

CITY OF SAINT PAUL

HERITAGE PRESERVATION COMMISSION RESOLUTION

FILE NUMBER 16-016; 445 Smith Avenue

DATE: January 28, 2016

Memorializing the Saint Paul Heritage Preservation Commission's January 28, 2016 decision recommending approval of a Historic Use Variance at 445 Smith Avenue.

WHEREAS, the Saint Paul Heritage Preservation Commission (HPC) is authorized by Chapter 73 of the Saint Paul Legislative Code to review Historic Use Variance applications and provide a recommendation that is forwarded to the Planning Commission and the City Council; and

WHEREAS, a similar application was approved by the City Council in October 2015, after having received recommendations from the HPC and the Planning Commission; and

WHEREAS, a second application was received for a Historic Use Variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery at 445 Smith Avenue North; and

WHEREAS, the subject property is located within the Saint Paul Pioneer Era Limestone Houses Heritage Preservation Site, adopted by the Mayor and City Council in September 2015; and

WHEREAS, on January 28, 2016, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were given an opportunity to be heard; and

WHEREAS, in accordance with Sec. 73.03.1, the HPC considered a staff report addressing the following five (5) findings, as follows:

- 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.**

Analysis of this finding has not changed from the previous application.

Per the submitted plans, the proposed use requires more than a minimal change to the site, the stone building and the historic wood frame addition in order to accommodate the proposed use. The original use was a territorial "store" and residence when first constructed in 1857 by Charles C. Fuchs and after 1863 records would indicate the property was used more as a residence. Waldman's name appears on the property's title in 1860 but there is indication that he had some ownership in the property earlier. Waldman held liquor licenses in 1858 and 1859 and did not own any other properties during this time.

During the 1870's and 1880's the remaining space on the large lot was developed with three more residences. Waldman and his family moved into the Italianate at 457 (1872, extant) and then constructed a double house in stages at 449-453 (circa 1874/1880, razed) and obtained a single residence at 447 (circa 1874, extant) originally constructed behind the stone house. The properties remained mostly residential and rentals with the exception of 457 where Waldman lived until circa 1882.

In 1947 John and Francis Dreyling purchased the stone house for owner-occupancy and Francis Dreyling remained in the house until 2008 when purchased by the current owners and applicant. The building then became a registered vacant building and the owner has been rehabilitating the masonry portion and is proposing to use the stone house as a German lager saloon, reconstructing the circa 1880's wood-frame addition and then construct a new vestibule and building for brewing, kitchen, restroom and office space. The 1903 Sanborn Insurance Map updated to 1925 shows all four buildings still on one lot (445 through 457) and at some point the parcels were divided. More recently the current owner bought lots 453 through 445 and has joined them into one larger parcel.

The proposed use is more intense than the historic uses. There is indication from photos prior to 2009 that the original storefront was filled in sometime between 1863 and the 1880's. The applicant has removed the early infill and constructed a new storefront opening. Using the building as a "store and flats" or single-family residence would be consistent with historic uses.

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

This finding can be met via design review approval through the HPC. The project received design review approval in October 2015, but now needs new design review to address the proposed site and building changes. A public hearing regarding the design review application was held on January 28, 2016 where the proposed revisions were conditionally approved under file #16-015.

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.

Analysis of this finding has not changed from the previous application.

The current owner and applicant removed the early stone infill where the original storefront was at the time of construction in 1857. A new storefront was constructed and based on a few physical clues left in photos and shadow lines at the property. A commercial use on the first floor given the historic building's original construction characteristics is consistent with Sec. 73.05(5).

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

Analysis of this finding has not changed from the previous application.

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.

Multiple surveys of the Uppertown neighborhood have identified a four block area west of the Irvine Park Historic District eligible for the National Register of Historic Places and for local designation. The development of Uppertown dates from the 1840's when John R. Irvine built a river landing near Chestnut Street. The Upper Landing became an important shipping center and point of arrival as much of the early development was organized around the Upper and Lower levees. The old Fort Road between Fort Snelling and St. Paul was the area's main artery. Irvine Park and the area to the west was a focus of early residential development and today contains the city's largest concentration of Greek Revival, Federal, Second Empire, and Italianate Styles. St. Paul had a building boom in the early 1850's and by 1858 Uppertown (1992 survey boundaries) contained 67 buildings. More than half were located in Leech's Addition where 445 Smith is located. One record confirmed a saloon at the corner of Smith and McBoal streets in 1858 but it is very difficult to determine commercial uses of buildings at this time as often one or two rooms would be used in a residence as a place of business as well.

