

MINUTES OF THE ZONING COMMITTEE
Thursday, February 19, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

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

Jerry Walczak - 15-002-935 - Reestablishment of nonconforming use to construct a new duplex at 1438 Edmund Ave, between Pascal and Albert

The meeting was chaired by Commissioner Nelson. Commissioner Nelson explained this case was laid over at the February 5, 2015, Zoning Committee meeting. It was requested that staff further review findings one and three, and incorporate the duplex/triplex conversion guidelines into the staff report.

Josh Williams presented the revised staff report with a recommendation of denial for the reestablishment of nonconforming use permit. He stated District 11 recommended denial, and there were no letters in support, and 15 letters in opposition. Mr. Williams noted a letter received from Elizabeth Tolzman, who originally signed the petition, stating she was misinformed when she signed, and does not support a duplex at this property.

Commissioner Reveal asked if finding five should be amended to reflect the letter received from Ms. Tolzman. If she wishes to withdraw her name from the petition, and it is allowed, condition five would not be met.

Peter Warner, City Attorney, confirmed finding five can be amended to show that only twelve people have signed in support instead of the required thirteen, making the condition not met.

Commissioner Padilla suggested that the sentence in finding four be removed that states "Policy H2.1 also suggests that a new nonconforming duplex should not be allowed on property where a previous nonconforming duplex had a history of code violations and police calls that harmed the vitality, quality of life, and stability of the neighborhood." She stated a nonconforming use should be based on the land use itself and not the owners previous issues.

Kim Hunter, 1451 Edmund Avenue, Saint Paul, spoke in opposition. She wishes to thank the Committee for its time and dedication. It's obvious that everyone takes their charge very seriously. She noted that under the existing ordinance it indicates the Planning Commission may permit reestablishment if the findings are met. It is a permissive ordinance, and even if all five of these conditions were met, it would not be required to approve. In this case, none of the conditions have been met and she urges the Committee to deny the proposal.

The applicant was not present. No one spoke in favor. The public hearing was closed.

Commissioner Elizabeth Reveal moved denial of the reestablishment of nonconforming use permit subject to the following changes; removing the sentence in finding four that states, "Policy H2.1 also suggests that a new nonconforming duplex should not be allowed on property

where a previous nonconforming duplex had a history of code violations and police calls that harmed the vitality, quality of life, and stability of the neighborhood", and revising finding five, pertaining to the petition requirement, as not met. Commissioner Julie Padilla seconded the motion.

The motion passed by a vote of 5-0-0.

Adopted

Yeas - 5

Nays - 0

Abstained - 0

Drafted by:

Samantha Langer
Samantha Langer
Recording Secretary

Submitted by:

Josh Williams
Josh Williams
Zoning Section

Approved by:

Gaius Nelson
Gaius Nelson
Chair