

GENERAL MINUTES
 THE BOARD OF ZONING APPEALS
 CITY HALL – ROOM 330
 SAINT PAUL, MINNESOTA
 JANUARY 5, 2026

BOARD MEMBERS PRESENT

Daniel Miller
 Jerome Benner II
 Robert Clarksen
 Brian Martinson
 Marilyn Porter

STAFF PRESENT

David Eide DSI
 Yaya Diatta DSI (Via telephone)
 Maxine Linston DSI
 Kaozouapang (Pang) Yang DSI
 Josh Ladd City Attorney
 Alexander Johnson DSI

ABSENT BOARD MEMBERS: Megan Dayton, Chris Schweitzer

APPROVAL OF MINUTES:

December 8, 2025 – Moved By: Benner II / Second By: Martinson, Approved 4-0

APPROVAL OF RESOLUTIONS: None

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
DSIBZA-000220-2025	900 Stewart Ave. - Saint Paul Parks & Rec. – Brett Hussong	Porter	Benner II	5-0	Approved
DSIBZA-000209-2025	80 Cottage Ave. W. - Kong Lee	Benner II	Martinson	5-0	Approved with condition
DSIBZA-000226-2025	1430 Maryland Ave. E. - MN Dept. of Administration (Ryan Allen)	Motion to deny failed; Vote: 3-2 (Per SPLC § 61.203, less than 4 votes in any direction fails. Motion to approve failed; Vote 3-2 Board members stated rationale for votes against approval. MN Statutes § 15.99 states that a motion to approve that fails is a denial, provided that those voting against the motion state on the record the reasons why they oppose the request.			Denied

Submitted by: Maxine Linston

Maxine Linston

Maxine Linston (Feb 3, 2026 15:50:42 CST)

David Eide

David Eide

David Eide (Feb 3, 2026 16:01:59 CST)

Approved by: Marilyn Porter, Secretary

Marilyn J Porter

Marilyn J Porter (Feb 3, 2026 15:48:19 CST)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
JANUARY 5, 2026

The recording of this Board of Zoning Appeals meeting is available on the Board of Zoning Appeals website:
<https://www.stpaul.gov/bza>

PRESENT: Members of Board of Zoning Appeals: Mr. Miller, Mr. Benner II, Mr. Clarksen, Ms. Porter, Mr. Martinson
Department of Safety and Inspections: Mr. Eide, Mr. Diatta, Ms. Linston, Kaozouapang (Pang) Yang, Alexander Johnson
Legal: City Attorney Josh Ladd

ABSENT: Ms. Dayton, Mr. Schweitzer

The meeting was chaired by Daniel Miller and began at 3:02 p.m.

Chair Miller called the meeting to order and outlined the procedure for the public hearing. He noted that David Eide from the Department of Safety and Inspections was present in-person along with Pang Yang. Yaya Diatta, Zoning Administrator, was attending via conference call. Josh Ladd was the legal counsel, and Maxine Linston was the secretary. He requested that Maxine Linston conduct a roll call of those in attendance. Dayton, Martinson, Schweitzer, and Miller were in attendance. Benner II, Clarksen, Miller, and Martinson were in attendance.

Porter arrived at 3:04 p.m., after the approval of the minutes.

Approval of Minutes for December 8, 2025:

Chair Miller noted that the approval of the December 8, 2025 meeting minutes was before the Board. Benner II moved approval and Martinson seconded. Chair Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Clarksen, Martinson, Benner II, and Miller voting to approve. The motion passed.

Moved By: Benner II / Second By: Martinson, Approved 4-0

Old Business: None

New Business:

900 Stewart Avenue:

Chair Miller read the purpose statement for the request, which was a request for a variance from the maximum allowable front yard setback of ten feet in order to construct accessory restroom facilities 181.77' from Stewart Avenue, for a variance of 171.77'.

Chair Miller- The applicant is proposing to construct restroom facilities that are accessory to the park on this property in the T3M Traditional Neighborhood with Master Plan zoning district. A maximum front yard setback of 10' is permitted; 181.77' is proposed from Stewart Avenue, for a variance of 171.77'. David Eide went over the staff report with a

recommendation to approve based upon findings 1, 2, 3, 4, 5, and 6. David Eide noted that no correspondence was received regarding the request and no recommendation was received from West Seventh Street/Fort Road Federation.

