

GENERAL MINUTES
THE BOARD OF ZONING APPEALS
CITY HALL – ROOM 330
SAINT PAUL, MINNESOTA
AUGUST 22, 2022

BOARD MEMBERS PRESENT

Daniel Miller
Danielle Swift
Diane Trout-Oertel
Thomas Saylor

STAFF PRESENT

David Eide DSI
Yaya Diatta DSI
Maxine Linston DSI
Andrew Hogg DSI
Peter Warner City Attorney

ABSENT BOARD MEMBERS

Clarksen, Rangel Morales & Porter

APPROVAL OF MINUTES for AUGUST 08, 2022

Moved By: Trout-Oertel / Second By: Swift

APPROVAL OF RESOLUTIONS - None

Old Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
22-072764	Friends of Pig's Eye Lake Park - Tom Dimond				Deliberations continued to next meeting

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
22-075517	947 Fremont Avenue- Roger Routh	Saylor	Swift	4-0	Approved with condition

Submitted by: Maxine Linston *Maxine Linston*
Maxine Linston (Sep 12, 2022 14:52 CDT)

David Eide

David Eide

Approved by:

Diane Trout-Oertel, Secretary

Diane Trout-Oertel
Diane Trout-Oertel (Sep 12, 2022 14:13 CDT)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
CITY HALL – ROOM 330
SAINT PAUL, MINNESOTA
AUGUST 22, 2022

PRESENT: Members of Board of Zoning Appeals: Mr. Miller, Mr. Saylor, Ms. Swift, Ms. Trout-Oertel

Department of Safety and Inspections: Mr. Eide, Mr. Diatta, Ms. Linston, Mr. Hogg

Legal: City Attorney Peter Warner

ABSENT: Clarksen, Rangel Morales, Porter

The meeting was chaired by Daniel Miller.

Mr. Miller- Good afternoon and welcome to the board of zoning appeals. Our purpose is to review and decide upon requests for zoning code variances, administrative reviews, and request to modify home occupation requirements for handicapped individuals. If you intend to testify today, we ask that 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 on the applicant, then those in favor, and then those opposed. At that point forward I may call back the applicant in case we have any 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 appealed to the city council within 10 days.

We will take the cases in the order they appear. A few words on speaker time. The board limits it to a total of 30 minutes for those speaking in favor and an 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, reminder that there's no need to read those documents as they are already part of the public record. Please provide your key points without repeating ideas presented by previous speakers

Present today from the Department of Safety and Inspections are David Eide, sorry, what was your name? Andrew Hogg. Our secretary is Maxine Linston, and our legal counsel is Peter Warner. My name is Daniel Miller, I'm the chair of the board. Before moving on to our first order of business, I will ask the secretary to call roll of the board members in attendance for today here.

Ms. Linston- Attendance roll call: Saylor-Present. Swift-Here. Trout-Oertel-Present. Miller-Present.

Approval of Minutes

Mr. Miller- First order of business is the approval of the minutes from August 8, 2022. Is there a discussion or motion?

Ms. Trout-Oertel- I move approval of the minutes

Mr. Miller- Is there a second?

Ms. Swift- I second.

Mr. Miller- Second by Swift. Roll call please.

Ms. Linston- Approval of minutes roll call: Saylor-Yes. Trout-Oertel-Yes. Swift-Yes. Miller-Yes.

Mr. Miller- The minutes have been approved. Moving on to our first order of business.

Old Business

Mr. Miller- Friends of Pig's Eye Lake. A complaint was filed stating that the city needs to issue a stop work order on the Pigs Eye Lake Island building project, a project regulated and permitted by the Department of Natural Resources. The zoning administrator determined that the city has no jurisdiction over this work, as it is a DNR public water body and accordingly, no action was taken against the project. The complainant is appealing this determination. David, if you'd like to quick recap, I know I'm sure we've all read the letter from the DNR, as new information, anything else you kind of want to get into with us?

Mr. Eide- Thank you, chair Miller board members. Last time at the hearing you had three questions. What is the DNR classification of Pig's Eye Lake? Because there are different ways to determine the ordinary high-water level based upon its classification. The second one was, what is the ordinary high-water level? And then the third question was, how often is it reviewed? And the DNR went over all of these questions in detail in the letter that was, that is in your packet. And then they also gave us a document how they determine the ordinary high-water level and the guidelines surrounding that. It's the technical paper 11, that was given to you and sent to you on Friday also for the review. So, if you have any questions, we do have Andrew Hogg here again today, the Water Resource Coordinator also.

