



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
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Web: www.stpaul.gov/dsi

September 23, 2014

FILE
14-315255

Steven L. & Jenny Virkus
937 Lincoln Avenue
Saint Paul, MN 55105

RE: Application for zoning variance (BZA File # 14-315255) for property at 814 Grand Avenue. - Notice to extend the time limit for decision under Minnesota Statute 15.99

Dear Mr. and Ms. Virkus,

On July 28, 2014, your application for a parking variance was received. The public hearing on this case should have been on August 18, but at your attorney's request, it was held on September 3, 2014. The Board of Zoning Appeals (BZA) duly conducted the public hearing on the matter and all persons interested were afforded an opportunity to be heard. The Board voted to lay over the matter for two weeks which would have been on September 3, 2014. At your attorney's request, the case was rescheduled on more time for two weeks until September 29, 2014.

Minnesota Statutes 15.99 requires that applications for zoning variances be approved or denied within 60 days of submission. Accordingly, the city's present deadline to act on your variance application is September 25, 2014.

Because this deadline is fast approaching, it must be extended for an additional 60 days allowed under Minnesota Statute 15.99. The additional 60-day period takes effect immediately upon the expiration of the initial 60-day period. Therefore, the final deadline for a decision to be made is November 24, 2014. This is an extension of time only and does not affect the public hearing scheduled for September 29, 2014 at 3:00 p.m. in room 330 of City Hall in Saint Paul.

If you have any questions regarding this matter, please contact me at 651-266-9081 or at yaya.diatta@ci.stpaul.mn.us.

Regards,

Yaya Diatta
DSI Inspector in Zoning

Copy: Joe Crosby, applicants' Attorney

FILE
14-315255

Diatta, YaYa (CI-StPaul)

From: Miriam Sivula <msivula@crosby-law.com>
Sent: Friday, September 26, 2014 4:30 PM
To: Diatta, YaYa (CI-StPaul)
Subject: Meeting Rescheduling and Affidavit
Attachments: Sivula Affidavit.pdf

YaYa:

Joe Crosby and I have been trying to get ahold of you this week about the continuance of the public hearing on the 814 Grand variance scheduled for next Monday September 29. I hope we didn't hear back from you because you are on a nice vacation and left all work at home!

As you may recall I called and left a message after you sent out the letter which allowed us an extension to look for off site parking spots. The last public hearing was on a Wednesday and we presumed the two week extension would run from Wednesday, not Monday, that was our mistake.

Joe scheduled a trip out of town over a month ago and will not be back in town until Tuesday September 30, and will not be available for the public hearing on September 29. When I called and left my message I simply asked if the issue re the variance can be continued to the next possible date.

At the last Council hearing, the Council requested we investigate whether there were any buildings which would rent a parking spot for the off site parking for 814 Grand Ave. needs. As you know the parking spot has to be within 300 feet of the 814 Grand Ave property. As you and other Council members predicted, there would not be any off site parking in the area. But we looked, as requested, unfortunately there were none available.

We would request the hearing relative to the 814 Grand Ave issues, does not go on with out Joe Crosby. But if the hearing does go on, I am enclosing my affidavit that states that I performed the search for a parking spot.

If you can please let us know if the hearing can be moved from Monday September 29 to the next possible date.

Joe Crosby's cell is 612/508-0189.

Sincerely,
Miriam A. Sivula
Legal Administrative Assistant
Crosby Law Office

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Diatta, YaYa (CI-StPaul)

From: Joe Crosby <jcrosby@crosby-law.com>
Sent: Sunday, September 14, 2014 10:58 AM
To: Diatta, YaYa (CI-StPaul)
Subject: Re: 814 Grand Parking Variances
Attachments: 814 Grand 2013 Map.doc.pdf

Thanks YaYA:

2 more weeks extension would be great as tracking down the owners and managers is difficult. Do you guys have the owners or managers contact info, if I get the name so fthe apartments ?

Joe Crosby

***May you live as long as you want,
and never want as long as you live.***

Crosby Law Office
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On Sep 10, 2014, at 8:16 AM, Diatta, YaYa (CI-StPaul) <yaya.diatta@ci.stpaul.mn.us> wrote:

Good morning Joe,

Thank you for your compliments and nice comments. We do not hear such nice things being said very often about us, so this certainly brightens the day. Attached is the map that Wendy was looking at. The map lists the various uses in the area but does not show any parking. I believe she was talking in terms of her being familiar with the area. Please let me know if you have any questions. I wanted to also mention to you that if you need additional time, you can certainly request that, email would be just fine.

Thanks again

From: Joe Crosby [mailto:jcrosby@crosby-law.com]
Sent: Tuesday, September 09, 2014 8:57 AM
To: Diatta, YaYa (CI-StPaul)
Cc: Virkus Steve
Subject: 814 Grand Parking Variances

YaYa:

It was good to meet the nice man behind the voice I have been speaking to on the phone at the Zoning Appeals meeting last week.

As you may recall, I represent Jen and Steve Virkus, trying to get a variance for one parking spot for 814 Grand. 814 Grand is the building the Virkus' bought after the previous owner indicated on 2 separate truth in ending documents and made representations to the Virkus' the property had all the permits, which allowed them to build over the garage and occupancy permits to house tenants, neither of which was true.

I was glad to see the positive response by the council about the potential parking variance, after they realized the Virkus' had not caused any of the problems and had been cooperating with the city to solve the problems of permit, fire issues for the past 2 years.

The hearing ended with one council member asking for the issue to be layed over for 2 weeks. We were instructed to see if we could find a B2 or B3 parking spot within 300 feet of the property. Your colleague directly to your right at the hearing, was looking at a map which showed the zoning and parking available for B2 and B3. I got the impression that there will be little or not chance of finding a parking spot, but one never knows.

I was wondering if I could obtain a copy of the map or grid your and your colleague were looking at to see where the B2 & B3 parking spaces are within 300 feet of the 814 Grand property. I was hoping the map might also have the names of the owners so I could contact them directly in order to see if they have extra spaces they would rent or if they have tenants who are allocated a parking spot, but do not use the spot and would be willing to rent it.

If you have any other suggestions as to another approach to this search I would greatly appreciate them. Below is my fax number and my email if you could either fax or scan the map and names and numbers of the owners of the apartments or parking lots that B2 and B3 spots are available.

Thank you and i look forward haring from you.



Joe Crosby

***May you live as long as you want,
and never want as long as you live.***

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Request for Continuance

Date of request: 10/29/14

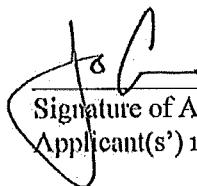
Saint Paul City Council
C/O Yaya Diatta
Department of Safety and Inspections
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, MN. 55101

Re: Zoning Appeal File # 14-341455

Dear City Council Members:

I request that the public hearing scheduled for the appeal of Board of Zoning Appeals decision for the referenced Zoning File be continued for a period of time not to exceed 60 days from the date of this request as listed above. I am aware of the requirement that the City must make a final decision on this appeal within sixty (60) days of receipt of an application for a zoning variance as stated in Minn. Stat, 15.99 (1995) and as extended an additional sixty (60) days. I hereby waive my rights to a final decision within the sixty (60) day period.

Sincerely,



Signature of Applicant(s) or
Applicant(s)' representative

Joe Crosby, Attorney for Steve + Jen
Printed name of Applicant(s) or Virkus
Applicant(s)' representative (applicants)

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