

**CITY OF SAINT PAUL  
HERITAGE PRESERVATION COMMISSION STAFF REPORT**

FILE NAME: 445 Smith Avenue N., Anthony Waldman House

DATE OF APPLICATION: February 14, 2018

APPLICANT: Thomas S. Schroeder

OWNER: Stone Saloon Properties, LLC

DATE OF MEETING: March 8, 2018

HPC SITE/DISTRICT: Limestone Houses Heritage Preservation Sites

CATEGORY: Contributing

CLASSIFICATION: Historic Use Variance      WARD: 2      DISTRICT COUNCIL: 9

STAFF INVESTIGATION AND REPORT: Allison Suhan

DATE: March 2, 2018

**A. BACKGROUND/SUMMARY OF APPLICANT’S PROPOSAL:**

In September 2015, the Applicant received City Council approval of a Historic Use Variance to convert the structure for use as a taproom/microbrewery/restaurant, subject to six (6) conditions including HPC design review approval, substantial compliance with the site plan submitted at that time, and prohibition of off-street parking on the subject site. The Applicant had intended to provide an ADA-compliant accessible parking space in front of the building on Smith Avenue, but was unable to obtain the necessary right-of-way approvals. Therefore, the Applicant requested a new Historic Use Variance for the same uses, but with an amended site plan providing an ADA parking space on the subject site that is accessed via the alley. This historic use variance was granted in 2016.

The HPC conditionally approved the design review application for an outdoor patio with the construction of an ADA ramp, shed, service station, and wood fence at the Anthony Waldman House (445 Smith Avenue) at the February 8, 2018 public hearing (HPC Resolution #18-013). The applicant is now applying for a historic use variance for said patio.

**B. PROPERTY INFORMATION:**

<b>CLASSIFICATION:</b>	
Local Heritage Preservation Site	Limestone Properties Thematic Nomination
Period of Significance	1850-1899
Criteria of Significance	Territorial Settlement, Native Masonry Construction, Architecture
Historic Contexts	Native Limestone Construction, Pioneer Houses: 1854-1880, Neighborhoods at the Edge of the Walking City: 1849-1900, Federal Style Architecture
Date of Local Designation	September 9, 2015
Date of National Register Designation	N/A

Applicable Design Guidelines	Preservation Program and Secretary of the Interior's Standards for Rehabilitation
<b>PROPERTY INFORMATION:</b>	
Current Name	The Stone Saloon
Historic Name	Charles C. Fuchs/Anthony Waldman House
Current Address	445 Smith Avenue North
Historic Address	same
Original Construction Date	1857 stone portion circa 1885 woodframe addition (razed)
Original Builder/Contractor	Jacob Amos, Stonemason
Original Architect	N/A
Historic Use(s)	Territorial store and residence, saloon and residence, single-family residence
Current Use	Vacant
Proposed Use	German lager saloon/taproom/microbrewery/restaurant

**C. FINDINGS REQUIRED FOR A HISTORIC VARIANCE:**

Sec. 73.04 (5) states: *In order to encourage the preservation and rehabilitation of designated heritage preservation sites, the commission shall review use variance applications and may recommend uses consistent with any historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment in any zoning district where such uses are not permitted under current zoning.* Sec. 73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing the following five (5) findings:

**1. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with section 73.04(5) of this chapter.**

While there is no evidence that an outdoor patio or 'biergarten' was ever in this location, the proposal has no adverse impact to the historic structure or site.

**2. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation, as applicable.**

The project received HPC design review approval with conditions on February 8, 2018 (File #18-013). The HPC found that the proposal for an outdoor patio with the construction of an ADA ramp, shed, service station, and wood fence at 445 Smith Avenue will not adversely affect the Program for the Preservation and architectural control of the Limestone Properties Thematic Nomination (Leg. Code §73.06 (e)) so long as the conditions are met. The conditions are as follows:

