



## CITY OF SAINT PAUL

Melvin Carter, Mayor

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To: Saint Paul City Council  
From: George Gause, Heritage Preservation Supervisor  
Re: Appeal of HPC approval of ADU at 525 Holly

### BACKGROUND

The owners of 525 Holly Avenue, Tim Drinan & Zindzi McCormick, hired Christopher Strom Architects to design an accessory dwelling unit (ADU) for the rear of their property. The 1½ stories, 2-car garage with 2<sup>nd</sup> story living space is designed to complement the existing Clarence Johnston house by referencing similar materials, details, and colors.

The demolition of the existing accessory structure was heard and approved by the Heritage Preservation Commission (HPC) at the January 24, 2022, public hearing. The HPC gave Pre-application comments on the ADU design at the same meeting. The HPC reviewed and approved the new ADU design at a public hearing on March 7, 2022. The HPC approval of the new ADU has been appealed to City Council by the neighbors, George & Sharon Pfeifer, who reside at 529 Holly Avenue.

#### 1. Does the project conform with Saint Paul Legislative Code Chapter 74 standards?

The design does meet the Legislative Code Chapter 74 standards used for accessory structures: *§74.64(a) General principles* and *§74.65(f) Site*. The proposed structure will correspond to other accessory structures found in the Hill Historic District but is differentiated as new as advised in the *Secretary of the Interiors Standards for Rehabilitation #3 & #9* "Each property will be recognized as a physical record of its time, place and use".

#### 2. Was the public informed about the HPC application and was there any participation?

Notice letters which gave a description of the project for both public hearings were sent out to property owners within 100' of the project property. Hearing Notices were mailed out on January 10, 2022, for the January 24<sup>th</sup> HPC meeting and February 18, 2022, for the March 7, 2022, HPC meeting. Notice was also sent out via City ENS and posted in the Saint Paul Legal Ledger: January 24 HPC meeting was published on January 13, 2022. March 7, 2022, HPC meeting was published on February 24, 2022.

No public testimony was received for the January 24, 2022, meeting. For the March 7, 2022, public hearing the HPC received five letters in support and two which had concerns. The appellant, Sharon Pfeifer was the only person to address the HPC during the public testimony portion of the hearing on March 7, 2022.

#### 3. Does the Project adversely affect the Program for Preservation and architectural control under Code Section 73.06(e)?

No. Generally, the infill design conforms to the legislative code standards. This design does differentiate from historic contributing properties in the area. Materials conform to what is found in the district. The structure is tall, but not be so tall that it would be unusual. The architect has had the proposal reviewed by the zoning staff and the proposal meets zoning code with no variances required.

HP staff have reviewed the appellants complaints. Staff has paraphrased the issues for clarity and provide comments. The entire appeal is attached in the documentation packet.

## Design Concerns

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### **Mass and Scale**

*ADU's greater size and larger scale relative to other nearby structures, imposes on the neighboring back yard uses and economic uses...Increase the feeling of being "boxed in by a...(new) 914 square foot mass compared to the current structure's 576 square foot mass...neighboring (property) has three times less built structure in its backyard. (New building) brings a taller wall within 3 feet of neighboring property, creating a sense of enclosure.*

The appellant has cited §74.65(b) Massing and Height. This section discusses 'residential structures' and gives an acceptable height range from 25 to 40 feet high. Clearly this was not intended for accessory structures. The massing and height are needed for the ADU. This area of the neighborhood contains several large, multi-stall accessory structures. The garage across the alley is 3 double stalls which is approximately 960 square feet in coverage. The ADU will add responsible density to this neighborhood and be in conformance with the Saint Paul Comprehensive Plan.

### **Roof Shape**

*Code Section 74.65ela on roof profile suggests that the ADU's scooped south-facing roof is inconsistent with roof shapes on the alley or in the immediate area. The ADU design alters both the roof profile and roof ridge line direction. Roof reorientation to run east-west was done so that solar panels could be added to use sunlight for energy.*

The roof shape as proposed is a gable form which the ridge runs parallel with the alley. The previous gable ridge ran perpendicular to the alley. Both types of gable roof forms are found across the alley from this property. The roofline which faces the rear of the main structure is sloped to allow for head space within the second floor ADU. Without this design feature the roofline would need to be taller to accommodate a living unit.

### **Deck**

*Code Section 74.65(e)3(c) provides guidance on the proposed ADU deck. The ADU deck is large and uncharacteristic in the historic district*

*§74.65(e)3(c) Decks should be kept to the rear of buildings, should be visually refined, and should be integrated into overall building design. A raised deck protruding from a single wall usually appears disjointed from the total design and is generally unacceptable.*

Decks are found on historic structures and have been approved in the district in the past. The deck is at the rear of the primary structure, above a first-floor activity room. The rail will be a clear material to reduce visibility. The deck will not 'protrude' from a single wall such as a balcony.

