

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dr. Marie Wang **FILE #** 15-144-605
 2. **APPLICANT:** Dr. Marie T. Wang, M.D. **HEARING DATE:** August 13, 2015
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 1450 Frankson Ave, between Pascal and McKinley
 5. **PIN & LEGAL DESCRIPTION:** 222923310134, Frankson's Como Park addition Ex W 74 Ft Lot 1 Blk 19
 6. **PLANNING DISTRICT:** 10 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** August 4, 2015 **BY:** Josh Williams
 9. **DATE RECEIVED:** July 29, 2015 **60-DAY DEADLINE FOR ACTION:** September 27, 2015
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- A. **PURPOSE:** Change of nonconforming use from a law office to a psychiatry office and apartment
- B. **PARCEL SIZE:** 2100 sq. ft.
- C. **EXISTING LAND USE:** C-Office
- D. **SURROUNDING LAND USE:**
 - North: Residential (R4)
 - East: Residential (R4)
 - South: School/Church (R4)
 - West: Vacant (R4)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** The property has been in use as a law office since 1969. Although the lower level is currently in use as a law office, it is has a separate bathroom and kitchen facilities. The property presently has a commercial Certificate of Occupancy.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council had not made a recommendation as of the date of this report.
- H. **FINDINGS:**
 1. The applicant proposes conversion of the upper floor of the building at 1450 Frankson from a law office (professional office, first allowed in the OS office service district) to a psychiatrist's office, (medical clinic, first allowed in the OS office service district). The lower floor of the building would be converted to a rental one-family dwelling unit, which is allowed in the R4 one family district. The lot does not meet R4 minimum lot area requirements.
 2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The existing nonconforming use is as a law office with two attorneys and one support staff. The proposed use, as a sole-practitioner psychiatric office on one level and apartment on another is more appropriate to the neighborhood. The amount of the property used for a nonresidential use will be reduced, and the impacts of the use outside of the structure—primarily employees and customers coming and going—are similar for the existing and proposed uses.

- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The law office has employed up to five people at a time in the past, and according to the applicant serves as many as 30 clients a week. The proposed psychiatric office will have one employee, and according to information supplied the applicant, will serve approximately 10 clients per week. The lower-level apartment would have only one bedroom.
- c. *The 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 is more consistent than the present use with the existing character of the area. To protect the public health, safety, and general welfare, inspection of the property by a fire safety inspector and issuance of a Certificate of Occupancy for both the commercial and residential uses should be a condition of approval.
- d. *The use is consistent with the comprehensive plan.* This finding is met. Policy H1.1 of the Saint Paul Comprehensive Plan calls for the City to *Increase housing choices across the city to support economically diverse neighborhoods.* The proposed use will allow a portion of the building to be used as small rental unit in an area where single-family, owner occupied homes predominate.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the change of nonconforming use from a law office to a psychiatry office and one dwelling unit subject to the following additional conditions:

1. The psychiatry office shall have no more than two employees; and
2. Inspection of the property by a fire safety inspector from the Department of Safety and Inspections, and issuance of a Certificate of Occupancy for both the commercial and residential uses.



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 #: 15-144605

Fee: _____

Tentative Hearing Date: 8-13-15

PD=10

#2229233/0134

APPLICANT

Name Dr. Marie T. Wang, MD Email wang.marie@gmail.com

Address 861 Parkview Ave.

City St. Paul St. MN Zip 55117 Daytime Phone 651-294-2324

Name of Owner (if different) Frank W. Heers email: frankheers@gmail.com

Contact Person (if different) Frank W. Heers Phone 507-291-1043

PROPERTY LOCATION

Address/Location 1450 Frankson Avenue, St. Paul, MN 55108

Legal Description Lot 1, except the west 74 feet thereof, Block 19, Frankson's Como Park Addition.

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 Law Office, Photography Studio; Apartment in lower level.

Proposed Use Doctor's Office in upper level and Apartment in lower level. See attached Memo to St. Paul Zoning Staff and St. Paul Zoning Committee Members.

