

GENERAL MINUTES
 MICROSOFT TEAMS VIRTUAL HEARING
 THE BOARD OF ZONING APPEALS
 SAINT PAUL, MINNESOTA
 NOVEMBER 15, 2021

BOARD MEMBERS PRESENT

Daniel Miller
 Danielle Swift
 Diane Trout-Oertel
 Marilyn Porter

STAFF PRESENT

David Eide DSI
 Yaya Diatta DSI
 Tia Anderson DSI
 Maxine Linston DSI
 Farhan Omar DSI
 Peter Warner City Attorney

MEMBER(S) ABSENT

Clarksen & Rangel Morales

APPROVAL OF MINUTES for November 01, 2021

Moved By: Trout-Oertel / Second By: Porter / Approved 4-0

APPROVAL OF RESOLUTIONS – 1446 Summit Avenue

Moved by: Trout-Oertel / Second By: Porter/ Approved 4-0

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
21-315337	721 Lincoln Avenue- Sarah Kalhorn & Andrew Voss	Swift	Porter	4-0	Approved
21-310427	47 Douglas Street- Historic St Paul (Carol Carey)	Porter	Trout-Oertel	4-0	Approved with condition
21-315365	1079 Montana Ave West- Christopher C Howe	Trout-Oertel	Porter	4-0	Approved with condition
21-313398	1855 Suburban Avenue- Tumble Fresh (Steve Linn)	Trout-Oertel	Porter	4-0	Denied based on Finding #4

Submitted by: Maxine Linston
 David Eide

Approved by:
 Daniel Miller, Secretary

BOARD OF ZONING APPEALS HEARING MINUTES

MICROSOFT TEAMS VIRTUAL HEARING
THE BOARD OF ZONING APPEALS
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NOVEMBER 15, 2021

PRESENT: Members of Board of Zoning Appeals: Mr. Miller, Ms. Swift, Ms. Trout-Oertel, Ms. Porter
Department of Safety and Inspections: Mr. Eide, Mr. Diatta, Ms. Anderson, Ms. Linston, Mr. Farhan,
Legal: City Attorney Peter Warner

ABSENT: Clarksen & Rangel Morales

Meeting Chaired by Daniel Miller

Chair Miller- Alright, we're going to start. Good afternoon and welcome to the Board of Zoning Appeals. Our purpose is to review and decide request for zoning code variances, administrative reviews and requests to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we ask you start your remarks by giving your name and address. Staff will first show slides of the site, a presentation of findings and discussion will follow, I will then call in the applicant then in favor and then those opposed. At that point the board may call back the applicant in case we have additional questions. I will then close the public portion of the hearing and the board will vote to approve or deny the request. The board's vote is final unless appeal to the city council within 10 days. We will take the cases in the order they appear in the agenda, unless there is opposition, for cases with opposition, the board reserves the right to move those cases to the end of the agenda.

A few words on speaker time, the board limits this to a total of 30 minutes for those speaking in favor and equal 30 minutes for those speaking in opposition. Individual speakers are limited to three minutes each. Please be mindful of this. If you have submitted a letter or email, remember, there's no need to read those documents as they are already part of the record. Please provide your key points without repeating ideas presented by previous speakers. A few words on a virtual environment, please keep yourself muted if you are not speaking so it is easier for everyone to hear. And please keep your video off to conserve bandwidth.

Present today from the Department of Safety and Inspections are David Eide, Tia Anderson, Yaya Diatta and Katherine Erickson. Our secretary is Maxine Linston. Our legal counsel is Peter Warner. My name is Daniel Miller. I'm the chair of the Board of Zoning Appeals. Before moving on to our first order of business. I will ask the secretary to call roll of those board members in attendance for today's hearing.

Ms. Linston- attendance roll call: Trout-Oertel-Here. Swift-Here. Porter-Here. Miller-Here. Rangel Morales. Rangel Morales. Clarksen. Clarksen. Okay, we have four board members present.

Approval of Minutes:

Okay, our first order of business is the approval of the minutes for November 01, 2021. Can I get a movement?

Ms. Trout-Oertel- I'll move approval of the minutes as submitted.

Chair Miller- Thank you. Looking for a second.

Ms. Porter- I'll second that.

Chair Miller- moved by Trout-Oertel and second by Porter. Maxine. Can we get a roll call on that?

Ms. Linston- roll call vote: Swift-Yes. Porter-Yes. Trout-Oertel-Yes. Miller-Yes.

Moved by: Trout-Oertel/Second by: Porter **Approved 4-0**

Resolution Approval: 1446 Summit Avenue (21-310398)

This the approval of the resolution for 1446 Summit Avenue. I believe this is the one they just changed. The variance request was denied, and I think that's why they needed the change the resolution wording. Is that correct David?

Mr. Eide- Correct, chair Miller and Commissioners, if you want to, I can explain a little bit about the case, but I do have the language up on my screen. It was finding number four last time that I think it was Clarksen who made the motion, and this is the language that Clarkson had used. If you want; I can read it.

Chair Miller- No, I think it's in our packet. So I think we're all right. Maxine can we get a roll call please. *Sorry*. Can we get a motion to approve the resolution?

Ms. Trout-Oertel- Yes, I will make a motion to approve the resolution as revised.

Chair Miller- Anyone for a second?

Ms. Porter- I'll second, Commissioner Porter.

Chair Miller- Alright moved by Trout-Oertel and seconded by Porter. Maxine, can we get a roll call?

Ms. Linston- roll call vote: Swift. Swift (She's in the lobby. So if you can, let her back in please.) Okay. We'll go to Porter-Yes. Miller-Yes. Trout-Oertel-Yes. Swift-Yes. (Swift- Maxine. Sorry about that.) Oh, no problem. Thank you.