### **Visibility**

*(ADU is) visible from Holly Ave*

Visibility is measured from the sidewalk at the front of the property. The main and neighboring structure blocks most views to the rear. There is no requirement that the new structure be completely screened from the right-of-way. The HPC reviews if a new structure would have an adverse impact on the streetscape. In the case of the ADU at 525 Holly, they did not believe that there would be an impact.

## **Neighborhood Integrity**

*(ADU) needs to fit the neighborhood's architectural integrity*

*§74.64(a) General Principles: General Principles: New construction should be compatible with the size, scale, massing, height, rhythm, setback, color, material, building elements, site design, and character of surrounding structures and the area.*

The HPC felt that the design is distinguishable as new, modern design, while relating to other accessory structures in the area and that the design is reminiscent of what was on the site previously while having visual cues to the main structure.

## **Procedural Concerns**

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### **Guideline Consideration**

*The HPC did not consider all 11 of this Section's (§74.65) general design guidelines*

*Most of the new construction guidelines are written for guidance with new residential structures. The language is clearly focused for primary structures. The HPC has used four guidelines when reviewing accessory structures: §74.64(a) General principles which is divided into two sections and §74.65(f) Site which has two sections on garages.*

### **Public Hearing Process**

*HPC committed two improper public process actions*

*Commissioner said the Holly historic alley has a mishmash of alley structures. This subjective public comment*

*Second, I asked if I could speak briefly, A Commissioner denied that option as the vote had just been taken.*

*The HPC has adopted Roberts Rules of Order for conducting meetings. After the public hearing is closed, the public may not comment an application. The appellant had submitted written testimony prior to the hearing which was forwarded on to commissioners and stated at the public hearing. The appellant was also given 2 minutes to address the application with the HPC during the public hearing.*

## **Zoning Concerns**

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### **Sunlight Access**

*While the HPC made it clear that it has no authority over sunlight*

*HPC inadvertently granted a benefit to 525 allowing solar capture for energy use*

*which violates Code Chapter 73.0612. This design-created use discrepancy creates a real cost for 529 residents as food production 1) reduce our yard's access to sunlight to grow food*

*Saint Paul Legislative Code Chapter 73 and 74 does not contain any language pertaining to sunlight. This is within the jurisdiction of the Saint Paul Zoning Code and not the HPC.*

*Zoning Code § 60.103, Intent and purpose, lists a number of purposes for which zoning regulations have been adopted, one of which is "to ensure adequate light, air, privacy and convenience of access to property." If all zoning regulations are met and no variances are needed, then the purposes of the regulations are met to the extent intended by the zoning code. ~ Allan Torstenson; Principal Planner Zoning Cases*

- End-

TO: St. Paul City Council and Heritage Preservation Commission; 310 City Council Office, Court House

From: Sharon and George Pfeifer, 529 Holly Avenue, St. Paul MN

Date: 18 March 2022

Re: Appeal on COA for an ADU at 525 Holly Ave

RECEIVED  
MAR 21 2022  
CITY CLERK

Dear City Councilmembers and HPC Commissioners and support staff:

The Historic Preservation District is a unique St. Paul attraction as illustrated by the popular annual historic house tours. We ourselves have given back to the District over the last 35 years by restoring our historic 140 -year- old Queen Anne house, for which my husband received a 2010 HPC Award.

**I am here today to appeal HPC's March 7th decision by 8 HPC Commissioners that granted a Certificate of Appropriateness (COA) for a new ADU construction adjacent to our historic house at 529 Holly Ave.** My husband and I respectfully ask you to require that HPC reconsider its decision to grant this Certificate of Appropriateness given guideline review discrepancies.

St. Paul is fortunate to have clear design review guidance in the **Historic Hill's Design Guidelines (Division 2, Section 74.63)** for the purpose of ensuring the District's architectural integrity. However, based on **Section 74.65 for new construction** the submitted ADU design has some inconsistent design elements that are in contrast with our historically restored house and detract from the surrounding historic neighborhood. The ADU, extended east or west, will be fully visible from Holly Ave. and the public sidewalks for 6 months annually when the adjacent public park trees have no leaves (image). The ADU will be a very visible structure that needs to fit the neighborhood's architectural integrity since there is no way to "hide" this design from the public.

**We had no input on our new neighbor's ADU design and we are not objecting to an ADU. We do, however, seek design modifications so that the ADU satisfies** all of the Hill guidelines and is less imposing on our adjacent historic property and its uses. In reality, the overlooked design features denigrate the decades of effort we have spent faithfully restoring our house to add value back to the neighborhood.