The first "permanent" frame and masonry dwellings came in the 1850's and many were modest one-story structures in a Greek Revival style with low-pitched roofs and 6-over-6 double hung windows. "Residential, commercial, and industrial land uses were largely mixed in early St. Paul but by the Civil War, as the rise of industrial capitalism gradually separated the workplace from the place of residence, especially for the upper classes" (Zellie, 2001, *Pioneer Houses*). Given the distance between the two landings, Lowertown became the major commercial center and Uppertown became primarily residential while Uppertown's business district was developing east of Irvine Park which became known as Seven Corners and spread west along Fort Road and West Seventh Street (Mead & Hunt, 2011, *Walking City*). The area of Smith Avenue did not take off as a commercial corridor but the early adjacent and

extant structures including 445 Smith did have some combined uses. Today 445 Smith and the immediate area are zoned for single-family but the West Seventh Street commercial corridor is nearby.

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

Analysis of this finding has not changed from the previous application.

This finding may be met. 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.

and

WHEREAS, the HPC also considered the staff report's 6th finding addressing a requirement of Sec. 61.601, as follows:

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.

Analysis of this finding has not changed from the previous application.

This finding is not met. Other uses, such as single-family housing or a live-work unit with a small office on the first floor would not require a large building addition, the demolition of the circa 1885 addition or the moving of the nearby circa 1870's cottage outside the potential West Seventh Street historic district, and therefore would have less impact on the site's and neighborhood's historic character. The 2011 Mead and Hunt survey recommended this four block area for historic designation given it possibly represents the largest collection of the earliest houses constructed in the City. These Pre-Civil War houses are primarily modest vernacular forms or more formal Federal and Greek Revival architectural styles. By 1925 there were four buildings on one lot (445 to 457 Smith), all oriented at the front sidewalk and three of them were very close together. The overall character of this area is of modest homes, some with multiple dwellings on one lot and few accessory structures.

NOW THEREFORE, BE IT RESOLVED, that the Heritage Preservation Commission adopts the six (6) findings as presented in the staff report as detailed above; and

BE IT ALSO RESOLVED, the Heritage Preservation Commission recommends approval of the Historic Use Variance subject to the following conditions:

1. HPC design review approval of any proposed site and building repairs, demolition, alterations and new construction. All work shall meet the applicable Preservation Program and the Secretary of the Interior's Standards for Rehabilitation.
2. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals prior to the commencement of any work at the property.
3. 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.

MOVED BY **D. Riehle**
SECONDED BY **S. Trimble**

IN FAVOR **8**
AGAINST **0**
ABSTAIN **0**

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

FILE NAME: 445 Smith Avenue N., Anthony Waldman House
 DATE OF APPLICATION: January 7, 2016
 APPLICANT: Thomas S. Schroeder
 OWNER: Thomas S. and Ann M.P. Schroeder
 DATE OF MEETING: January 28, 2016
 HPC SITE/DISTRICT: Limestone Houses Heritage Preservation Sites
 CATEGORY: Contributing
 CLASSIFICATION: Historic Use Variance WARD: 2 DISTRICT COUNCIL: 9
 STAFF INVESTIGATION AND REPORT: Amy Spong & Bill Dermody
 DATE: January 15, 2016

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. Accommodation of the ADA space prompts a few other site plan changes, such as removal of the previously proposed wheelchair ramp near Smith Avenue, a new entrance near the parking space, and a shifting of the kitchen/prep area from the vestibule to the brew building. Design details are addressed through the accompanying design review application. The main customer parking lot remains one block to the west at 194 McBoal Street. Even though the proposed taproom/microbrewery/restaurant use has not changed since the September approval, a new Historic Use Variance is necessary because the requested on-site parking space conflicts with a condition of the original approval and also represents a significant change in the site plan.

B. PROPERTY INFORMATION:

CLASSIFICATION:	
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
PROPERTY INFORMATION:	
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
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.

Analysis of this finding has not changed from the previous application.

Per the submitted plans, the proposed use requires more than a minimal change to the site, the stone building and the historic wood frame addition in order to accommodate the proposed use. The original use was a territorial "store" and residence when first constructed in 1857 by Charles C. Fuchs and after 1863 records would indicate the property was used more as a residence. Waldman's name appears on the property's title in 1860 but there is indication that he had some ownership in the property earlier. Waldman held liquor licenses in 1858 and 1859 and did not own any other properties during this time.

During the 1870's and 1880's the remaining space on the large lot was developed with three more residences. Waldman and his family moved into the Italianate at 457 (1872, extant) and then constructed a double house in stages at 449-453 (circa 1874/1880, razed) and obtained a single residence at 447 (circa 1874, extant) originally constructed behind the stone house. The properties remained mostly residential and rentals with the exception of 457 where Waldman lived until circa 1882.