Martinson asked a question about case where an accessory fence was asked for on a vacant lot. He asked how these restrooms are allowed if there is not a principal structure. David Eide responded that these are accessory structures associated with the park that is present.

Chair Miller asked the applicant to step forward. Brett Hussong, 25 West 4th Street, 500 City Hall Annex, Saint Paul, MN, a principal designer with City of Saint Paul – Parks and Recreation stepped forward. Chair Miller asked if he had anything to add. Brett Hussong noted that this is the City's first universally accessible play area. The proposed restrooms will accompany that playground and have adult changing tables.

Chair Miller asked if anyone was present to speak in favor of the variance request twice. Nobody approached. Chair Miller asked if anyone was present to speak against the variance request twice. Nobody approached. Chair Miller closed the public portion of the hearing and opened the floor to discussion or a motion from the Board members.

Board member Porter moved approval, in alignment with the staff recommendation and findings. Vice Chair Benner II seconded. Chair Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Martinson, Clarksen, Benner II, Porter, and Miller voting to approve. The motion passed. Chair Miller informed the applicant that the request was approved, and that the approval was final unless appealed to the City Council within 10 days.

Moved by: Porter / Second by: Benner II

Approved 5-0

80 Cottage Avenue West:

Chair Miller read the purpose statement for the request, which involves construction of a new auto body and auto repair building on vacant property in the I1 – Light Industrial zoning district. Two zoning variances were requested: 1.) Any fence along a public street and sidewalk must be decorative in this district; a chain link fence is proposed along Cottage Avenue West and Mayre Street, for a variance of the requirement. 2.) When redevelopment occurs, public streets shall be designed with a public sidewalk along the property being developed; no public sidewalk is proposed along Cottage Avenue West and Mayre Street, for a variance of the requirement. David Eide went over the staff report with a recommendation to approve both requests based upon findings one through six, subject to the condition that both variances terminate when Cottage Avenue West and Mayre Street are reconstructed or improved (paved) and that when the streets are formally paved, the property owner must install the required public sidewalk and a decorative fence in compliance with the current zoning code requirements.

David Eide noted that staff did not receive a formal recommendation from District Six, although David had a conversation with the executive director of District Six about the request, so they are aware of it. Staff received a voicemail with concerns about vehicle transport vehicles parking in the street surrounding the business and groundwater.

Chair Miller asked if it was the property owner's responsibility to install public sidewalks. David Eide responded that yes, it is.

Board member Benner II asked about the comment that David Eide made during the staff report presentation noting that the applicant was wanting to defer installation of the public sidewalk and decorative fence until the street is reconstructed. David Eide responded that he wanted to make sure that the variance sunsets when the street is improved, as there is not a hardship anymore once it is improved. This is why he recommends the condition.

Chair Miller asked the applicant to step forward. Kong Lee, 2988 Rice Street, Little Canada, MN 55113 approached. Soe Doe, owner of SKD Auto Repair, 80 Cottage Avenue West, Saint Paul, MN 55117 approached. Soe Doe noted that the shop was destroyed by arson and that they are working to rebuild. Soe Doe noted that they still have the auto transport business but want to rebuild on this site. Kong Lee noted that they want to retain their existing fence, and don't want to remove it unless necessary.

Board member Martinson asked if it was possible to install vinyl slatting similar to what is seen along Phalen to block the view. He asked if the applicant would consider that along Cottage Avenue West. Kong Lee responded that doing so would be nice. He noted that he'd ideally like to install vinyl slats on all sides around the property, if he has the budget for it.

Chair Miller asked if there were any questions for the applicant. There were none. Chair Miller asked if anyone was present to speak in favor of the variance request twice. Nobody approached. Chair Miller asked if anyone was present to speak against the variance request twice. Nobody approached. Chair Miller closed the public portion of the hearing and opened the floor to discussion or a motion from the Board members.

Vice Chair Benner II asked if others on the street will need to install a sidewalk. David Eide mentioned that when the street is reconstructed, all properties along the street will likely have sidewalks installed, and it will be assessed. David Eide was in contact with Public Works, and these streets are not planned to be reconstructed in the near future. It would be a large assessment to the property owners along the unimproved streets.

Chair Miller asked if the city does not improve the street, and they install a new fence, would it be required to be decorative? David Eide responded that this is a redevelopment, so it is subject to the decorative fence requirement.