Chair Miller- Okay, that resolution has passed.

Moved by: Trout-Oertel/Second by: Porter **Approved 4-0**

Old Business: I guess I'll bring it up because it's on the agenda, 2192 Ford Parkway 2 blocks on there. We laid it over and then the application was subsequently withdrawn, and the withdrawal letter is attached in our packets.

Chair Miller- David. Do we need to explain any of this, or should we just move on?

Mr. Eide- Chair Miller and Commissioners, I think Tia was logging in if you had any questions about it. I'm not sure if she's available

Ms. Anderson- Chair Miller, yes, this is Tia Anderson. I had to join by my phone, so I am here, but I don't think there's anything to talk about unless there's any questions.

Chair Miller- no. Nothing to discuss.

New Business:

721 Lincoln Avenue: Chair Miller- All right, new business. Our first order of business is 721 Lincoln Avenue. The applicants are proposing to remove the existing detached garage in order to construct a detached garage with an accessory dwelling unit in the rear yard. The floor area of the accessory unit shall be a maximum of eight hundred square feet. The floor area of eight hundred and sixty-three point four square feet is proposed for a variance of 63.4 feet. And David is this one, yours?

Mr. Eide- Yes, Chair Miller and Commissioners. Okay, I will share my screen. You should be able to see a map here or satellite image of 721 Lincoln Avenue. My cursor is moving over it for this case. This lot is a 60-foot wide by 150-foot lot on the north side of Lincoln Avenue between Grotto Street and St. Albans. An alley provides access to an existing garage on the north side of the property where my cursor is. The surrounding land use to the north is multi-family residential, and there's a restaurant use to the northeast, to the east, south and west are single family dwellings. And it is surrounded on both sides by R4, which is a one-family zoning district. The section of the code applicants are requesting a variance from is the 65.913, which has a standard for accessory dwelling units, which states that the floor area of the accessory unit shall be a maximum of eight hundred square feet. The definition of floor area was in the packet also, so now I can get to the findings and after them I will share the plans with you. So like I said, Like chair Miller said, the applicants proposing to remove the existing detached garage in order to construct a detached garage with an ADU in the rear yard. The applicants are proposing an 863.4 square foot ADU and the variance is for 63.4 square feet. So the variance is in harmony with the general purposes and intent of the zoning code because according to applicants the existing garage is just under 1,000 square feet. The planned structure would match the existing garage footprint. However, they will be shifting it to the west so that they will meet the setback on the east side unlike the existing garage. They state that by building the ADU to this size they will be able to avoid a second story set back off the alley and it will align with the character of the existing garages nearby in the alley. In addition, the applicants state that the larger living space would allow the ADU to be more adaptable to age in place and would accommodate wheelchair bound residents. The proposed structure aligns with zoning code 60.103 because the addition of the ADU would conserve and improve property values and provide housing choice and housing affordability. This finding is met as far as the comprehensive plan. The new ADU and garage would be an improvement over the existing garage, which according the applicants has a foundation that is cracked and requires significant repairs. The new proposed structure would retain the parking and add a unit of housing. In addition, this would allow the occupants to age in place and would accommodate wheelchair bound residents. The stairs will be 3 feet wide, which would accommodate a lift. This proposal lines of policy H-46 in the comp. plan that aims to support the development of new housing and H-46, which promotes accessory dwelling units and neighborhood scale density and additionally H-55 supports this, which encourages houses proximate to transit. This is close to Metro Transit Route 63.

As far as practical difficulties, this request is mostly driven by the desire of the applicant to maintain a continuous facade along the alley will be utilizing the same footprint as the existing 1909 garage. Although it will be moved slightly to the west to comply with that setback, it will create a unit that's more usable for aging in place. The structure would comply with the lot coverage limits, setbacks, and height requirement. Given these conditions, it is reasonable for the applicant to construct an ADU with the inside space 63.4 square feet larger than permitted, this finding is met. As far as the plight of the landowner being due to circumstances unique to the property not created by the landowner, the intent of this ADU size limit is to ensure that ADUs on the lot are subordinate to the primary dwelling unit on the property. The single-family home on this property is a two-story, hipped roof structure with dormers. The proposed ADU would be behind the primary dwelling would not overpower it. The applicants want to match the footprint of the existing 1909 garage. This creates a larger second floor ADU footprint. And if they were to construct a new garage with a smaller footprint, the

applicants did not create the existing garage and the current footprint. This finding is met. An ADU is a permitted use in an R4 zone. So this will not create a use that's not permitted. This finding is met as far as the essential character of the surrounding area, the ADU would be located off the alleyway behind the primary structure and would be placed in a similar footprint of existing garage given its size and location. This proposed ADU / garage would not alter the central character surrounding area. This finding is met.

Correspondence: As far as the District Council, staff did receive a letter from District 16 Summit Hill Association for supporting the project and the variances, sorry one variance. And staff did not receive any correspondence regarding the case. Based upon findings 1, through 6 staff recommends approval of the requested variance.

And if you want, I can show some plans that the applicant submitted. So they submitted some renderings. And fortunately, with that 3-foot setback, then you can have some windows. If you look at the satellite imagery, the current garage is shaped very similarly. It's just the new structure that will be shifted over to comply with the three-foot setback on the side and then they did submit the floor plans. My mouse is hovering where the entrance will be, and then the upstairs. And then just some elevations of the proposed structure. And then the letter from Summit Hill recommending approval. If you have any questions, I'm happy to answer them.

Chair Miller- Ms. Trout-Oertel?

