ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gowshoua Vang **FILE #** 15-027-778
2. **APPLICANT:** Gowshoua Vang **HEARING DATE:** May 14, 2015
3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
4. **LOCATION:** 733 Blair Ave, between Grotto and St. Albans
5. **PIN & LEGAL DESCRIPTION:** 35.29.23.11.0073; St Albans Street Addition to Lot 17
6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** R4
7. **ZONING CODE REFERENCE:** § 62.109(e)
8. **STAFF REPORT DATE:** May 7, 2015 **BY:** Hilary Holmes
9. **DATE RECEIVED:** April 17, 2015 **60-DAY DEADLINE FOR ACTION:** June 16, 2015

A. **PURPOSE:** Reestablishment of nonconforming use as a duplex

B. **PARCEL SIZE:** 40 ft. (Blair) x 124 ft. = 4,960 sq. ft.; including one-half the alley for density purposes, total lot area is 5,280 sq. ft.

C. **EXISTING LAND USE:** Vacant Duplex

D. **SURROUNDING LAND USE:**

North: Single and two-family dwellings (R4)
East: Single and two-family dwellings (R4)
South: Single and two-family dwellings (R4)
West: Single and two-family dwellings (R4)

E. **ZONING CODE CITATION:** § 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.

F. **HISTORY/DISCUSSION:** The Planning Commission unanimously approved a reestablishment of non-conforming use permit for a duplex on June 15, 2012. The use was not reestablished by the time the permit expired on June 15, 2014.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Council had not made a recommendation at the time this staff report was written.

H. **FINDINGS:**

1. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:

   A. *Lot size of at least 5,000 square feet with a lot width or front footage of 40 feet.* This finding is met. Including one-half the alley, the lot size is approximately 5,280 square feet and the lot frontage is 40 feet.

   B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This condition is met. According to measurements provided by the applicant, the two units are 1,000 sq. ft. and 1,100 sq. ft. The combined gross living area is approximately 2,100 square feet.

   C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This condition is met. There is a two car garage in the rear of the property.

D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. Other than exterior finishing all remodeling work will take place inside the structure.

E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

2. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings*:

   (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. According to city records the property has been registered in the past as a two unit structure and information provided by the applicant shows that it is currently configured as a duplex. The continued use as a duplex is a reasonable use of this property.

   (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed use as a duplex is equally appropriate to the previous use as a duplex.

   (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use as a duplex will not be detrimental to the existing character of development in the immediate neighborhood. Reestablishing the nonconforming use will put a structure back into service that has been vacant for the past three and a half years. The proposed use as a duplex fits in with the surrounding neighborhood and adjacent one and two family structures.

   (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. In addition, the District 7 plan states the goal of "Increasing the level of home ownership and rental property for people with a variety of income levels and housing needs (H6, p.4).

   (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on April 20, 2012: 16 parcels eligible; 11 parcels required; 11 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use as a duplex subject to the condition that the applicant adhere to all applicable code requirements and receives a certificate of occupancy for a two-unit building.

NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: 15-027778
Fee: 700.00
Tentative Hearing Date: 4-30-15

PD=7

35292311007 3

APPLICANT

Name Gow shoua Vang Email pete_vang@Hotmail.com
Address 3140 Pearson Parkway
City Brooklyn Park St. MN Zip 55443 Daytime Phone 612-227-3779
Name of Owner (if different)
Contact Person (if different) Peter Vang Phone 651-925-9885

PROPERTY LOCATION

Address/Location 733 Blair AVE ST. Paul, MN 55104
Legal Description ST. Albans Street Addition to the City of ST. Paul Lot 17 Current Zoning R4
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

The permit is for:
- ☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
- ☒ Change of nonconforming use (para. c)
- ☐ Expansion or relocation of nonconforming use (para. d)
- ☐ Reestablishment of a nonconforming use vacant for more than one year (para. e)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Duplex - 2 Unit
Proposed Use A Duplex

CK 1141 700.00

Attach additional sheets if necessary

Attachments as required ☒ Site Plan ☐ Consent Petition ☐ Affidavit

Applicant's Signature [signature] **Date** 04/07/15 **City Agent** pdd 4/9/15

Rev 9/4/14

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING SCUP NCUP

FIRST SUBMITTED	RESUBMITTED
DATE PETITION SUBMITTED: _____	DATE PETITION RESUBMITTED: _____
DATE OFFICIALLY RECEIVED: _____	DATE OFFICIALLY RECEIVED: _____
PARCELS ELIGIBLE: 16	PARCELS ELIGIBLE: _____
PARCELS REQUIRED: 11	PARCELS REQUIRED: _____
PARCELS SIGNED: 12	PARCELS SIGNED: _____