Vice Chair Benner II asked if they would need to come back to the board if they wanted to install a fence that was decorative but had more security. David Eide responded that if the variance is granted, replacing the fence with cyclone/chain link would be acceptable, however, that is why he proposes the condition that the variance would sunset when the streets are improved and that the proper fence should be installed after the streets are improved.

Vice Chair Benner moved approval without the condition that staff recommended, as he noted that there would be assessments to property owners along the street when the street is reconstructed, so the condition will not be necessary.

David Eide asked if this meant that the entire condition was removed for both the fence and sidewalk. Vice Chair clarified that he wanted the condition regarding the sidewalk removed.

David Eide noted that this may be more for the attorney to respond to, but that he was proposing to have the condition about the variance sunsetting to ensure that it does not exempt the project from future Public Works projects that may involve installation of public sidewalks.

Josh Ladd noted that this would not be preferred, as persons could possibly point to the variance stating that they don't need to pay for assessments without the condition.

Board member Clarksen asked about the unimproved Park Street right of way on the western side of the property. He asked if that was factored into the request and wondered if the requirements apply to that side. David Eide responded that the definition of street in the zoning code notes that it provides principal means of access to abutting property. No properties are accessed from the unimproved right-of-way to the west of this property, so the requirements do not apply on that side.

Chair Miller asked if Cottage Avenue would be improved, and Mayre Street left alone. David Eide responded that he was not certain.

Chair Miller noted that it could potentially be a permanent variance for sidewalks, which would be unfair to other properties. He noted that he preferred the condition.

Vice Chair Benner rephrased his motion and moved approval based upon staff's recommendation for approval with the condition that the variances be terminated when Cottage Avenue West and Mayre Street are reconstructed or improved. Board member Martinson seconded. Chair Miller asked Maxine Linston to conduct a roll-call vote. A roll call vote was conducted with Porter, Clarksen, Martinson, Benner II, and Miller voting in the affirmative for the motion to approve with the condition that staff recommended.

The motion passed. Chair Miller informed the applicant that the request was approved, and that the approval was final unless appealed to the City Council within 10 days.

Moved by: Benner II / Second by: Martinson

Approved with condition 5-0

1430 Maryland Avenue East:

Chair Miller read the purpose statement for the variance request, which was for fence height. The applicant was proposing to construct a new fence around this property located in the T2 traditional neighborhood zoning district. The zoning code limits the height of fences constructed between off-street parking facilities and the public right-of-way to 4.5 feet; 10' is proposed along Phalen Boulevard and Barclay Street, for a variance of 5.5' on each side.

David Eide noted that this body had previously heard a similar request at the September 15, 2025 meeting. Staff had recommended approval of that case. At that meeting, no motions passed, and it was essentially denied via MN Statutes § 15.99. For that application, the applicant had proposed a 10-foot-tall fence along Phalen Boulevard and an 8-foot-tall fence along Barclay Street. That decision was not appealed at the time to City Council. David Eide went through the staff report wherein he was recommending approval of the requested variance based upon findings one through six. David Eide noted that staff received a letter from the Greater East Side Community Council on October 24, 2025, after that hearing for the past similar case, recommending approval. David Eide confirmed with the executive director of the Greater East Side Community Council that their stance had not changed. David Eide noted that staff received two emails from one person speaking against the request and one letter supporting the request.

Board member Martinson asked about the District Council letter. David Eide noted that the District Council recommended denial, although they were technically responding to the last case. The request is essentially the same and a bit higher along Barclay, so staff felt it would be unfair to exclude it from the correspondence for this case.

Chair Miller asked if there were any other questions. Vice Chair Benner asked if there were substantial changes with the design from the last request. David Eide noted that it is essentially the same design, although the fence along Barclay is now proposed to be 10 feet tall, because rather than building it to the east of the existing retaining wall, they are now proposing it on top of the wall.

Board member Clarksen asked about the prior discussion for the previous case and the conditions. He noted that he believed that the Board reversed the staff recommendation in that case and wanted to have those documents in front of him.

David Eide noted that those documents were not provided as part of this case today. He noted that he could certainly provide the past documents.

Board member Porter noted that she did not remember the original case but noted that it was about height, that it remains contested.

Board member Benner II noted that it was also about the design of the fence with the spears on the top. He thought that the board felt that the design of it was not the best for the character and was militaristic in nature with the spears on the top. Also, the comprehensive plan with the surroundings. The style did not fit in with the nature of the neighborhood and was not welcoming.