We are hopeful that this appeal will result in a rethink of the proposed ADU design and consider the context of impacts to our property and the neighborhood. Design improvements to better harmonize the scale of the ADU with both of our historic homes and property uses would be a mutually beneficial, neighborly action. With corrected design inconsistencies that we detect, the ADU might serve as a District example of an ADU that complements, not distracts from, the wholeness of the District's architectural integrity goal.

The HPC's review and decision are inappropriate given the following incompatible design features that are not permitted by the Hill District's historic guidelines for new construction. To

be responsible and accountable to other District residents, the HPC Commissioners role should be to consider all design aspects in the guidance to achieve the HPC's preservation goal.

**Code Section 74.65 a,b,e** On March 7<sup>th</sup>, the focus of the HPC and Strom representatives was on previously raised issues: ADU materials (Sec. 74.65d3), window configuration (Sec. 74.65e2), and the ADU roof ridge (Sec.74.65e1). Based on that meeting's discussion, HPC's issuance of a COA did not consider other ADU architectural design features in the Historic Hill guidelines, which violates the purpose and usefulness of the guideline standards in design review.

**Code Section 74.65a** The **basic principle** for new construction in the Hill District is to **maintain scale and quality of architectural design** in the District. The meeting minutes provided suggest that the HPC did not consider all 11 of this Section's general design guidelines and their design implications. Based on the March 7<sup>th</sup> presentation and discussion that referenced past meeting minutes, the HPC primarily focused on less than half of the 11 general design elements. One guideline was especially disregarded and that is paying attention to design effects on the "character of surrounding structure and areas". Omission of this review consideration was demonstrated by **COA issuance, which approved** the ADU's a) greater size and larger scale relative to other nearby structures, b) massing of various design elements and structures in the backyard that increases built structural volume, c) taller and closer ADU wall that imposes on the neighboring property back yard uses, and d) poor and visible design details. In the absence of full consideration of all 11 design guidelines the HPC's COA decision was factually unsubstantiated and gave no consideration to how the permitted ADU project would impact surrounding structures like our historic home and the street's view shed.

**Code Section 74.65b** Contrary to this new construction guideline, the ADU's design does not conform well to our adjacent back yard or to the neighborhood due to its **much greater relative scale compared to other neighboring structures**. Although the ADU is taller, but within the allowed height limit, it still has an impact. The increased wall height, in conjunction with the proposed 7 foot westward ADU extension toward the 529 property line and its fence, brings a taller wall within 3 feet of 529, creating a sense of enclosure and definitely affecting 529's back yard economic uses. Given that the ADU can be fully seen from Holly and there are 15 feet to the east for ADU extension, an eastward extension would diminish impact to important 529 back yard uses.

Pertaining to **Code Section 74.65b**, there was no mention or discussion that the proposed ADU's design totals an imposing 914 SF mass compared to the current structure's 576 SF. This is within the allowable SF back yard limit, but this 58.6% increase in 525's backyard physical infrastructure imposes on neighboring 529 Holly, which has three times less built structure in its backyard (see comparative illustration later).

**Code Section 74.65,e3c** provides guidance on the proposed ADU deck. The ADU deck is large (10x17), roofless, covers a 170 SF work out area, and protrudes from the ADU's south wall, all features that are totally uncharacteristic on a C. Johnston historic property or in the historic

district. In addition to being fully visible (image) from Holly Avenue half of the year, the deck lacks required visual refinement, a condition which was reinforced by HPC's recommendation that deck glass panels be replaced by cable railing, neither of which is historic.

**Code Section 74.65e1a** on roof profile suggests that the ADU's scooped south-facing roof is inconsistent with roof shapes on the alley or in the immediate area. The ADU design alters both the roof profile and roof ridge line direction. Roof reorientation to run east-west was done so that solar panels could be added to use sunlight for energy. While the HPC made it clear that it has no authority over sunlight, **HPC inadvertently granted a benefit to 525** by structurally allowing solar capture for energy use, **while denying residents of 529 Holly an extension design change to the east that would ensure sunlight for their 400 SF food garden**, which violates **Code Chapter 73.06i2**. This design-created use discrepancy creates a real cost for 529 residents as food production will be changes and there will be a need purchase for vegetables and fruit for 5-6 months of garden production. Benefit and cost discrepancies are created by this ADU design because of the interplay among 3 ADU design factors: a taller ADU wall being brought 5 feet or more (?) closer to the lot line due to the proposed west ADU extension, and the HPC supported special roof shape that supports sun benefits to 525 while the combined design elements diminish sun to 529's food garden that produces real costs. (I don't have information on site setback in **Section 74.65f1 and f2b**).

