

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, January 22, 2015 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Edgerton, Makarios, Nelson, Padilla, Reveal, and Wickiser  
EXCUSED: Merrigan and Wencil  
STAFF: Josh Williams, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**Nicholas Davis - 14-354-654 - Establishment of legal nonconforming status for a third dwelling unit on the lot, 1393 - 1395 Breda Ave, between Albert and Hamline**

Josh Williams presented the staff report with a recommendation of approval with conditions for the establishment of legal nonconforming use permit. He stated District 10 recommended approval, and there were 9 letters in support, and no letters in opposition.

The applicant, Nicholas Davis, 1395 Breda Avenue, Saint Paul, explained that he bought the property from his parents in 2006. During the time his parents owned the property it had been used as a single family home in back and a duplex in front since 1988. Per Davis, fire inspector, Adrian Nies from the Department of Safety and Inspection (DSI) estimated that the additional living space was probably completed between 1960 and 1980. There are two separate entrances for the duplex, and they share a boiler and electric. Both the boiler and electric are accessible by common areas. Traditionally it has been rented as two separate units and heat and electric are covered in the rent. Any other costs, such as internet, are covered by the renters. In 2006 he moved in with a friend and they spent a lot of time remodeling the bathrooms and kitchens. He explained he wasn't aware of the process, and the work was done without obtaining permits. He has applied for after the fact permits and inspectors have been to the property. He also applied for permits in 2011 to add a second floor to the back house. In his opinion, he has done a service to the neighborhood and community by fixing up the house. He noted the photos of the remodeling work in the zoning packet showing pictures of his work. He did not just slap something together, he took pride in his work and has used tile, nice cabinets, and good trim. He apologized for not pulling permits at the time, and explained he did not quite understand the process. When he did the work on the back house it was fully permitted. It would cause him great financial hardship if he could no longer rent the property. They spent a lot of time and effort remodeling the two units making them nice so people would rent long term. As the property owner, he doesn't want to rent to college kids who rent year to year. His idea was to add nice things and have people rent long term and be part of the community. He could rent it out to four people for more money, but he is interested in having it as a duplex with good long term renters. As long as he has lived there parking has never been an issue in the neighborhood. Parking can be an issue during the State Fair because of the close proximity to the fairgrounds, but it is an issue for the entire area. Mr. Davis explained he agrees with the conditions on the staff report.

Aaron Salasek, 1387 Breda Avenue, Saint Paul, spoke in support. He and his wife are recent home buyers and love the dynamics of the neighborhood. The Davis' are exceptional neighbors. He has always appreciated the way they have conducted their affairs. He said that parking has

never been an issue in the neighborhood. He didn't encounter any problems even during the State Fair. He felt it was very important to be here on the Davis' behalf to support them.

Christina Davis, Nicholas' wife, said she is here to support her husband, and all the hard work that he has done with the property. They want to provide a home for good families. There are young families and retired couples in their neighborhood, and they want to continue a growing pattern in the neighborhood and support their neighbors.

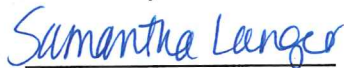
No one spoke in opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval with conditions of the establishment of legal nonconforming use permit. Commissioner Dan Edgerton seconded the motion.

The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:

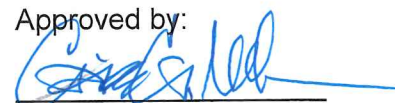


Samantha Langer  
Recording Secretary

Submitted by:

  
Josh Williams  
Zoning Section

Approved by:

  
Gaius Nelson  
Chair