CK 4892 500.00
CK 3560 200.00

Attach additional sheets if necessary

Attachments as required ☒ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature M Wang Date 7/17/15 City Agent add

Rev 9/4/14

8/13/15

Memo

To: St. Paul Zoning Staff and St. Paul Zoning Committee Members
From: Frank W. Heers, current owner and representative of Applicant
Re: Change from one Nonconforming Use to another Nonconforming Use
Date: July 20, 2015

A. Past Use

This is a two level property with frontage on both Frankson Avenue (1450 Frankson) and a separate lower level entry (1451 Bison Ave.) The parcel is irregularly shaped with a total lot area of 2,178 sq. ft. The upper part of the property was used by the late C. J. Larson as a photography studio for 25 years. Two people worked at the studio and on a typical week about 20 clients and friends would stop by. The lower level of the property was also rented as an apartment. See photographs labeled (1-6).

The current owner purchased the property from C.J. Larson on October 4, 1995. On February 9, 1996, the City of St. Paul Planning Commission approved the current owner's application for a Change in Non Conforming Use under the provisions of Section 62.102(e)(3). That application was to allow a law office for three attorneys and one staff member. A building permit was obtained around the same time and substantial renovations were done to the upper and lower floors to convert the property into its existing configuration. See floor plans "Upper Level 1450 Frankson Ave", "Lower Level 1451 Bison" and photographs 7-16 for how the property looks today. The renovations involved adding ceiling height to the lower level and with the use of a steel girder running the entire 40' length of the building allowed more open livable space in the lower level. All mechanicals were replaced and the building was hardwired with smoke detectors and exit lights were placed at each exit door.

In 2005, the City undertook a substantial infrastructure project to the property to the east in what at some point in time was a street. That property to the east is not buildable and is currently owned by the City. The subject property was beneficially impacted by that 2005 project. The improvements made to the property at that time included a retaining wall and large concrete approach. This increased the number of onsite parking stalls on the subject property from 3 to 6 (see Map Ramsey aerial photo).

B. Proposed Use

The applicant, Dr. Marie Wang, lives in this neighborhood at 861 Parkview Ave. She is a graduate of the University of Minnesota Medical School (2001). She currently is a sole practitioner, with a private practice of psychiatry in St. Paul with her office at 333 Grand Ave. The applicant has signed a purchase agreement with the current owner. The applicant intends to relocate her office to this site. No structural alterations are intended to be made at this time as the current office and apartment layout suits the applicant's needs. Dr. Wang would like to own her own office and have it be located closer to her residence. She and her husband have relatives from far away and friends of their church. They would like to allow these persons to stay in the apartment from time to time or to rent those living quarters to third parties.

The lower level (1451 Bison Ave) meets all city requirements for a single dwelling unit. It has the basic facilities required of all dwelling units, adequate ceiling height, sufficient floor space, hard wired fire alarm and necessary egress, and other attributes needed for a dwelling space.

C. In support of the change in Non Conforming use from a law practice to a doctor's office and use of lower level as an apartment the Applicant further states as follows:

1. Applicant's medical practice is similar, but smaller in size and scope than the current law practice. The law office currently has two attorneys and one staff member. It keeps regular business hours and sees about fifteen clients per week and when busier, as many as 30 clients per week. All of these meetings are by appointment only.
2. Applicant is a sole practitioner and typically sees about ten patients a week at this time, also by appointment only. The traffic anticipated by the applicant for both her office use and apartment use should be less than that of the current use of the entire property as a law firm.
3. The proposed use for the upper level is equally or more appropriate to the current use as a law office. Clients will arrive by scheduled appointment only, discuss private matters with a professional, and then are on their way. It is a serene location (except during the State Fair) that promotes personal reflection. This served the estate planning lawyers and their clients well and will also serve Dr. Wang and her patients well.
4. These are the types of uses that are reasonably consistent with the City's comprehensive plan and similar to other uses permitted within the district. One of the goals of the comprehensive plan is to promote the needed investment in older housing and building stock. This property is a prime example. It was built almost 100 years ago, but because of the uses authorized by the city back in 1996, a building badly in need of improvement received substantial private investment. This has kept the property looking nice, efficiently used and in keeping with the surrounding neighborhood. Granting the current application will accentuate these comprehensive plans.
5. The applicant expects that 5 or fewer parking spaces will be needed for both the office and the apartment use. This is less than the present amount of off street parking. No neighbor has ever complained to the law firm about parking.
6. The proposed use as a doctor's office and lower level apartment will not be detrimental to the existing character of the immediate neighborhood or endanger the public health, safety or general welfare. In fact, the property fits well with the existing character of development in the immediate area which has a wide mix. The uses in the immediate area include traditional single family dwellings, tri-plex rental, mixed commercial residential use (bar/grill on lower level with residence above). There is also a church, rectory, large assisted living apartments, the job core and a school nearby. See aerial photograph. See also "Ramsey County Parcel Report" for 1339 Pascal St. N, which is the nearby mixed use property.
7. The lower level of the subject property was designed for possible apartment use, is very suitable for that use and was previously used as living quarters. See old photographs 1-6, lower level floor plan and photographs 7-10 for how the lower level of the property looks today.