Mr. Miller- Do we have any questions or comments?

Mr. Saylor- No

Mr. Miller- I don't either. I feel like I got my minor in hydrology though, just going through all this. This was all totally interesting and new information to me. Well, I believe if there are no questions for staff, we have closed the public portion of the hearing. I guess that brings us to discussion or motion. Ms. Trout-Oertel.

Ms. Trout-Oertel- Well, I don't know if you remember, but a couple of documents were handed out by the applicant at the end of the last meeting. I don't know if anybody had time to read them, but I guess I just like to know. Did anyone did anyone read this last, these things that were passed out at the end of the meeting?

Mr. Saylor- Is it this one, this one here? Can I see the front of it again? Show it? I can't see what you're looking at.

Ms. Trout-Oertel- Most of the things that we got earlier, most of the things that we got from the applicant in the packet were, I thought, very hard to read but this is a succinct list of concerns and I just, when I read that after the meeting, I thought well. You know, there is a question I would like to bring up before this board. I'd like to get your opinion on one of the points made, and so, one of the main, I'll be brief. The two issues of this document are 1.) That the project will actually involve bringing the grade up above the OHWL because of settlement issues? In other words, for the project to be eventually reach its optimum level, which is 3 inches below the OHWL, it has to be, the work has to occur above the OHWL and I don't know, I am undecided myself about how that impacts the city of St. Paul's jurisdiction over the project because it'll take some time? I don't know for sure, but that's what we're being told is that eventually it'll take some time for the top elevation of the island to be below the OHWL. So, work does occur above it and how does that impact our decision? I'm just putting it out there before we deal with it, before we vote. Because the city of St. Paul has jurisdiction over work above it. The other point of this document is that the DNR perhaps does not have sole jurisdiction of work done below the OHWL because several other organizations had to be involved in the approval process.

Ms. Swift- I'll just be like, completely honest and say, this is really dense and hard to understand. Just like reading, and so it's like here but I'm looking at it like, okay that's not the best way for me to take in information.

Mr. Eide- Chair Miller, commissioner Swift, are you talking about the letter from the DNR?

Ms. Swift- Yeah, all of it, and the guidelines?

Mr. Eide- Okay.

Ms. Swift- I wish that they could have sent someone.

Mr. Eide- If you want, I could sum up kind of what the letter stated, so Dan Scollan, the East Metro Area hydrologist, He noted, that the question was, how did the DNR determine the OHWL what kind of body of water is it? They said that Pig's Eye Lake, it's on the Mississippi River and directly connected. So, the ordinary high water, it's not a reservoir, it's connected to the river with the channel and it's the, it's the level at the river where that channel comes in. If you read the letter. So that was the first part. So, and that they talked about how it's a channel that is dredged regularly so that they, they went into detail about how they figure it out. Since 2005, the DNR has used the top of Bank elevations, determined through hydrologic/hydraulic modeling of the 2-year return interval, or fifty percent annual exceedance flow. So, that's how they're figuring out the ordinary high-water levels because of the channel situation and they confirm that the ordinary high water level is 692.9 feet, which is what they had stated before. And then the last part was, how often is reviewed? And it basically said that it's reviewed on an as-needed basis and they didn't see that there any need right now to re-examine it. And then at the end they went over, they summed it up. And then they did say that the islands are not authorized for the purposes of creating upland for development subject to local land use regulations.

Ms. Swift- So does it make a difference of what commissioner Trout-Oertel was saying about, you know, building up above the ordinary high-water level?

Mr. Eide- The settling comment?

Mr. Hogg- Board member Swift, to speak to your question. Usually projects, as far as I understand it are, the final product is where, you know, the kind of the bar is set. Contractors have stockpiles all over, you know, the site plans show, you know, the floor plans need to be a certain elevation. Well, they're working through the process, they're having material on site so the final product... The final grade of the islands is kind of what everyone uses to determine the baseline or the endpoint of the product. Now is there's another interpretation of that I don't know that, myself personally, but how I view it and have seen in the past is like the final grade. They produced as-builts that show they've reached the final elevation of the pond or the mound or whatever their work they're working on site as-is-built are produced showing the final grade at the time of completion.

