



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
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Marcia Moermond, Legislative Hearing Officer
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PHONE: (651) 266-8585 FAX: (651) 266-8574

September 6, 2023

Gary Blair
1769 Reaney Ave.
St. Paul, MN 55106

VIA EMAIL: gary@carpetcourt.com

Re: Appeal for Property at 1211 Minnehaha Avenue East

Dear Gary Blair:

This is to provide follow-up information and Ms. Moermond's recommendation on your appeal. Following the Legislative Hearing on Tuesday, August 22, 2023, she reviewed the following additional materials as part of developing a recommendation on your appeal: 1) photos of the trailer and site taken August 25, 2023; 2) Planning Commission Conditional Legal Non-Conforming Status Resolution Grant; and 3) the Planning Department's staff report on the application for legal non-conforming status.

The photos from August 25, 2023, show two key features:

- the site has not been maintained evidenced by the broken chain link fencing; piles of plant debris in multiple locations; overgrown area adjacent to alley and unmaintained asphalt surfacing with weed growth throughout; and
- the trailer shows deterioration to the point it would be considered to be not in good repair – namely that there is significant rust on the underside of the trailer; there is 1 flat tire and the tires are all sinking into the asphalt surfacing; and a piece of lumber apparently put into place to balance the trailer has broken entirely.

The Planning Commission's resolution clearly shows the intent was to allow you to use the semi-trailer as an accessory storage "building" at your property, as long as the conditions were met. The commission included 3 conditions, 2 of which are not being met at this time – these being:

- The semi-trailer shall be maintained in *good repair*, finished in an unobtrusive, neutral color, and kept *free of rust* and graffiti.
- The *area surrounding the semi-trailer shall be kept free of litter and debris*.

Further, the grant of legal non-conforming status was based in part in on the premise that "The use – storage entirely enclosed within a semi-trailer--is not inherently detrimental to the character of the neighborhood, nor a danger to the public health, safety, and general welfare,

provided the structure is *visually and functionally similar to a permanent structure in which storage would be permitted as an accessory use. This can be accomplished through continued maintenance of the structure, including but not limited to regular painting.*”

The Department of Safety and Inspections Correction Notice makes the finding that the trailer is not in good repair, as required in the Planning Commission resolution based on flat tires. The Legislative Hearing Officer also finds the Planning Commission’s conditions are not being met. Her considerations leading to this finding are that the semi-trailer had significant rust on its underside, a piece of lumber providing support had broken, the area surrounding the it was not kept free of litter and debris and you indicated in the hearing that the semi-trailer could not be safely moved, as it had not moved in over 40 years, specifically noting the likelihood of the lugnuts breaking and the brakes being frozen. These circumstances you brought up would not be of concern if the Planning Commission’s conditions were being met.

Based on the findings above, the Legislative Hearing Officer will recommend that your appeal is denied, and grant to November 17, 2023 for compliance. Compliance with the order can be made by:

- 1) Removing the trailer from the property; or
- 2) Coming into compliance with the Planning Commission resolution by means of
 - a. maintaining the property; and
 - b. providing screening for the base of the semi-trailer using opaque fencing or similar, with such screening being installed and maintained in a sturdy professional manner.

The screening requirement is not in the Planning Commission resolution. It is the recommendation to the City Council because it masks the key aspects of the semi-trailer which show it is not in a good state of repair as required in the Planning Commission resolution.

You mentioned in the Legislative Hearing that the screening would not be advisable as it would provide a place for trash to collect and possibly shelter stray animals. You also stated the Zoning Committee agreed with this. Given the significant change in site conditions, the Legislative Hearing Officer is recommending the City Council make the finding screening is required as a means of compliance with the Correction Notice.

For your reference, enclosed are photos taken after your hearing, on August 25, 2023 to help develop the recommendation above. Those findings were that one tire does appear to be low, the others appear to be sinking into the asphalt. One tire has broken through what appears to be a board previously supporting it. The frame/chassis of the trailer appeared to have substantial rust.

This matter will go before the City Council at Public Hearing on **Wednesday, September 13, 2023 at 3:30 pm. in room 300 City Hall.** If you are contesting Ms. Moermond’s recommendation you may:

1. appear in person (please arrive before 3:30 p.m. and check in with staff outside Council chambers); or
2. **Should you wish to address Council directly but not appear in person, you must register in person by noon on Tuesday, September 12, 2023 here to testify via phone:**
<https://www.stpaul.gov/departments/city-council/city-council-public-hearing-live-testimony>.

If you don't wish to contest then no further action is needed and the Council will proceed with Ms. Moermond's recommendation above. If you have any questions, please contact me at 651-266-8585.

Sincerely,

/s/

Joanna Zimny

Legislative Hearing Executive Assistant

Encl: Photos taken August 25, 2023

Planning Commission Legal Non-Conforming Status Resolution June 10, 2011

Planning Commission's Zoning Committee Meeting Minutes June 2, 2011

Planning Staff Report to Zoning Committee June 2, 2011

c: CE Supervisors

David Smith – Department of Safety & Inspections, Code Inspector