

Ⓚ \$520.00 ✓ 62848



APPLICATION FOR APPEAL

Department of Safety and, Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
651-266-9008

RECEIVED IN D.S.I.

APR 25 2014

Zoning office use only

File no. 14-199046

Fee 520.00

Tentative Hearing Date:

05/28/2014

APPLICANT

Name Dennis Getten and Kathryn Getten
Address c/o McClay-Alton, PLLP, 951 Grand Avenue
City St. Paul State MN Zip 55105 Daytime Phone 651-290-0301
Name of owner (if different)

PROPERTY LOCATION

Address 1338 Bayard
Legal Description: Lot 15, Hackett's Subdivision of Block 4, Lexington
Park Plat 5
(attach additional sheet if necessary)

TYPE OF APPEAL: Application is hereby made for an appeal to the:

☒ Board of Zoning Appeals ☐ City Council

under the provisions of Chapter 61, Section 701, Paragraph (a) of the Zoning Code, to appeal a decision made by the Zoning Administrator

on April 15, 2014. File number: _____
(date of decision)

GROUND'S FOR APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Board of Zoning Appeals or the Planning Commission.

See Attached

(attach additional sheet if necessary)

Applicant's signature

Dennis Getten

Date: 4-25-14 City Agent

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FILE
14-199016

MCCLAY • ALTON, P.L.L.P.
ATTORNEYS

ROBERT M. MCCLAY
BRIAN D. ALTON*

951 GRAND AVENUE
ST. PAUL, MN 55105
FAX: 651-290-2502
651-290-0301

*Also Licensed in Wisconsin

April 25, 2014

Department of Safety and Inspections
City of St. Paul
375 Jackson Street, Suite 220
St. Paul, MN 55101-1806

RE: 1338 Bayard

Dear Sir or Madam:

Our office represents Dennis Getten and Kathryn Getten, the owners of the property located at 1338 Bayard, St. Paul, MN.

On behalf of the owners, enclosed please find the Application for Appeal, with Attachment. Also enclosed is the filing fee for the Application.

Thank you for your consideration in this matter. If you need any further information please do not hesitate to contact me.

Very truly yours,



Brian D. Alton
brian@mcclay-alton.com

BDA: mm

cc: Dennis and Kathryn Getten

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ATTACHMENT TO APPLICATION FOR APPEAL
Address: 1338 Bayard, St. Paul, Minnesota
File No. 14-199046

1. The Board of Zoning Appeals made an error in determining that the present commercial use of the property is not as an office. The property has a non-conforming commercial use which has been in existence for many years. The non-conforming use was allowed to be enlarged in 2007 to permit up to 10 employees.

Dennis and Kathryn Getten purchased the property in September 2013 and since then it has been used as the offices of Getten Credit Co. A building permit was applied for and approved on November 6, 2013. Significant improvements have been made to the property to accommodate its' use as offices for Getten Credit.

The use of the property as offices for Getten Credit Co. is less intensive than the previous office use. Getten Credit has a total of 4 employees (3 full-time and 1 part-time). It is a family owned and operated business by Dennis and Kathryn Getten who live four blocks away. The office is open Monday through Friday from 8:30 to 4:30 (2:00 p.m. on Friday). The business of the company provides a service to people who otherwise do not have access to credit, offering opportunity to underprivileged and minority populations. The company has been in business in St. Paul for 53 years.

Getten Credit is the only traditional consumer finance company operating in St. Paul (See attached email dated from Dept. of Commerce).

The company has a license from the State of Minnesota which was issued after the Commerce Commissioner determined that that the financial responsibility, experience, character, and general fitness of the company and of the person with direct responsibility for the operation and management of the company are such as to command confidence and to warrant belief that the business will be operated honestly, fairly, and efficiently.

The business is not a payday lender, currency exchange, check cashing operation, pawn shop, predatory lender or other such business that may take advantage of persons in poor financial circumstances and makes usurious loans. Those are types of businesses that Section 65.511 was intended to regulate as Alternative Financial Establishments. It is unfair to compare Getten Credit to these other types of businesses. Getten Credit is more like banks (which are exempt from the ordinance) or credit unions in its business operations. However its' clientele may not have the resources to do business with large institutions with exclusionary and stringent lending requirements.

