

city of saint paul
planning commission resolution

file number: 16-13

date: April 15, 2016

WHEREAS, Mike and Joelle Olson, File # 15-138-929, have applied for an establishment of nonconforming use as a triplex under the provisions of §62.109(a) of the Saint Paul Legislative Code, on property located at 897 Goodrich Ave, Parcel Identification Number (PIN) 02.28.23.31.0055, legally described as Summit Park Addition, Lot 20, Blk 24; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 13, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Zoning Committee continued the case to allow the applicant the opportunity to undertake additional research on the use of the property, and it came back to the Zoning Committee for a vote on April 7, 2016; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is seeking establishment of a nonconforming use of their property as a triplex. Under the RT1 two-family residential district, a two-family dwelling is permitted, while a three-family dwelling is not permitted.
2. The Planning Commission's triplex conversion guidelines state that staff will recommend denial unless the following guidelines are met:
 - (a) *Lot size of at least 6,000 square feet with a lot width or front footage of 50 feet.* This guideline is not met as the subject property is 6,000 square feet, but only has a 40-foot lot width.
 - (b) *Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet.* This guideline is met. The gross living area exceeds 3,800 square feet, and the smallest unit, the basement unit, exceeds 1,000 square feet.
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.* This guideline can be met if the unpaved portion of the outdoor parking area is paved in accordance with § 63.316. The parking requirement for three two-bedroom apartments is four parking spaces. This site currently has two garaged spaces and has sufficient space for two surface spaces. Upon review of site photos, a small portion of the parking area adjacent to the screening wall on the eastern property line is not paved. Section 63.316 of the zoning code states: "all parking spaces...shall be paved with standard or pervious asphalt or concrete or with brick, concrete or stone pavers, or material comparable to the adjacent street surfacing."
 - (d) *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Planning Commission or Board of Appeals.* This guideline is met. No exterior changes are proposed.
 - (e) *For the purpose of protecting the welfare and safety of the occupants of any*

- structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This guideline is met. The property has abated all of the code violations noted in a 2015 inspection, with exception to the zoning issue addressed by this application.*
3. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in section 62.102 if the commission makes the following findings:
- (a) *The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.* This finding is not met. According to City records, on December 1, 2011, the illegal third unit was identified by a fire inspector as part of an inspection required to receive a certificate of occupancy, and upon re-inspection on February 23, 2012, the building was found to be a compliant duplex. To meet that, the previous owner would have had to meet the requirements to show it was being used only as a two-unit building. Based on this information, the use of the building as a triplex would have had to be discontinued for some period of time and thus cannot establish continuous use for ten years prior to this application.
 - (b) *The off-street parking is adequate to serve the use.* This finding is met subject to paving the unpaved portion of the outdoor parking in accordance with § 63.316. The parking requirement for three two-bedroom apartments is four parking spaces. This site currently has two garaged spaces and has sufficient space for two surface spaces. Upon review of site photos, a small portion of the parking area adjacent to the screening wall along the eastern property line is not paved. Section 63.316 of the zoning code states: "all parking spaces...shall be paved with standard or pervious asphalt or concrete or with brick, concrete or stone pavers, or material comparable to the adjacent street surfacing."
 - (c) *Hardship would result if the use were discontinued.* This finding is not met. This building is constructed as a duplex, and the building would continue to have reasonable use as a duplex. Re-use of the improved basement space in conjunction with the first-floor unit would require some reconfiguration of the layout of the space should a laundry facility continue to be shared between the two units.
 - (d) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. This property is zoned RT1 two-family and all of the properties fronting on Lincoln and Goodrich Avenues from Victoria Street west to Oxford Street are within the same zoning district.
 - (d) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. This building has been operating on and off as a three-unit building for an undocumented number of years. It does not appear that use of the building as a triplex would endanger the health, safety, or general welfare of the surrounding area.
 - (f) *The use is consistent with the comprehensive plan.* This finding is met. This property is designated Established Neighborhood in the Comprehensive Plan. The

Established Neighborhood land use is defined as “predominately residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered in the neighborhood...” A triplex would be consistent with smaller scale multifamily housing.

(g) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on July 13, 2015: Twenty-one parcels eligible; fourteen parcels required; eighteen parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mike and Joelle Olson for an establishment of nonconforming use as a triplex at 897 Goodrich Ave is hereby denied based on findings 2(a), 3(a), and 3(c).

moved by _____ Reveal _____
seconded by _____
in favor _____ Unanimous _____
against _____