

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Stone House Tap Room **FILE #:** 15-143-784
  2. **APPLICANT:** Thomas Schroeder **HEARING DATE:** August 27, 2015
  3. **TYPE OF APPLICATION:** Historic Use Variance
  4. **LOCATION:** 445 Smith Ave N, between Goodrich and McBoal
  5. **PIN & LEGAL DESCRIPTION:** 012823410179, Ex S 60 Ft The Fol: Lot 14 & E 1/2 Of Lot 13  
Blk 9 of Samuel Leeches Addition
  6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** R4
  7. **ZONING CODE REFERENCE:** §§ 61.601; 73.03.1
  8. **STAFF REPORT DATE:** August 19, 2015 **BY:** Bill Dermody
  9. **DATE RECEIVED:** July 27, 2015 **60 DAY DEADLINE FOR ACTION:** September 25, 2015
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- A. **PURPOSE:** Historic use variance for a tap house / microbrewery with food service
- B. **PARCEL SIZE:** 8,470 sq. ft.
- C. **EXISTING LAND USE:** Vacant single-family residence
- D. **SURROUNDING LAND USE:**  
One- and two-family residential to the south, west, and north (R4); single-family and multi-family to the east (RT1); live-work unit to the northeast (RT1); commercial to the northwest across the alley (T2) other mixed commercial and residential along 7<sup>th</sup> Street (T1, T2, B2)
- E. **ZONING CODE CITATION:** §73.03.1 establishes the findings and review process for historic use variances; §61.601 further addresses requirements for historic use variances.
- F. **HISTORY/DISCUSSION:** On June 3, 2015, the Saint Paul City Council approved Ordinance 15-26 which provided a process for granting Historic Use Variances (HUVs) as authorized by Minn. Stat. §471.194, Subd. 3(6). HUVs are a tool for promoting historic preservation by allowing a departure from the uses permitted in Chapter 66 of the Zoning Code governing a designated heritage preservation site where strict adherence would prevent reasonable re-use of the structure in a manner consistent with either the structure's historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment. The subject application is the first to be processed under the new ordinance. The Planning Commission and Heritage Preservation Commission (HPC) are to provide recommendations to the Mayor and City Council, who will make the final decision.

The subject site contains two (2) buildings: the northern building that is proposed to remain and be added to in conjunction with this application, and the southern building that is to be moved to another site in the city. The subject site and the surrounding R4-zoned properties were rezoned from RT1 sometime after 1975. The subject site contained a legal nonconforming duplex residential use that lost its legal status after one (1) year of nonuse in 2009. The subject building was constructed in 1857 as a "territorial store" and residence, and was also used in subsequent years for a saloon. Records indicate that after 1863 the building was used primarily as a residence. The subject building was recently nominated for local historic designation as part of the Limestone Houses Heritage Preservation Sites, which were recommended for designation by the Heritage Preservation Commission on August 13, 2015. The City Council is expected to act on the designation in September.

- G. **DISTRICT COUNCIL RECOMMENDATION:** The Fort Road Federation has provided a letter of support, included among the attachments.
- H. **FINDINGS:**

1. The application requests a historic use variance in order to permit establishment of a tap house and microbrewery with food service at the subject site. The historic use variance application describes the proposed uses as producing beers and sodas for on-site service and filling of growlers, and food preparation and service; the proposed uses are roughly analogous to the Zoning Code-defined uses of restaurant and craft brewery, or possibly a restaurant and a small brewery accessory to a restaurant, all of which are first permitted in the T2 zoning district. Parking will be provided off-site.
  2. §73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, §73.03.1 requires the Planning Commission to make findings regarding the following:
    - (a) *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. A restaurant and craft brewery would be permitted in the T2 zoning district, such as is located adjacent across the alley to the northwest and elsewhere along West 7<sup>th</sup> Street. Such uses could be compatible with the surrounding residential uses if the proposed uses are maintained at a neighborhood scale and parking is not added to the property.
    - (b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan's Land Use Chapter that in Figure LU-B designates the site as part of an Established Neighborhood, which allows for consideration of commercial uses at the intersection of arterial and collector streets, such as Smith Avenue and West 7<sup>th</sup> Street (both arterials). The proposed use is also consistent with the Comprehensive Plan's Heritage Preservation Chapter as detailed in the HPC recommendation. The District 9 Area Plan Summary calls for historic storefronts to be restored to their historic condition, which is furthered by the application. It also calls for commercial land uses along West 7<sup>th</sup> Street to be confined to the 7<sup>th</sup> Street block face and not extend into the residential neighborhoods; however, the proposed historic use variance is a very limited commercial land use, not the full array of T2 or B2 uses likely envisioned by the plan.
  3. §61.601(g) imposes an additional finding for a historic use variance: *The application for a historic use variance... shall be granted only to a property that is a locally designated heritage preservation site and 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.* This finding can be partially met. The property has been nominated for designation as a local heritage preservation site as part of the Limestone Houses Heritage Preservations Sites – such designation must be finalized in order for a historic use variance to be approved. However, the property could conceivably be used as a live-work unit or some other less intense use than proposed in order allow for restoration of its historic character without necessitating a building addition or bringing commercial customers to an area of residential character that does not face West 7<sup>th</sup> Street.
- I. **STAFF RECOMMENDATION:** Staff recommends approval of the historic use variance for a tap house / microbrewery with food service subject to the following additional conditions:
1. City Council designation of the Limestone Houses Thematic Nomination, including 445 Smith Avenue, as Saint Paul Heritage Preservation Sites.
  2. There shall be no off-street parking provided on the subject site.

3. Substantial compliance with the site plan submitted with the application, or as amended to comply with HPC design review. Expansion of the use on the site beyond what has been proposed in this application via building additions or outdoor patios shall require separate historic use variance application and approval.

Attachments:

1. Historic Use Variance ordinance (Ord 15-26)
2. Application materials
3. Written public testimony
4. Applicant's photographs
5. Maps



# City of Saint Paul

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

## Signature Copy

Ordinance: Ord 15-26

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**File Number: Ord 15-26**

Adding new sections to Legislative Code Chapters 73 and 61 in order to provide a process pursuant to Minn. Stat. § 471.194, Subd.3(6) to grant zoning use variances for the purpose of promoting the use and conservation of historic properties.

WHEREAS, the Council of the City of Saint Paul finds that historic use variance ordinances can be used to ensure adaptive re-use of historic structures within all zoning districts, and that "preservation, rehabilitation, and adaptive re-use of historic buildings support Saint Paul's sustainability goals", according to the Historic Preservation brochure for the 2008 Saint Paul Comprehensive Plan; and

WHEREAS, the Council further finds that historic use variance ordinances can contribute to the health, welfare, and safety of the public by preserving, protecting, and perpetuating the value of some of Saint Paul's treasured historic buildings and sites by providing an historic use for the structure even if it is not currently allowed in that particular zoning district in which the structure or site sits, and serve as a valuable economic development tool; and

WHEREAS, the Historic Preservation Plan, part of the Saint Paul Comprehensive Plan and adopted by the City Council on March 11, 2009, includes Policy 5.3 which states as its goal to "realize the full economic potential of key historic resources by (a) rehabilitating key historic resources to serve as a catalyst for additional development in adjacent areas, and (b) integrate historic properties into new development to strengthen sense of place and provide a link between old and new;" Policy 5.4 which states as its goal to "invest in historic resources along transit corridors as part of a larger neighborhood revitalization and reinvestment strategy;" Policy 5.5 which states as its goal to "develop land use and regulatory incentives to make it easier and more feasible to rehabilitate" historic resources by developing "an ordinance that allows historic variances in order to alleviate undue hardships created by the historic character of designated properties and is consistent with the authority granted by State statute;" and

WHEREAS, the Historic Preservation brochure for the Saint Paul Comprehensive Plan states that "the character and design features of historic properties make them desirable for new uses that recognize the community's special identity;... [historic preservation] also encourages mixed-use neighborhoods and pedestrian-friendly spaces;" and

WHEREAS, the Saint Paul City Council passed a resolution on October 22, 2014 requesting the Heritage Preservation Commission and the Planning Commission to jointly study historic use zoning variances and to report back to the City Council within 90 days (1) establishing rules for such an historic use variance, (2) establishing the bases for findings of fact determining that the variance is compatible with the original use of the property, as well as with preservation of the property, (3) preparing a process to allow for district councils (through the early notification system) to comment on any proposed historic use variance, and (4) further allowing the applicant or public an appeal process similar to other zoning matters; and

WHEREAS, on May 20, 2015, more than 90 days have elapsed without a report on creating an historic use zoning variance in the Saint Paul Municipal Ordinances; and

WHEREAS, a public hearing before the City Council having been conducted at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the proposed zoning amendments, pursuant to the authority granted and in accordance with the procedures set forth in Minnesota Statutes 462.357;

NOW THEREFORE, the Saint Paul City Council hereby submits the following historic use variance

ordinance in the zoning code for adoption:

The Council of the City of Saint Paul Does Ordain

Section 1.

That Leg. Code § 73.02 is hereby amended by adding the following new sections to read:

**Sec. 73.02 - Definitions**

(1) Heritage preservation site shall include any areas, places, buildings, structures, lands, districts, or other objects which have been duly designated heritage preservation sites pursuant to Section 73.04(3).

(2) Historic use variance shall mean a departure from the uses permitted in chapter 66 of the zoning code governing a designated heritage preservation site where strict adherence would prevent reasonable re-use of the structure in a manner consistent with either the structure's historic use or a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(3) Secretary of the Interior's Standards for Rehabilitation shall mean the most recent standards for the treatment of historic properties established by the National Park Service, United States Department of the Interior and codified in 36CFR 67.7.

Section 2.

That Leg. Code § 73.04(5) is hereby amended by adding the following new language and then renumbering all sections following the amendment to Section 73.04(5) and revising the language of these sections consistent with their renumbering:

**Sec. 73.04 - Powers and duties of the commission**

The commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

~~(5) *Eminent domain Review of historic use variance applications.* The heritage preservation commission may recommend to the city council, after review and comment by the city planning commission, that certain property eligible for designation as a heritage preservation site be acquired by gift, by negotiation or by eminent domain as provided for in Chapter 117 of Minnesota Statutes. 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 the 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.~~

~~(6) *Education Eminent domain.* The commission shall work for the continuing education of the citizens of the city with respect to the historic and architectural heritage of the city. It shall keep current and public a register of designated heritage preservation sites and areas. The heritage preservation commission may recommend to the city council, after review and comment by the city planning commission that certain property eligible for designation as a heritage preservation site be acquired by gift, by negotiation or by eminent domain as provided for in Chapter 117 of Minnesota Statutes.~~

~~(7) *Technical experts Education.* The commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties. The commission shall work for the continuing education of the citizens of the city with respect to the historic and architectural heritage of the city. It shall keep current and public a register of designated heritage preservation sites and areas.~~

~~(8) *Solicitation of gifts Technical experts.* The commission shall have authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications for grant funds to be made to the city for the purposes of heritage preservation. The commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties.~~

~~(9) *National Register nominations Solicitation of gifts.* The commission shall make no application to the National Register or to the state for the designation of a historic site or district without the~~

consent of the city council. The commission shall have authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications for grant funds to be made to the city for the purposes of heritage preservation.

