

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** 918 E. 5th St. Rezoning

**FILE #** 22-058-214

**APPLICANT:** House 11 LLC, James Faillettaz

**HEARING DATE:** June 30, 2022

**TYPE OF APPLICATION:** Rezoning

**LOCATION:** 918 5th St E, between Forest Street and Mendota Street

**PIN & LEGAL DESCRIPTION:** 33.29.22.23.0005; Lot 6, Block 95, Daily & Berrisford's  
Subdivision of Block 95 of Lyman Dayton's Addition

**PLANNING DISTRICT:** 4

**EXISTING ZONING:** RT1

**ZONING CODE REFERENCE:** § 61.801(b)

**STAFF REPORT DATE:** June 22, 2022

**BY:** Bill Dermody

**DATE RECEIVED:** June 2, 2022

**60-DAY DEADLINE FOR ACTION:** July 30, 2022

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- A. **PURPOSE:** Rezone from RT1 two-family residential to RM1 multiple-family residential.
- B. **PARCEL SIZE:** 5,009 sq. ft.
- C. **EXISTING LAND USE:** Duplex residential
- D. **SURROUNDING LAND USE:** Single-family and duplex residential
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The subject site and surrounding area were rezoned to RT1 two-family residential in 1975.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Dayton's Bluff Community Council has not provided a recommendation.
- H. **FINDINGS:**
  - 1. The application requests rezoning from RT1 two-family residential district to RM1 multiple-family residential district.
  - 2. The proposed zoning is not consistent with the way this area has developed. Nearby interior lots of this size (5,000 s.f., 40 feet wide) have been developed as single-family or duplex residential. Only corner lots and larger lots in this area have been developed as residential uses with more than two units.
  - 3. The proposed zoning is consistent with the Comprehensive Plan and compatible with the surrounding residential land uses. Even the existing duplex, however, is legally nonconforming in the surrounding RT1 two-family residential zoning district because of the small lot size.
  - 4. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" 918 E 5<sup>th</sup> Street is in the middle of a block in the middle of a large RT1 two-family residential zoning district. There is no other similar nearby small mid-block lot with multiple-family residential land use. Rezoning the small lot at 918 E 5<sup>th</sup> Street to RM1 multiple-family residential would establish a use classification inconsistent with the surrounding uses, create an island of nonconforming use within a larger zoned property, and constitute spot zoning.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezoning from RT1 two-family residential to RM1 multiple-family residential.



**REZONING APPLICATION**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex, 25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6583

PD=4

Zoning Office Use Only	
File #	<u>22-058-214</u>
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

**APPLICANT**

Property Owner(s)	<u>James Faillettaz</u>		
Address	<u>3204 Homes ave</u>	City	<u>Minneapolis</u>
		State	<u>MN</u>
		Zip	<u>55408</u>
Email	<u>revolutioninvestingllc@gmail.com</u>		
Phone	<u>612-323-9332</u>		
Contact Person (if different)	_____	Email	_____
Address	_____	City	_____
		State	_____
		Zip	_____

*(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)*

**PROPERTY INFO**

Address/Location	<u>918 5TH ST E ST PAUL, MN 55106-5230</u>
PIN(s) & Legal Description	<u>332922230005</u>
<i>(Attach additional sheet if necessary.)</i>	
Lot Area	<u>0.11 Acres</u>
Current Zoning	<u>RT1</u>

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, \_\_\_\_\_

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RT1 \_\_\_\_\_ zoning district to a RM1 \_\_\_\_\_ zoning district, for the purpose of:

To whom it may concern,

I am submitting a rezoning application for the property located at 918 5TH ST E ST PAUL, MN 55106-5230. This property is currently zoned RT1, but I am applying to change the zoning to RM1 for the following reasons: The bottom unit has two bathrooms, two kitchens, and 5 bedrooms. There are two separate heating systems for the bottom unit. There is two off-street parking spaces and two garage parking spots for the whole building. The top unit also has 3 bedrooms, one bathroom, and one kitchen. This property's current zoning only allows for single family homes and duplexes. I am requesting a change in zoning to legally operate this triplex.