8. Today the lower level of the property meets or surpasses the code requirements for a dwelling unit.
- a. As far as the basic facilities, the bathroom has a toilet and hand sink, and tub and shower per Municipal code Section 34.11 (1) and (2). There is a kitchen sink and disposal in compliance with Section 34.11(3). The building is connected to city water and sewer per Code Section 34.12(4). The building has a hot water heater, an 80+ efficiency furnace in compliance with code sections 34.12 (5) and 34.12(6).
 - b. The proposed dwelling has adequate height per Municipal Code Section 34.13 (1). Well over 50% of the ceiling height is greater than 7 feet
 - c. Adequate floor space for a dwelling unit is met. Applicant proposes that up to 4 people be allowed to occupy the dwelling per Municipal code Section 34.13(2).
 - d. There is large egress window in compliance with Municipal Code Section 34.13(4).
 - e. The electrical exceeds code requirements. The main room that would be used as the sleeping room has more than the required number of duplex outlets per code Section 34.14(2) a-b. The kitchen has 5 duplex outlets and the code section 34.14 c requires 3.
 - f. The minimum fire safety requirements are met with a hardwired fire alarm system so that when one alarm is triggered, all others will also sound per Municipal code Section 34.15
 - g. The property has ample natural lighting and ventilation (large casement egress window) in compliance with Municipal code Section 34.14(1) and 34.14(1). The bathroom meets the ventilation and light requirements of 34.14(3) with its approved Mechanical Ventilation fan and 4 light vanity light.
 - h. There is a steel door with a dead bolt that can be permanently locked off to separate the portion of the lower level that would be used as a residential dwelling unit from the commercial use to be in compliance with Municipal Code 34.13(5).
9. The above uses will occur entirely within an existing structure.

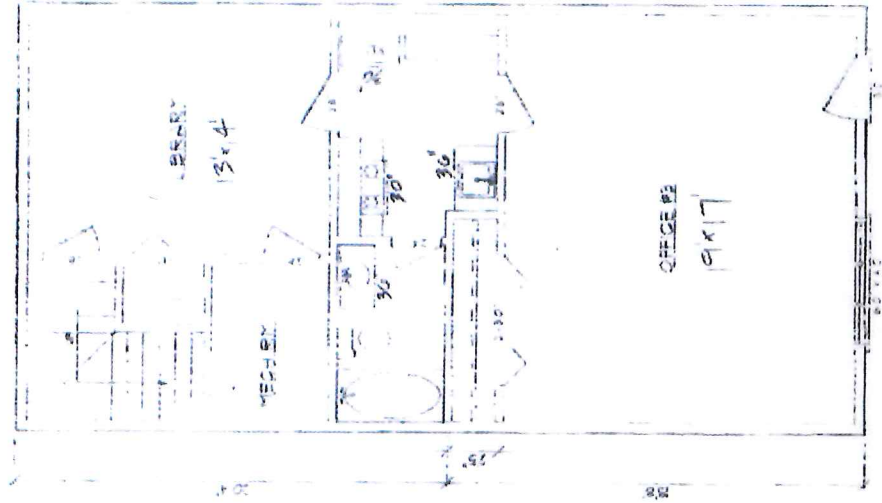
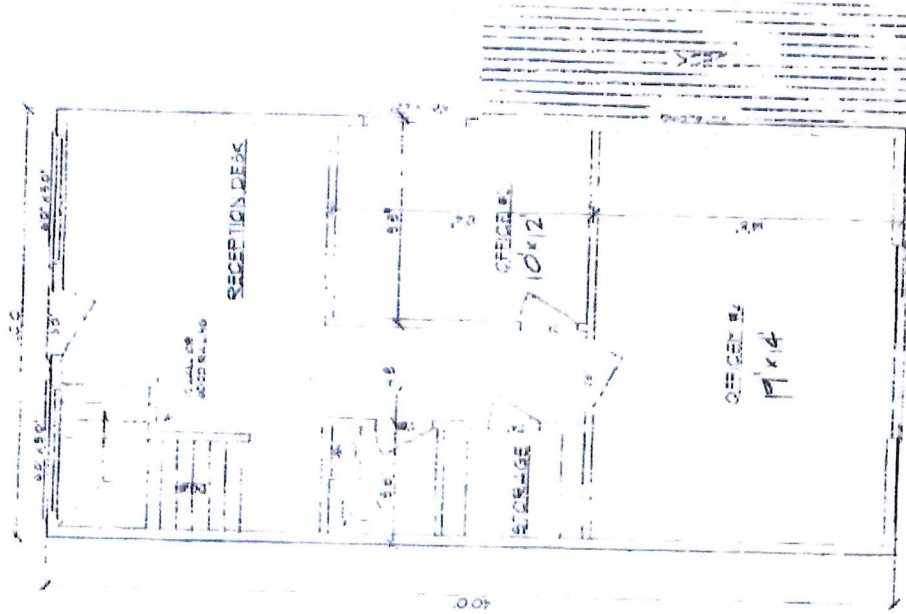
Accordingly, we urge that the applicant's request for a change from one non-conforming use to another non-conforming use as described herein be approved.