CHECKED BY: Paul Dubruiel DATE: 4-17-15

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Gow Shoua Vang,
(name of applicant)

to establish a Duplex – Two Unit,
(proposed use)

located at 733 Blair AVE St. Paul, MN 55104,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
3140 Pearson Pkwy	Gow Shoua Vang	[illegible]	04/07/15
726 Van Buren	Chao Vang	Chao Vang	04/07/15
731 Blair	Gerald Putz	Gerald Putz	4-7-15
722 Vanburen	Nyia Koua Thao	[illegible]	4-07-15
728 Van Buren	Gary Olstad	Gary Olstad	4-7-15
723 Blair Av	[illegible]	[illegible]	4-7-15
734 Van Buren	Tony Protho	[illegible]	4-7-15
737 Blair	Thi Vo	[illegible]	4-07-15
734 Blair	St. Stephanus Luth Church	[illegible]	4-8-15
738 Blair	St. Stephanus Luth. Church	[illegible]	4-8-15
730 Blair	St. Stephanus Luth Church	[illegible]	4-8-15
726 Blair	St. Stephanus Luth. Church	[illegible]	4-8-15
738 Van Buren	Paul Pederson	P. Ps	4-7-15

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)
:SS
COUNTY OF RAMSEY)

The petitioner, Gowshoua Vang, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Gowshoua Vang
NAME

3140 Pearson Parkway
ADDRESS Brooklyn Park, MN 55443

651-925-9885
TELEPHONE NUMBER

Subscribed and sworn to before me this 20th day of April, 2015.

Mary J. Schacht
NOTARY PUBLIC

MARY J. SCHACHT
Notary Public-Minnesota
My Commission Expires Jan 31, 2016

9/08

CITY OF SAINT PAUL, MINNESOTA
(Nonconforming Use Permit-Reestablishment)

ZONING FILE NO:	12-050-237
APPLICANT:	Gowshoua Vang
PURPOSE:	Reestablishment of nonconforming use as a duplex
LOCATION:	733 Blair Ave
LEGAL DESCRIPTION:	PIN 352923110073, St Albans Street Additionto Lot 17
ZONING COMMITTEE ACTION:	Recommended approval with conditions on June 7, 2012
PLANNING COMMISSION ACTION:	Approved with conditions on June 15, 2012
CONDITIONS OF THIS PERMIT:	Applicant must adhere to all applicable code requirements and must receive a certificate of occupancy for a two-unit building.
APPROVED BY:	Barabara Wencl, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on June 15, 2012, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

Violation of the conditions of this permit may result in its revocation.

Samantha Langer

Samantha Langer
Secretary to the Saint Paul
Zoning Committee

Copies to:

Applicant	Gowshoua Vang
File No.	12-050-237
District Council	7

Mailed: June 15, 2012

city of saint paul
planning commission resolution
file number 12-42
date June 15, 2012

WHEREAS, Ms Gowshoua Vang, File #12-050-237, has applied for a Reestablishment of nonconforming use as a duplex under the provisions of §62.109 of the Saint Paul Legislative Code, on property located at 733 Blair Ave, Parcel Identification Number (PIN) 352923110073, legally described as St Albans Street Addition to Lot 17; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 7, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property was placed on the vacant building list in December of 2008 as a Category 2 vacant building. Because the building has been on the vacant building list for more than 365 days, the applicant needs Planning Commission approval to reestablish the nonconforming duplex use.

2. The Planning Commission has established guidelines for applications for nonconforming use permits for duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:

   A. *Lot size of at least 5,000 square feet with a lot width or front footage of 40 feet.* This finding is met. Including one-half the alley, the lot size is approximately 5,280 square feet and the lot frontage is 40 feet.

   B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This condition is met. According to measurements provided by the applicant, the two units are 1,000 sq. ft. and 1,100 sq. ft. The combined gross living area is approximately 2,100 square feet.

   C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This condition is met. There is a two car garage in the rear of the property.

   D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. Other than exterior finishing all remodeling work will take place inside the structure.

moved by Nelson
seconded by
in favor Unanimous
against

E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

3. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings*:

   (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. According to city records the property has been registered in the past as a two unit structure and information provided by the applicant shows that it is currently configured as a duplex. The continued use as a duplex is a reasonable use of this property.