In 1947 John and Francis Dreyling purchased the stone house for owner-occupancy and Francis Dreyling remained in the house until 2008 when purchased by the current owners and applicant. The building then became a registered vacant building and the owner has been rehabilitating the masonry portion and is proposing to use the stone house as a German lager saloon, reconstructing the circa 1880's wood-frame addition and then construct a new vestibule and building for brewing, kitchen, restroom and office space. The 1903 Sanborn Insurance Map updated to 1925 shows all four buildings still on one lot (445 through 457) and at some point the parcels were divided. More recently the current owner bought lots 453 through 445 and has joined them into one larger parcel.

The proposed use is more intense than the historic uses. There is indication from photos prior to 2009 that the original storefront was filled in sometime between 1863 and the 1880's. The applicant has removed the early infill and constructed a new storefront opening. Using the building as a "store and flats" or single-family residence would be consistent with historic uses.

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

This finding can be met via design review approval through the HPC. The project received design review approval in October 2015, but now needs new design review to address the proposed site and building changes. The proposal is scheduled for HPC design review at the January 28, 2016 public hearing.

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.

Analysis of this finding has not changed from the previous application.

The current owner and applicant removed the early stone infill where the original storefront was at the time of construction in 1857. A new storefront was constructed and based on a few physical clues left in photos and shadow lines at the property. A commercial use on the first floor given the historic building's original construction characteristics is consistent with Sec. 73.05(5).

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

Analysis of this finding has not changed from the previous application.

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.

Multiple surveys of the Uppertown neighborhood have identified a four block area west of the Irvine Park Historic District eligible for the National Register of Historic Places and for local designation. The development of Uppertown dates from the 1840's when John R. Irvine built a river landing near Chestnut Street. The Upper Landing became an important shipping center and point of arrival as much of the early development was organized around the Upper and Lower levees. The

old Fort Road between Fort Snelling and St. Paul was the area's main artery. Irvine Park and the area to the west was a focus of early residential development and today contains the city's largest concentration of Greek Revival, Federal, Second Empire, and Italianate Styles. St. Paul had a building boom in the early 1850's and by 1858 Uppertown (1992 survey boundaries) contained 67 buildings. More than half were located in Leech's Addition where 445 Smith is located. One record confirmed a saloon at the corner of Smith and McBoal streets in 1858 but it is very difficult to determine commercial uses of buildings at this time as often one or two rooms would be used in a residence as a place of business as well.

The first "permanent" frame and masonry dwellings came in the 1850's and many were modest one-story structures in a Greek Revival style with low-pitched roofs and 6-over-6 double hung windows. "Residential, commercial, and industrial land uses were largely mixed in early St. Paul but by the Civil War, as the rise of industrial capitalism gradually separated the workplace from the place of residence, especially for the upper classes" (Zellie, 2001, *Pioneer Houses*). Given the distance between the two landings, Lowertown became the major commercial center and Uppertown became primarily residential while Uppertown's business district was developing east of Irvine Park which became known as Seven Corners and spread west along Fort Road and West Seventh Street (Mead & Hunt, 2011, *Walking City*). The area of Smith Avenue did not take off as a commercial corridor but the early adjacent and extant structures including 445 Smith did have some combined uses. Today 445 Smith and the immediate area are zoned for single-family but the West Seventh Street commercial corridor is nearby.

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

Analysis of this finding has not changed from the previous application.

This finding may be met. 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 6th 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.

Analysis of this finding has not changed from the previous application.

This finding is not met. Other uses, such as single-family housing or a live-work unit with a small office on the first floor would not require a large building addition, the demolition of the circa 1885 addition or the moving of the nearby circa 1870's cottage outside the potential West Seventh Street historic district, and therefore would have less impact on the site's and neighborhood's historic character. The 2011 Mead and Hunt survey recommended this four block area for historic designation given it possibly represents the largest collection of the earliest houses constructed in the City. These Pre-Civil War houses are primarily modest vernacular forms or more formal Federal and Greek Revival architectural styles. By 1925 there were four buildings on one lot (445

to 457 Smith), all oriented at the front sidewalk and three of them were very close together. The overall character of this area is of modest homes, some with multiple dwellings on one lot and few accessory structures.

D. STAFF RECOMMENDATIONS:

Staff recommends that the Heritage Preservation Commission adopt staff findings and approve the historic use variance to convert the use from residential to commercial (taproom/microbrewery/restaurant) subject to the following conditions:

1. HPC design review approval of any proposed site and building repairs, demolition, alterations and new construction. All work shall meet the applicable Preservation Program and the Secretary of the Interior's Standards for Rehabilitation.
2. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals prior to the commencement of any work at the property.
3. 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. HUV ordinance