Respectfully submitted,



Frank W. Heers
Heers Law Firm, LLC

-----Upper Level 1450 Frankson Ave -----Lower Level 1451 Bison Ave-----



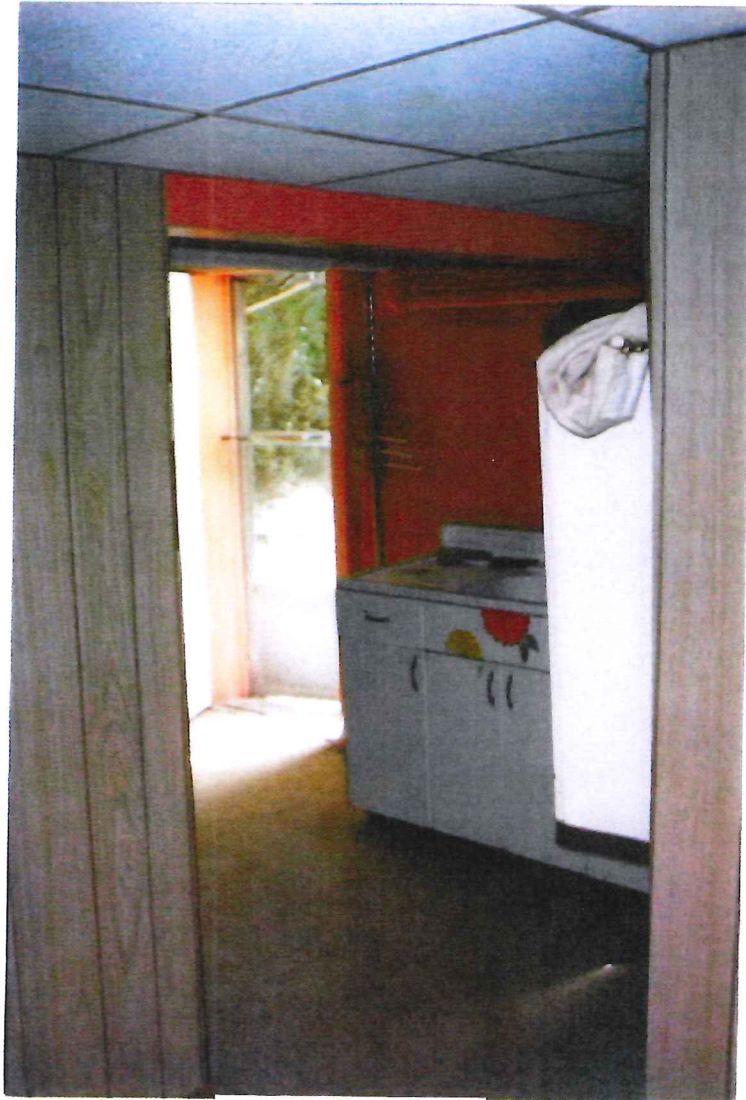


PHOTO #1



PHOTO #2



PHOTO #3



PHOTO #4



PHOTO #5



PHOTO #6



Photo #7 Proposed Apartment 1451 Bison Ave.