Ms. Trout-Orel- Well, yeah, and I understand what you're saying, you look at the end project, what it's going to be. But if the City of St. Paul has a concern about its waters and potential pollution of its waters, we all know that under construction projects, things happen, and so, I guess I'm undecided as to, whether the city of Saint Paul should have regulatory jurisdiction over this project and in fact should even be monitoring it. I raise this concern because it was, when I read that, it just raised a flag.

Mr. Hogg- You know, at this time we don't have a permit to enforce, we didn't issue a permit for the project. The DNR does that, you know... There are ways to ask for the project and the jurisdictional agency overseeing the project for questions to be answered about whether or not there are pollutants, or final grades. Or I mean right now the city doesn't have any jurisdiction, excuse me, to check on pollution or to do anything.

Ms. Trout-Oertel- We understand that. But is the point, the point is it should be should they have been involved? I am interested in what fellow board members think about it, I know it's kind of, I myself had to think about it for a while.

Mr. Miller- I guess what we're being asked to decide is based on the framework we have, whose jurisdiction it is. I thought that the letter from the DNR in addition to the other findings, it seemed pretty straightforward that everything that happens below that OHWL is the DNR's, in their purview and not the city's. And we did have questions about what type of body of water this was, how they determine the OHWL, and I think they gave us that information. All of the concerns brought by the applicant, I think are valid and legitimate. And I think that those need to be brought up at the DNR, the people that did issue the permit, so I guess that's kind of where I'm at with it. I kind of wish it was different, but I think they kind of slam the door when they send us this letter.

Ms. Swift- I have a hypothetical question. So, hypothetically, as this ordinary high water level changes, could these mounds be something that become the jurisdiction of the city? If, you know, something in the future, does that happen? I mean, since they are determining on how often they are measuring or determining what that level is? Is it something that could end up on the city's plate at a later date?

Mr. Hogg- Hypothetically, the ordinary high-water level could change and the islands. I don't know. You're speaking to mounds and the process of building the islands. I think they're separate issues. You know, they have material stock piled of create the islands, but the islands themselves eventually will all be under the ordinary high level today. Could that level change? Yes, it could. When, who knows? And what direction it goes, who knows? Whether or not this would be at that time, then hypothetically, yes. If the level changes based on the definition and the islands then become in the future 20 years from now, 30 years from now, changed and, and no other rules has change. Then yes, they would be the jurisdiction of the city in the future if the ordinary high-level water changes. But as it stands today, they are not.

Mr. Miller- So to clarify, that would be for any future construction projects?

Mr. Hogg- For any future construction, and if that elevation changes, and then islands then become higher than the ordinary high water. If those two conditions were to happen, then if some other work was to happen on the islands, the city would have jurisdiction.

Mr. Miller- Any questions for staff? Thomas, how are you feeling about all this.

Mr. Saylor- Well, I've listened to all three of you and I found myself at one point of saying, uh-huh, right, agreed. The DNR didn't send anybody to talk to us today, they sent a letter. And I also think the guidelines for ordinary high water level determinations are fairly complicated fairly complex, right? I mean, I'm not a hydrologist or a person deals with trees, I have a PHD in history and doesn't help me other than to realize that these were developed in the early 1900's, that kind of caught my eye. These guidelines. But I think it's complicated to really gain a complex understanding. There are different types of trees and its measured by. I mean, come on, right? So, but I do think that we are charged to make decisions on guidelines that are provided to us. There's a framework. We might like, like one of you mentioned, we might like it to be different, but this is the framework that we have been given within which we have to make a decision. And according to Minnesota statutes and Mr. Warner, you can weigh in here if I misunderstood something, these are the Minnesota statutes that we have to use to make our decision. Is that a fair assessment?

Mr. Warner- Yes, that is a fair assessment.

Mr. Saylor- You know, it's like, I hate to say it, it's like my code I have on my signature block for students. There's the way it ought to be and the way it is.

Ms. Trout-Oertel- I agree this project went through the proper channels as they are set forth, as permitting is set fourth, for projects of this kind. And, and I think that the applicant is concerned about much more than this project. The applicant wants to draw attention to pollution problems in Pigs Eye, and also an upcoming some pipeline that's bringing in some polluted water from miles away. So I think that these efforts are commendable and that they should not be dismissed, but recognized. I think attention should be paid to the concerns raised in association with this application.