Ms. Trout-Oertel- Thank you chair. David. I'm wondering if are they're using any of the foundation, the existing foundation? Because they, the application keeps referring to a desire to reuse the footprint of the existing. But it looks like they're going to going to have all new foundations, is that correct?

Mr. Eide- Chair Miller, commissioner Trout-Oertel, correct. They are completely demolishing the existing structure in the foundation will be removed and completely new foundation will be installed.

Ms. Trout-Oertel- Well, if they were reusing the foundation, we would sort of grandfather in the existing garage. But in this case, does it have any bearing on the new construction at all?

Mr. Eide- Chair Miller- Commissioner Trout-Oertel, the footprint will be similar, but it will be shifted over by a few feet to the west. So it will be, and this is just a variance of the ADU size requirement. It complies with the footprint.

Ms. Trout-Oertel- In my understanding that also does not need a variance for height or lot coverage? Is that correct?

Mr. Eide- That is correct. Thank you.

Chair Miller- Any other questions for staff? Okay, at this point will move on to the applicants. If the applicant is here. Please identify yourself with your name and address.

Applicant- Yes. My name is Melinda Voss and I am here with my son and daughter-in-law Andrew Voss and Sarah Kalhorn and I just wanted to make a few quick points.

Chair Miller- Sorry. Could you state your address?

Melinda Voss- 721 Lincoln Avenue, St. Paul.

Chair Miller- Go ahead.

Melinda Voss- Okay, so this ADU proposal is really about a dream. I didn't even know I had until last March when my son and daughter-in-law and I began discussing the possibility of joining households. They have

three children ages, 9 to 4. We wanted to stay in St. Paul. They previously lived in the Mac Groveland neighborhood. I've lived in the Summit Hill neighborhood since 1997. I lived at 1028 Goodrich about five blocks from here. During all this time I've come to cherish the Summit Hill Neighborhood. I'm never tired of walking my dog along the tree-lined streets. I always say, I live in the middle of a Norman Rockwell painting because there's kids playing hopscotch someone practicing the trumpet and the beautiful landscaping and the stately Victorians. So my dream came alive. One day last spring when I saw the for-sale sign, I was walking my dog, of course, and saw the for-sale sign at 721 Lincoln and somehow, we were able to purchase the home and sell our two homes and move in. After, we had consulted a construction company and architect on the feasibility of constructing an ADU on top of the 3-car garage. So, we believe this request for a variance will be minimally disruptive to the neighbors and the neighborhood. As you covered, our home abuts a commercial district. We're delighted by our new neighbors and have spoken to them about our plans. They've even given us some ideas. So we believe this design will blend seamlessly into the character and architecture of the neighborhood and will allow a bit more space to accommodate aging in place. This design really supports my family's goals and the city's goals on housing choice and housing affordability. I doubt I could live anywhere else as affordably. So, in short, this proposal fits the modern needs of a three-generation household where we can all live and work for the foreseeable future in this beautiful home. Thank you for your consideration. Our architect Ben Awes is here also, we're happy to answer any questions.

Chair Miller- Thank you, for that, or do you have any questions for the applicant?

Ms. Trout-Oertel- Thank you. Can we hear from the architect? About the materials that will be used.

Chair Miller- And if the applicant's representative wouldn't mind stating his name and his business address would be fine. Just because this is being recorded. You might still be on mute if you're trying to speak.

Andrew Voss- We thought that our Architect was going to be joining us. I'm going to pay him a call right now, just to see. We actually had a conference prior to this. So I'm going to text him and see if he's able to join.

Ms. Trout-Oertel- Perhaps you can answer the question. That would be sufficient.

Melinda Voss- Would you mind clarifying what materials are we going to use?

Ms. Trout-Oertel- Yeah. Can you talk about the siding for example?

Melinda Voss- Right Got it. Where our aim is to match the character generally of the neighborhood. So our house is wood siding. We would likely use a cheaper option, but try to mimic parts of it. Either on one half or the entire structure. We aim to mirror the roof lines as well. In terms of other materials. We're going to reuse our current garage doors that we have. The windows will be a bit different since ours are the originals. Any other questions that we can speak to?

Ms. Trout-Oertel- Thank you.

Chair Miller- I don't have any questions. Does the rest of the board have any questions? Okay. Well, thank you to the applicant. Just please mute yourself for now. We may call you back.

Is there anyone here from the public to speak in favor of this variance request? Anyone to speak in favor? Is there anyone to speak against or in opposition to this variance request? Anyone to speak in opposition to the variance request? Well, not seeing anyone at this point. I will close the public portion of the hearing and to briefly recap, we have a District Council recommendation for approval, staff recommendation for approval with no conditions. Is there a discussion or a motion?

Ms. Swift- Hey there, based on findings 1 through 6. I would move to approve.

Chair Miller- All right, move for approval by Swift, do we have a second?

Ms. Porter- I'll second. This is commission Porter.

Chair Miller- All right, moved by Swift second and by Porter. Maxine, can we get a roll call, please.

Ms. Linston- roll call vote: Trout-Oertel-Yes. Porter-Yes. Swift-Yes. Miller-Yes. And I'll call the other two, Rangel Morales. Rangel Morales. Clarkson. Clarkson.

Chair Miller- Okay, with the vote count of 4-0, your variance request has been approved. The board's decision is final unless appealed to the city council within 10 days. Good luck with your project. Looks very nice. Thank you. Thank you.

Moved by: Swift/Second by: Porter

Approved 4-0

Chair Miller- Our next order of business. I would like to point out. I thought it was funny. Our first order of business was Lincoln and her second is Douglas and I believe they had a debate at one point in history.