~~(10) Street name changes National Register nominations. The commission shall review and comment on any proposed name change for a city street which has had its current name for fifty (50) years or more prior to action on the name change by the city council. In their review of and recommendations on such street name changes, the commission shall utilize guidelines and criteria as adopted by the commission on April 14, 1988. The commission shall make no application to the National Register or to the state for the designation of a historic site or district without the consent of the city council.~~

~~(11) Written summary of commission expertise Street name changes. The commission shall prepare and maintain a summary of the skills, knowledge, competencies and technical expertise in heritage preservation and related areas which are needed by the commission to carry out its duties and functions under this chapter, but which its membership does not have or in which the commission should have more depth. Such summary shall be in writing, and shall be updated when there are vacancies in the membership of the commission, and before the regular expiration of the terms of any members of the commission. Such summary and each update thereof shall be filed with the office of the city clerk, and shall be delivered to the mayor and council when prepared. City staff assigned to assist the commission shall assist in the preparation of such summary. Failure to prepare or update such summary shall not in any respect limit or affect the ability of the mayor to appoint or reappoint or the council to advise and consent to appointments or reappointments to the commission.~~ The commission shall review and comment on any proposed name change for a city street which has had its current name for fifty (50) years or more prior to action on the name change by the city council. In their review of and recommendations on such street name changes, the commission shall utilize guidelines and criteria as adopted by the commission on April 14, 1988.

~~(12) List of organizations Written summary of commission expertise. The city staff assigned to assist the commission shall prepare and maintain a list of city organizations, professional associations, businesses and individual persons who are known to the commission or to the staff to have (i) a demonstrated interest in historic preservation, or (ii) skills, knowledge, competencies or technical expertise in heritage preservation or related areas. Such list shall be filed with the office of the city clerk, and shall be delivered to the mayor and council when prepared or updated. Forty five (45) days before anticipated or actual vacancies occur on the commission and before the regular expiration of the terms of members of the commission, city staff shall notify this list of such vacancies with the goal of generating a pool of qualified applicants for appointment to the commission. Failure to include anyone on the list or to send them notice shall not in any respect limit or affect the ability of the mayor to appoint or the council to advise and consent to appointments or reappointments to the commission.~~ The commission shall prepare and maintain a summary of the skills, knowledge, competencies and technical expertise in heritage preservation and related areas which are needed by the commission to carry out its duties and functions under this chapter, but which its membership does not have or in which the commission should have more depth. Such summary shall be in writing, and shall be updated when there are vacancies in the membership of the commission, and before the regular expiration of the terms of any members of the commission. Such summary and each update thereof shall be filed with the office of the city clerk, and shall be delivered to the mayor and council when prepared. City staff assigned to assist the commission shall assist in the preparation of such summary. Failure to prepare or update such summary shall not in any respect limit or affect the ability of the mayor to appoint or reappoint or the council to advise and consent to appointments or reappointments to the commission.

~~(13) List of organizations. The city staff assigned to assist the commission shall prepare and maintain a list of city organizations, professional associations, businesses and individual persons who are known to the commission or to the staff to have (i) a demonstrated interest in historic preservation, or (ii) skills, knowledge, competencies or technical expertise in heritage preservation~~

or related areas. Such list shall be filed with the office of the city clerk, and shall be delivered to the mayor and council when prepared or updated. Forty-five (45) days before anticipated or actual vacancies occur on the commission and before the regular expiration of the terms of members of the commission, city staff shall notify this list of such vacancies with the goal of generating a pool of qualified applicants for appointment to the commission. Failure to include anyone on the list or to send them notice shall not in any respect limit or affect the ability of the mayor to appoint or the council to advise and consent to appointments or reappointments to the commission.

Section 3.

That Leg. Code Chap. 73.03 is hereby amended by adding the following new section entitled:

**73.03.1 Review of historic use variance applications.**

(a) Application. Any person having an ownership, leasehold, or contingent interest in the heritage preservation site is eligible to file an application with the commission to permit use of the site in a manner consistent with its historic use or a new use consistent with section 73.04(5) of this chapter, in any zoning district where such proposed use is not permitted under the current zoning classification. The application shall be filed using the format established by the commission and shall include payment of the required fee. The application shall include a description of the proposed use, and its consistency with the structure's historic use or that the new use is consistent with section 73.04(5) of this chapter. The application shall describe all necessary exterior modifications to the structure, property, and site and include an assessment of the impact of these modifications on the historic integrity of the site, and further shall describe all interior architectural features unique to the historic period. The application shall also include a site plan, photos of existing conditions and architectural plans drawn to scale showing any proposed modifications.

(b) Fees. A fee to defray the costs incurred to review a use variance application shall be paid by the applicant at the time the use variance application is filed. The application fee shall be paid to the department of planning and economic development in the amount specified under Leg. Code § 61.302(b)(14)(g).

(bc) Staff Review. Commission staff shall review the completed application and prepare a report and recommendation for the commission. The report shall include the following 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.

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

(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.

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

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

(c) Commission review. The commission may conduct a public hearing on the application. After considering the report and recommendation of staff and the testimony from any public hearing, the commission shall make a recommendation to approve, approve with conditions, or deny the application and shall forward the application, the report of staff, the commission's recommendation and all other materials relative to the application to the planning commission.

(d) Planning commission review. Upon receipt of the heritage preservation commission's report and recommendation, the planning commission shall hold a public hearing in compliance with the procedures under section 61.303 of this code for the purpose of making findings regarding the application's consistency with the comprehensive plan and the application's compatibility with the underlying zoning classifications in the surrounding area. The Commission shall also review any other variances of zoning code provisions that accompany the use variance application. The planning commission shall then forward the documentation and recommendation of the heritage preservation commission together with its own findings and recommendation to the city council.

(e) City council public hearing and decision. The city council shall review all materials relative to the case and shall decide by resolution whether to approve, approve with conditions, or deny the application. The council shall hold a public hearing after notice of the public hearing shall have been published in a newspaper of general circulation and sent to the variance applicant at least ten (10) days prior to the date of the hearing. The council may consider any historic use or the new use provided it is consistent with section 73.04(5) of this chapter. If the council decision is other than the recommendation of the staff or the commissions, the council shall provide revised findings to support its decision.

(f) Period of decision. The decision of the city council shall be valid for a period not longer than two (2) 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 granted under this section 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 variance is destroyed by fire or other peril to the extent greater than 50 percent of its estimated market value as indicated in the records of the county assessor at the time of the damage.

Section 4.

That Leg. Code § 61.601 is hereby amended by adding the following new section:

**Section 61.601. Variances**

(g) The application for a historic use variance under Title IX, City Planning, at Section 73.03.1 of this code, as authorized by Minn. Stat. § 471.193, Subd. 3(6), shall be granted only to a property that is a locally designated heritage preservation site and 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.

Section 5.

That Leg. Code § 61.302, "Application forms and fees," is hereby amended by adding the following new language to section 61.302(b)(14) "Administrative staff review:"

Seven hundred dollars (\$700.00) for a historic use variance.

Section 6.

This ordinance shall take effect thirty (30) days after its passage, approval, and publication.

At a meeting of the City Council on 6/3/2015, this Ordinance was Passed.

**Yea:** 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney, and City Council President Stark.

**Nay:** 0

**Vote Attested by** Trudy Moloney  
**Council Secretary** Trudy Moloney

**Date** 6/3/2015

**Approved by the Mayor** Chris Coleman  
Chris Coleman

**Date** 6/8/2015



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

**Office Use Only**

File #: \_\_\_\_\_  
 Date Received: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_  
 Tentative Hearing Date: \_\_\_\_\_

**HISTORIC USE VARIANCE APPLICATION**

**Property Information**

Address/Location: 445 Smith Avenue, Saint Paul MN 55102

Legal Description: E1/2 of L13 and L14, Bl 9, N. of the S. 60' of same, Leech's Add'n

Current Zoning: R4- One-Family

Proposed Use: T2- Traditional Neighborhood

Name of Owner: Thomas S. and Ann M.P. Schroeder  
*(if different from applicant)*

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

**Applicant Information**

Name: Thomas S. Schroeder

Email: Tom.Schroeder@FaegreBD.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  
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 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 Seib*

Date: \_\_\_\_\_

*7/23/15*

## Attachment to HUV Application Form

### **Project Background:**

This project involves the historic restoration of both a building and a business.

The Anthony Waldman House, also referred to as the Stone Saloon, was built in the fall of 1857—six months before Minnesota became a state, nearly four years before the Civil War began, and at a time when fewer than 10,000 people lived in the City of Saint Paul. The building is the City's the oldest surviving commercial building. Its vernacular design, solid limestone masonry and early period of construction provide the basis for its pending historic designation by the City of Saint Paul. Most relevant for purposes of this application, the Stone Saloon is one of only a few surviving Civil War-era saloon buildings in the region—and it is a very special one at that. Waldman's was a "lager beer saloon."

German lager beer (as distinguished from darker, heavier Yankee ales of the period) took Minnesota Territory by storm in the 1850s. By the time the Stone Saloon was built, Saint Paul had 12 breweries, all but two of which manufactured lager beer. At first these breweries served almost exclusively the local market, where much of the consumption took place in Saint Paul's lager beer saloons. In 1860 the growth of lager breweries and proliferation of lager beer saloons received an unlikely boost from the enactment of Minnesota's Lager Beer Act, a blatantly protectionist and oddly pro-Temperance measure that exempted the manufacture and sale of lager beer (and lager beer alone) brewed or sold within the State from all forms of licensure, sales tax or bonding requirements. Even when the Act was repealed in 1863, City ordinances continued to grant favorable treatment to lager beer saloons by licensing them separately from all other saloons, affording the former much-reduced fees and an exemption from the normally stiff enforcement bonds.