   (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The proposed use as a duplex is equally appropriate to the previous use as a duplex.

   (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use as a duplex will not be detrimental to the existing character of development in the immediate neighborhood. Re-establishing the nonconforming use will put a structure back into service that has been vacant for the past three and a half years. The proposed use as a duplex fits in with the surrounding neighborhood and adjacent one and two family structures.

   (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. In addition, the District 7 plan states the goal of "Increasing the level of home ownership and rental property for people with a variety of income levels and housing needs (H6, p.4).

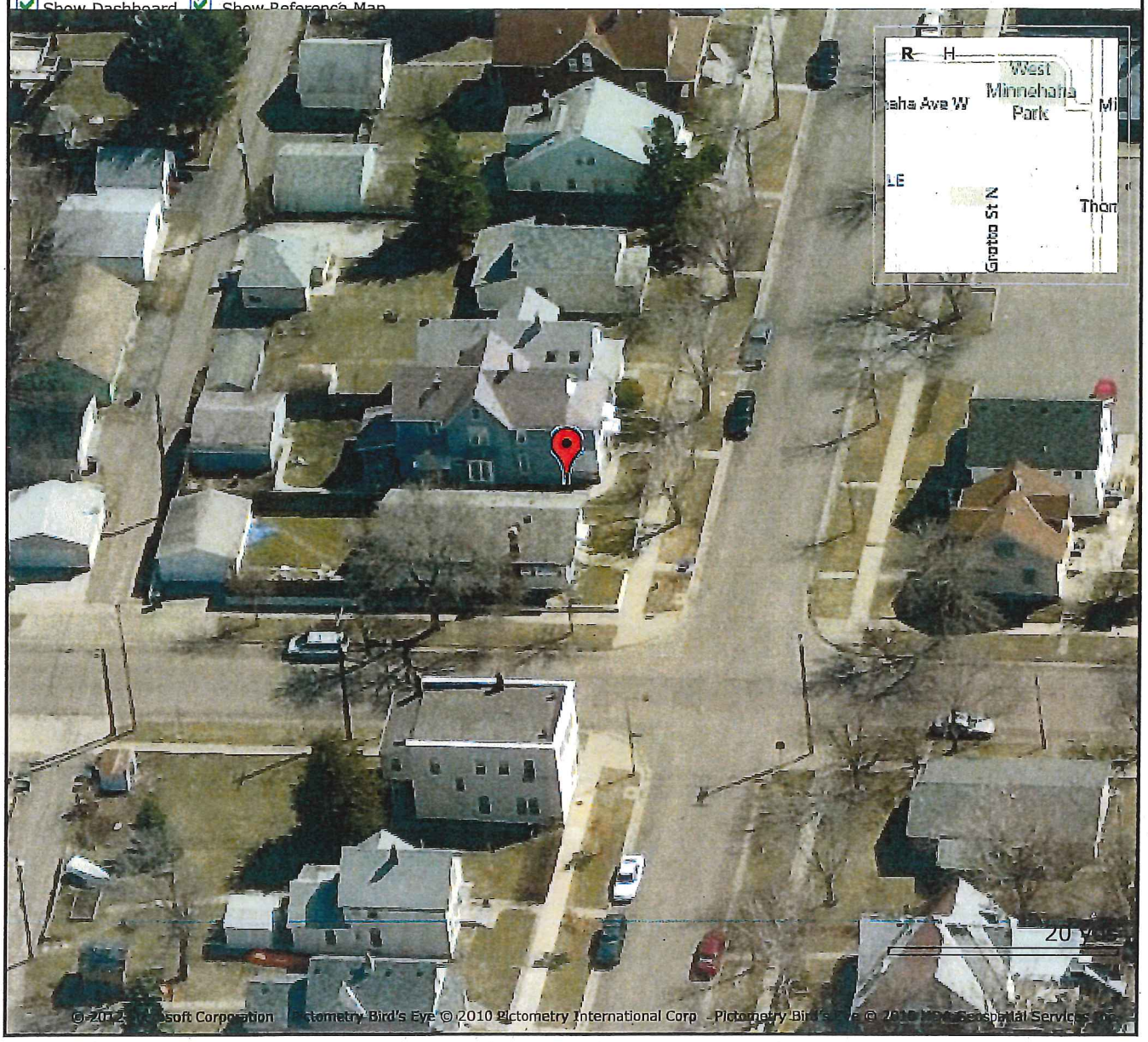
   (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on April 20, 2012: 16 parcels eligible; 11 parcels required; 11 parcels signed.