However, I do agree that things were done properly according to procedures in place now. Maybe those procedures should be changed, but because permitting was done properly, I think the train has left the station. So I think for this particular project, it's difficult to find grounds for appeal.

Mr. Miller- Anyone else?

Ms. Swift- I'm just curious if, because typically would we don't see appeals before us, they usually appeal. What happens if the appeal? What, or where would it go after this? I mean, so typically if someone disagrees with the decision that we make, they have the decision to appeal with the city council within 10 business days or whatever. Can you appeal an appeal?

Mr. Eide- Chair Miller & Commissioner Swift, it would be appealed to the city council.

Mr. Saylor- With the same process?

Mr. Eide- It could be appealed.

Ms. Swift- And in which case, I mean, I don't know if they have more like, you know, I'm struggling because obviously what we can do and what we should do. I'm way more on the side of what we should do, and I know that doesn't really matter. I don't know if the city council has more ability to be more influential for concerned members of the city. And it's just, I would say be concerned also. So I don't know if you have the answer to that question, but I would just hate for this to be something that is before us. And then we just go along with it because that's what we have to do. And then like the buck stops there because I feel like it's our responsibility to just be ethical so, just saying.

Mr. Saylor- Well, to sort of move this train forward, to pick up on your train here. I'd like to make a motion. Can I do that chair Miller? And that is to move for approval the staff recommendation, and that is the zoning administrator did not err in their decision to deny appellants request for a stop work order and that the appellants appeal be denied. That's what's in there, so I will move that and see what happens.

Mr. Miller- We'll need a second for that motion. Is there a second? We don't have a second, therefore we don't have a motion. Does that motion fail then without a second? For right now that motion failed. Would anybody like to propose another motion? Ms. Trout-Oertel.

Ms. Trout-Oertel- I'm not sure of the timing but I think there's no urgency, well maybe there is, then I just don't know it, but I would move to lay this over until we have more board members. Because the problem here is that we have only four, and there are some... We would have more votes, perhaps, if we wait for the next meeting.

Ms. Swift- Perhaps

Ms. Trout-Oertel- Perhaps.

Mr. Saylor- Just will note for the record, deadline for action is September 5th. So we'd have to...

Mr. Miller- Procedurally, if we do not reach a decision, this meeting or the following. What happens to this appeal? Then is the appeal is upheld or granted?

Mr. Warner- I'm not sure on the answer to that question, it's not a permit, that I typically deal with. I don't have an answer, sorry to say. So if you want to wait two weeks I may have an answer for you on that particular issue.

Mr. Miller- So I got the motion on the floor is to lay over until the next meeting.

Mr. Saylor- I have a question.

Mr. Miller- Mr. Saylor.

Mr. Saylor- What happens if we don't vote to lay it over?

Mr. Warner- Well then, I think the matter just sort of sits in limbo, and I still have time to go back and look at that and come back with an answer in two weeks.

Mr. Saylor- Okay.

Mr. Warner- Which, I'll probably do.

Mr. Miller- Okay. It does seem unlikely we will reach a decision one way or another on this. And I guess just to make sure this is clear in my head. Even if we determined that the administrator does have the ability to issue a stop-work order. It doesn't necessarily mean that the administrator will issue a stop work order. Is that correct?

Mr. Warner- That's entirely possible. The zoning administrator may opt not to do that, but that again, is dependent on how the zoning administrator determines what the jurisdiction is. So that's, this a procedural question, it's not a question about pollution, it's a question about what's the process. So.

Mr. Saylor- Right.

Mr. Warner- That's an issue that has never come up before in my experience.

Mr. Miller- Okay. It's certainly not issuing a stop-work order based on our vote here.

Mr. Warner- Right.

Mr. Miller- Okay, motion on the floor, currently, it's to lay over for approximately two weeks. Do we run into Labor Day? I forget.

Mr. Eide- Chair Miller. Yes, it would be on the sixth, the next meeting is on the sixth, which is a Tuesday.

Mr. Saylor- This would be automatically, just for clarification, the deadline for action is September 5th, Labor Day, so that would automatically extend by a day?

Mr. Eide- Chair Miller, Saylor, we have the opportunity to extend 60 days administratively, so we could extend it, I believe, this is a little unusual, I've never come across an appeal like this. Typically, we're dealing with variances from the zoning code.

Mr. Miller- Trout-Oertel?