In addition to German-Americans' growing political power (which was bolstered by the election in 1860 of President Lincoln and many Republicans in Minnesota), the special status bestowed upon lager beer saloons reflected the distinctive drinking culture brought by Germans to their adopted homeland. In contrast to most Yankee saloons, which primarily served hard liquor and offered little by the way of food, lager beer saloons served beer almost exclusively, a variety of foods, and often hosted musical events or other forms of entertainment. For these reasons, and because lager beer's lower alcohol content made it more socially acceptable to teetotalers in the age of Temperance, lager beer saloons gained the reputation of being more family-friendly and community-oriented. More than just places to drink, nineteenth-century German-Americans saw their lager beer saloons as a kind of social institution.

This project seeks to recreate the conditions and attributes of a mid-nineteenth-century German lager beer saloon, in a meticulously restored building that once housed just such an establishment. Importantly, the term "saloon" is used here only in a limited, historical sense. Analogous to Anthony Waldman and other lager beer saloon proprietors of the 1850s and 1860s, we do not seek a variance for a liquor license, but for a beer-only tap house/micro-brewery. Substantial and costly exterior restoration work has already been completed on the roof, front façade and exterior stone masonry of the building, re-exposing the historic commercial façade which was filled in with stone work after 1885. (See "Before and After" image, **Tab 1**). Through our continued research and attention to detail, we seek to give people the chance to experience first-hand this unique historic, architectural and cultural asset; to create a landmark

gathering place for the West 7<sup>th</sup> Street and surrounding communities; to fuel the interests, discussions and intellectual curiosity of architects, historians and preservationists everywhere; and to showcase the City's adeptness at leveraging its historic assets for redevelopment purposes.

This project and the proposed historic use variance has widespread public support, including the written support of Historic Saint Paul, Preservation Alliance of Minnesota, the Fort Road Federation/District 9 Council, and the Little Bohemia Neighborhood Association (see Letters of Support, **Tab 2**). The boards of each of these organizations have toured the site first-hand, and viewed the same materials submitted along with this application. As their support attests, and as has already been demonstrated by the enactment of the City's first historic use variance ordinance—prompted by this project—the Stone Saloon is small building with a potentially big footprint. We thank you for your consideration of the responses that follow.

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

We propose to use the Stone Saloon as a licensed tap house/micro-brewery, producing and serving historically inspired German-American beers similar to those brewed in Saint Paul during the state's Territorial and Civil War periods. Non-alcoholic sodas such as birch and root beers will also be produced and served on premises, as well as coffee and teas. True to most historic lager beer saloons, we will offer a limited menu of assorted cheeses, charcuterie, pickled and soured vegetables, artisan breads, German pretzels and mustards, and deserts. We hope later to expand the menu to include grilled and boiled wursts, leberkase, German potato salad and soups/stews. Other than filling a limited quantity of 64-ounce growlers, there will be no packaging, distribution or off-site sale of beer or other beverages from the site. (This is different from Bad Weather Brewery, whose business model includes off-site sales/distribution.)

The interior furnishing of the Stone Saloon will be guided by descriptions and inventories of 1850-60s lager beer saloons found in a variety of primary sources, including courthouse, real estate, newspaper and other records. Our current collection includes period saloon/steamboat chairs, saloon tables, pewter lighting fixtures and numerous other artifacts of the era. Wherever possible, modern building code, accessibility, food safety, sanitation and licensing requirements will be satisfied by blending today's technology with character-defining historic treatments (for example, the nine-light window sashes in the commercial façade are comprised of code-compliant safety glass laminated to distorted hand-blown glass panes). Most importantly, impacts on the integrity of the interior of the historic structure will be minimized by locating most modern functions (brewery, kitchen, restrooms, utilities, storage, etc.) in a new separate structure to be built in the backlot and connected to the historic structure by a vestibule. This design ensures that the proposed use will be consistent with the building's historic use to the maximum degree possible.

**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.**

Stone portion: The 1857 stone portion at the front-lot will not be altered from its state at designation. A handicap accessible ramp will be installed at the sidewalk to the south, leading to an entrance at the south of the rear wood frame addition. A period-appropriate hand-painted sign complying with the Preservation Program developed by the City/HPC will be mounted at the

front commercial cornice. Bicycle racks will be installed where permitted by Public Works or on site if not permitted. The location and design of either option will be done in consultation with City/HPC staff.

Rear wood frame addition: With the approval of the City/HPC, the rear wood frame addition to the stone building will be reconstructed in accordance with the Secretary of Interior's Rehabilitation Standards and the Preservation Program for the site. (See rear addition plans and elevations, enclosed). Our decision to replace the rear addition "in-kind" has been informed by an extensive structural analysis by a qualified engineering firm. This analysis concluded that too much existing material—approximately 80 percent—would need to be replaced or strengthened with additional new material for repair to be feasible and prudent. (See **Tab 3** - Align Structural, Inc. report dated 8/19/14; Memo by Historian-Consultant Bob Frame to Amy Spong, Christine Boulware, HPC dated 8/19/14). Nevertheless, replacement of the rear addition "in-kind" will yield a reconstructed addition with the same footprint, floor levels, ceiling heights, roof peak, and interior stairway placement as the existing structure. As show in the enclosed plans and elevations, the exterior features of this addition have been designed in the Greek Revival style prevalent during the 1850s and 1860s and evidenced both at this site and others included within the Stone Saloon's thematic designation. Although the submitted plans alter the roof pitch of the circa-1885 addition now in place, the reconstructed roof pitch will match the pitch of the predecessor addition's historic, Greek Revival roof pitch (6"/12") which is clearly traced in the masonry along the rear façade of the stone building.

Newly constructed building: A newly building will be constructed at the backlot and connected to the historic structure by a vestibule. The new building will house the brewery equipment, kitchen, restrooms, storage, utilities and office. (See site plan and elevations, enclosed). The placement of these functions in a newly constructed building minimizes the impacts they might otherwise have on the integrity of the historic building. The new building and its connecting vestibule are designed to clearly differentiate themselves from the historic structure, while keeping with the character of the site and of other 19<sup>th</sup> accessory buildings in the area. The positioning of the new building at the backlot and the use of landscaping effects (including hop trellises along the south and east exterior walls of the new building) will keep the spotlight on the historic structure in front. Every design and engineering effort has been made to minimize the scale of the new addition, including employing stacked, horizontally mounted fermentation and lagering tanks, a ceiling trolley to maximize storage efficiency, and a highly compact kitchen preparation area. Finally, the new building will occupy nearly the identical footprint of an alley-house that once sat in the same location behind the Stone Saloon from 1874 to 1898. The positioning of the new building therefore relates to the historic context of the site during the final eleven years of the Waldmans' residency.

No other modifications are proposed to the site which would impact its historic integrity. Importantly, we have secured all off-street parking required by code at a location other than the historic site, further minimizing impacts on the site's integrity. This means that there will be no parking on the historic property at all. (See parking layout, enclosed.)

Moreover, the owners of the tap room/brewery Bad Weather Brewery immediately across the alley have agreed to work with us to consolidate supply purchases and deliveries, as well as to

share the use of their wood-screened waste disposal pad and trash hauling and recycling services. (See Letter of Joe Giambruno and Zac Carpenter, Bad Weather Brewing, **Tab 4**).

**3) Description of all interior architectural features unique to the historic period.**

The Pioneer Era Houses context study cited in the Stone Saloon's historic designation established the temporal parameters for the historic period included in the thematic designation as 1854-1880. The stone portion of the Stone Saloon retains the following architectural features and materials from this historic period:

- original tongue-in-groove pine flooring on both first and second levels;
- original staircase between first and second levels;
- two original two-panel doors, with some original hardware; and
- one original window casing and sill in second level, south window.

As described in the designation, the rear wood frame addition post-dates the Pioneer Era, and in any event no longer contains any historic architectural or character-defining interior features.

**4) Site plan**

See enclosed.

**5) Photos of existing conditions**

See Tab 5.

**6) 11" x 17" Architectural plans drawn to scale that include any proposed modifications.**

See enclosed.

**7) Information supporting the following 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).**

As discussed above, the proposed tap house/micro-brewery use closely approximates the historic business use of the site as a neighborhood beer-only saloon (in the historic sense) offering limited food service. The addition of a sensitively designed structure in the backlot is a reasonable accommodation to modern restrooms, equipment and utilities.

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

Aside from modifications dictated by public safety and handicap accessibility (e.g., the handicap ramp to the south) the most material modification caused by the proposed use is the new construction on the backlot. In keeping with Secretary of

Interior's Rehabilitation Standards and the accompanying Rehabilitation Guidelines pertaining to new additions to historic structures, the new building and vestibule are designed in a manner that differentiates them from the historic structure, while being compatible with the massing, size, scale and features of the site and its surrounds. The roof peak of the new building is lower than the roof peak of the historic stone building, and the roof pitch matches that of the reconstructed rear wood frame addition as well as that of the historic stone building's hipped roof (both having a pitch of 6"/12"). The location of the new building at the backlot and future landscape treatments (including hop trellises along the south and east exterior walls of the addition) will keep the spotlight on the historic structure in front. (See Rehabilitation Standard 9; see also Secretary of Interior Rehabilitation Guidelines for New Additions). The north and west elevations of the new building will be visible only from the alley. Moreover, because Smith Avenue and the sidewalk in front of the Stone Saloon lie approximately 3' below the grade of the historic site, the lowered sightlines from the public right-of-way enhance the prominence of the historic stone structure at the front of the lot relative to the new construction to the rear.

Finally, the new structure allows for reversibility. In the event that the proposed use ever ceased, the new addition and its connecting vestibule could be removed without impairing the form or integrity of the original historic structures, or the historic site as a whole. (See Rehabilitation Standard 10)

- 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 Stone Saloon was designed, built and originally used as a commercial property. As established in its designation, it was historically used as a lager beer saloon. The practical difficulty that prevents the Stone Saloon from being used in a manner consistent with this historic use is the parcel's residential zoning classification (R4). This difficulty was not created by the applicant.

A broader practical difficulty is the initial and continued expense of the historic preservation and rehabilitation of the Stone Saloon. A historic property cannot be preserved and maintained without a viable and ongoing means of support, regardless of its level of significance.