Martinson noted that he wanted to clarify the concerns about the request, to establish some facts in the conversation that they had with the applicants the last time. That this is a military grade fence designed to stop both personnel and vehicles, traveling up to 35 miles an hour. He noted that it was to stop trucks and although they claimed it was decorative, it is clearly a security fence rather than a decorative fence for its primary purpose. Martinson noted that he had comments prepared for later but wanted to establish these facts based upon the last conversation.

Chair Miller asked if there were questions for staff. No board member had any for staff. Chair Miller asked the applicant to come forward. The persons associated with the application came forward and introduced themselves. They were: Ryan Allen with the Minnesota Department of Administration, 50 Sherburne Avenue, Saint Paul, MN. Drew Evans, the Superintendent of the Minnesota Bureau of Criminal Apprehension, 1430 Maryland Avenue East, Saint Paul, MN, and Erik Daniels of Klein McCarthy Architects, 6465 Wayzata Boulevard, Suite 410, St. Louis Park, MN. Ryan Allen noted that they had a presentation prepared that the Architect is going to walk through. Ryan Allen noted that the superintendent is also present from the BCA to share his perspective.

Drew Evans went through the slide deck presentation, noting that the facility is unique, and that the BCA is a long-standing partner in the community. That the BCA covers all of the State of Minnesota. That he oversees nearly 800 employees in 14 different locations and their headquarters is that this location. The bulk of their employees are in this facility, around 550 employees are located in the facility. A new facility is being constructed in Mankato. The headquarters is located at this location. Minnesota Justice Information Services, which is all the criminal history records and communication across Minnesota is facilitated at this location. The investigations division is present at the site. Drew noted that he serves as the homeland security advisor for the state, working to prevent terrorism and information sharing. Secure systems are in the facility. He noted that he cannot speak specially about, which lead to the request for the fence height and additional security. The forensics laboratory is at the location which processes 65 to 100 thousand pieces of evidence a year. This supports Saint Paul and cities across Minnesota.

Drew Evans noted that all of these factors have led to why the variance request is requested. A security examination was conducted – if constructed today, it would not be designed the same in terms of security. Drew noted that the same fence is present around the FBI building in Brooklyn Center along with the Saint Paul Police Department and Ramsey County Sheriff's Office. The same design and structure. He noted that it is a security fence, not military. It is designed so that a vehicle or someone cannot get within a certain perimeter of the building. He noted sensitivities that would create a difficult situation, that if the building supports the entire state. A vehicle penetrating the building could compromise evidence. The building has sprinklers for fires, for example caused by a molotov cocktail breach. The Department of Homeland Security conducted an analysis looking at security for the building, based upon what is in it.

Drew Evans noted that they are a community partner and that the proposed fence would be secured after hours or when the need arises, but they will still be open to the public. He noted that the BCA is committed to the city, that they have over 500 employees that come to the area every day and frequent the businesses referenced by staff and that they want to maintain that relationship. The fence is not designed to create a barrier with the community, rather, it is designed for situations as were described to ensure security for the building, staff, and services. He noted that the

fences is not intended to create a barrier with the community, that it is designed for security for staff and the services that are provided to the entire state.

Erik Daniels noted that the project started in 2019, when they studied solutions to site security. The existing fence is at the end of its life and covers 50% of the site. The entire site needs to be fenced. He noted high speed vehicle chases on Maryland Avenue. Vehicles have left the roadway and ended up in the yard of this property. Also the need to separate public and private areas.

Erik Daniels noted the study that turned into state law. He mentioned that the Minnesota state legislature passed a bonding bill which included funding for this project. He compared the fence to other fences found at military installations and correctional facilities, that those installations would have razor wire or barbed wire. This fence is a security fence. He noted that the top does curve out and that the fence design is the same as the fence at the Ramsey County Sheriff's Office and Saint Paul Police Department. He noted that the gate on the east side is for emergency access and that the existing landscaping will remain.

Erik Daniels noted that they installed jersey barriers along Maryland to prevent vehicles from entering the building, that once the fence is installed, the concrete barriers will be removed. He noted that 36% of the fence is under the variance request. The noted that letter from the Ames Lake neighborhood supporting the request. He noted for a portion near Phalen, the fence is set back from the sidewalk.