47 Douglas Street: Chair Miller- Our next order of business is 47 Douglas Street. The applicant is proposing to construct an open covered porch on the front of this existing single-family dwelling. Two zoning variances are requested. Number one, the zoning code allows an open covered porch to project six feet into the required front setback, accordingly a 1.7-foot-deep porch would be permitted. The applicant is proposing a 6.9 foot-deep porch for a variance of 5.2 ft. Number two, principal buildings in the R4 zoning district shall not cover more than 35% of any zoning lot or 886 square feet. A 44 percent lot coverage or 1,123 square feet is proposed for a variance of 9% or 237 square feet.

Mr. Eide- Thank you. Chair Miller, Commissioners, I have up on my screen a satellite image of the property in question. My mouse is going over it. It's 47 Douglas Street. It's a 46.2 by 48.5-foot lot on the west side of Douglas Street between Forbes Avenue and Harrison Avenue. The surrounding land use to the north, south and west are single family dwelling (R4), which is the one family zoning district. To the east is Assembly Hall/ Daycare and then multi-family residential zone, T1, which is a traditional neighborhood, zoning district. The section of code that the applicant is requesting variances from is two sections: 63.105, which states that an open covered porch may project six feet into the required front yard and 66.232, which states that the maximum lot coverage is 35% in this zoning district, which is R4 a one-family zoning district.

So the findings for this case, like I said: they're planning on constructing open covered porch on the front of the house. According to the applicant, the house has moved on the site in 1905 and it did include a porch of the time. At some time, point, the porch was removed, and the interior layout was changed. This project is intended to re-establish the front entryway, living room, and front porch as they previously existed to improve the functionality of the home and make it more livable for future occupants. Provided that the porch, complements the house, the proposal is consistent with 60.103 of the zoning code to conserve and improve property values, so that finding is met, as far as the being in harmony with the general purpose and intent of the zoning code. Comprehensive plan: if the request is approved, it will allow more and an improved and more functional front porch to be constructed. This aligns with policy LU-5 of the 2040 comprehensive plan, which encourages flexible building design to ensure ongoing functionality and viability and to respond to new market opportunities. This finding is met. Practical difficulties: the zoning code allows open covered porches to project six feet into the required front yard setback. However, the existing home does protrude into that set back by 4.3 feet which would leave 1.7 feet for the porch addition without a variance and I have a diagram that I

created hoping will make this less confusing. But maybe, maybe not, we'll see. So, here we go. So they could have a 1.7 foot. My mouse is over the line here. This blue line. My mouse is over is how far the porch could be constructed forward. Because the porch, the allowable porch depth is driven by the front yard setback, which is required to be 12.6 feet here and the home is already at 8.3 feet. So that really constricts how deep their porch can be. A 1.7-foot-deep porch should be too shallow to be usable. In addition. The home is on a relatively small lot, which creates a challenge complying with the lot coverage provision, given it already exceeds the lot coverage maximum. And this is the, by the way, this diagram was taken off the survey that was submitted with the application. The building is located closer to the front property line than other buildings on the block, and on a smaller lot than the other buildings on the block, given these difficulties and meeting most or both the minimum projection into the front yard and the lot coverage maximum. We believe this finding is met. As far as circumstances unique to the property not created by the landowner, the relatively small size of the lot and the placement of the building into the required front yard setback are circumstances unique to the property not created by the landowner. The porch addition will not create a use that's not permitted. It is a permitted addition to a single-family home, that finding is met. It will not, we don't believe that this will alter the central character the neighborhood. The open covered porch will complement the other porches in the neighborhood and will not alter the essential character of the neighborhood.

Correspondence- We did not receive a recommendation from District 9 Fort Road Federation. We did receive an email from The Little Bohemia Neighborhood Association supporting the requested variances. And another email supporting the variances from 63 Douglas Street. And based upon findings 1, through 6 staff recommends approval, of their requested variance subject to the condition that the proposed porch addition complements the house. And they did submit plans, but when we went through this with the zoning administrator, we thought that there might be questions. Essentially this does not, adding an open covered, porch does not change the front yard setback of the home for zoning purposes. We would still measure to the front line of the house. So the front setback will still be 8.3. The depth of the porch permitted to construct is driven by the required front yard setback, which is 12.6 feet. So the result if this is approved, the porch will be 1.4 feet from the front property line. And that's why the request is for 5.2 feet. Basically. The difference between how deep they're permitted to construct by right, which is 1.7 feet and then out to the 1.4 feet from the front property line. And then I can show you some of the plans here that they had submitted with their request, the floor layout, which is pretty different than it is right now, the door is set back further. If you can see where my mouse is. The current front door is over here where the kitchen sink is proposed to be, so they're planning on modifying it and bringing the front door further forward to. So, here's some elevations that show what the proposed porch will be looking like. If the commissioners have any questions, I'm happy to respond. Otherwise, I'll scroll through some of the plans here. I think they have some further. It gets pretty detailed as far as the doors and whatnot. But the main thing to worry about is the front porch here. So if you have any questions, I'm happy to answer them.

Chair Miller- Thank you. Mr. Eide- board members. Do we have any questions? Looks like Ms. Porter?

Ms. Porter- Yes, the future and maybe you mentioned this Mr. Eide, but how does this particular change align with other homes along in terms of the profile along the block there?

Mr. Eide- Yes, so you mean... do you wish to compare the average Commissioner Porter?

Ms. Porter- Yes.

Mr. Eide- One second, I think. So when we did the block average. The average is 12.6 feet, and I'd have to dig up my notes here to see what the exact. Unfortunately, I don't have that in front of me, but the other setbacks

are, but this home is set back less than the other homes. And if I do have this up on my screen, so when we took, when we were figuring this out, the three homes to the north were taken to account 33, 35, and 41 Douglas Street, this property at the corner of Harrison and Douglas I did not count it because it faces Harrison.