Getten Credit operates as an office similar to the previous use.

2. The Commissioner of Commerce has issued a Certificate stating that Getten Credit Company is authorized to transact its business at 1338 Bayard Avenue, St. Paul, MN 55116 (copy attached). Getten Credit is in compliance with the regulatory requirements of the State.

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----- Original Message -----

Subject:Alternative Financial Institution

Date:Thu, 5 Jun 2014 15:31:59 +0000

From:May, Darrell E. (COMM) <darrell.may@state.mn.us>

To:denny@gettencreditcompany.com <denny@gettencreditcompany.com>

To Whom It May Concern:

Getten Credit Company is a traditional consumer finance company, and would not be considered an "alternative financial institution", which is likely a term coined by the City of St. Paul. The company is unlike a payday lender or pawn shop, but more comparable to companies like Grand Rapids Loan, Town & Country Finance in Milaca, Citywide Finance Company in West St. Paul, CitiFinancial Services, OneMain Financial Services, and Beneficial Loan & Thrift (previously in downtown St. Paul). Getten Credit Company is the only remaining traditional consumer finance company in St. Paul.

Darrell May
Review Analyst
Financial Institutions Division



651-539-1705

651-539-1548 Fax

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual(s) named above. Information in this e-mail or any attachment may be confidential or otherwise protected from disclosure by state or federal law. Any unauthorized use, dissemination, or copying of this message is prohibited. If you are not the intended recipient, please refrain from reading this e-mail or any attachments and notify the sender immediately. Please destroy all copies of this communication.

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FILE
14-199096

639 Pascal Street South
Saint Paul, Minnesota 55116
28 May 2014

15 W. Kellogg Blvd
Saint Paul, Minnesota 55102

ZONING APPEALS HEARING – GETTEN CREDIT COMPANY:

I live at the end of Bayard Avenue in Highland Park. The new offices of Getten Credit Company is on my route to work hence I know the area well and have noticed the improvements the owner of Getten Credit Company has made to the building over the past couple of months.

As a resident of the area I have found the building improvements have had a positive impact on the neighborhood in terms of the aesthetic beauty. I have not noticed additional vehicular traffic as a result.

I hope you will consider my comments when deciding on the appeal.

Sincerely,



Attie Harmse

Supporting

FILE
14-199046

JOHN J. MORGAN CO.

DATE: May 20, 2014
TO: : Getten Credit
ATTN: Denny Getten
FROM: Michael Morgan

1413 Thompson Avenue
South St. Paul, MN 55075
Telephone (651) 698-0089
Fax (651) 698-6967
Web: www.jjmorgan.com



REGARDING: 1338 Bayard Ave

Denny,

Our traffic levels at 1338 Bayard Ave, during the course of the day, amounted to anywhere from 5-8 cars parked on either side of Hamline Ave or Bayard Ave. These would have been internal office employees or outside sales personnel. Like you, we generally do not have walk in retail trade so foot traffic in and out of the building would have consisted of people such as the mailman, UPS delivery guy once a day, and the odd visitor to an employee. Maybe during lunch we would have had people coming and going, but that would have been about it.

In the evening, the building was vacated and on alarm. There was no traffic whatsoever. Like you, we tried our very best to keep a friendly, quiet face as we knew we were operating in a neighborhood setting.

I anticipate that you would likely have less traffic in and out of the building, based on your phone and internet business model, than we ever did, so the peaceful relationships we had with our neighbors over 30 years should be easy for you to maintain.

The remodeling looks great. From what I can see, you have done nothing but improve the property since our purchase date.

Sincerely,


MICHAEL J. MORGAN
John J. Morgan Co.
Manufacturers Representatives.

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FILE
14-199046

May 15, 2014

Land Use: 1338 Bayard Ave., St. Paul, Minnesota

To Whom It May Concern,

I am Veidols "Veid" Muiznieks and I have known Denny Getten sixty odd years. We grew up on the 1500 block of Eleanor Avenue and have stayed friends to this very day. Denny is one of those special St. Paulites that have stayed in the same Highland Park neighborhood their whole life. And now his business is within walking distance of his homestead. I only see positive in this tie – resident and business owner as one.