Erik showed the renderings of the site, noting that the fence disappears into the landscape. No fence is along Barclay and there are trees that shield the fence.

Clarksen asked if in staff's experience if a variance request had been granted to a property owner for a security fence to prevent vehicles from entering a property. David Eide responded no. Vice Chair Benner noted he didn't see how that was relevant. Clarksen noted that it was part of their justification. Benner noted that this is not a residential property, and it should not be compared to that. He noted that this building has high security needs. He noted that it is a government building with important information and equipment, that this is a safety aspect for those who work in the building. He noted that there are trident spikes on the top, but that the board need ed to be smart about the case.

Chair Miller asked David Eide to clarify where the variance applied. David noted that it is the area circled in red that the variance is necessary, that the variance is not necessary in areas not between a street and surface parking facility.

Miller asked if it is proposed around the entire perimeter. Erik Daniels noted that it is the same style around the entire site, that the vehicle barriers are concealed, so the public will not see them. Chair Miller asked that to be explained. Erik Daniels noted that it is very much like the cable barriers along the interstate that are installed to prevent head-on collisions. Miller noted the circle bollards at Target stores. Erik Daniels noted that there are some bollards too. The cable is intended to prevent vehicle penetrations and is not proposed to be all of the way around the site.

Chair Miller asked if this was required by the state, why is it here? Will it be overridden? Does it need to meet standards, or can it be appealed, or if it is required by the state?

Josh Ladd, City Attorney responded that local municipalities cannot plainly interfere with state or national objective, but they can submit themselves or participate in the inter-governmental process which was written about in the letter. He noted that because they applied, that is what the board needs to do. Review the application. He noted again that the city cannot blatantly interfere with a state or national objective.

Martinson noted that the materials discuss the threat or security analysis, and that the analysis has identified issues that could expose the building to threats. He noted that the analysis noted that terrorism has increase. Martinson noted public demonstrations related to high profile crime scenes being investigated at the facilities on this site. Martinson

asked if public demonstrations have remained peaceful and if they've posed a threat to the occupants of the building, business at the building, or operations.

Drew Evans noted that with security planning, they are looking across the United States. Demonstrations have been peaceful at the BCA, but across the United States, there have been situations where they have not been. He noted that they are trying to prevent these situations, which will make it safer for everyone, where physical interaction is not needed. He noted that the terrorism is increasing in the United States, that the Director Ray of the FBI noted that the terrorism threat is red and blinking. He noted that the Minnesota Fusion Center provides national security and that they process evidence for Minnesota law enforcement along with federal partners. He noted that there are persons in society that are concerned about government activities and some of them have significant mental health challenges and focus on the BCA. He noted that the behavioral threat assessment management team opened over 100 cases last year, of people threatening mass violence or on the path to violence across Minnesota. He mentioned that the building will be open during the day, but that the facility can be closed if necessary.

Drew Evans noted that when the investigation of the killing of George Floyd was occurring, there was significant disruption in the area. He noted that this is a type of a situation where they would close the fence, that the businesses across the street were being looted, that there was an inability for the police department to respond at that point in time. He noted that he hoped that they would never see that again in the city, in the Twin Cities. There was significant concern for the building at that time. Operations need to continue every day to make sure homicide investigations continue, drug investigations. He noted that they welcome people expressing first amendment rights in front of the building, but there has been concerning behavior around the building.

Board member Martinson noted that he heard that this building particularly has not been under threat. He noted that there was discussion of a two-phase process last time and asked if the building has been target hardened internally.

Drew Evans stated that he cannot discuss in public some of what that entails. Martinson stated that he was not asking for specifics. Drew Evans stated that additional security has been put into place. He noted that the National Guard was stationed with many agents inside when the looting and other incidents were occurring in the neighborhood around the building. He stated that they prefer not to do that again and would rather have the fence.

Board member Martinson asked what the applicant meant when they stated that the nature of the neighborhood has changed over time, as that was part of the justification.

Drew Evans noted that when the facility was constructed, it was a largely residential neighborhood with few things around it. He noted that there are now commercial properties surrounding that increase the traffic and activity around this building. Activity meaning high speed chases to other incidents. Drew Evans stated that he has worked in the facility for over 20 years, and that the nature of the neighborhood has changed since they opened in 2003. It was previously surrounded by more vacant land and residential, now it is part of a commercial corridor.