Ms. Porter- Thank you.

Mr. Eide- Ms. Porter. I just did see. Okay. So it's 33 is 12.5 feet. 35 is 11.9 41 is 13.5.

Chair Miller- Thank you. I guess quite common. It kind of looks like the one that faces the one, that's just south of it even though it's a side yard. Setback, kind of lines up with that one in a 46 by 48 ft lot is very tiny. Those are my comments. Are there any other questions for staff?

Chair Miller- Seeing none. At this point. We will move on to the applicant. If the applicant is here, please identify yourself with your name and your address.

Applicant- Yes. Thank you. My name is Carol Carey. I work with Historic Saint Paul proposed developer of the project. My address is 635 Bates Ave, St Paul. We are hoping to acquire the vacant property from HRA and rehabilitate it for use as single-family home ownership. It actually was originally built constructed toward the Harrison orientation and at some point, was moved to that point, at the back of the back lot, as the Harrison property was constructed as the primary dwelling. I'm not exactly sure at what point the property was subdivided into properties. In general, you have such a small property to work with. I'm happy to answer any other questions above and beyond the information that you received in the staff report if anybody has any.

Chair Miller- Thank you. Any, any questions for the applicants?

Carol Carey- The design of the front porch...we did have a former occupant who provided us with photograph from before it was removed. Design elements of this porch were taken from the photographic evidence we had and that's all.

Chair Miller- Thank you. I don't see any questions from the board so go ahead and mute yourself and stick around. We may call you back.

Is there anyone here from the public to speak in favor of this variance request? Anyone in favor? Seeing none. Is there anyone here from the public to speak in opposition to this variance request? Anyone in opposition? Seeing none. At this point I will close the public portion of the hearing. To briefly recap, we have no District Council recommendation. We have a recommendation by a neighborhood association for approval, a staff recommendation of approval and a condition of complementing the house. Is there a discussion or a motion?

Ms. Porter- Chair, based on findings 1, through 6 and staff recommends approval. We recommend approval of the variance request subject to the condition that the proposed porch addition compliments the house.

Chair Miller- Thank you. Moved by Porter

Ms. Trout-Oertel- I will second that motion. It's clear from the document submitted with this application that variances are required to make this vacant property viable again.

Chair Miller- Moved by Porter and seconded by Trout-Oertel. Maxine roll call please.

Ms. Linton- roll call vote: Swift-Yes. Trout-Orel-Yes. Porter-Yes. Miller-Yes.

Chair Miller- Your variance request has been approved. The board's decision is final unless appeal to the city council within 10 days. Good luck with that project.

1079 Montana Avenue West: Chair Miller- Moving on to our next order of business. 1079 Montana Avenue West. There is an existing attached garage built into the hill in the front yard of this single-family house. The applicant is proposing to construct an addition over the garage. The front yard setback of 28 feet is required, a setback of 16.25 feet is proposed for a variance request of 11.75 feet. And Mr. Eide.

Mr. Eide- Thank you, chair Miller and Commissioners. This property is located on the north side of Montana Avenue West between Lexington Parkway and Oxford Street. The property has no alley access. I have it up on my screen here and my mouse is going over it and it has an existing one car garage that protrudes out from the front of the home. The property is surrounded by primarily single-family dwellings. The section of code that the applicant is wishing to request a variance from is 66.231, which is the table for yard setbacks. And then it is zoned R3, and the subnote F states that we use the block average, which is what we did for the last case you just saw. So the front required front setback is 28 feet. So the application is in harmony with the general purposes intend to the zoning code, the applicants propose to construct an addition on top of an existing garage. 28 feet is required, 16.25 feet is proposed for variance request of 11.75 feet. The proposal would be an improvement to the property and to the functionality of the home. This is in harmony with the general purpose and intent of 60.103 of the zoning code to promote and protect the public health safety, the aesthetics, and the economic viability of the community and conserve and improve property values. This finding is met. As far as the comprehensive plan, this proposal aligns with policy LU-5 of the 2040 plan which aims to encourage flexible building design to ensure ongoing functionality and viability and respond to new market opportunities. This finding is met. As far as practical difficulties, the existing flat roof garage—I will show you the street view—projects into the required front yard. Adding this bedroom, adding a bedroom on top of the existing garage will allow the applicant to maintain the existing footprint of the home and better utilize it. The addition, the living space on top of the garage will bring this house in alignment with the design requirement that requires that garages do not protrude in front of the living space because the living space will be brought out to the front edge of the garage. The alternative would be to construct a vertical addition above the main home, which according the applicant would not be practical for the homeowner. Permitting this vertical addition on top of the existing garage will improve the aesthetics of the home and is reasonable. given the home already protrudes into the required front yard setback. This finding is met. The plight of the landowner is due to circumstances unique to the property, not created by the landowner: the current location of the bedroom is in the southeastern corner of the home. According to applicant that bedroom is too small for their needs. The code would not currently permit a garage addition on into the required front yard. Given that the applicant already has this protrusion of the required front yard, utilizing this existing footprint is advantageous for the homeowner to create a more livable home. The existing front yard garage is circumstance unique to the property and it was not created by the landowner. This finding is met. This home addition will not change the use from a single-family dwelling and therefore will not permit any use that's not allowed. And then, as far as the essential character of the surrounding area, the proposed addition would improve the aesthetics of the home and would not alter the essential character of the surrounding area.

Correspondence: As far as the District Council, staff did receive a letter of support from the District 10 Como Community Council for this variance request. Staff did not receive any correspondence. Based upon findings one through six, staff recommends approval of the requested variance.