Attach additional sheets if necessary. Attachments as required:  Site Plan  Consent Petition  Affidavit  
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me

Date May 16<sup>th</sup> 2022

By: [Signature]  
Fee owner of property

[Signature]  
Notary Public



Title: \_\_\_\_\_

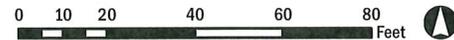


.....5th St E



# File #22-058-214 Aerial Map Application of James Faillettaz

Application Type: Rezone  
Application Date: June 1, 2022  
Planning District: 4



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

**Subject Parcel(s) Outlined in Blue**

-  Subject Parcel(s)
-  ParcelPoly
- RGB**
-  Red: Band\_1
-  Green: Band\_2
-  Blue: Band\_3

ImageServices\AerialPhoto2020



File #22-058-214 Existing Land Use  
**Application of James Faillettaz**

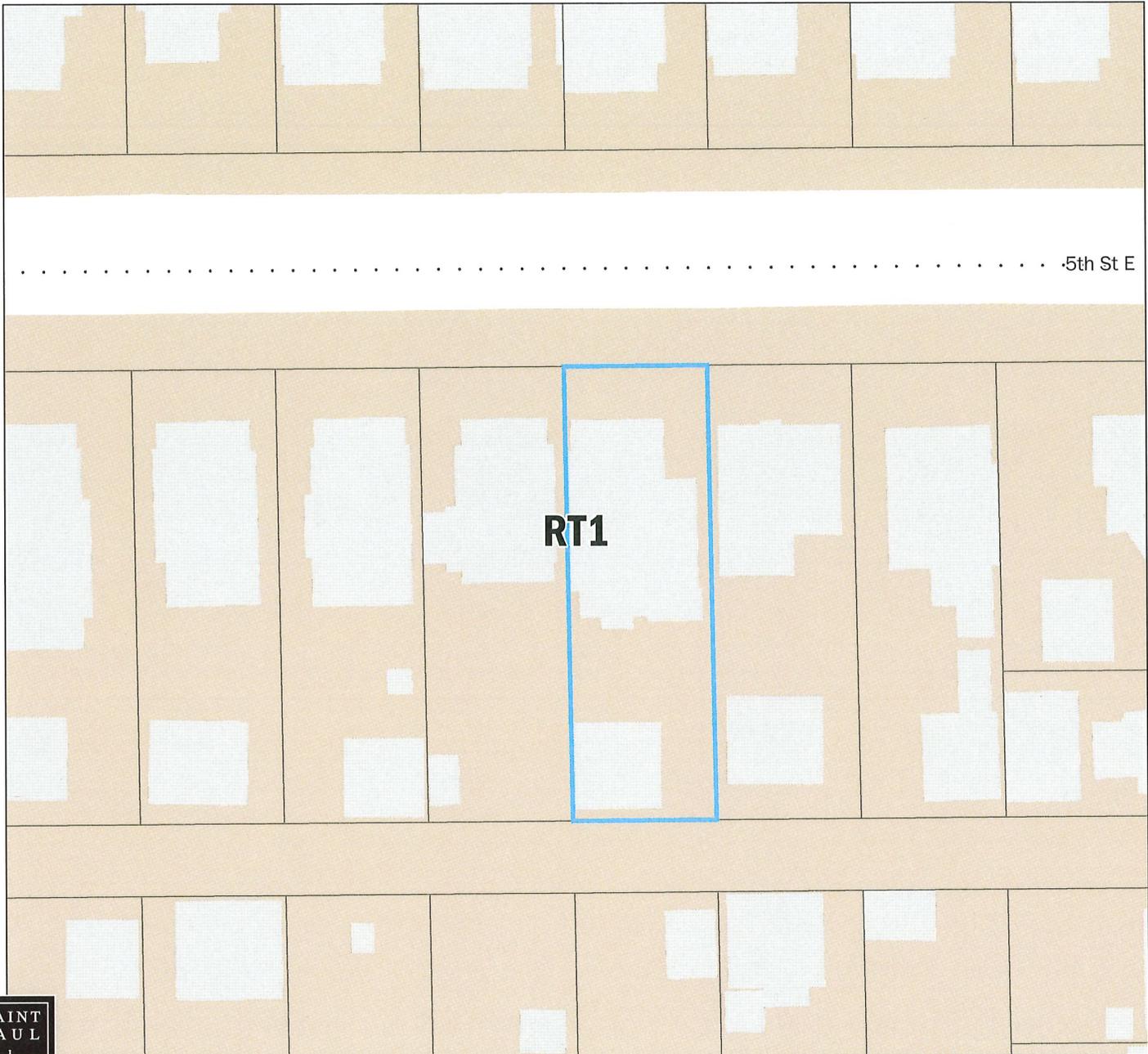
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**Subject Parcel(s) Outlined in Blue**

- |                           |                             |                                |               |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s)         | Single Family Attached      | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly                | Multifamily                 | Industrial and Utility         | Railway       |
| Farmstead                 | Office                      | Extractive                     | Airport       |
| Seasonal/Vacation         | Retail and Other Commercial | Institutional                  | Agricultural  |
| Single Family Detached    | Mixed Use Residential       | Park, Recreational or Preserve | Undeveloped   |
| Manufactured Housing Park | Mixed Use Industrial        | Golf Course                    | Water         |



File #22-058-214 Zoning Map  
**Application of James Faillettaz**

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**Subject Parcel(s) Outlined in Blue**

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	