1. All wood shall be painted, stained, or sealed within one year of permit issuance.
2. The CMU block shall have a split or rock face and a cap and the block shall be of a color similar to that of the limestone on the house. Work shall not progress without staff sign-off.  
Staff: \_\_\_\_\_ Date: \_\_\_\_\_
3. A handrail was not shown for the ADA ramp. If a handrail is needed, details and specifications shall be submitted to HPC staff for review and approval.
4. There shall be no application of sealant, consolidant, or water-proofing/repellant products to the concrete surfaces. All concrete shall be free of colorant or staining.
5. Any final materials, mock-ups, colors, finishes and details shall be submitted to the HPC staff for final review and approval.
6. Any revisions to approved plans shall be submitted and reviewed and approved by the HPC and/or HPC staff. If revisions are significant, new plans may need to be drafted and submitted for final review and approval.
7. The HPC stamped approved plans shall remain available on site for the duration of the project.
8. Items not listed in project scope have not been reviewed. Any changes or additions require further review.
9. This Certificate is VOID if the approved plans are altered from the Heritage Preservation approved plans.
10. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with submitted plans at the responsibility of the applicant. Inaccuracies or differences should be reported to HPC staff prior to commencement.

**3. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with section 73.04(5) of this chapter, and that these difficulties were not created by the applicant.**

This finding is not met.

There is inconclusive evidence that an outdoor patio or 'biergarten' was ever present on this site. The 1870s Charles Palmer cottage was moved by the owner from the site where the biergarten is proposed shortly before local designation began.

**4. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

This finding can be met. The proposed use can be compatible with existing uses in the surrounding area and the underlying zoning classifications in the area. Today 445 Smith Avenue and the immediate area are zoned for single-family (R-4) but the West Seventh Street commercial corridor is nearby which contain outdoor seating areas.

**5. The proposed use is consistent with the comprehensive plan.**

The proposed use is consistent with the Heritage Preservation Chapter of the Comprehensive Plan, specifically, recommending an ordinance to allow historic use variances in order to alleviate undue hardships created by the historic character of designated properties and is consistent with the authority granted by the State statute (HP 5.5a). Additionally, the HP Chapter recommends designating significant historic resources (HP 4.2) and to utilize design review controls to protect designated properties from destruction or alterations that would compromise their ability to convey their historic significance (HP 4.1).

The Planning Commission is best suited, by matter of expertise, to provide a finding regarding consistency with other portions of the Comprehensive Plan.

**Additionally, Sec. 61.601 requires that a historic use variance be granted only to a property that is a locally designated heritage preservation site and imposes a 6<sup>th</sup> finding:**

**6. The use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.**

The property is currently being used as a brewery/taproom, and while the proposed outdoor patio is not necessary to utilize the historic structure, it will not adversely impact the historic structure.

**D. STAFF RECOMMENDATIONS:**

Staff recommends that the Heritage Preservation Commission adopt staff findings and approve the historic use variance for the outdoor patio subject to the following conditions:

1. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals must be obtained prior to the commencement of any work at the property.
2. By ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion of intent approving the application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

**E. ATTACHMENTS**

1. HPC Historic Use Variance Application
2. Site plan of proposed patio submitted with HPC application



Heritage Preservation  
 Department of Planning and Economic Development  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul MN 55102-1634  
 651-266-9078

<b>Office Use Only</b>	
File #:	<u>18-030349</u>
Date Received:	<u>2-14-18</u>
Date Complete:	_____
Tentative Hearing Date:	<u>3/15/18</u>

PD=9  
 #012823410179  
**RECEIVED**  
 FEB 14 2018  
 BY: cl

## HISTORIC USE VARIANCE APPLICATION

### Property Information

Address/Location: 445 Smith Avenue North

Legal Description: Leeches Add'n Ex S 60 Ft The Fol; Lot 14 & E 1/2 Of Lot 13, Blk 9

Current Zoning: R4- One-Family

Proposed Use: T2- Traditional Neighborhood

Name of Owner: Stone Saloon Properties, LLC  
*(if different from applicant)*

Contact Person: Thomas Schroeder Phone: (612) 385-8838  
*(if different from applicant)*

### Applicant Information

Name: Thomas S. Schroeder

Email: tom@waldmannbrewery.com Phone: (612) 385-8838

Address: 194 McBoal Street

City: Saint Paul State: MN Zip: 55102

The applicant must fill out the attached Historic Use Variance application checklist and attach any necessary documents.