This project began with a registered Vacant Building that had several outstanding nuisance and abate orders, extensive structural issues, and no independent water or sewer line (both T-ed off the adjacent, separately owned parcel). The adjacent parcel had to be acquired in order to access these essential utilities and provide for their upgrading. While stonemasonry in general has excellent longevity, stonemasonry repair after nearly 160 years of weathering and inappropriate maintenance can be (and in this instance, has been) extremely costly. For the present applicant this project has thus far been both a "labor of love" and "leap of faith," but the complete restoration/rehabilitation of this historic site,

as well as its ongoing maintenance, must ultimately be sustained by a more rational economic calculus.

The proposed use as a beer-only tap house/micro-brewery is minimally tailored to leverage the unique history of this building for a sustainable, income-producing use. The proposed use not only respects the building's history, but allows the public to share in it. In comparison, use of the building as (for example) a private residence would not attract the level of investment required to rationally undertake the same level of rehabilitation, and would not yield the same "public good" of community access to this unique and historic lager beer saloon. The grant of a historic use variance in this instance would be in keeping with Policy 5.5 of the Historic Preservation Plan, part of the Saint Paul Comprehensive Plan, which establishes a goal to "develop land use and regulatory incentives to make it easier and more feasible to rehabilitate" historic resources by applying "an ordinance that allows historic variances in order to alleviate undue hardships created by the historic character of designated properties."

For these several reasons, a historic use variance for tap house/micro-brewery use is the minimum needed to enable this property to be used in a manner that will have the least impact on its historic character and the character of the surrounding area. (Leg. Code § 61.601(g).

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

The use of the Stone Saloon as a tap house/micro-brewery is similar (although smaller in scale) to the current use of a much larger and partly contiguous TN2 site immediately across the 16'-wide alley to the northwest, newly operating as Bad Weather Brewery. Degidio's Restaurant and Bar operates with a full liquor license in B2 zoning approximately 330 feet to the northwest, across West 7<sup>th</sup> Street from Bad Weather Brewery. Garafolo's Automotive Repair operates from a T1 parcel approximately 180 feet down the alley from the Stone Saloon. A flat-roofed former factory building turned used clothing store turned artists' studio lies immediately across Smith Avenue (State Highway 13) to the north of the Stone Saloon. Bonfe's Auto Repair lies approximately 300 feet north and across Smith Avenue in T2 zoning. Within the immediate neighborhood and along West 7<sup>th</sup> Street, numerous T1-, T2-, B2- and B3-zoned parcels sit immediately adjacent to R4 and other residential zoning classifications.

The proposed use for the Stone Saloon is compatible with this mix of commercial and residential zoning classifications in the immediate and surrounding areas. The applicant is a 25-year resident of the neighborhood, living within approximately 250 feet of the Stone Saloon. He fully intends to address any concerns that may arise from the Stone Saloon's operations.

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

The site of the Stone Saloon is within an Established Neighborhood of Uppertown/West 7<sup>th</sup> proximate to the Mixed Use Corridor of West 7<sup>th</sup> Street. The

comprehensive plan defines Established Neighborhoods to include “scattered neighborhood-serving commercial, service and institutional uses at the juncture of arterial and collector streets.” (LU-1) Mixed Use Corridors “include areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional and open space uses.” (LU-1) The District 9 Area Plan supports “‘nodes’ of retail businesses at the intersections of West 7th and Kellogg, Smith, St. Clair, Jefferson, Randolph, and Montreal/Lexington.” (p.4) It further states that “when possible, storefronts that have been altered should be restored to, or close to, their original character. In some cases, the original building fabric may be found behind the alterations.” (p.7) Although the proposed use is not permitted by the underlying zoning of its individual parcel, it is broadly consistent with these principles set forth in the city’s comprehensive and area plans.

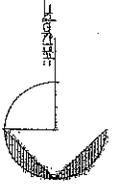
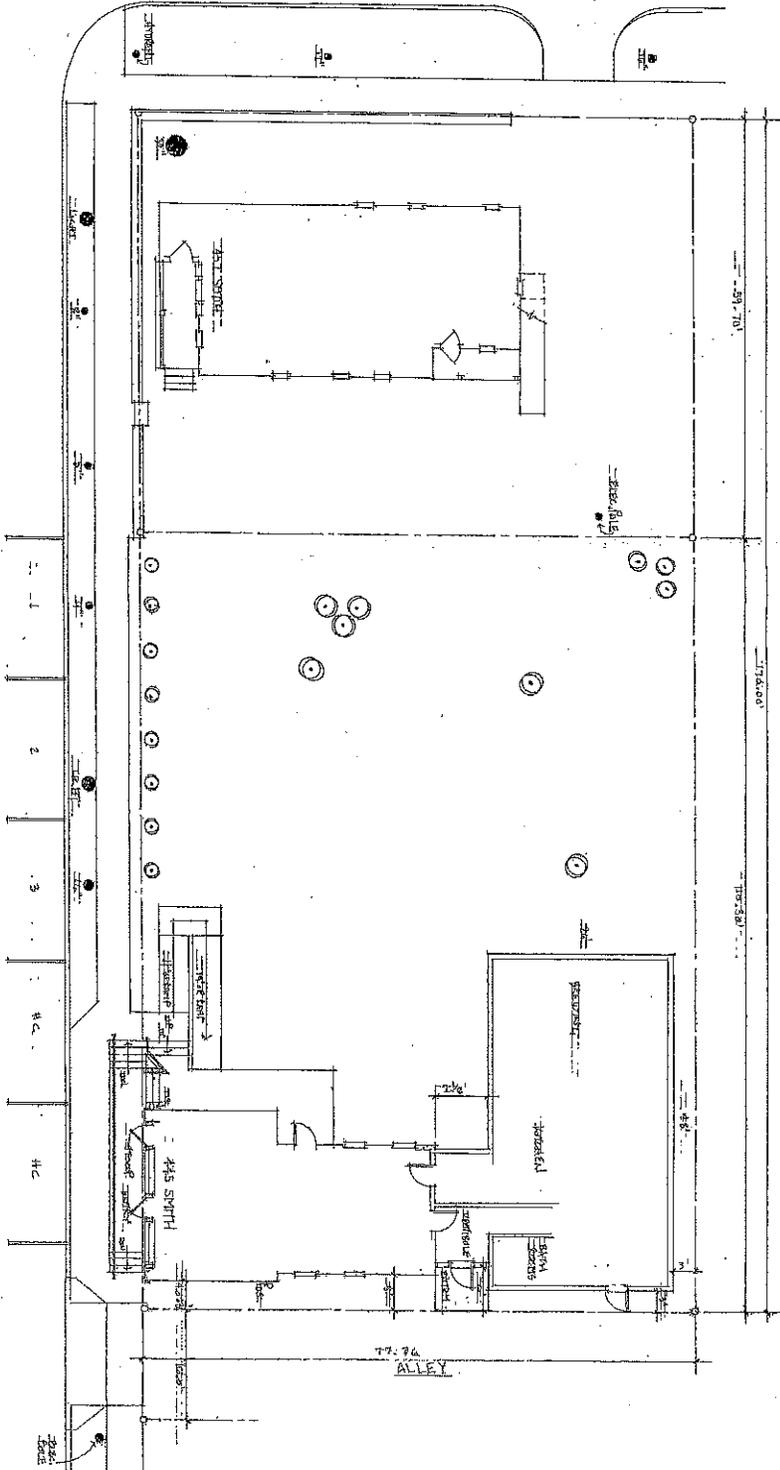
The Historic Preservation brochure for the Saint Paul Comprehensive Plan, cited in the preamble to the historic use variance ordinance being applied to this application, states that “the character and design features of historic properties make them desirable for new uses that recognize the community’s special identity.” Ironically, in this case it is an old use that recognizes the West 7<sup>th</sup> Street neighborhood’s special identity.

For historic context, when the Stone Saloon was initially built it was positioned along the original overland route running along the Mississippi river bluff between Saint Paul and the Fort Snelling Ferry. This unimproved but frequently trafficked route was known as the Old Fort Road. West 7<sup>th</sup> Street did not yet exist. By the close of Minnesota’s Territorial Period, a number of businesses lined the Old Fort Road, including a large limestone livery stable along Old Fort Road near the city limits, a major brewery, and several saloons. The latter included Henry Shearn’s Head Quarters Saloon on Leech Street near Ramsey Street; William Schimmel’s saloon on Wilkin Street near the Saint Paul College; Alexander Erb’s saloon and grocery at the corner of Smith (now Forbes) and Forbes (now Smith); John Fetzer’s one-story home and lager beer saloon on Forbes (now Smith) immediately across the alley from the Stone Saloon to the north; and the Cave House Saloon just past the city limits near Richmond and Old Fort Road. All of these establishments have long since vanished. While perhaps not relevant to modern land use planning, the Stone Saloon is one of the last remaining vestiges of the Old Fort Road. As such, its restoration and proposed (re)use helps define the West 7<sup>th</sup> Street neighborhood’s special identity, because it points to what came before. We take our historic assets where we find them—and if understood and used wisely, they have even greater value there.