Ms. Trout-Oertel- I will save what I have to say until after we have a second.

Mr. Miller- Ms. Swift?

Ms. Swift- I second the motion.

Mr. Miller- Okay, the motion to lay over has been moved and seconded. Can we get a roll call please?

Ms. Linston- Roll call vote: Saylor-No. Swift-Yes. Trout-Oertel-Yes and Miller-Yes.

Mr. Miller- That motion failed. So I guess that is where we sit until it's extended.

Mr. Warner- I think what I would recommend to the board is that you continue this as old business and, I guess, staff and I will sit down and figure out what the next steps might be and report back on September 6th. And the only thing that I would recommend to staff is that you do extend the 60-day rule, again, a state procedural requirement.

Ms. Trout-Oertel- I would like to request that this particular document be sent to all of the board members because I found the information in the initial package, totally disorganized, but this is a succinct, nice summary.

Mr. Eide- Chair Miller, Trout-Oertel, please let me know what that is. I have a copy of everything was provided in here. I just need to know exactly what that is. Unless you want me to just provide everything that was handed to us during the hearing?

Mr. Saylor- Don't you dare.

Ms. Trout-Oertel- That might be good for board members that have not participated and may be voting.

Mr. Saylor- That's true too.

Mr. Eide- I can email everything and provide it to you in your packets next time, everything that was handed to us.

Mr. Saylor- And just for clarification, can you identify that thing, so we know what Commissioner Trout-Oertel was referring to?

Deliberations continued to next meeting

Mr. Miller- (Speaking to Mr. Dimond in audience.) Well, you'll have to connect with staff afterwards, we have closed the public portion of the hearing, but it sounds like you'll have plenty of opportunity to do that in the next two weeks.

New Business

947 Fremont Avenue: Mr. Miller- The applicant is proposing to add a second-story addition onto this existing single-family dwelling. A side yard setback of 4 feet is required, a setback of 2.6 feet is proposed on the east side, for a variance of 1.4 feet.

Mr. Eide- Thank you, chair Miller & Commissioners. This is a 40-foot by a 123.61 foot, 0.1-acre parcel on the north side of Fremont Avenue between Forest and Cypress Streets. I have it up on the screen. An alley runs along the rear of the property to the north. It's surrounded by mostly single-family dwellings. The section of the code that the applicant is requesting a variance from is 66.231, which is the dimensional standards table. It's for the side yard setback. The property is zoned RT1, with the sub note (A) which states that we regulate it based upon the R4 standard, so that's 4 feet instead of 9, if you look at the table, 9 would be for a duplex. And then I put 62.105 in there too, because it just talks about how you basically cannot expand a structure vertically that's has a non-conforming setback without a variance, a zoning variance. So, yeah, I will show the plan a little bit. This is good. This is the survey that shows that the eastern side yard setback of the house. It currently exists 2.6 feet from the property line and then they submitted elevations showing what they're planning on doing. They're going to add another floor on the top. So I'll just keep the survey up. All right, finding number one, that the variance is in harmony with the general purposes and intent of zoning code. The applicant is proposing to construct a second-floor addition on this existing single-family dwelling; 4 feet is required, they're proposing 2.6, which is existing side yard setback, for a variance of 1.4 feet. The proposed addition provides additional living space and improves interior functionality of the home by turning the existing three-bedroom, one-bath home into a 4-bedroom 3-bath home which will better fit the needs of the future occupants. Provided that gutters and downspouts are installed to direct stormwater runoff away from the adjacent property to the east these requests are in keeping with 60.103 of the zoning code, to promote and protect the public health and safety, the aesthetics and economic viability of the community and to conserve and improve property values. That finding is met. Finding two, regarding the comprehensive plan. The proposed addition is a major improvement to the property that supports goal one of the housing chapter of the 2040 comprehensive plan that encourages decent, safe, healthy housing for all St. Paul residents. Permitting the addition will allow the home to be more usable to future occupants, that aligns with policy H-15 which encourages accommodating a wide variety of culturally appropriate housing types throughout the city to support residents at all stages of life and levels of ability. And in addition, the renovation project will retain the existing single-family dwelling, which aligns with the vision of the Dayton's Bluff district four plan, an addendum to the St. Paul comprehensive plan to retain single-family residential units. That finding is met. Finding three, regarding practical difficulties. The existing home was built in 1910. The structure has a 14.1-foot setback from the western property line and 2.6 feet from the eastern property line. Building an addition to meet the current zoning code setback requirements would necessitate offsetting the upper wall by 1.4 feet, which is not practical from a construction standpoint. The existing location the home and the eastern wall close to the property line creates practical difficulties in complying with the provision. It is reasonable to allow the owner to expand vertically within the same footprint. That finding is met. Finding four regarding the plight of the landowner, the existing eastern exterior wall location and placement of the home on the property are circumstances unique to the property that were not created by the landowner. That finding is met. Finding five regarding uses. The existing single-family dwelling is a permitted use in the RT1 zone, and they are proposing to keep it a single-family dwelling. That finding is met. Finding six, regarding the essential character. The block as many two-story homes. Granting this variance request will not alter the essential character of the surrounding area. That finding is met.