**NOTE: If the project will result in any exterior modifications or additions, a Heritage Preservation Design Review Application must be submitted and reviewed by the HPC prior to the Historic Use Variance Application submittal.**





Heritage Preservation  
 Department of Planning and Economic Development  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul MN 55102-1634  
 651-266-9078

## HISTORIC USE VARIANCE APPLICATION

The applicant must fill out the Historic Use Variance application checklist by placing a check mark in the boxes under the 'Applicant' column and attaching the accompanying documents. The 'Staff' column is for staff to verify that your submittal requirements have been met. 15 physical sets of application materials must be provided with application. All application materials must also be provided electronically on a CD or USB drive to allow for web posting for public hearing.

Applicant	Staff	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1) Description of the proposed use and its consistency with the structure's historic use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2) Description of any exterior modifications to the structure, property, and site including an assessment of the impact of these modifications on the historic integrity of the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3) Description of all interior architectural features unique to the historic period.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4) Site plan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5) Photos of existing conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6) 11" x 17" Architectural plans drawn to scale that include any proposed modifications.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7) Information supporting the following findings. (Do not simply rewrite the findings. You must discuss <i>why</i> you believe the findings below can be made for your request.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with Legislative Code Chapter 73.04(5).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with Legislative Code Chapter 73.04(5) and that these difficulties were not created by the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. The proposed use is consistent with the comprehensive plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8) 1 CD or USB drive of application materials
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9) 15 physical sets of application materials

*I certify that I have completed and have included all material checked above in the application submittal.*

Applicant Signature: Thomas E. Schrad Date: 2-15-18

## Attachment to HUV Application

### **1) Description of the proposed use and its consistency with the structure's historic use.**

We are proposing an outdoor seating area immediately to the south and adjacent to Waldmann, our recently-opened historically-themed restaurant/brewery/tap room. Waldmann was originally built and used as a German lager beer saloon by Anton Waldmann from 1857 to 1863. While no evidence has been found proving that Waldmann had a "biergarten," we know that this same space once contained an outdoor well (preserved), double outhouse and ample greenspace overlooking the Mississippi River valley. We also know that outdoor seating was frequently provided at German lager saloons like Waldmann's. The West Seventh neighborhood contained some notable examples, including extravagant beer gardens adjacent to Banholzer's Brewery on Stewart Avenue, and alongside Schade's Saloon across West Seventh Street from the Stahlmann/Schmidt Brewery.

### **2) Description of any exterior modifications to the structure, property, and site including an assessment of the impact of these modifications on the historic integrity of the site.**

No modifications will be made to the historic structure. A 10' x 14' canopy will be added to the east side of our newly constructed brew barn, covering a concrete pad from which food, beer and soda will be served. Four tables with bench seating and four small high-top tables will be placed on a surface of crushed, compacted limestone (class 5). The seating area will be surrounded by a rough-cut cedar rail fence, with an egress gate to the east and concrete ADA ramp to the sidewalk. Two trees and a line of shrubs along the east fence line are designed to reduce traffic noise from Smith Avenue, a heavily trafficked state trunk highway. These modifications will have little/no impact on the historic integrity of the site.

### **7) Findings:**

#### **a. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with Legislative Code Chapter 73.04(5).**

The outdoor seating area is appropriately scaled and situated so as not to detract from the site, and in fact will enhance the public's experience of the site. Views of the historic limestone structure will be preserved from the public street and sidewalk, and visitors will now have the ability to access the side yard for an additional and even closer perspective on the building.

#### **b. The proposed use complies with the adopted preservation program and the United States' Secretary of the Interior's Standards for Rehabilitation.**

The outdoor seating area has been designed in accordance with the Preservation Program for the historic site, which itself is consistent with the Secretary of Interior's Standards for Rehabilitation.

#### **c. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its**

**historic use or that the new use is consistent with Legislative Code Chapter 73.04(5) and that these difficulties were not created by the applicant.**

The site's R4-One Family zoning would otherwise prohibit an outdoor seating area serving a restaurant/brewery/tap room, yet this use is consistent with the historic use of the site as a mid-19<sup>th</sup> Century German lager saloon.