Board member Porter noted that she agrees with board member Benner. That the fence is about prevention and not waiting to react to put a fence up when something happens. Society has changed, change is happening across the country and that should be considered.

Board member Benner spoke about prevention, that he locks his door and car every night. Nothing has happened but it is preventative. That this is a preventative measure for a government building, that important information is housed at the building.

Clarksen stated that land use planning is also a preventative measure, and that considering the community impacts is a preventative measure. He noted that commentary from the neighborhood expressing concern. He noted that it seems that little has changed from the past request. That the letter from the Greater East Side Community Council stated that

outreach was non-existent, that the fence is not scaled to the actual security needs. He raised the question of what the design suggests to the community, that he does not believe that this presents a positive image of the State of Minnesota. He noted police-community relations are at a different level than what they've been in his life. That in the 60s, this was dealt with 40 some years ago. What has improved? He noted that the fence could be seen as indicative of the relationship, and it concerns him as a citizen of Saint Paul.

Clarksen noted that he does not have an issue with the security needs. He is a state employee and works in a secure building near the Capitol. His building benefits from enhanced security provisions that are appropriate. He has security concerns, and it is relevant. The gates and cables make sense. Clarksen was concerned about what this fence says to the community and people in the surrounding neighborhood. The security issue is real, however, the fence will say a lot about the BCA's relationship and role in the community. He noted that perhaps a tall fence is not inappropriate, however, the hook on the top looks like a prison fence and does not project the message of a community institution that is appropriate for the city.

Chair Miller noted that the Board needed to take a short break until a board member returned. Miller asked the applicant if they'd like to respond to the comments.

Erik Daniels noted that every building has a different threat level and that is why the BCA is asking for this perimeter fence, whereas the transportation building has a slightly less secure threat level.

Drew Evans stated that important points were raised and that this design has traveled through the legislature. There have been conversations about the need from a security perspective. He noted that from a law enforcement perspective, they need trust in the communities that they are working in every day, that the BCA takes on the most challenging cases from across the state and that they need the public's trust in their work. The fence is not about that particular trust, rather, it is about ensuring that the building can operate every day. This was a discussion with the architects, Department of Admin, and numerous people on the bonding committee and legislature. Drew noted that he wished that we did not live in a world where the fence was needed, that when the building was designed, it was designed based upon the threats at the time. There is a reason why the same type of fence is around the Saint Paul Police Department.

Drew Evans noted that this fence is based upon the needs of today and that he respects the perspective of the board and the board members wanting to have a welcoming appearance. He noted that they do this through a number of events, that the Ames Lake Community was recently in their building for the Christmas celebration. That they work on building trust in different ways, recognizing that they are a three-letter law enforcement agency and that they need to do things differently than other law enforcement agencies. He reiterated his respect for the opinions of the board members and their perspective. He noted that building trust with communities across the state is important to himself as the superintendent of the BCA and thanked the board.

Erik Daniels thanked the board for their time and noted that they've been trying to be respectful of the board and follow this process for a building permit.

Chair Miller asked twice if anyone was present to speak in favor of the variance request. Nobody approached. Chair Miller asked if anyone was present to speak in opposition.

Ianni Houmas, 1600 Block of Case Avenue, Saint Paul, MN approached. He noted that he has lived in the community for over 30 years and that he is running late for a meeting at another committee that Dan Bostrom had appointed him to. He noted that Dan Bostrom had brokered the deal where the BCA moved to their building on the East Side. He noted that the application does not meet the legal standard for a zoning variance, that there is not a practical difficulty. He stated that this is a policy preference. He noted that the law does not mandate a 10-foot fence, nor does it specify

height, placement, or design. Rather, it just requires designing and constructing the perimeter fence. That the applicant states that the zoning requirements are not applicable, and that the state's participation is voluntary. He noted that the security study is from 2019 which is outdated. Ianni asked for an updated study.

Ianni Houmas stated that these are two variance requests. He noted that the fence will not preserve neighborhood character, that the building is intimidating with the bollards, that it is militarized. He does not want this in this residential community. He stated that he has reached out to department heads without a response, that it is a beautiful building but does not believe that they are involved in community. He noted that they did not reach out to the district council, rather, he brought it up at the district council. He noted that this is not what the community wants and he'd rather see alternates examined.