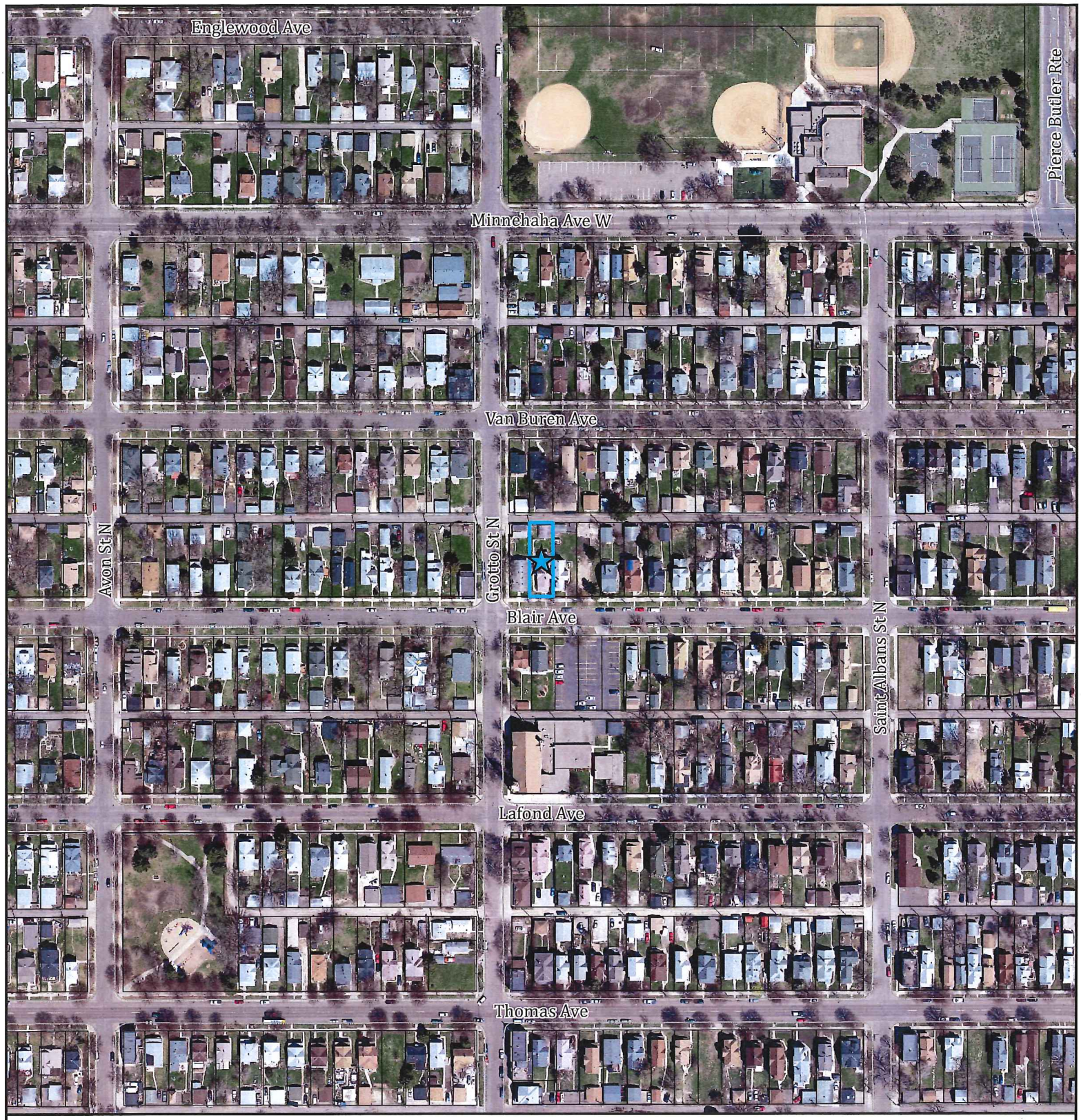
NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Ms Gowshoua Vang for a Reestablishment of nonconforming use as a duplex at 733 Blair Ave is hereby approved subject to the condition that the applicant adhere to all applicable code requirements and receives a certificate of occupancy for a two-unit building.