Photo#8 Proposed Apartment 1451 Bison Ave.



Kitchen 1451 Bison Ave.

PHOTO #9



Bathroom 1451 Bison Ave

PHOTO #10



PHOTO #11



Reception Area 1450 Frankson Ave

PHOTO #12



Reception Area View #2

PHOTO #13



Main Office 1450 Frankson Ave.

PHOTO #14

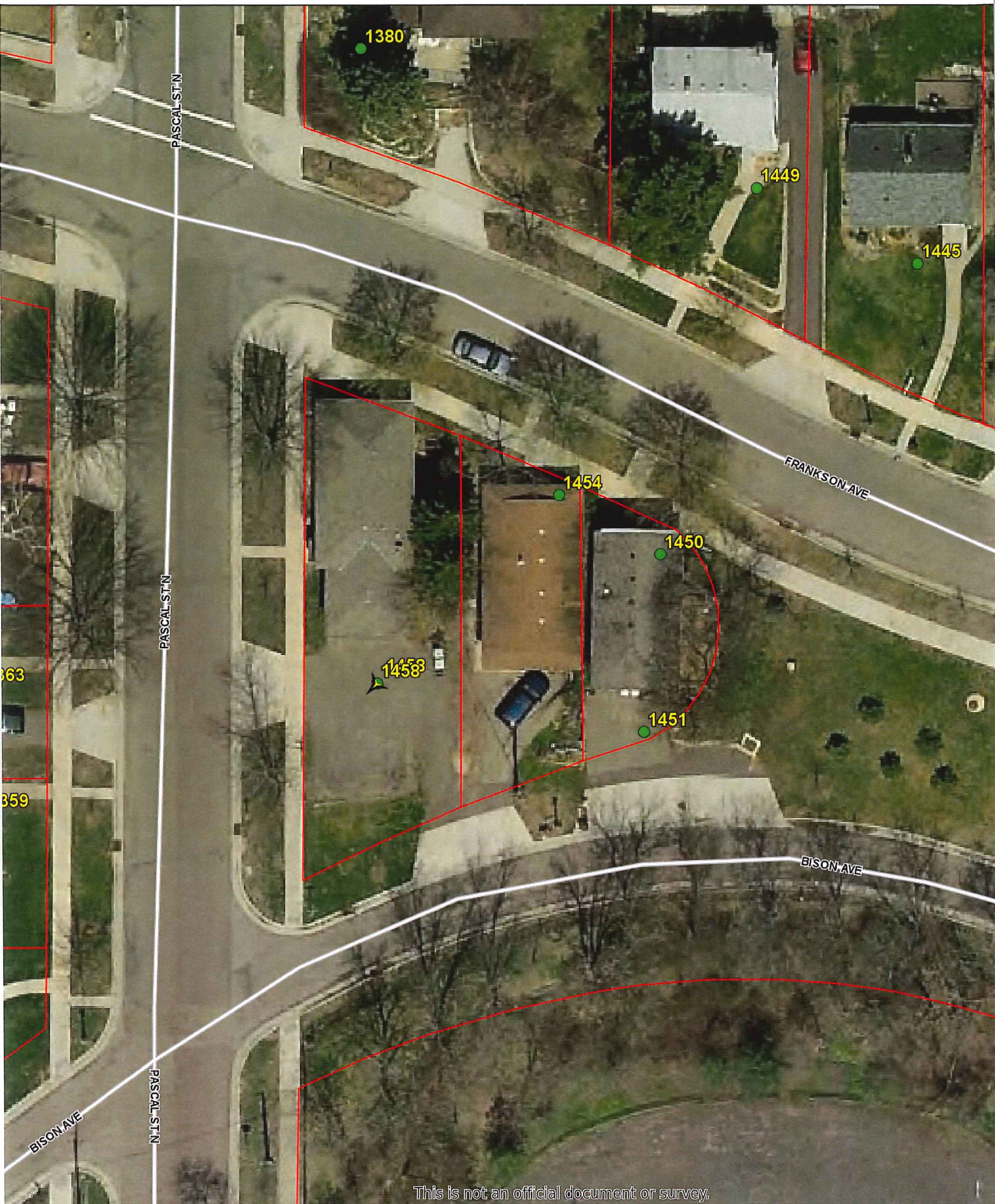


Side View

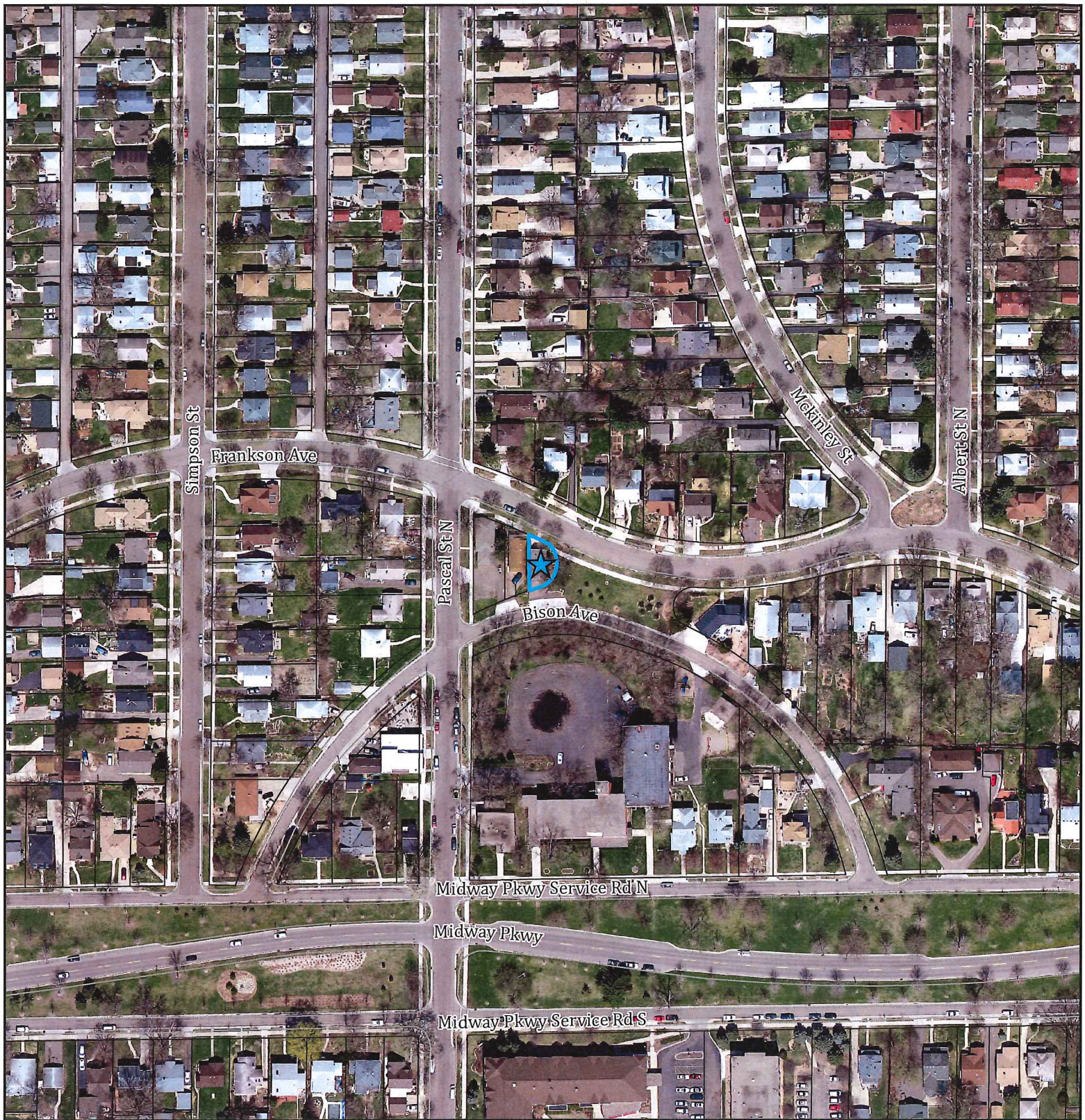
PHOTO #15



Photo #16 Side and Rear View



This is not an official document or survey.