476 of 1/8" SCALE

GOODRICH AVENUE

STAIRS



FUCHS - WALDMAN BUILDING, 445 SMITH AVE.  
 THOMAS AND SCHROEDER, 144 HOBSON STREET - SAINT PAUL, MINNESOTA 55102

**JUST ARCHITECTURAL SERVICES**

476 West 7th Street, Saint Paul, MN 55102 (651) 225-9601

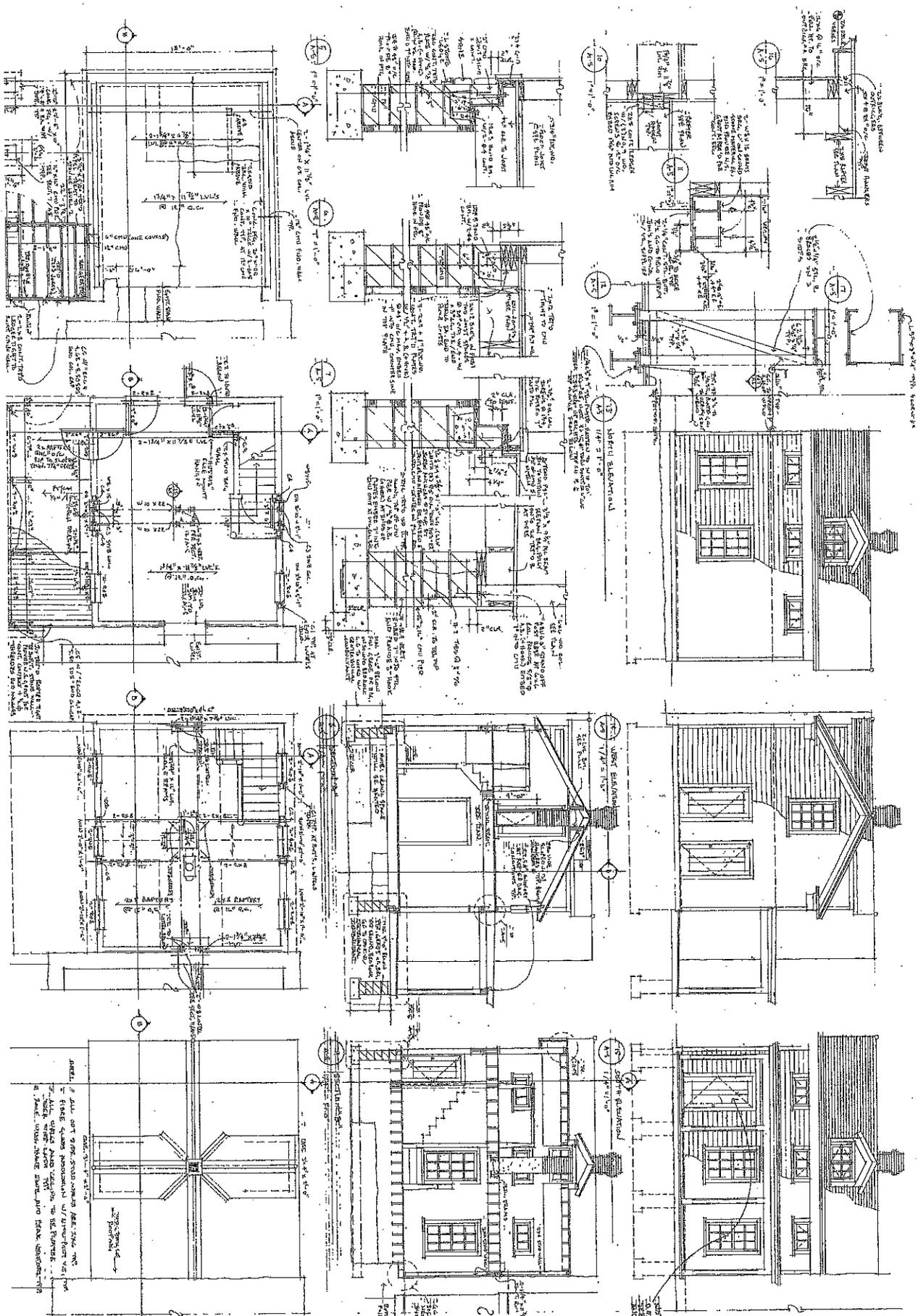
DATE	REVISIONS
5/15/2015	
7/16/2015	
7/23/2015	

SITE PLAN

ON SHEET NO.

COMM NO • DRAWN • CHECKED

DATE • REVISIONS



PLANS, SECTIONS, AND ELEVATIONS

SCALE  
1/4" = 1'-0"

DATE	REVISIONS

COMM NO • DRAWN • CHECKED

DATE • REVISIONS

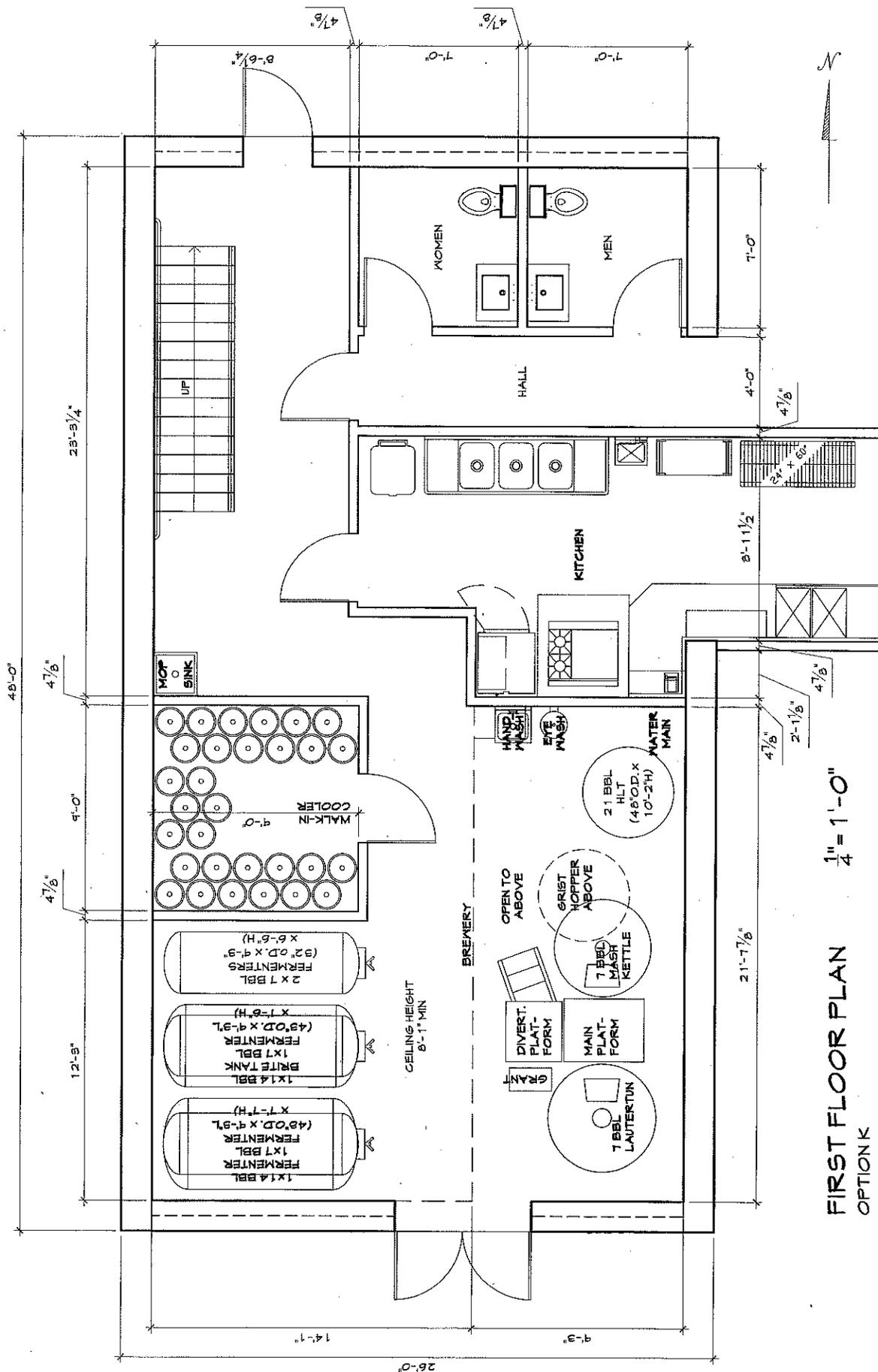
FRAME BUILDING 445 SMITH AVENUE

YUST ARCHITECTURAL SERVICES

476 West 7th Street • Saint Paul, MN 55102 • (651) 225-2661

CELLAR - 492-348 5928  
OFFICE - 492-744 7220





FIRST FLOOR PLAN  
 OPTIONK  
 1/4" = 1'-0"



414 7th St. W.  
St. Paul, MN 55102

To Whom It May Concern,

Bad Weather Brewing Company and the Stone Saloon share an alleyway with private residences. The nature of our businesses requires use of the alleyway for deliveries, pickups and waste services. We are lucky enough to have a large alleyway to easily accommodate both our business without a problem, however we want to do everything we can to be respectful to our neighbors utilizing the alleyway.

Our businesses have a large overlap with regard to supplies we will order. Bad Weather Brewing and the Stone Saloon plan to work together on ordering ingredients and supplies, meaning we can share deliveries and minimize truck traffic through the alleyway. We are also outlining a plan for shared waste disposal and recycling which will also minimize truck traffic.

