



## Legislation Details (With Text)

**File #:** RES PH 16- 53      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 3/16/2016

**Title:** Granting the application of Thomas Schroeder for a historic use variance at 445 Smith Avenue North to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service.

**Sponsors:** Rebecca Noecker

**Indexes:** Heritage Preservation Commission, Historic Use Variance

**Code sections:** Sec. 73.03.1 - Historic Use Variance applications

**Attachments:** 1. 1- PC Resolution 16-07, 2. 2- PC action minutes, 3. 3- ZC minutes, 4. 4- 60 day extension, 5. 5- Public testimony (all), 6. 6- ZC staff report, 7. 7- Application materials and previous approval, 8. 8- HPC resolution and staff report, 9. Boardman opposition to 445 Smith variance, 10. Schroeder email re 445 Smith variance, 11. Austin support of 445 Smith variance

Date	Ver.	Action By	Action	Result
3/18/2016	1	Mayor's Office	Signed	
3/16/2016	1	City Council	Adopted	Pass

Granting the application of Thomas Schroeder for a historic use variance at 445 Smith Avenue North to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service.

WHEREAS, pursuant to §73.03.1 of the Legislative Code, Thomas Schroeder, in HPC File 15-037 and Zoning File 15-143-784, duly applied for a historic use variance in order to remove a condition prohibiting off-street parking so as to allow for the provision of an ADA parking space on the site of a proposed tap house/microbrewery with food service at 445 Smith Avenue N., Parcel Identification Number (PIN) 01.28.23.41.0179, legally described as Samuel Leeches Addition Ex S 60 Ft The Fol; Lot 14 & E 1/2 Of Lot 13 Blk 9; and

WHEREAS, pursuant to §73.03.1 of the Legislative Code, the Heritage Preservation Commission held a public hearing on January 28, 2016 for the purpose of considering the historic use variance application, and having considered the report and recommendation of staff and testimony received, made a recommendation to conditionally approve the application and forwarded the recommendation, application, staff report, and all other materials relative to the application to the Planning Commission; and

WHEREAS, pursuant to §73.03.1 and §61.303 of the Legislative Code, the Zoning Committee held a public hearing on February 11, 2016 for the purpose of considering the historic use variance application, and pursuant to §107.03 of the Administrative Code, submitted its recommendation to the Planning Commission for approval; and

WHEREAS, the Planning Commission considered the historic use variance application at its meeting held on February 19, 2016, and made a recommendation to conditionally approve the application and forwarded the documentation and recommendation of the heritage preservation commission together with its own findings and recommendation to the City Council; and

WHEREAS, a public hearing before the City Council has been duly conducted at which all interested parties

were given an opportunity to be heard; and

WHEREAS, the City Council has considered all the testimony and recommendations concerning the proposed historic use variance.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul City Council hereby approves the historic use variance to allow a tap house / microbrewery with food service at 445 Smith Avenue N. subject to the following conditions:

1. 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.
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 at the property.
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.