0 82.5 165 330 495 660 Feet

Aerial

 Subject Parcels

FILE NAME: Dr. Marie Wang

APPLICATION TYPE: Chg of nonconforming use

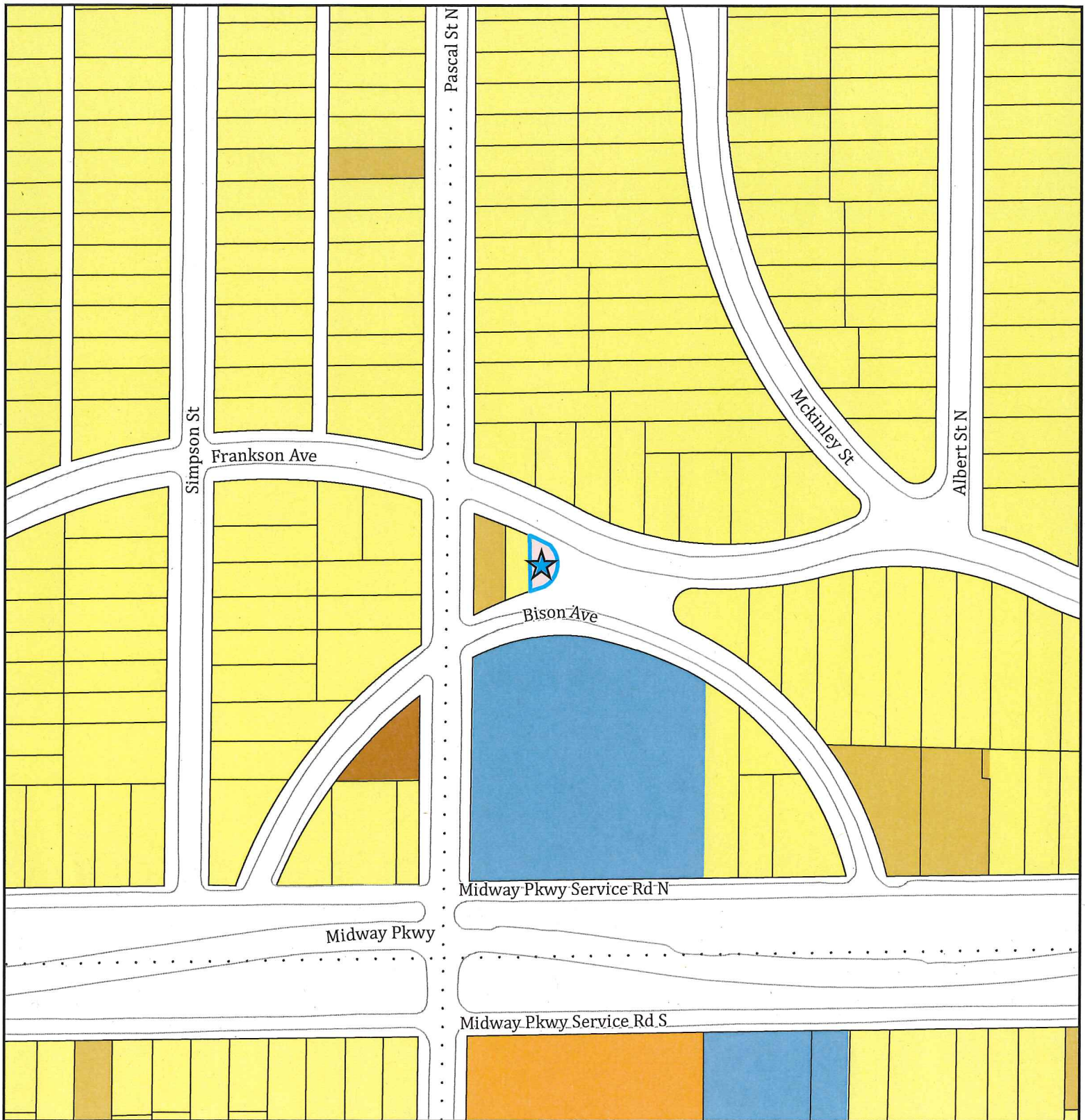
FILE #: 15-144605 DATE: 7/29/2015

PLANNING DISTRICT: 10

ZONING PANEL: 2

Saint Paul Department of Planning and Economic Development and Ramsey County





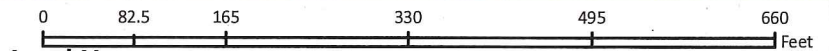
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PLANNING DISTRICT: 10