I will bring up some plans here that the applicant submitted so you can see the proposal. This is just the view from on top. This is during construction, what it would be. And then this is a rendering of the front elevation

after the addition. The details of some other modifications that are proposed. But I think this is probably, these elevations are probably the most relevant to see what's going on here. If you have any questions, I'm happy to answer them.

Chair Miller- Thank you, Mr. Eide. Board, do you have any questions for staff? We don't have any questions. At this point, I will move on to the applicants. If the applicant or the applicant's representative is here, please identify yourself with your name and address.

Applicant- Hello, my name is Christopher Howe, address is 1079 Montana Avenue West.

Chair Miller- And would you like to add anything to the staff report?

Christopher Howe- Yeah, I, you know, I'll be I'll be brief. As my wife and I, you know, move into family planning. We would... We love our neighborhood. We love our neighbors. The idea of making this our forever home is really exciting to us. And so expanding our primary bedroom would really help make that come true. We also are really excited about just improving the look of the property overall. And we feel that this project would really help do that.

Chair Miller- Thank you. Board members, do we have any questions for the applicant? I don't see any questions from the board. It looks nice. My only tiny question is, how do you pronounce the name of your designer architect company?

Christopher Howe- That's a really good question. I have a representative here, Mr. Ezekiel Fricke, who could probably answer that.

Ezekiel Fricke- It's pronounced (hyuga house). It's a danish word and it's where we get the word hug from. So it's secure, intimate, cozy and the danish word for house.

Chair Miller- Thank you. And just because we're being recorded. Could you give your business address?

Ezekiel Fricke- We are located at 228 Front Avenue in St. Paul 55117.

Chair Miller- All right, Thank you. Board members do we have any additional questions for the applicants? Well, thank you both. I don't see any questions. Just go ahead and mute yourselves. We may call you back.

Is there anyone here from the public to speak in favor of this variance request? Anyone in favor? Is there anyone here from the public to speak in opposition to this variance request? Anyone to speak in opposition? Seeing none at this point, I will close the public portion of the hearing. To briefly recap, we have a district council recommendation of approval, a staff recommendation of approval with no conditions. Is there a discussion or motion?

Ms. Trout-Oertel- I would move approval of the application for staff finding is one through six. With the condition that the addition matches the existing house or is complementary to the existing house. Is it? I'm not sure how the condition reads.

Chair Miller- I don't think that there is a condition.

Ms. Trout-Oertel- Well, then I would like to add that one. That complements. Yeah, that the that well, actually, I think it should match the existing house in this case.

Ms. Trout-Oertel - We do prefer compliment. However, well, alright, let's allow some leeway by saying provided the addition complements the existing house.

Chair Miller- Okay, thank you. Let's, let Mr. Eide speak here just in case. He knows what the plans are because we didn't ask about it.

Mr. Eide- Chair Miller and Commissioners. I think they're planning on residing. So as long as the condition states; complements the house, I think that'll work. If it said complements the existing house, I believe that they're changing the siding, so that might be a problem, but I think that maybe complements the house would work as long as this is the rendering showing the proposed. So if you think that compliments.

Ms. Trout-Oertel- That should be all right, I think. well, it's very difficult to tell from these types of computer-generated drawing. So I think using the word compliment should cover it because when they go in for the building permit, that will be a discussion point. I imagine.

Mr. Warner- Compliments is fine for a word choice.

Chair Miller- So we've got a motion with a condition do have a second.

Ms. Porter- This is commissioner Porter. I'll second.

Chair Miller- All Right. Moved by Trout-Oertel and seconded by Porter. Maxine, can we get a roll call.

Ms. Linston- roll call vote: Swift-Yes. Porter-Yes. Trout-Oertel-Yes. Miller-Yes.

Chair Miller- Your variance request has been approved. The board's decision is final unless appealed to the city council within 10 days. Good luck with your project.

Moved by: Trout-Oertel/Second by: Porter

Approved with conditions 4-0

1855 Suburban Avenue: Chair Miller- Our next order of business is 1855 Suburban Avenue. Zoning code requires signs with dynamic display in a T2 zoning district to be monochromatic. The applicant is proposing full color for a variance of this requirement.

Mr. Eide- Chair Miller and Commissioners. This is a new development at 1855 Suburban Avenue, the lot does not look like the satellite imagery. There is currently a building on this parcel. It's a laundromat and it is open, but the sign that they're requesting the variance for obviously, it is not up. So, to the north, the surrounding land use is I-94 and this vacant parcel here zoned T2 to the east is, sorry, east is T2 commercial. To the South is R2, which is a single-family zoning district. And that's a park and to the West is commercial T2.

The applicant is requesting a variance from 64.503, which states that dynamic displays shall be monochromatic. So, that's the part that they're requesting the variance from. The applicant's proposing to comply with the other provisions in the code. So they won't change any faster than 20 minutes and whatnot. So, let's see. So as far as harmony with the purposes and intent of the zoning code, the T2 zoning district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented oriented commercial and residential development that in turn can support, increase transit usage. The applicant is proposing to install a full-color dynamic display panel on a new freestanding sign on this property. The T2 zoning district has specific standards for dynamic display signs. They must be monochromatic and shall not change the displays faster than every 20 minutes. The applicant is proposing to install a full-color dynamic display. This request aligns with 64.101 of the zoning sign code to protect the right of information transmittal. And then there are additional findings for sign variances under 64.207: unusual conditions pertaining to sign on the lot, the Tumble Fresh laundromat location, it's a new development and is important to provide signage that is clear and readable from the roadways while blending

