

# **CITY OF SAINT PAUL HERITAGE PRESERVATION COMMISSION RESOLUTION**

**FILE NAME**        **Historic Use Variance for 445 Smith Avenue North**

**DATE**                **August 27, 2015**

**WHEREAS,** The council of the City of Saint Paul declared as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people and specifically, the Heritage Preservation Commission is created to promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City of Saint Paul; and

**WHEREAS,** Chapter 73 of the Saint Paul Legislative Code 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; and

**WHEREAS,** Sections 73.04(5) and 61.601 require the HPC to make a recommendation regarding the application addressing the following six 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.

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 6<sup>th</sup> 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; and

**WHEREAS,** the HPC held a public hearing, listened to public testimony and adopted the findings and recommendation in the staff report. In summary, the HPC made the following determinations with respect to the six findings:

1. 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. Proposing a “store and flats” or single-family residence would be consistent with the property’s historic uses. Finding 1 is not fully met.
2. Finding 2 is not yet met as the HPC review process had not yet commenced during the historic use variance public hearing. The public hearing for the design review was held on August 27<sup>th</sup> and laid over by the HPC in order to nominate a smaller design review committee to make changes to the proposal that will better meet the adopted Preservation Program.

3. For Finding 3, the HPC stated the current owner and applicant created the first floor storefront based on a few physical clues from photos and shadow lines at the property. A commercial use on the first floor given the building's original construction is consistent with Sec. 73.05(5).
4. Today, the immediate area around the property is zoned single-family but the West Seventh Street commercial corridor is nearby and Finding 4 may be met.
5. The proposal can be consistent with the Historic Preservation Chapter so long as the proper design review controls are utilized and that alterations necessary for the new use do not compromise the ability of the property to convey its historic significance. Additionally, the Planning Commission is best suited to provide a finding regarding consistency with other portions of the Comprehensive Plan.
6. Finding 6 is not met as there are other uses, such as a single-family house or live-work unit with a small office on the first floor that would not require a large building addition, the demolition of the historic 1880s wood-frame portion or the moving of the nearby circa 1870s Charles Palmer cottage outside the potential West Seventh Street historic district;

**NOW, THEREFORE, BE IT RESOLVED**, that the Heritage Preservation Commission of the City of Saint Paul recommends the City Council approve the historic use variance to convert 445 Smith Avenue N. from residential to commercial (taproom/microbrewery/restaurant) subject to the following conditions:

1. City Council designation of the five properties within the Limestone Properties Thematic Nomination, including 445 Smith Avenue, as Saint Paul Heritage Preservation Sites.
2. 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.
3. Final site plan approval by the Department of Safety and Inspections and all other necessary City approvals prior to the commencement of any work.
4. 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** Hill  
**SECONDED BY** Lightner

**IN FAVOR** 7  
**AGAINST** 0  
**ABSTAIN** 0