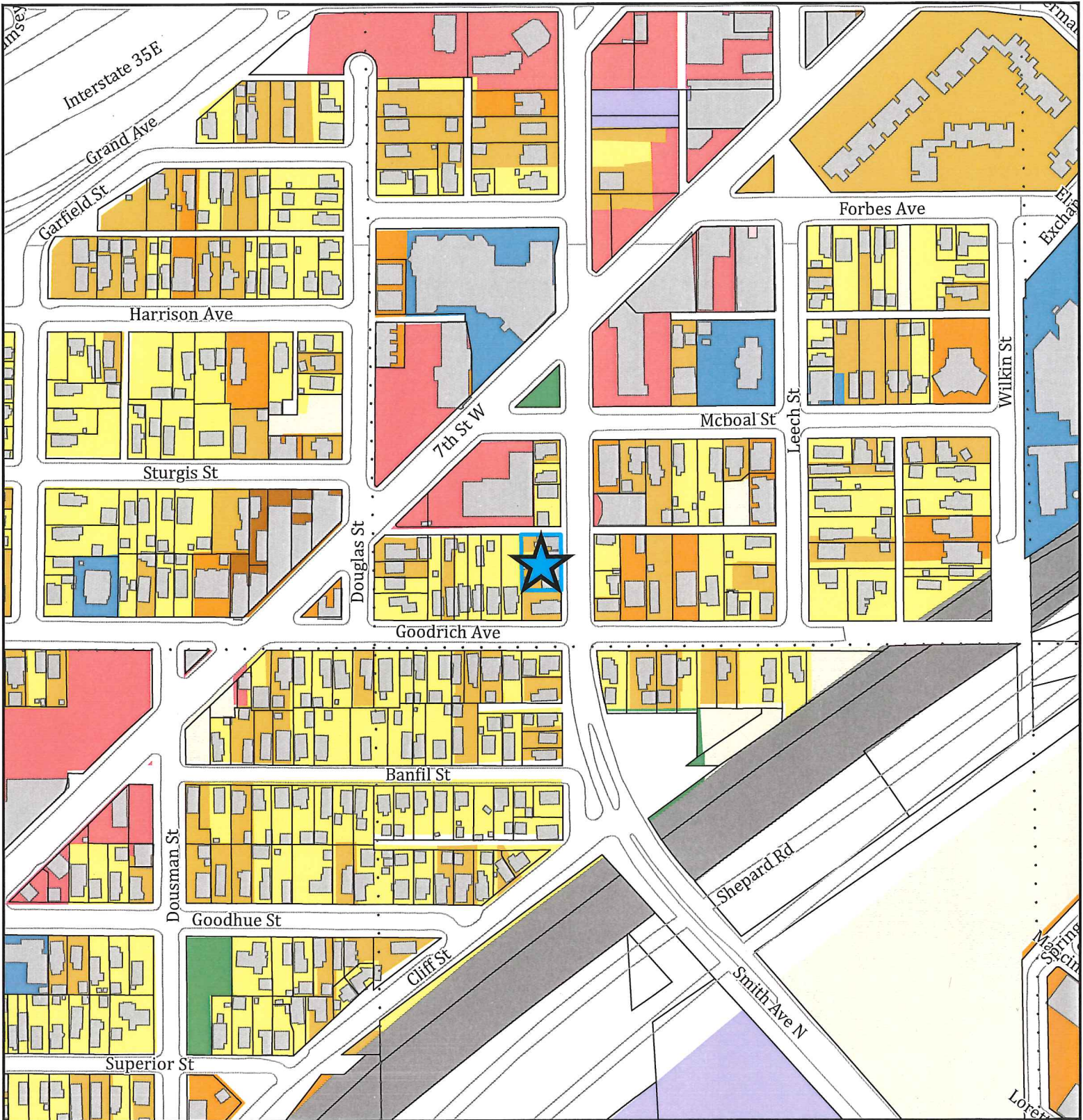
**d. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

Several local businesses in the immediate vicinity have outdoor seating areas, including Bad Weather Brewery, Claddaugh Coffee, Day by Day Café, Burger Moe's and Forepaugh's Restaurant. Burger Moe's outdoor seating area is located on a National Register/Heritage Preservation Site (Justus Ramsey House), and Forepaugh's outdoor seating area is located within a National Register Historic District (Irvine Park Historic District).