**Unrelated to Codes 73 and 74**, I need to mention that the HPC committed two **improper public process actions** when I attended its meeting by phone on March 7<sup>th</sup>. I was one of two who had submitted comments of concern to HPC. During the Commissioners' discussion time one HPC Commissioner said the Holly historic alley has a mishmash of alley structures. This subjective public comment was offensive to me, given our historically designed garage, but it also suggested to me that the HPC's COA decision was, in part, more subjectively than factually uninformed. Second, near the meeting's end, I asked if I could speak briefly and suggested to HPC that a compromise be worked out to achieve a mutually beneficial design. A Commissioner flat out denied that option as the vote had just been taken.

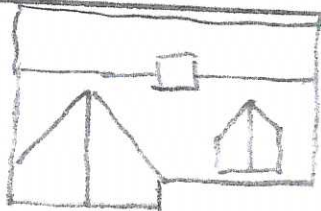
**Section 74.63** of the Hill Design Guidelines states that the guidelines used by HPC are meant to be **flexible**. Flexibility often enables adaptive solutions and I offered to work out a compromise because construction impacts go beyond property boundaries and HPC's decisions can affect neighborly relationships. I mentioned to the HPC that 529's concerns stem from several unaddressed design features that need to be considered collectively, not individually, including the increased ADU wall height and closeness to our yard uses, overall design mass bulkiness, and relative structural scale of the new ADU compared to the neighborhood. These incompatible design features above cause impacts that 1) **reduce our yard's access to sunlight to grow food**, 2) **increase the feeling of being "boxed in" by a non- historically suited design**, and 3) **could diminish our property sale value**. Thank you for listening.



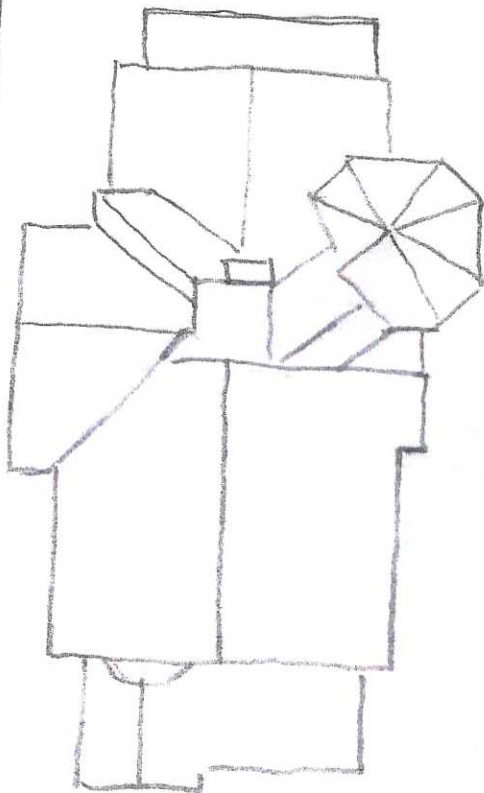


View through Holly park of house and existing garage in green. ADU will be taller, extended to left 5' and have deck over 9' off ground.

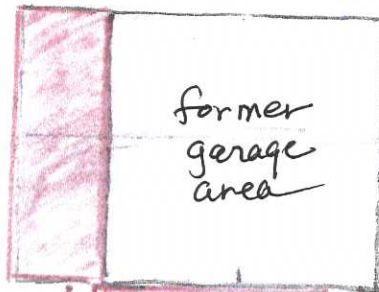
ALLEY



garage



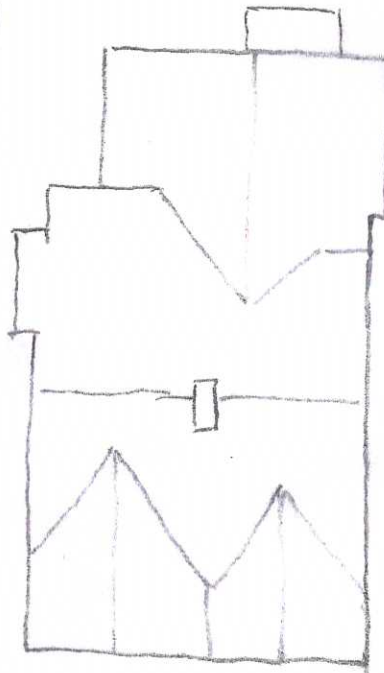
529 HOLLY AVE



former  
garage  
area



DECK/PATIO



525 HOLLY PROPOSED

HOLLY TOT  
LOT - PUBLIC  
PARK