



## Legislation Text

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**File #:** ALH 10-182, **Version:** 1

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Appeal of Barbara Madigan to a Fire Certificate of Occupancy Correction Order at 1499 Pacific Street. (Ward 7)

See letter attached to appeal document.

June 25, 2010

October 12, 2010

September 14, 2010

July 13, 2010

### **October 23, 2010**

Board of Zoning Appeals granted variance of off-street parking regulations. One (1) off-street parking space is required for a single family dwelling. The applicant changed the garage to a living space and is proposing zero (0) off-street parking spaces for a variance of one (1) space.

### **July 13, 2010 Legislative Hearing**

Appellants Barb and Pat Madigan (711 W. Oak Drive, Vadnais Heights, MN 55127), and property manager Tom Canfield appeared.

Inspector Shaff stated that an inspection was conducted on June 24 and found that the property was a sober house; the property had then been reassigned to her as the inspector. It looked like a window permit had been pulled to replace the substandard windows but had not been signed off. Mr. Madigan said the windows were complete but needed to be inspected. Ms. Shaff said the big issue was that until the appellants were approved as a sober house, they had been asked to reduce the occupancy from seven to four. The application submitted by the Madigans was incomplete and had been returned.

Ms. Madigan said one of the missing items was a site plan and she didn't know what that was. Ms. Shaff said a drawing of the property was required. Ms. Madigan said the other item missing was the floor plan and she could submit both right away. Mr. Madigan said fire safety was their number one concern. There were six doors in addition to the six new egress windows. They were looking for more time to complete the registration process.

Ms. Moermond asked how long that process took. Ms. Shaff said it took approximately 30 days, depending on the application. The usual process was for a property to go through zoning before having the Fire inspection.

Mr. Madigan said the house had been their family home until 2003 and they had been paying the non-homesteading fee since then. They hadn't known until 2007 that there were laws specific to sober houses and they had recently become involved with the Minnesota Association of Sober Homes (MASH). His standards for the home were very high and he would have a hard time asking three people to leave; they were asking for time to complete the process as they were still not clear on what was required.

Ms. Moermond confirmed with Ms. Shaff that a site plan and floor plan were the items needed. Ms. Shaff said they had other people in the same circumstances and the solution had been to have residents move to another sober home in the interim. Mr. Madigan said they were the only Christian-based sober home in St. Paul. Ms. Madigan said they could not continue to operate with less than full occupancy.

Ms. Moermond laid the matter over for 60 days to allow time for the appellants to go through the process and seek the special accommodation.

### **September 14, 2010 Legislative Hearing**

Ms. Moermond asked for a progress report. Inspector Shaff said the matter had been continued for 60 days so the appellants could finalize the sober house licensing process. She said the re-application for the license had been submitted on September 1 and was still being reviewed, the July 1 window permit application was still open, and a Board of Zoning Appeals (BZA) parking variance hearing was scheduled for October 4. She said the garage had been changed to a living space without applicable permissions and permits. Ms. Moermond asked whether that had been discovered during the sober house application review process. Ms. Shaff said the department knew about the garage and parking issues at the time the application was filed.

Ms. Moermond asked Ms. Madigan why it had taken so long to submit the sober house license application. Ms. Madigan said they'd received a reply from DSI on July 13 regarding their original application and had not understood the need for a parking variance. She said she had contacted Council President Lantry who had received a clarification from Corine Tilley, and the variance application had been completed and filed. She provided a copy of her correspondence with Ms. Tilley. Mr. Madigan said they had joined and been inspected by the Minnesota Association of Sober Houses (MASH) since the July hearing. He said the windows were done but had not had a final inspection. He said there was a concrete slab in front of the house for four cars and they hadn't understood the variance requirement.

Ms. Moermond asked how many residents there were. Mr. Madigan said there were seven in the house; he said it as a six-bedroom home not including the garage area. Ms. Moermond asked whether there was a bedroom in the garage area. Mr. Madigan said there was but there would be access to the house if a service door was put onto the house. Ms. Madigan said the bedroom was not in the actual garage.

Ms. Moermond noted that there was nothing in the orders addressing a bedroom in the garage. Ms. Madigan provided a floor plan of the house; she said the garage was a family room and not a bedroom.

Ms. Shaff said there were no permits for the conversion. Mr. Madigan said the house in the condition it was in when they purchased it and the only change they'd made was removing the garage door and putting in a wall. He acknowledged that it had been done without a permit.

Ms. Shaff confirmed with Mr. Madigan that he'd purchased the house from his father.

Ms. Moermond said she would lay the matter over to October 12 after the BZA hearing.

July 13, 2010: Ms. Moermond laid the matter over for 60 days to allow time for the appellants to go through the process and seek the special accommodation.

September 14, 2010: Ms. Moermond said she would lay the matter over to October 12 after the BZA hearing.

October 12, 2010: Continued to November 9