GISmo Oblique Photography

Images courtesy of: Microsoft© Virtual Earth™ 2006

☑ Show Dashboard ☑ Show Reference Map





0 82.5 165 330 495 660 Feet

Aerial

Subject Parcels

FILE NAME: Gowshoua Vang

APPLICATION TYPE: Re-establishment NCUP

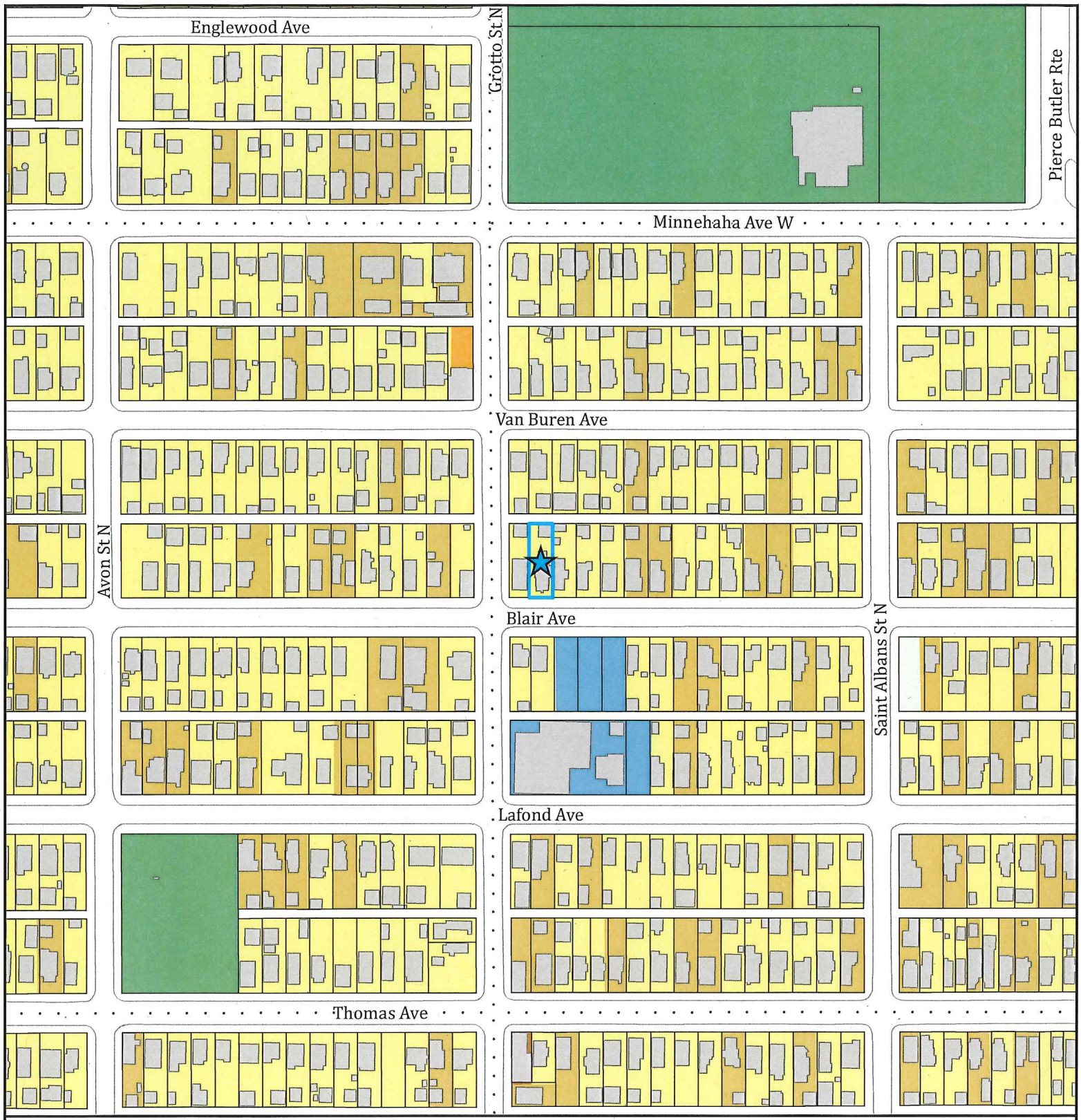
FILE #: 15-027778 DATE: 4/17/2015

PLANNING DISTRICT: 7

ZONING PANEL: 9

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



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FILE NAME: Gowshoua Vang

APPLICATION TYPE: Re-establishment NCUP

FILE #: 15-027778 DATE: 4/17/2015

PLANNING DISTRICT: 7

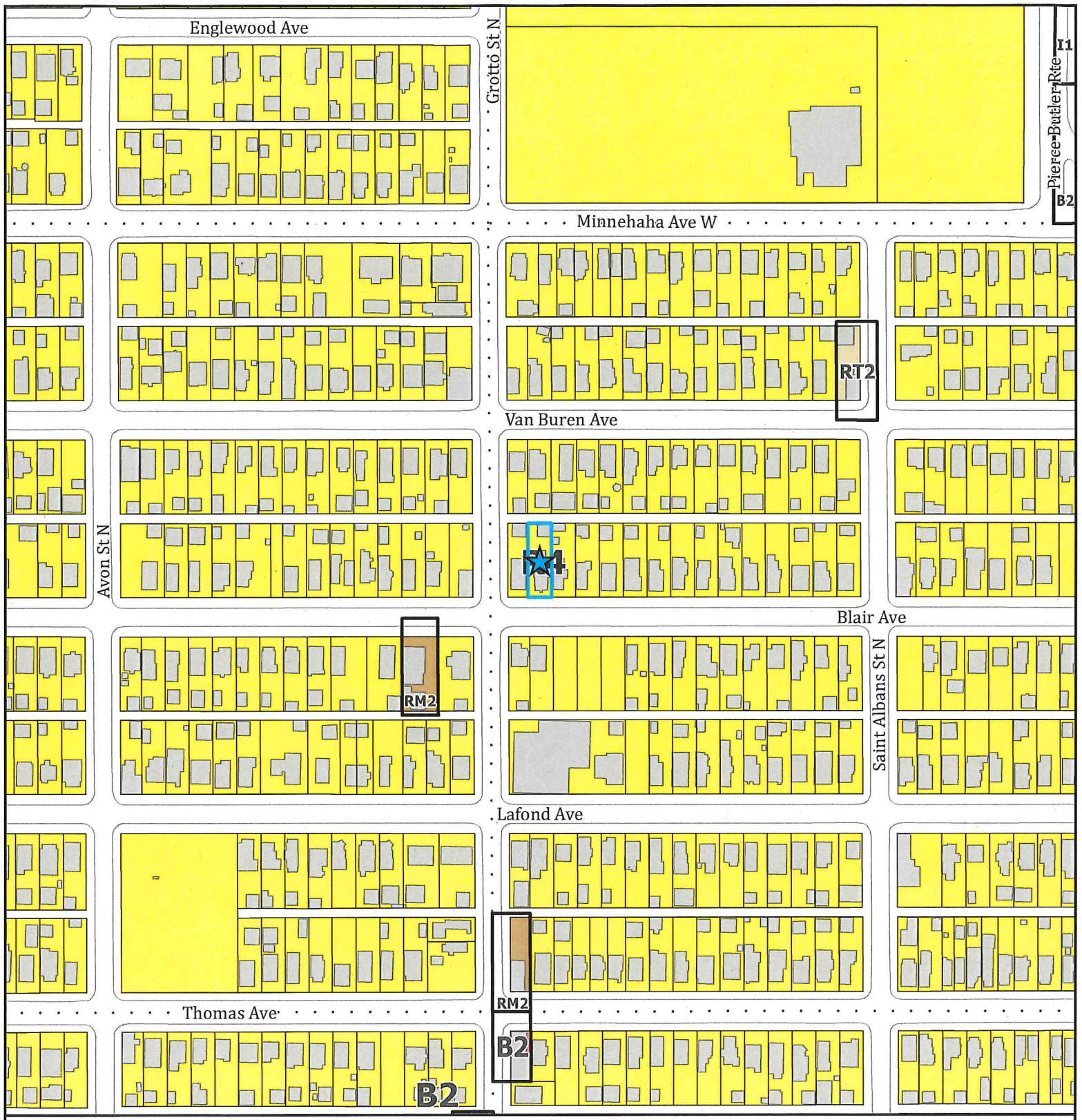
ZONING PANEL: 9

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Mixed Use Residential
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Subject Parcels
- Section Lines

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



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FILE NAME: Gowshoua Vang

APPLICATION TYPE: Re-establishment NCUP

FILE #: 15-027778 DATE: 4/17/2015

PLANNING DISTRICT: 7

ZONING PANEL: 9

Zoning

- R4 One-Family
- RT2 Townhouse
- RM2 Multiple-Family
- B2 Community Business
- I1 Light Industrial
- Subject Parcels
- Section Lines

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County