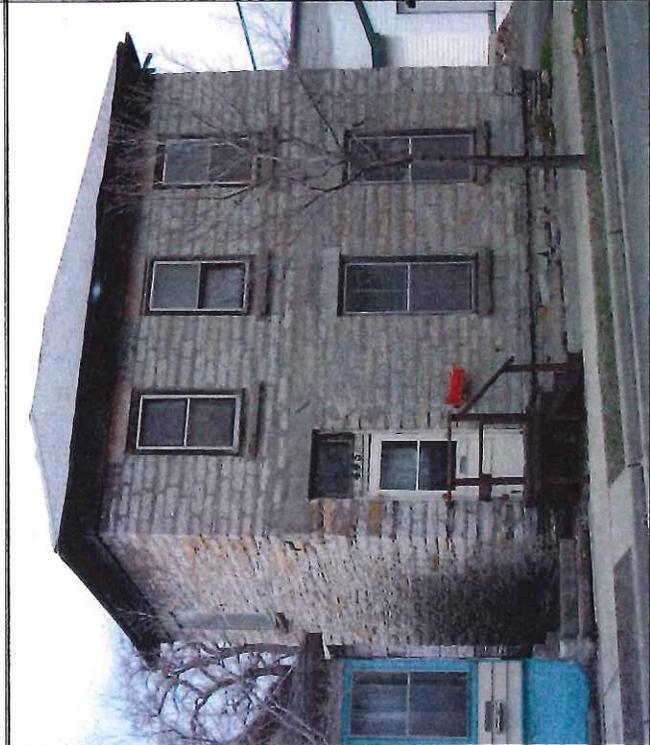
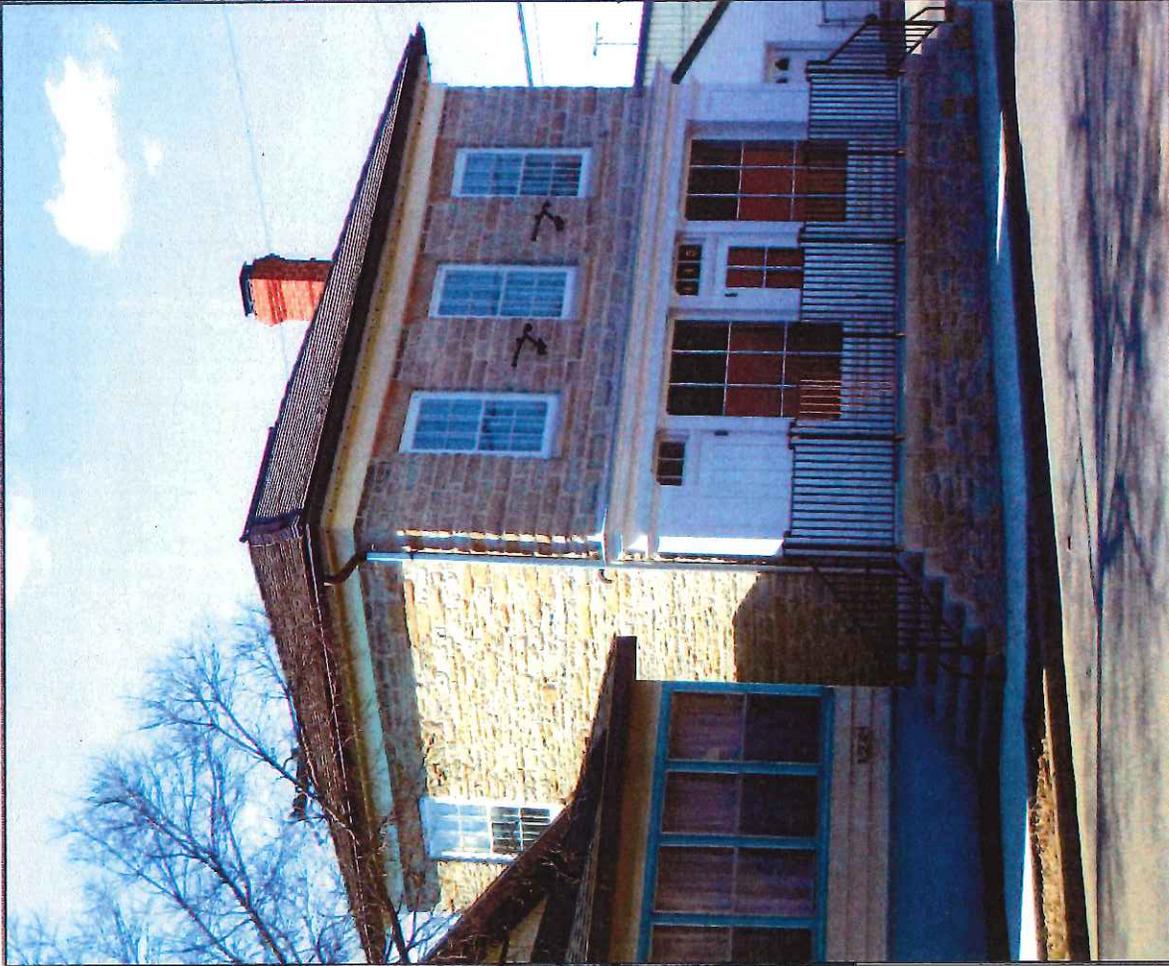
Continuing to work with the Stone Saloon and our surrounding neighbors is extremely important to us, and helps foster a safe and happy community for all businesses and residents. Our intent with this letter is to show Bad Weather Brewing and Stone Saloon will be committed and respectful neighbors to everyone in our community.

Sincerely,

A handwritten signature in black ink, appearing to be a cursive combination of the names Zac Carpenter and Joe Giambruno.

Zac Carpenter and Joe Giambruno  
Founders - Bad Weather Brewing Company

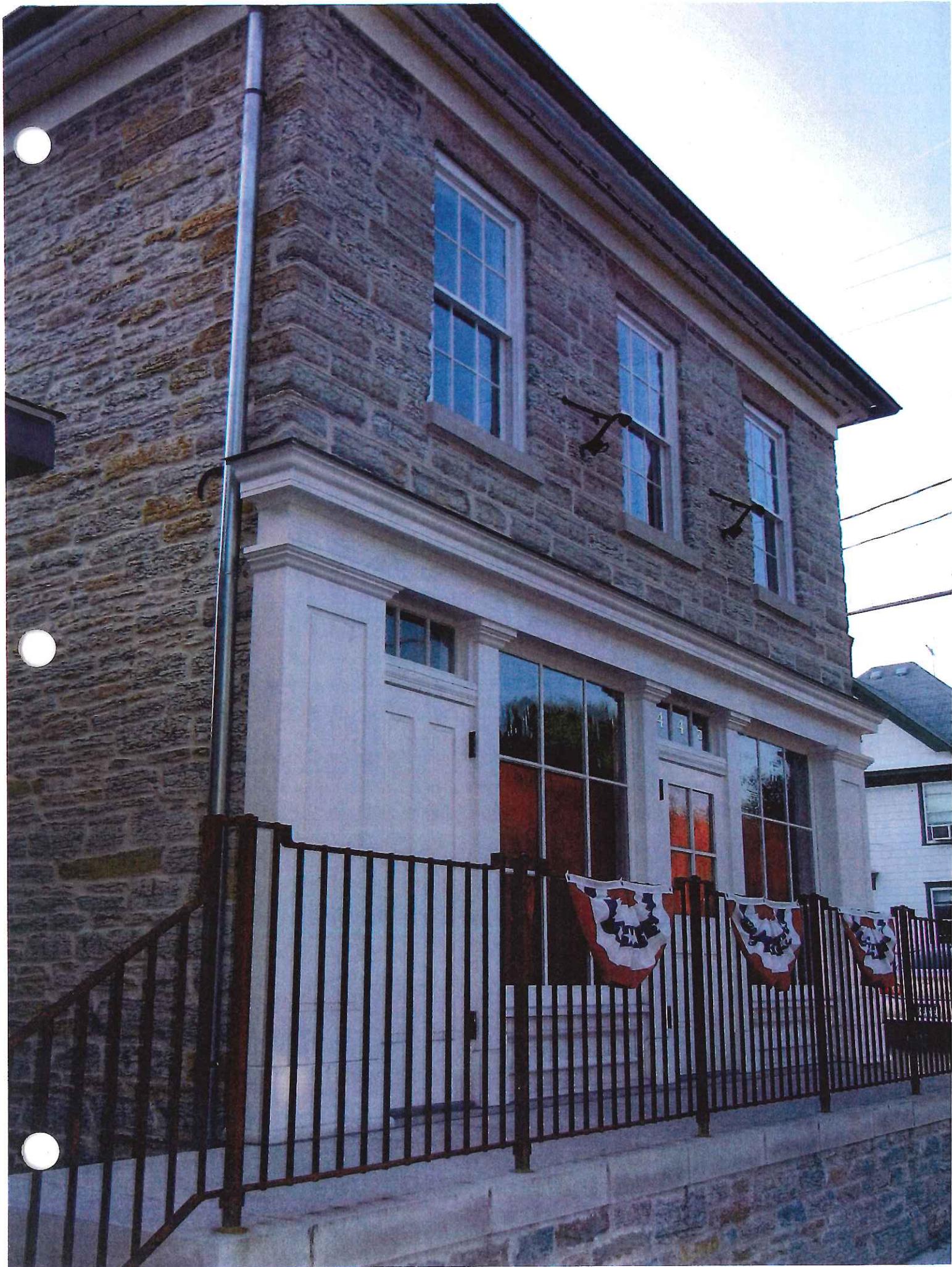
Anthony Waldman House/Stone Saloon (1857)  
2011 and 2015



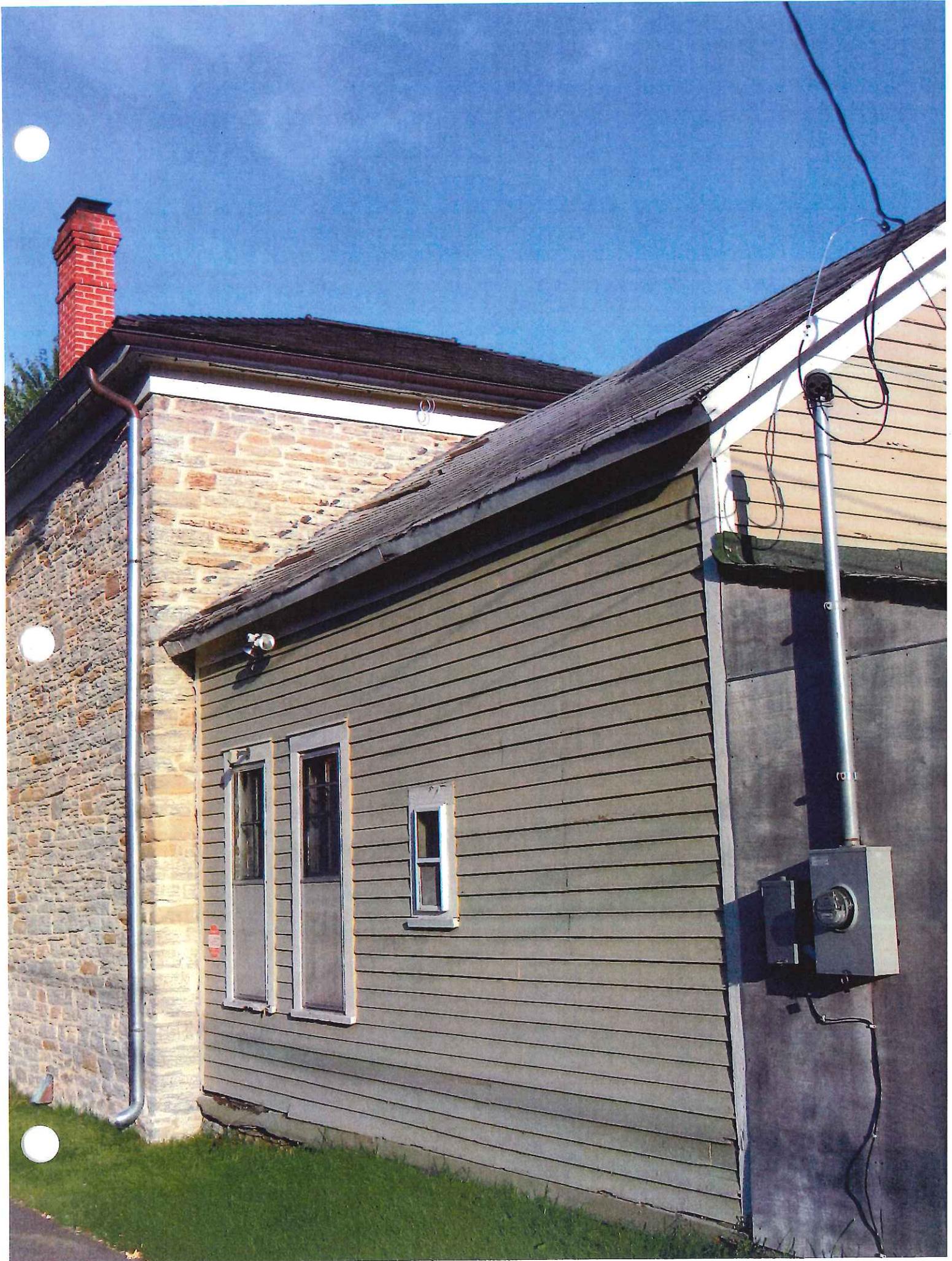
445 Smith Avenue North  
(near bottom of High Bridge)