Correspondence- Staff have not received a recommendation from District 4 - Dayton's Bluff Community Council. I think there's a mistake in number 6. It says both variances but it's one variance for the side yard setback. So apologies for that. So correspondence, staff did receive one letter supporting the requested variance from a property owner to the

west. It wasn't the direct property owner. It was one two doors down, and then based upon findings one through six, staff recommend approval of the requested variance, subject to the condition that gutters and downspouts are installed the direct stormwater runoff from the adjacent property to the east.

And the applicant submitted elevations. You can see that it's going to comply with the height limit, which I believe is 30 feet in this zone. And then this is the side that's close to the property line. No windows proposed because it's so close, the expansion. So, I think they have some window calculations. They're going to add an open covered porch in the front that complies with the zoning code. That is included. The note that property owner two doors down wrote is in here too. So, if you have any questions, I'm happy to answer.

Mr. Miller- If the applicant is here, please come forward. Take a seat and sign into the book and then you can start with, any of your comments, with your name and your address.

Roger Routh- My name here? I'm Roger Routh, one of the owners of the house so we just proposed to...

Mr. Miller- Since it's being recorded, just state the address, and we can see it but just tell us what that is.

Roger Routh- Okay.

Mr. Miller- So say your address out loud and then go ahead.

Roger Routh- 947 Fremont.

Mr. Miller- Thank you. And anything you'd like to add to the staff report?

Roger Routh- I think it's kind of basic, just a second-story addition on top of what's there already. What else to say about it?

Mr. Miller- Any questions? Ms. Trout-Oertel.

Ms. Trout-Oertel- Thank you. Could you just talk about the materials? You have some existing materials on your house and you're adding a second story. How are you handling that?

Roger Routh- Everything is going to be new. The whole house. The only thing we're saving is the concrete block basement, and the first addition walls and everything else is new and the existing structure is like two by four walls now, but real two by four. Real dimension. So it's very solid foundation. The basement's very solid, the floor is very solid. Everything on the house is nice, except it was just so small, you couldn't really remodel it anyway. There wasn't any room upstairs. So everything will be up to code. Everything will be new. There was a code compliance on the house, mostly electrical and plumbing which is all going to be new. Basically, everything will be new.

Mr. Miller- Any other questions for the applicant? I'm not seeing any, I don't have any. Yeah, you can go ahead and take a seat again, we may call you back up. Is there anyone here from the public to speak in favor of this variance request? Anyone to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? Anyone want to speak in opposition? Not seeing any, I will close the public portion of the hearing and open this up for discussion or motion?

Mr. Saylor- Based on staff report, I'd recommend approval of the requested variance, subject to the condition that gutters and downspouts are installed to direct stormwater runoff away from the adjacent property to the east.

Mr. Miller- Is there a second?

Ms. Swift- I second.

Mr. Miller- Moved by Saylor and second by Swift. Roll call, please?

Ms. Linton- Roll call vote: Trout-Oertel-Yes. Swift-Yes. Saylor-Yes. Miller-Yes.

Mr. Miller- Your variance request has been approved and that decision is final unless appealed to the city council within 10 days. Good luck with your project.

Move by: Saylor/Second by: Swift

Approved 4-0

Submitted by: Maxine Linston *Maxine Linston*
Maxine Linston (Sep 12, 2022 14:52 CDT)

David Eide



Approved by:

Diane Trout-Oertel, Secretary

Diane Trout-Oertel
Diane Trout-Oertel (Sep 12, 2022 14:13 CDT)