



## Legislation Text

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**File #:** RES PH 18-105, **Version:** 1

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Granting the application of Thomas Schroeder for a historic use variance at 445 Smith Avenue North to permit an outdoor patio accessory to a restaurant/tap room.

WHEREAS, pursuant to §73.03.1 of the Legislative Code, Thomas Schroeder, in HPC File 18-017 and Zoning File 18-030-349, duly applied for a historic use variance in order to permit an outdoor patio accessory to a restaurant/tap room at 445 Smith Avenue N., Parcel Identification Number (PIN) 01.28.23.41.0179, legally described as Except the South 60 feet of the following: Lot 14 and East 1/2 of Lot 13, Block 9, Samuel Leeches Addition; and

WHEREAS, pursuant to §73.03.1 of the Legislative Code, the Heritage Preservation Commission held a public hearing on March 8, 2018 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 March 15, 2018 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 March 23, 2018, 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 permit an outdoor patio accessory to a restaurant/tap room at 445 Smith Avenue N. subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan provided to the Heritage Preservation Commission and approved as part of this application.
2. Final site plan approval and all other necessary City approvals must be obtained prior to the commencement of any work at the property.
3. 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 approval 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.