ft) | 26 | Addition Height | 22 |
| Addition # of Stories | 2 | Addition Basement? | No |
| Setback- Front | 32' | Setback- Rear | 43' |
| Setback- Side 1 | W 3.8' existing first floor, 4' for 2nd floor | Setback- Side 2 | E 8.8' |
| Plan Number | V- 2018- 2198 | | |

FEES

| | |
|-------------------|-------------------|
| Design Review Fee | 332.00 |
| Permit Fee | 1,486.11 |
| Plan Check Fee | 965.97 |
| Surcharge B | 62.50 |
| TOTAL | \$2,846.58 |

SHERIFF'S CERTIFICATE OF SALE AND FORECLOSURE RECORD

MORTGAGE DOCUMENT #T02617750 (T)

DRAFTED BY:

Wilford, Geske & Cook P.A.

7616 Currell Blvd; Ste 200

Woodbury, MN 55125-2296

FILE NUMBER: 042919F01

SEND TAX STATEMENTS TO:

Lima One Capital LLC

201 East McBee Avenue, Suite 300

Greenville, SC 29601

Parcel Number: 092823410082

SHERIFF'S CERTIFICATE OF SALE AND FORECLOSURE RECORD

SHERIFF'S CERTIFICATE OF SALE

STATE OF MINNESOTA

COUNTY OF RAMSEY

I, Bob Fletcher, Sheriff of the County of Ramsey, State of Minnesota, do hereby certify that pursuant to the printed Notice of Foreclosure sale hereto attached and the power of sale contained in the following described mortgage:

DATE OF MORTGAGE: June 15, 2018

MORTGAGOR(S): 45 North Investment Properties, LLC

MORTGAGEE: Lima One Capital, LLC

DATE AND PLACE OF REGISTERING:

Registered: July 02, 2018 Ramsey County Registrar of Titles

Document Number: T02617750

ASSIGNMENTS OF MORTGAGE:

And assigned to: Normandy Capital Trust

Dated: June 29, 2018

Registered: February 08, 2019 Ramsey County Registrar of Titles

Document Number: T02633356

And assigned to: Lima One Capital, LLC

Dated: October 10, 2019

Registered: October 14, 2019 Ramsey County Registrar of Titles

Document Number: T02650152

Transaction Agent: Not Applicable

Transaction Agent Mortgage Identification Number: Not Applicable

Lender or Broker: Lima One Capital, LLC

Residential Mortgage Servicer: Lima One Capital LLC

Mortgage Originator: Not Applicable

CERTIFICATE OF TITLE NUMBER: 623942

COUNTY IN WHICH PROPERTY IS LOCATED: Ramsey

Property Address: 1629 Hartford Ave, Saint Paul, MN 55116-1410

Tax Parcel ID Number: 092823410082

I did, at the time and place in said notice specified:

DATE AND TIME OF SALE: 12/26/2019 10:00 AM

PLACE OF SALE: Sheriff's Main Office, Lowry Building/City Hall Annex, 25 West 4th Street, Suite 150, St. Paul, Minnesota

offer for sale and sell at public auction to the highest bidder and best bidder, the tract of land described as follows, to wit:

Lot 14, Block 5, Mattock Park, Ramsey County, Minnesota

and did strike off and sell the same to: Lima One Capital, LLC

for the sum of: \$323,581.09

said purchaser being the highest bidder and said sum being the highest and best bid offered therefore and that said sale was in all respects openly, honestly, fairly, and lawfully conducted, and the time allowed for redemption by the mortgagor(s), their personal representatives or assigns is six (6) months from the date of said sale.

Interest rate on the date of sale: 15%

IN TESTIMONY WHEREOF, I have hereunto set my hand on 12/26/2019.

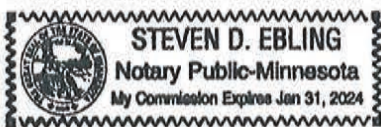
STATE OF MINNESOTA

Bob Fletcher

COUNTY OF Ramsey

By [Signature], Deputy

On 12/26/2019, before me personally appeared marcie wacker, known to be the Deputy Sheriff of said County, and the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed as such Deputy Sheriff.



[Signature]