**e. The proposed use is consistent with the comprehensive plan.**

The designs for and use of our outdoor seating area promote the aesthetic and development standards set forth in the City's 2010 Comprehensive Plan, furthering the goal of a high-quality pedestrian-scaled urban environment. Moreover, our neighborhood's Area 9 Area Plan encourages the creation of outdoor community gather spaces by incorporating green space and other public spaces in redevelopments in the West 7<sup>th</sup> corridor area. (Key Strategies #30, 31).





FILE NAME: Stone Saloon Properties

APPLICATION TYPE: Historic Use Variance

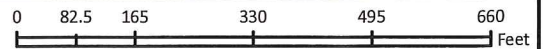
FILE #: 18-030349      DATE: 2/20/2018

PLANNING DISTRICT: 9

ZONING PANEL: 15

**Land Use**

- |                                |                                |
|--------------------------------|--------------------------------|
| Single Family Detached         | Industrial and Utility         |
| Single Family Attached         | Institutional                  |
| Multifamily                    | Park, Recreational or Preserve |
| Office                         | Railway                        |
| Retail and Other Commercial    | Undeveloped                    |
| Mixed Use Residential          | Subject Parcels                |
| Mixed Use Commercial and Other | Section Lines                  |



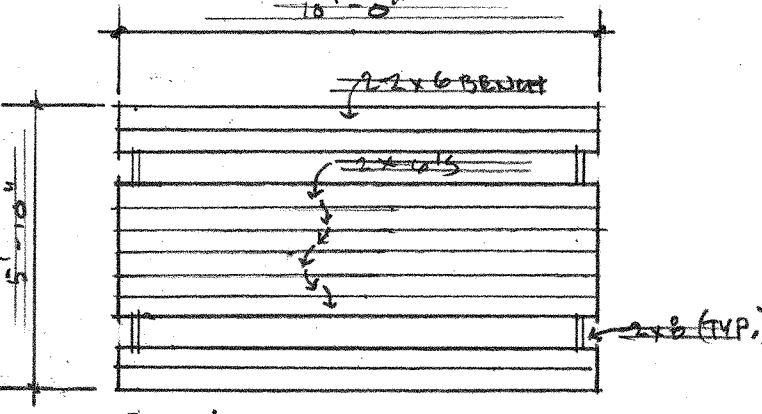
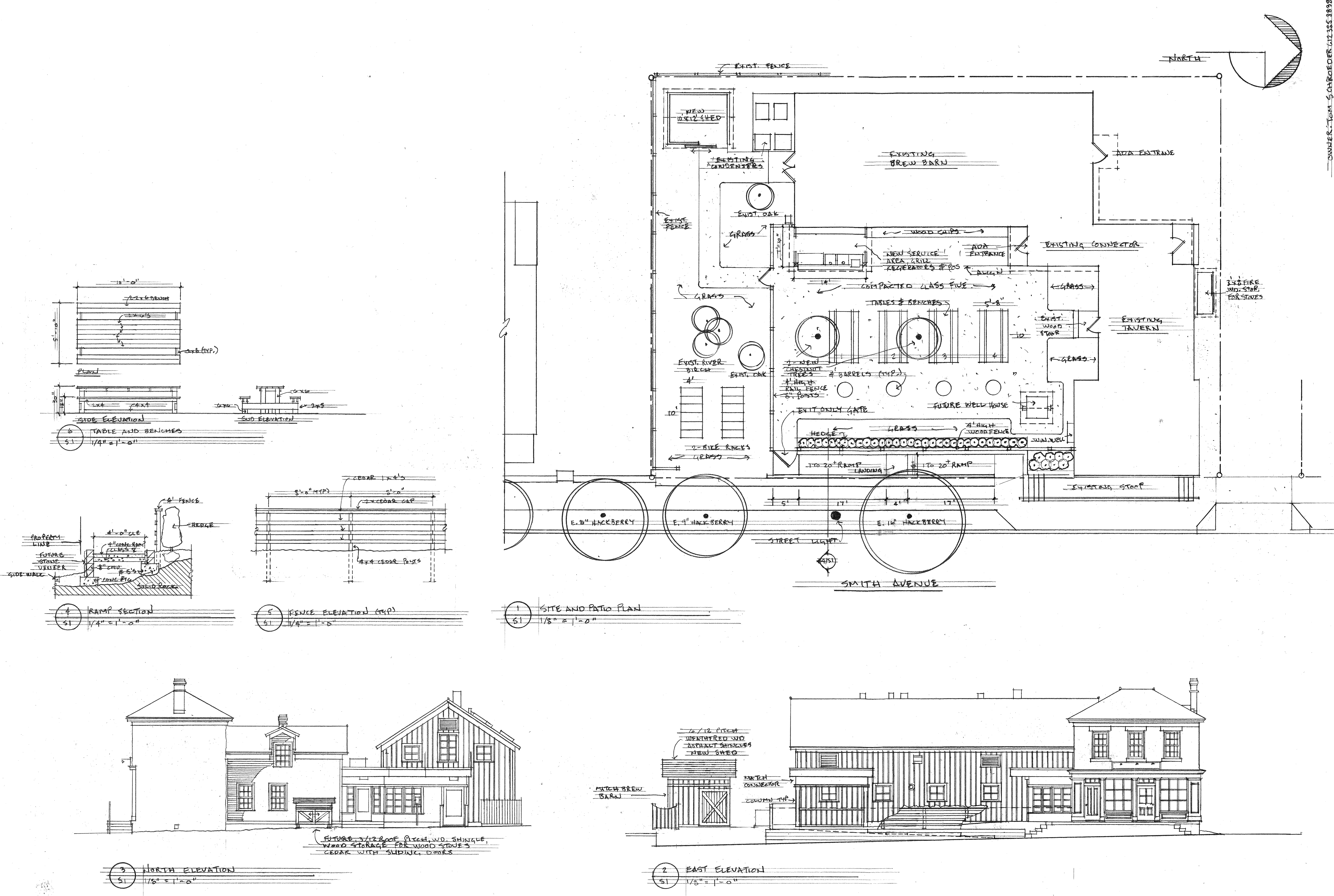