in with the signage and neighborhood in relation to size and clarity. This finding is met. It would not create a hazard. The sign would be professionally designed installed. In addition, the applicant is proposing to comply with the 20-minute display frequency and to not change the message or image faster than this time period. It would not create a hazard. This finding is met. No objections and no correspondence was received from adjacent property owners. So finding C is met. This would not adversely affect residential property. It's not adjacent or residential properties. The applicant has indicated that it would be on a dimmer switch. So, brightness can be adjusted. This finding has met. It is in keeping with the general character of the surrounding area. There are several buildings with identification signs nearby, and the proposed freestanding sign and display would match the scale of the building. This finding is met. So number one, regarding the intent of zoning code is met as far as the comprehensive plan. The proposed full colored dynamic display sign would provide greater visibility to the new laundromat. This request is in a line with LU-6 of the comp plan to facilitate business creation, attraction, retention, and expansion. This finding is met. Finding three; as far as practical difficulties go, the applicant runs a chain of laundromat locations and has graphics that are utilized for many stores. They state that would be a large cost to recreate this content for a monochrome display. The applicant also states that full-color images will be easier to read, especially during the winter months at night. This finding is met. The plight of the landowner due to circumstances unique to the property not created by the landowner: this is a new development, and a monochromatic display could be installed by the applicant by right. The plight of the landowner is due to circumstances they created, as there's nothing particularly unique about this parcel that warrants permitting a full-color dynamic display. This finding is not met. The variance will not permit any use that's not allowed in the zoning district where the affected land is located. A dynamic display is permitted in the T2 zone. Granting this variance would not permit a use that's not allowed. This finding is met. There are multiple business signs fronting Suburban Avenue. Granting this variance would not alter the essential character of the surrounding area. This finding is met.

Correspondence- the District Council. I did email this email to the Commissioners at about 10:00 this morning. I received an email from the land use committee at the Southeast Community Organization recommending they do not support this variance request. I'm hunting for that email here, but they wrote in that they do not support it. So the staff report, unfortunately, it was submitted after the deadline, but I just wanted to note that we did not receive any correspondence for this variance request.

Based upon finding four, staff recommend denial of the requested variance. I can show you what the plans look like and where it would be placed. So here's a site plan, showing the property. To the South is Suburban Avenue. Most of this is constructed, but the sign is not here, obviously. This where my cursor is on the bottom, right of the site is where they would be putting it. Here are some renderings showing what the proposed freestanding sign would look like and this middle panel that is mostly blue is the proposed full-color dynamic display. And then this is just showing the footing and when it's turned off. And then I included some information just from that applicant clarifying that they were planning on complying with the other sections of the ordinance regarding dynamic displays. So if Commissioners have any questions, I'm happy to answer them.

Chair Miller- Thank you. Mr. Eide. Commissioners do you have any questions for staff? Any questions for staff? I don't see any. Okay, at this point will move on to the applicant, or the applicant's representative. If the applicant is here, please identify yourself with your name and address.

Danny Mattson- Hi there. My name is Danny Mattson, and I'm representing the Linn Companies who own Tumble Fresh. Albrecht sign company's address is 7775 Main Street Northeast, Fridley, Minnesota. And Ken Roth, who is the Linn Company's president is also on the call as well.

Chair Miller- Okay, and if Mr. Roth wants to speak, same rules, he just needs to state his name and address for the record. Either of you could go ahead though.

Mr. Mattson- I know your comments what we've heard so far. Ken and I spoke this morning and kind of reviewed what was sent over by David and what you saw that the number four is not satisfied, and I guess our question would be how we would satisfy that being switching from monochromatic to full-color, and we basically are wanting... Tumble Fresh is very happy to be in the city of St. Paul now and they provide a super clean environment and added a pet fresh so you can bring your dog in to wash it and it's great for the community and part of their brand with 12 other sites to display their deals and what they got going on at tumble fresh to the community on their dynamic displays with static images that wouldn't change any quicker than 20 minutes and the putting a multimillion-dollar investment in the city of St. Paul and the monochromatic feels is very dated. I've been in the sign industry for about four years and sold about 40 of the dynamic displays and have yet to sell a monochromatic because everything's moving to full color and all of their content is full color. So it stays consistent with their brand, which they've built with, like I said, 12 other locations that all have this. And so they would like, just like to stay consistent with that. And the other thing that we would like to discuss is, I don't know when the ordinance was changed to full-color. I talked to David a little bit this morning and he wasn't quite sure or when it changed to monochromatic. Okay, but I know Holiday off of White Bear and Old Hudson Road has a full color as well as Subway and Speedway there and just curious what the verbiage was that they used on number four, that would make sense for that because I'm not finding much that would make sense because of, if it's allowable to be a dynamic display. It wouldn't really matter if it's full color or monochromatic to the property. Other than that, Ken do you have anything?

Kenneth Rohlf- Hi, this is Ken Rohlf, president Linn Companies 7616 Currell Blvd Woodbury Minnesota. I don't know that I have anything more to add. We believe that we brought a beautiful building in the service industry to the city of St. Paul. And you know, in some regards this seems like we have developed kind of a state-of-the-art building yet we're required or being asked to install essentially, you know, a 1950s type signage here. That just doesn't fit with our brand of our store and just sort of kind of scratching our heads as to why we would not, why a color version of this sign is not an improvement and a benefit to the city over the monochromatic signage that you're requiring or requesting of us.

Chair Miller- Okay, thank you for your comments. I do believe that there was a question in there. Perhaps Mr. Eide could address that? And I imagine it has to do with zoning district? But David could you answer their question about how long has this been this way? And is this specific to that zoning district.