I was the 30th President of the Association of Metropolitan Municipalities (now Metro Cities) and a seven year member of their Board of Directors. I spent three years as a member of the Board of Directors of the League of Minnesota Cities. I was elected and reelected to the City of St. Paul Park City Council for twelve years. And I served the City of Newport police department for almost thirty-five years, retiring as the Chief of Police. My ties with understanding zoning ordinances and their purpose are long learned from experience, practicality, and reasonableness as related to cities of all sizes. Understanding the needs of citizens, business owners, and their government regulatory authority are inseparable.

Long years ago, walking back to Edgumbe Elementary School after having lunch at my 1537 Eleanor Avenue home, I would stop at the very building Denny's business is in. If I had ten cents I would buy a bag of popcorn and enjoy this desert while heading back to school. The small grocery store that I visited fit in the neighborhood and was a viable business.

The suburban trend at this very moment is to create what the City of St. Paul has held honorable for decades – neighborhood businesses. "Mom and Pop" style businesses are being introduced to residential areas because there is a growing understanding that a diverse neighborhood allows for a greater tax base and amenities become available without needing to drive miles and miles.

Denny has looked to make his building as esthetically pleasing as any house in the neighborhood. He understands that the "look" of his business property reflects directly on him. He has invested his whole adult life in providing a service through his Getten Credit Company in the City of St. Paul. Now he is bringing an improved building with a business that will not disrupt his neighbors and yet bring a business tax base to his property.

I would gladly stand for questions.

Respectfully,



chiefveid@comcast.net

H 651-459-0193

C 651-262-4722

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FILE
14-199096

William Sands
1657 Questwood Drive
St. Paul, MN. 55113

To Board of Zoning Appeals:

May 12, 2014

This is for the purpose of supporting zoning approval for use of the property located at 1338 Bayard Avenue for the offices Getten Credit Company, a successful St. Paul business for over 50 years. They have had to re-locate because of the new development by Ryan Construction at the corner of Snelling and Selby Ave. I have known the Getten family for over 60 years while employed at Western State Bank, 663 University Ave., St. Paul. My father, Arthur W. Sands, was appointed Commissioner of Banks by Elmer L. Andersen after his election as Governor in 1960 and granted a small loan license to Bob Getten, Sr. in 1961 when they initially opened for business.

I worked at Western State Bank for most of my working life and retired in 2012. The bank enjoyed a wonderful business relationship with the Getten family all those years. The family has run an important business meeting the financial needs of low and moderate income people. They have had a strong loan portfolio consistently, are responsive, and respected by their customers, many who have been repeat borrowers. I believe Getten Credit will continue to be an extremely good neighbor in their new location. They are proud of the improvements made to the former John J. Morgan Building. Denny Getten, the CEO, lives in the house he purchased in 1976, four blocks away.

To my knowledge, Getten Credit has never been in the business of currency exchange or pay-day lending and Denny's company should not be connected to those types of businesses. It is ironic that banks are exempt from the city ordinance, but yet many large banks, including US Bank and Wells Fargo, have been in the business of offering pay-day loan products.

If you have any questions of me regarding this matter, please contact me at 651-271-4892. I am very supportive of this zoning approval for Getten Credit and happy to answer any questions.

Sincerely yours,



William Sands
Pres/CEO, Western State Bank (retired)

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FILE
19-199046



May 7, 2014

To Whom it May Concern:

The purpose of this letter is to support the efforts of Denny Getten and Getten Credit Company during the pending zoning issues. Denny and Getten Credit have had a relationship with Associated Bank, formally Liberty State Bank dating back over 30 years. Since they started, Getten Credit has made a name for themselves by providing financial solutions to people that do not have other options available. They have operated in a professional and fair manner and have a good reputation in the community. As customers of Associated Bank Getten Credit has been responsive and has handled their accounts responsibly.

Getten Credit is a small family business that has been helping people for over 50 years, they are open, upfront and honest with their customers, they do not reflect the business practices of payday loans or pawn shops and should not be classified as such.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Delforge'.