COURTESY: TOM & CAROLEE 473 385 2832

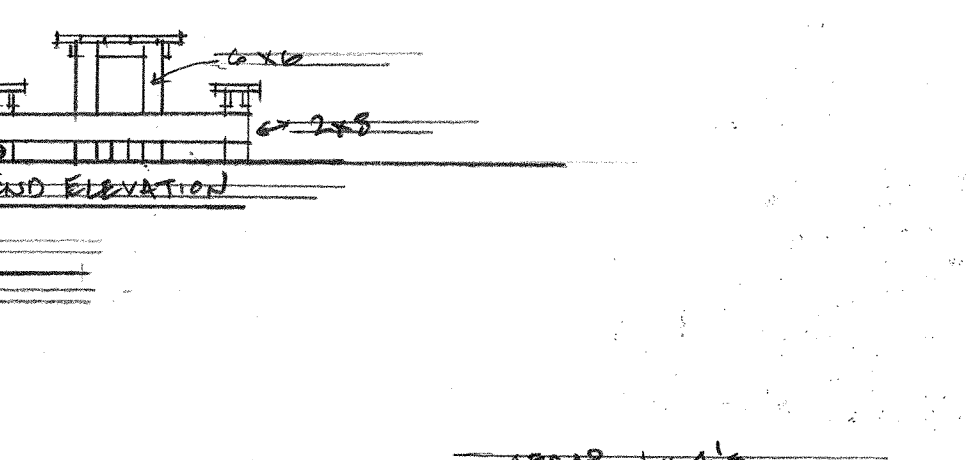
WALDMANN BREWERY - 445 SMITH AVENUE  
 TOWANDA AND SCHAEDER - 194 McBOAL STREET - SAINT PAUL, MINNESOTA 55102