Mr. Eide- Miller and Commissioners this area along Old Hudson to the north of I-94 and Suburban Avenue was rezoned to T, which has this requirement. I think back in 2012. The zoning administrator might be on this call and might know exactly when that was changed but the zoning was changed in anticipation of the Gold Line that's coming in. So the Subway and the Speedway that were referenced were constructed under those, the signs were installed under the older or the sorry, the past zoning district, which would have been a B district, that doesn't have this restriction.

Chair Miller-Thank you David. Um, could you—sometimes we talk about the intent of the zoning code? Could you or Mr. Diatta explain some of the intent or where it's different than a B as a T one vs. a B? I think it's something that the applicant did ask about also. And I guess I'm curious to hear, as we can see, how it's written. But switching from a B where a full-color dynamic display is allowed to a T one or monochromatic. Is only allowed there must be some reason for it. I guess it's all we're kind of hoping to get a little bit more information.

Mr. Eide- Commissioners, I'm hoping that Mr. Diatta can comment because he's been around a little bit longer working with the signs. I believe in general the T districts, they are stricter. As far as the amount of signage and what's permitted in general. So, a lot of University Avenue is zoned T and areas that are proposed for more mixed use and higher density. More walkability. I believe that then there's a...

Mr. Diatta- So, I'm sorry, my computer froze. I couldn't admit myself. So, I to logon from my, my phone. So, typically the, so the dynamic display language came on, I think about maybe 2012. I don't have the resolution front of me. So most of these businesses that have signs that are not operating as required under the T District may have been there before the, before the T District came on, and the intent of the T district is to create a pedestrian friendly neighborhood. So it's designed to have businesses closer to the streets and pedestrian walkable streets, where the B's are more intense commercial uses. So, signs that are more mellow for the T districts, more friendly to the streets. That is more in keeping with the pedestrian nature and intent to the neighborhood as opposed to B, which is a commercial fully commercial district, so to speak. And that's mainly the difference between these two districts in terms of where intense signs will be more allowed than and where they less intense and we were allowed. If you look at a residential neighborhood, we have churches. Dynamic display signs are going to be a little bit more restrictive than the T district and the T District can be more restrictive in the B district. And if you move to the industrial district, it is even less restrictive.

Mr. Eide- Chair Miller, Commissioners. This is correct. And I would add that in residential districts, like, churches and schools and whatnot. They can have a dynamic display, but it has to be monochromatic. So you do see those. And it's, it's meant to like, announce events and whatnot and kind of blend into the residential character of the neighborhood. So the T districts kind of follow that. Like, Mr. Diatta said, kind of toning down the signage.

Chair Miller- Okay. Thank you. Board members. Do we have any questions for the applicant? Any questions for the applicant.

Ms. Swift- I have a question. This is commissioner Swift. Okay. So I've heard monochromatic like a lot. So is that when everything is all one color? Is there an example of what a monochromatic sign looks like, and what would it look like for it all to be one color?

Mr. Eide- So monochromatic would mean one color mono "one" and I can probably find examples in St. Paul there. You see these a lot at like banks and whatnot signs that announce, you know, the time and temperature and whatnot. I know that Wendy's on Suburban a few doors down they have a monochromatic sign and they're usually in the past at least they were usually red to have less glare. I'm just pulling it up here. One moment. Here's the Wendy's sign down the street as seen from I-94. That's monochromatic. One color doesn't have to be red, but just one color. Hopefully, that helps.

Ms. Swift- Thank you.

Chair Miller- Any other questions? Is there anyone from the public here to speak in favor of this variance request? Anyone to speak in favor? Is there anyone to speak in opposition to this variance request? Anyone to speak in opposition? Seeing none, at this point I'll close the public portion of the hearing. To briefly recap, we have a district council recommendation to deny and a staff recommendation of denial. Is there a discussion or motion?

Ms. Trout-Oertel- I guess it isn't our responsibility to know or explain why the guidelines for this district are the way they are. So the point is they're in place and need to be followed. So I would make a motion to deny the application based on findings 1 through 6.

Chair Miller- Would it be based on finding four as stated in the staff report?

Ms. Trout-Oertel- Thank you for that. Yes. Based on finding four which is not met. Yes.

Chair Miller- Okay, we have a motion to deny based on finding four by Trout-Oertel, do we have a second?

Ms. Porter- This is commissioner Porter, I'll second.

Chair Miller- Okay, moved by Trout-Oertel and second by Porter. Maxine, can we get a roll call.

Ms. Maxine – roll call vote: Swift-Yes. Porter-Yes. Trout-Oertel-Yes. Miller-Yes.

Chair Miller- Your variance request has been denied. The board's decision is final unless appeal to the city council within 10 days.

Moved by: Trout-Oertel/Second by: Porter Denied 4-0

Chair Miller- And that is our last order of business. Anyone from staff have anything to add to the meeting before we adjourn?

Mr. Eide- Chair Miller and Commissioners, I think that we are remaining remote, I'm hearing, through the end of December, but it's not confirmed yet. Our next meeting on the 29th will for sure be because we were going to be till the end of November. As far as next year, I'm working on it and trying to reserve; I did reserve Room, A and B, which is room 40 in the basement of City Hall. Unfortunately for January that room is already booked by the courts on the nights that we needed. I'm not sure if we're going to continue remote until we're able to have room to space out, physical distance in. We're still working on the details as far as that is concerned, but I have secured it February through the end of 2022.

Chair Miller- Okay. Anything else from anyone else?

Mr. Warner- Nothing for the city attorney's office. But thank you Commissioners for jumping in quickly on making motions. Especially when we only have four members present, so I was worried that we'd lose a quorum. Thanks for doing that.

Chair Miller- Yeah, good work.

Mr. Warner- Have a good and safe Thanksgiving everyone. Thank you.