Rich Neumeister came forward and noted that he lives in Saint Paul. He noted that he has been in the building many times and has lobbied at the state legislature for 50+ years. He noted that Randy Kelly wanted this building on the East Side. Rich noted that the building serves the public. People visit for criminal checks, to get information. He noted that he is neutral on the fence but was concerned about access to the building. He was concerned about parking and access to be able to conduct business at the building as a member of the public. He noted that clear open access is important along with parking to be able to get to the front entrance.

Chair Miller noted that board member Porter needed to step out, and that he could continue with his testimony or wait for her to come back, to be fair to his ability to comment.

Rich Neumeister noted that he would be done shortly. He noted that people should not have to park a block away, that the public should be able to walk in without having to say who and why they are entering. He noted that there is a public lobby are in the building. He thanked the board for their time.

Board member Clarksen asked about the demarcation of public space. He asked what the impact of the proposed fence would be.

Rich Neumeister noted that visitors should be able to park in the general parking area. He noted that people arrive via the bus, and should not have to say who they are, why they're coming or whatever. A gate with a buzzer should not be present. Today it is open, to walk into the lobby.

Board member Benner asked the applicant to step forward for a question. He asked Superintendent Evans about access, and if the fence would compromise access to the building. He asked the Superintendent to speak to access and business hours.

Drew Evans, Superintendent of the BCA, 1430 Maryland Avenue East, Saint Paul, MN, approached again. He noted that there were various designs and options based upon the study. The proposal is for a perimeter fence with the parking remaining the same, which is close to the front doors. If the threat level is high, then people may need to be buzzed into the fence, but from 6:00 a.m. to 6:00 p.m. is when the gate will be open. He noted that this design is not the original recommended design, but this is accessible with the parking close to the main entrance. This is a security compromise to remain accessible. It is a tradeoff. He noted that the building has had to be locked down several times in the last year due to threats that are ongoing. They would lock the fence in that case but open it back up when the threat has passed. Parking for visitors would remain the same.

Chair Miller closed the public portion of the hearing and opened the floor to discussion or a motion.

Board member Martinson noted that he is not insensitive to the security needed to protect the building, that he was working in Community Corrections in Hennepin County on the 23rd floor when the Murrah building was bombed. He noted the discussion about closing the street beneath their building at the time and pointed out that the street remains

open. He noted that the response should be reasonable to the potential threat. He noted that bicycling to these board meetings opens him up to being hit by a car, but rather than declining to bike, he chooses other measures to protect himself.

Martinson raised the point about other measures for protection of the building. The board was informed that the building was target hardened at the September meeting. He asked whether this was a reasonable approach and on the other hand if the zoning code speaks to this. He did not think that it does.

Martinson moved denial of the request based upon finding one, the finding about the variance being in harmony with the general purposes and intent of the zoning code. He noted that he believes that staff has erred, that the fence is contrary to Section 60.103, that it does not protect all areas of the city from harmful encroachment by incompatible uses, turning the entirety of the BCA building and parking lot into the equivalent of a moat surrounded castle, or a penal colony. He noted that it is inconsistent with land uses adjacent to the property, whether they be commercial or residential, that this is a mixed-use neighborhood. He noted that there's still plenty of residential in that area and that it has been established that this is not a decorative fence, rather, this is a security fence, and the zoning code speaks to decorative fences. He noted that the city cannot compel the state, that the city exists at the pleasure of the state.

Martinson noted that he believes that staff has erred in the finding about the comprehensive plan, that staff has erred in this finding since the proposed fence is not consistent with policy Land Use Nine (LU-9) of the comprehensive plan, which calls for the promotion of high-quality urban design that enhances the public realm. This non decorative security system would in fact detract from the public areas near the BCA building, both visually and in terms of public access, not necessarily during business hours, but at other times. Martinson noted that the fence has been described as needing to be something that's non climbable and that presents both a physical, and not physiological barrier, but a psychological barrier.

Martinson noted that the fence is designed to deter people from wanting to be there, from wanting to go there psychologically. He stated that such a fence would be inconsistent with land use policy Land Use 24 (LU-24), which calls for the prioritization of infrastructure and private investments that maintain and improve the public realm to encourage street-level pedestrian activity. He stated that with respect to Finding 6, that the variance will not alter the essential character of the surrounding neighborhood, he believes staff has erred in finding that the essential character of the mixed-use residential and commercial neighborhood would not be altered by the imposition of this high security enclosure of the BCA building and its entire parking lot, which does not maintain and improve the public realm to encourage street-level, pedestrian activity and does not protect all areas of the city from encroachment by incompatible uses.