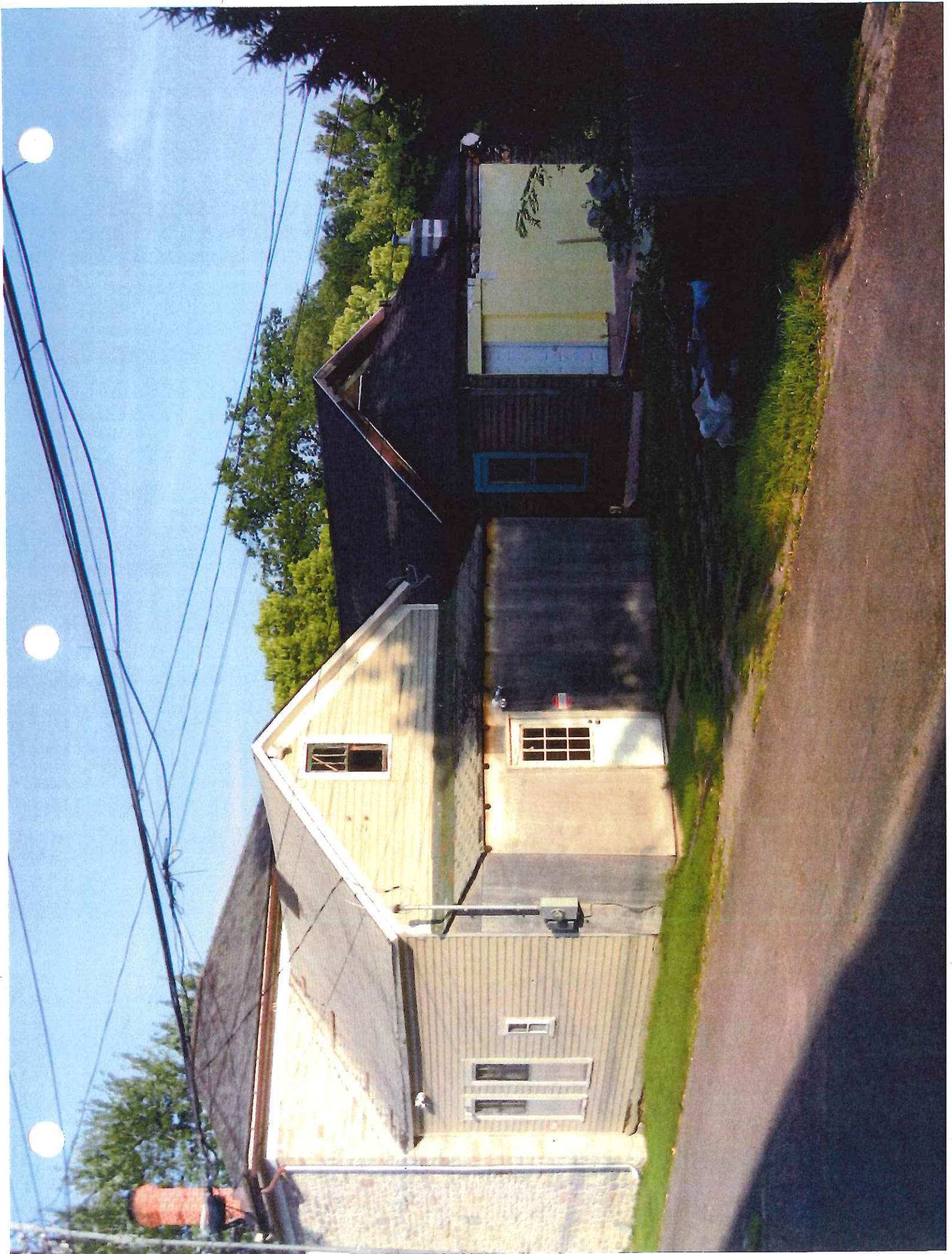


Carver Palmer House, Built in 1874  
114 N. Main St., Carver, IA 50003  
Phone: 515-338-1144