Timothy Delforge
Assistant Vice President

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BEFORE PURCHASE



FILE
14-199046

07.07.2012

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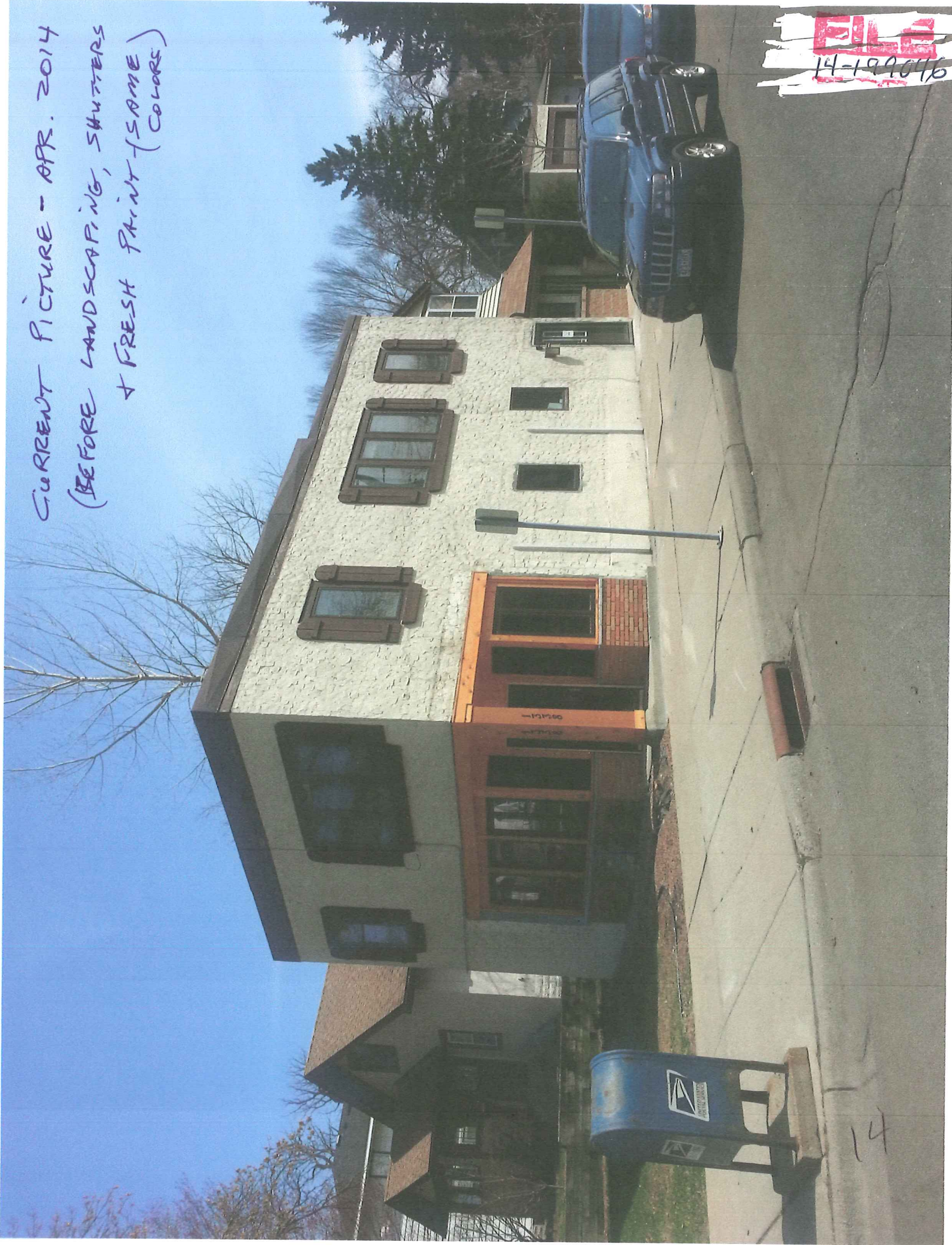
CLEAN UP AFTER CLOSING ON BUILDING SEPT. 2013

FILE
14-199-046

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CURRENT PICTURE - APR. 2014
(BEFORE LANDSCAPING, SHUTTERS
& FRESH PAINT - (SAME
COLORS))



FILE
14-199046