Martinson noted the influx of federal agents the city that are to be infiltrating daycares, taquerias, restaurants, other places of business we have around the city, masked agents in unidentified vehicles, who will not identify themselves to people. He asked how the public is protected from them and noted that security fences are not being built like this around every daycare where every social-media influencer is now trying to get into. He asked what is reasonable, and what does the zoning code provide for. He stated that he did not necessarily find that this is reasonable.

He noted that if the state is going to proceed with this fence, then they will do it and that we cannot prevent it, however, he noted that they do not need to be complicit in it, as he believes that the zoning code does not support it. In summary, he noted that his motion was to deny based upon findings one, two, and six, based upon what he just stated.

Clarksen asked if Martinson would be willing to provide the prepared remarks to the clerk. He noted that he used to work across the street from the federal building in Minneapolis and that when it was built, there was a lot of discussion about terrorism. He stated that along third street, there was discussion about vehicles pulling up and potentially bombing the building. However, the street remains open and there is not a security fence—the plaza remains open. He

noted that the other side of this building faces the City of Minneapolis and Hennepin County Courthouse, which both have police inside. He noted that there was a decision made to enhance the public character of that public space in an important position in downtown Minneapolis. He noted that there was a decision to make it public rather than to put up a psychological barrier. He appreciated the words and noted that they were well stated and noted that as a state employee, he respects the desire for security and consistency with state statutory requirements. Clarksen noted that he believed that there were other ways to accomplish this and that he seconds the motion.

Martinson noted that he was happy to make the written comments available to the clerk.

Chair Miller asked Maxine Linston to conduct a roll-call vote. A roll call vote was conducted for the motion to deny the request based upon findings one, two, and six, with Board Members Clarksen, Martinson, and Chair Miller voting to approve and Vice Chair Benner II and Board Member Porter voting to deny. The motion did not pass. Per Section 61.203(b) no action may be taken unless at least four (4) members vote in favor of such action.

Chair Miller announced that the motion failed in a 3-2 vote.

Action: Motion to deny based upon findings 1, 3, and 6:

Moved by: Martinson / Second by: Clarksen

Failed 3-2

Benner II moved approval based upon the staff recommendations. Porter seconded.

Josh Ladd, city attorney, asked that those voting against the motion to approve state on the record why they are not voting for the motion.

Chair Miller clarified that it was acceptable to state that it is based upon reasons previously stated.

Chair Miller asked Maxine Linston to conduct a roll-call vote. A roll call vote was conducted for the motion to approve the request based upon findings one through six, with Vice Chair Benner and Board Member Porter voting to approve the motion and board member Martinson and Clarksen voting no, stating that their rationale was previously stated. Chair Miller voted yes. The motion did not pass. Per Section 61.203(b) no action may be taken unless at least four (4) members vote in favor of such action.

Chair Miller announced that the motion did not pass. He noted that he voted both ways intentionally, that he did not think that this proposal belongs here, that he cannot get past it not affecting the character of the neighborhood, that if it is needed, security will be granted elsewhere, that the zoning code does not handle this. He stated that it is silly that 90% of the fence can be built without the variance. He announced that both motions failed.

Action: Motion to approve based upon findings 1, 2, 3, 4, 5, and 6

Moved by: Benner II / Second by: Porter

Failed 3-2

Josh Ladd, city attorney, noted that therefore until MN Statutes Section 15.99, a motion to approve that did not pass is a denial. He stated that they could appeal to the city council to keep the conversation going.

David Eide stated that the next meeting may be canceled. The new staff member at the Board of Zoning Appeals will be Pang Yang. David Eide will still work in the DSI zoning office as a Site Plan Review coordinator with the new Principal Planner Alex Johnson who was also in attendance at this meeting.

Chair Miller stated that he looks forward to working with Pang and adjourned the meeting.

The meeting was adjourned at 4:52 p.m.

Submitted by: Maxine Linston

Maxine Linston

Maxine Linston (Feb 3, 2026 15:50:42 CST)

David Eide

David Eide

David Eide (Feb 3, 2026 16:01:59 CST)

Approved by: Marilyn Porter, Secretary

Marilyn J Porter

Marilyn J Porter (Feb 3, 2026 15:48:19 CST)