ZONING PANEL: 2

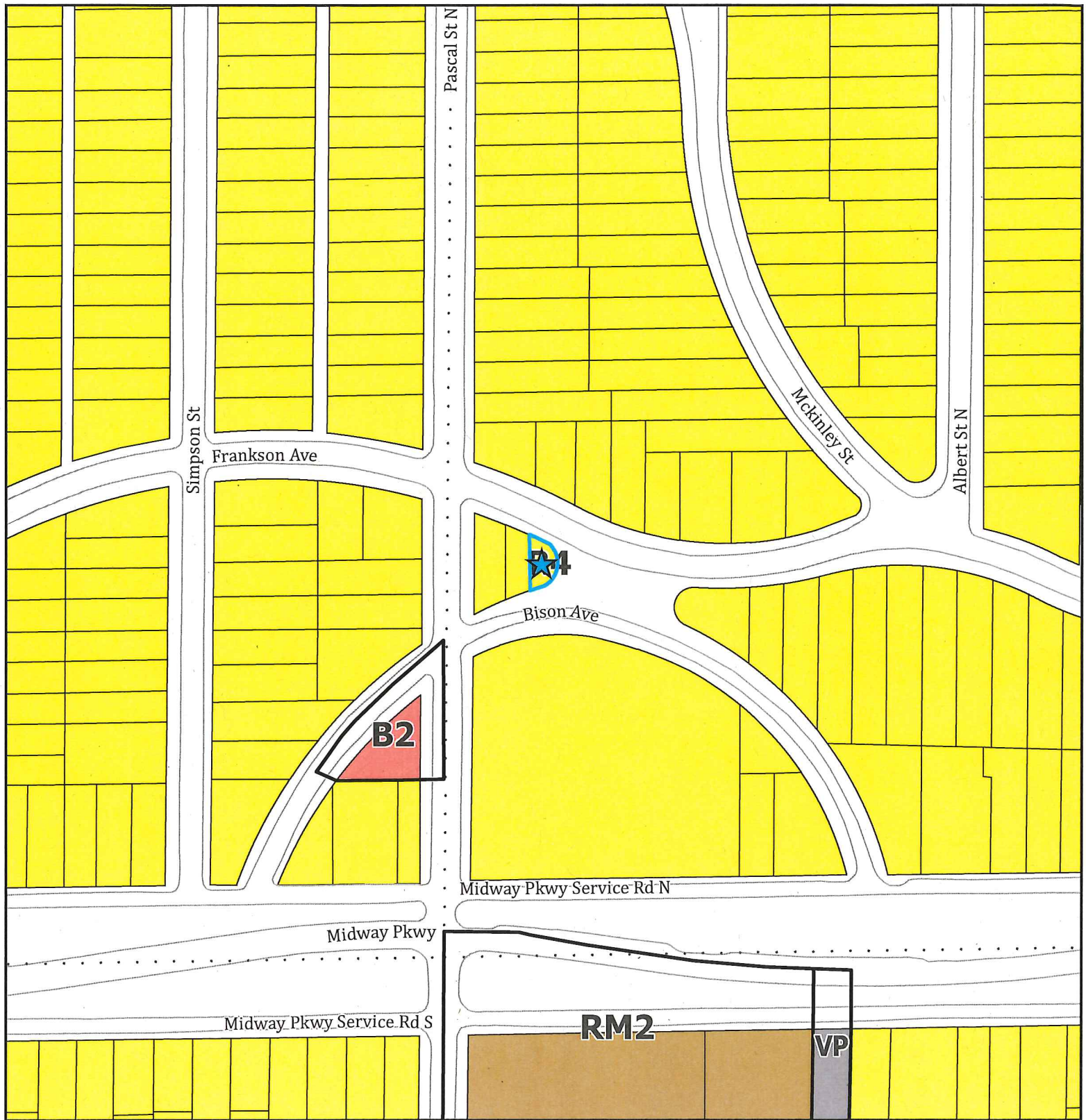


Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Mixed Use Residential
- Institutional
- Park, Recreational or Preserve

- Subject Parcels
- Section Lines





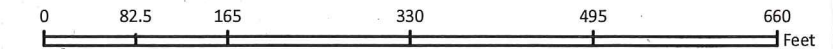
FILE NAME: Dr. Marie Wang

APPLICATION TYPE: Chg of nonconforming use

FILE #: 15-144605 DATE: 7/29/2015

PLANNING DISTRICT: 10

ZONING PANEL: 2



Zoning

- R4 One-Family
- RM2 Multiple-Family
- B2 Community Business
- VP Vehicular Parking
- Subject Parcels
- Section Lines