**YUST ARCHITECTURAL SERVICES**  
 476 West 7th Street ■ Saint Paul, MN 55102

(651)-225-9601  
 (651)-290-1411

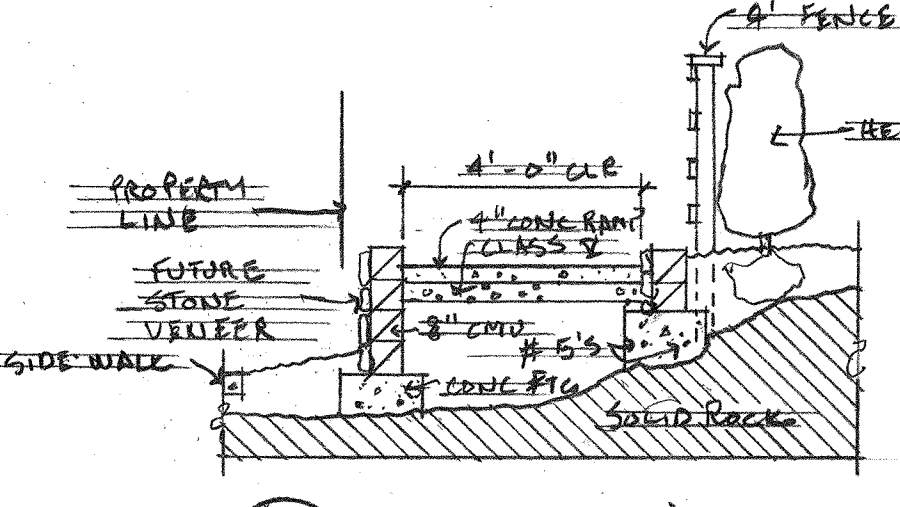


6 TABLE AND BENCHES  
 S1 1/4" = 1'-0"



5 FENCE ELEVATION (TYP)  
 S1 1/4" = 1'-0"

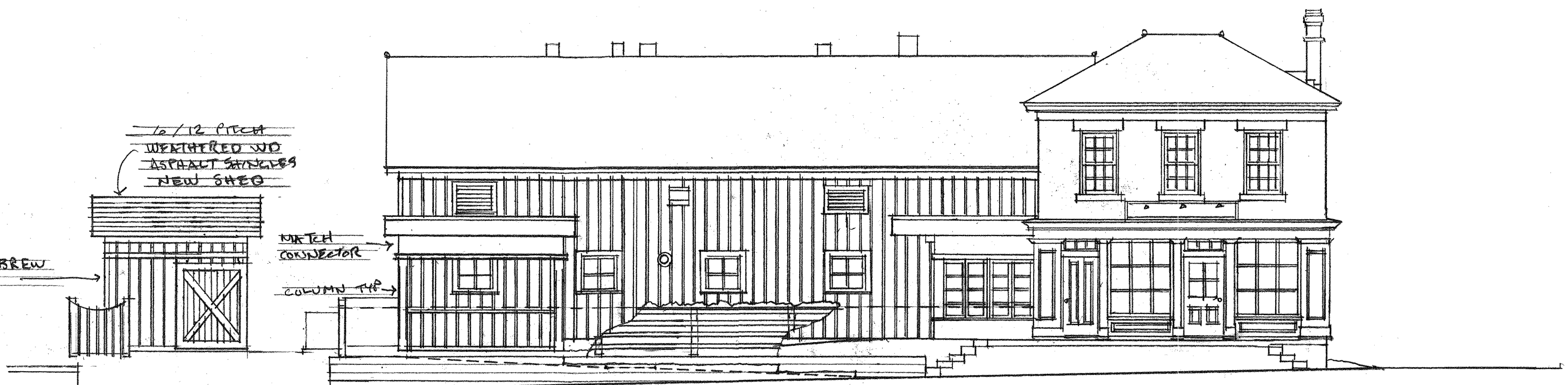
1 SITE AND PATIO PLAN  
 S1 1/8" = 1'-0"



4 RAMP SECTION  
 S1 1/4" = 1'-0"



3 NORTH ELEVATION  
 S1 1/8" = 1'-0"



2 EAST ELEVATION  
 S1 1/8" = 1'-0"

1/18/2018  
 1/21/2018  
 SITE AND PATIO PLAN  
 DATE • REVISIONS  
 COMM NO • DRAWN • CHECKED  
 18-3005  
 DATE

DRAWING NO.