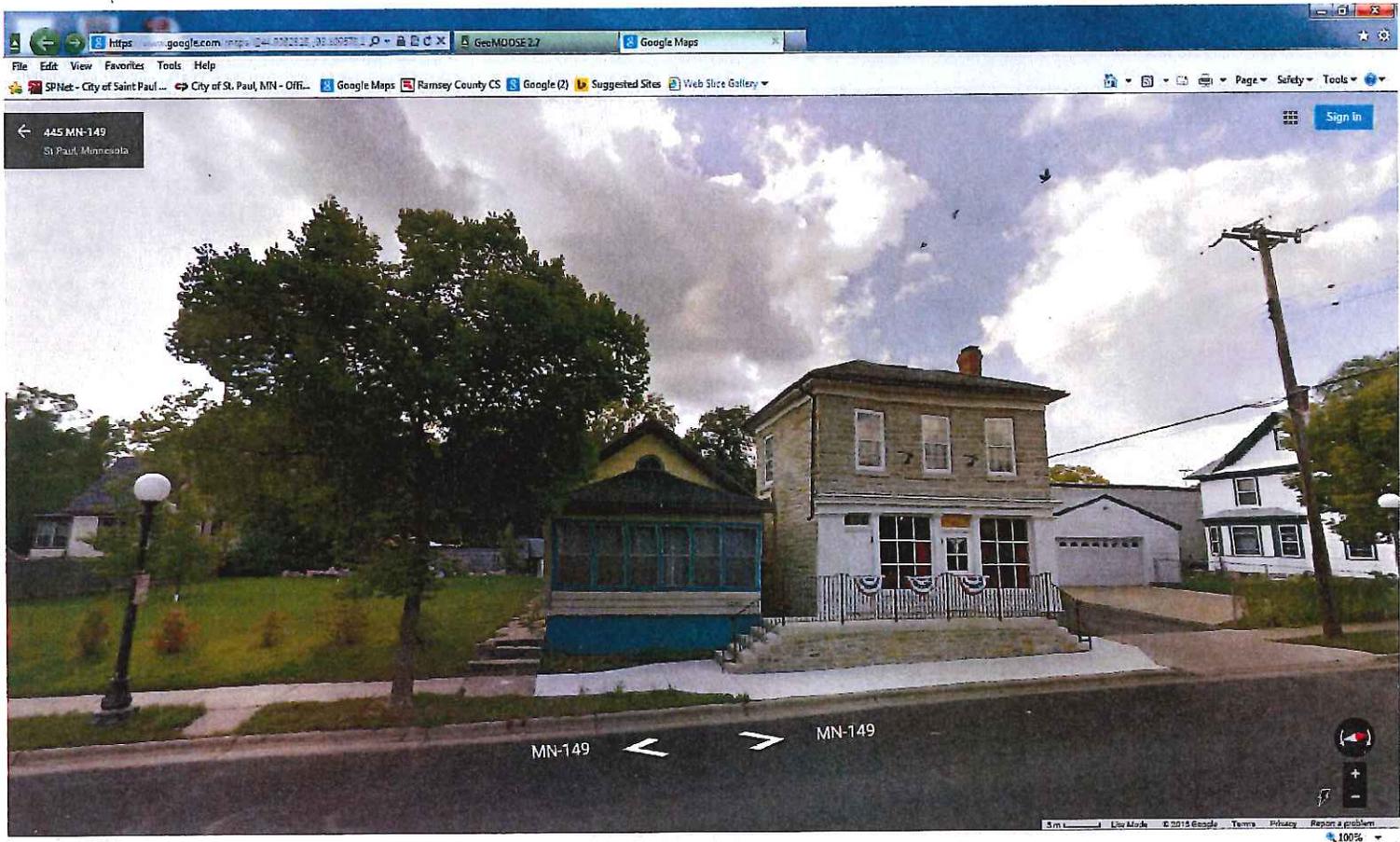


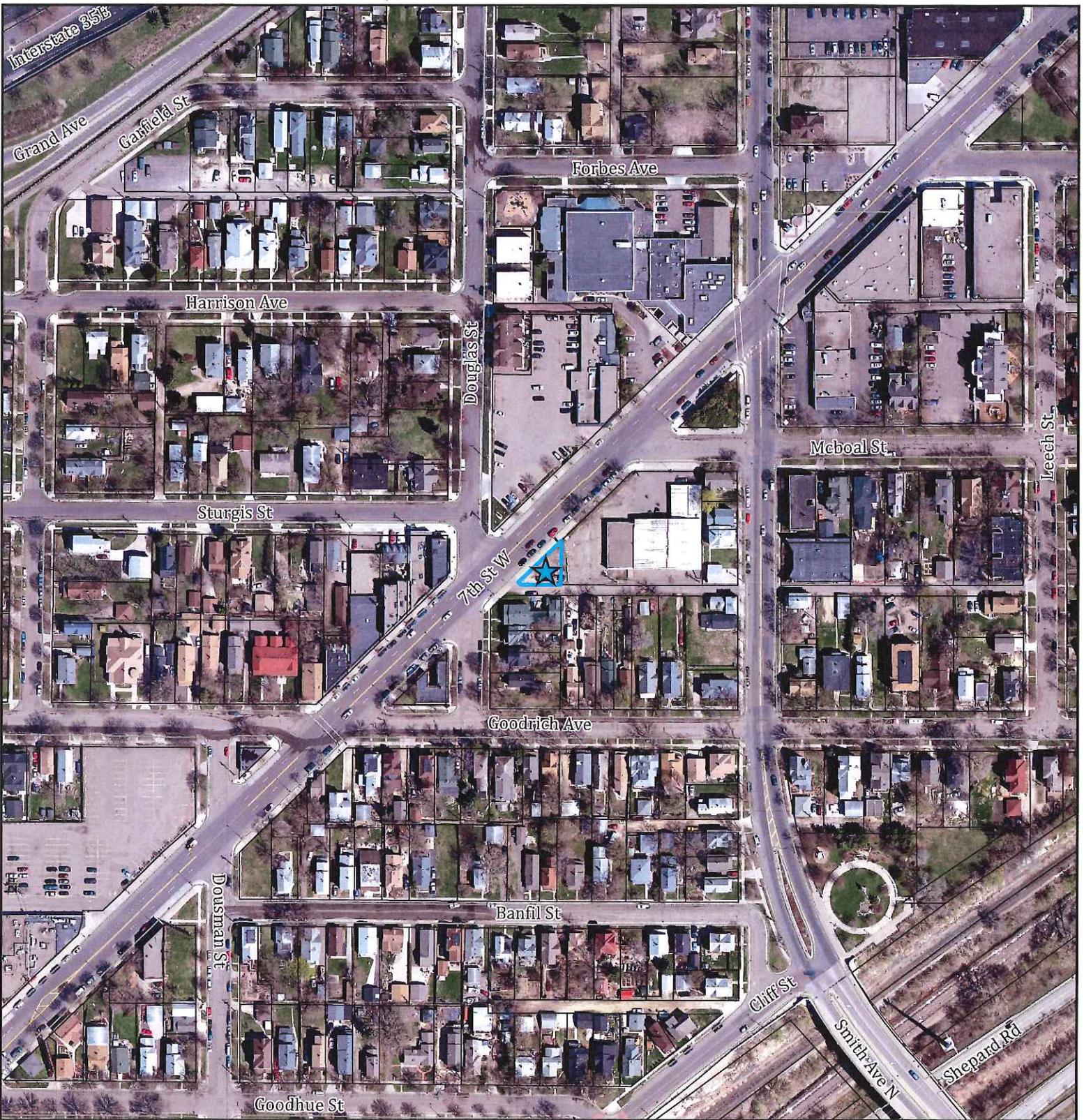






Charles Peckham House, Built in 1854  
1700 North Street, Peckham, MA 01062  
A house for rent or sale. Call for details.  
Phone: 413-542-1234





FILE NAME: Stone House Parking

APPLICATION TYPE: PC-Variance

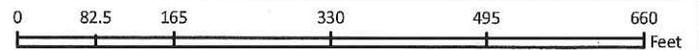
FILE #: 15-146534      DATE: 8/4/2015

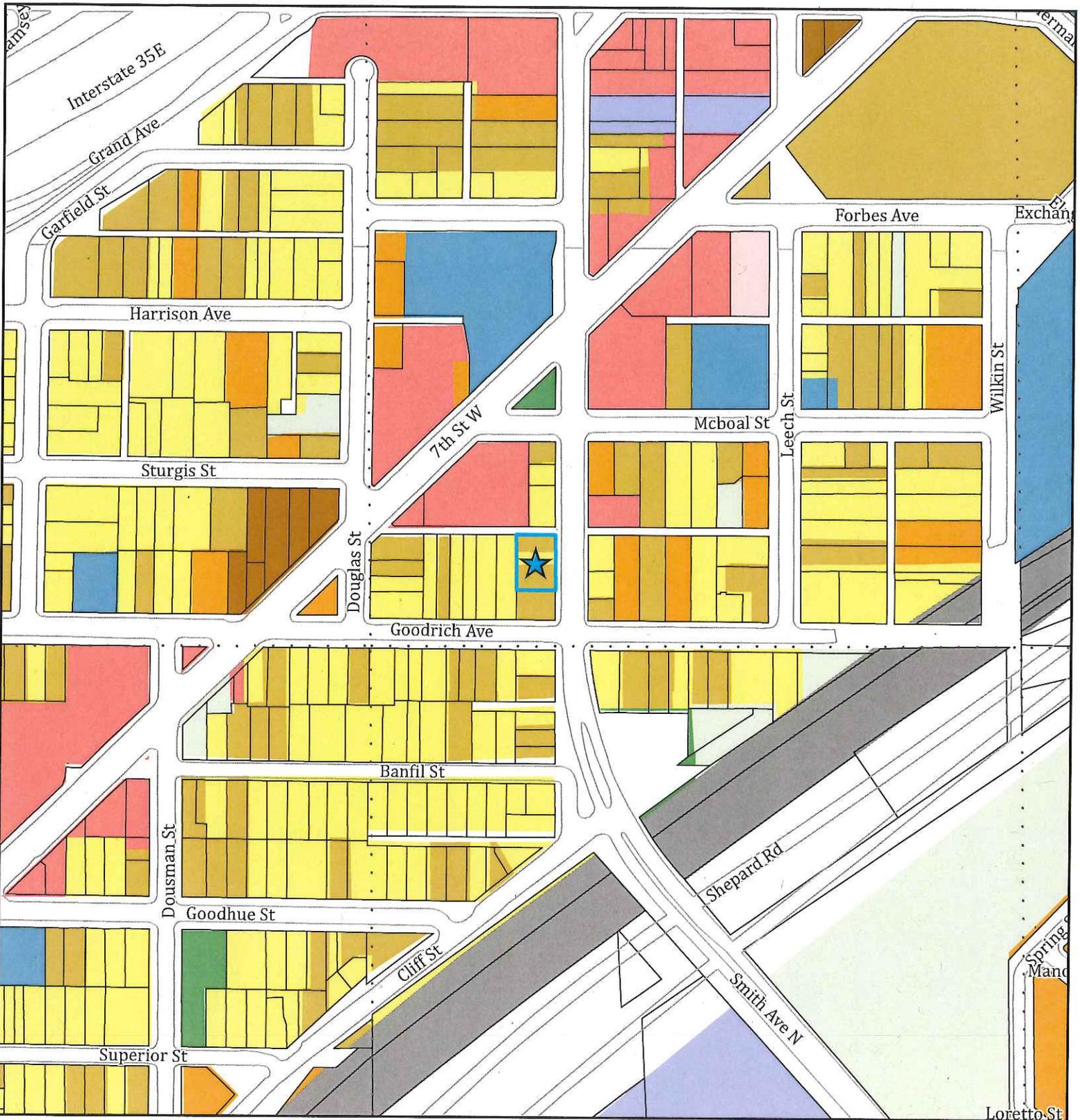
PLANNING DISTRICT: 9

ZONING PANEL: 15

**Aerial**

 Subject Parcels





FILE NAME: Thomas Schroeder

APPLICATION TYPE: Historic Use Variance

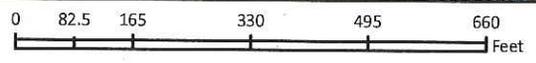
FILE #: 15143784      DATE: 7/28/2015

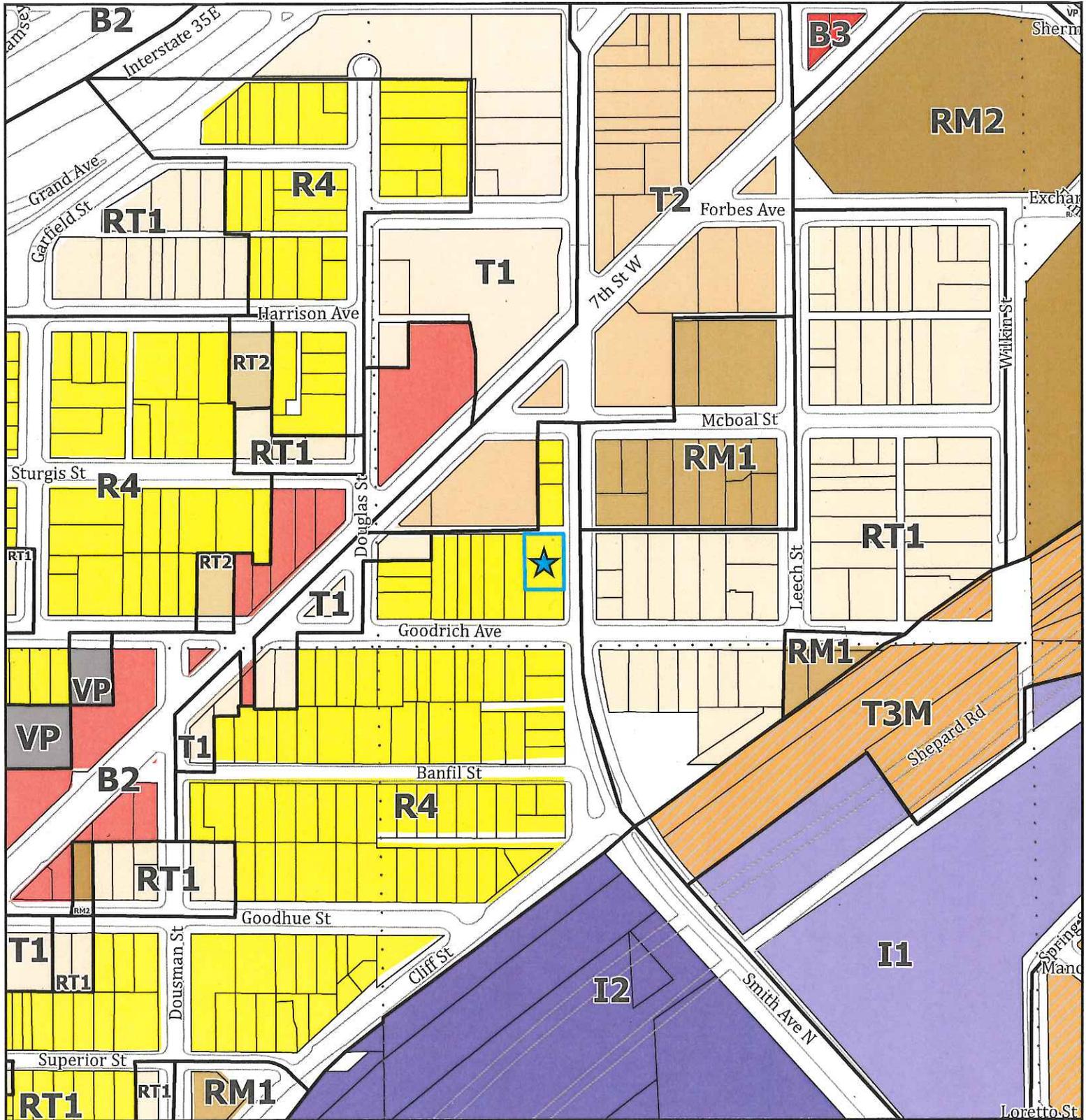
PLANNING DISTRICT: 9

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





FILE NAME: Thomas Schroeder  
 APPLICATION TYPE: Historic Use Variance  
 FILE #: 15143784      DATE: 7/28/2015  
 PLANNING DISTRICT: 9  
 ZONING PANEL: 15

**Zoning**

- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- T3M T3 with Master Plan
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking
- Subject Parcels
- Section Lines

