

**From:** Cynthia Skally <cynskally@gmail.com>  
**Sent:** Monday, October 26, 2020 5:12 PM  
**To:** \*CI-StPaul\_Contact-Council <Contact-Council@ci.stpaul.mn.us>  
**Subject:** 1493 Highland Pkwy Appeal

City Council Members:

**First**, I am grateful to have a chance to speak more about this appeal, I am not a BULLY and I apologize in advance for the length. Although my previous and this email are personal they are both truthful and factual. I am the most affected by the applicants build. **Secondly**, I would like to make it clear that this is the first time I have attended City meetings (HDC, BZA, CC). Personally, I had not had any issues with the City and I have owned 4 houses since 1976. This has been an eye opener. I bought this home to live in this house for the rest of my life and on the alley I grew up. I have built garages, additions and demoed the entire inside of this house at 1485 Highland Pkwy. During all these projects I have been respectful of the surrounding neighbors without complaints. People can say, 'I want to be a good neighbor' but as always in life actions speak louder than words. After the HDC meeting the applicant said he felt like he was being 'bullied by the neighborhood'; a neighbor said, 'you need to have power to be able to bully'; what a true statement! **Thirdly**, neighbors do not have an issue with the applicant building a handicap accessible home **but** with more consideration of the neighborhood and the large amount of hardscape! There are 22 neighbors on the block (Gloria Dei to Pascal and Highland Pkwy to Eleanor) and 5 nearby that oppose the build as it stands! Versus **3** that signed for the applicant and 1 out of the 3 told me a couple weeks ago that he wished he had been more informed because he would not have signed. The applicant wrote on his petition sheet the neighbors name to the west of him and my name to the east of him AND neither of us approved of the build he is proposing. These are the correct numbers. **The other 5 are close, not miles away as said by City Zoning Staff; 22 on alley, 5 are close that oppose the build as it is proposed versus 3 that approve.**

It has been difficult for the neighbors as property owning tax paying residents of the City to keep proving the truth. Neighbors measured and sent the correct data to Zoning Staff and as I showed you in my previous email; Zoning Staff sent a neighbor an email saying that the only way to change the City Staff's incorrect data on the properties on this alley was to appeal the information and pay the Appeal Fee; BUT it was too late! How helpful! Nothing was mentioned before the HDC or BZA meeting and I know a few neighbors called as I did and were never told this. Interesting that the information was kept from the neighbors until October 9! Please take a minute to look at the RED in my previous email dated 10/22/2020. Thank you!

I am about the truth and reality and the overhead (Exhibit B) of the property information on this alley is **incorrect**. Zoning Staff has been using this incorrect information to validate the findings for approval. My house has a legally detached garage physically and according to the Zoning Code (6' from house); NOT as Zoning Staff shows it. My house is NOT 12' from the alley as Zoning Staff shows it is 21' (4' short of what the code says) BUT it was built in 1910. This was before there was a **Zoning Code (1922) or an alley**. When I rehabbed this house I did not move the house, it stands where it has been. I built a garage, addition and deck all according to the Zoning Code! Please look at the opposition paperwork - Exhibit C (created by a neighbor showing the true measurements on this alley compared to the City Staff Exhibit B which is incorrect. Thank you!

I believe it is important for City Staff Members to drive by the site of a rehab or build when they are reviewing submissions to see visually how the proposed Site Plan fits into the surrounding homes. I

suggested this to Zoning Staff in charge of this case so he could get the true/accurate measurements. The applicants build would not fit in with the surrounding homes on Highland Pkwy.

As I said in my previous comments, I met the applicant in the fall of 2018. When I introduced myself, he said to me 'are you a relative of Bill Skally?' The applicant told me my brother helped him when he first started buying rental properties. My brother helped renters at his buildings when they could not pay rent, he was kind and cared about the community. And to make it clear he played by the rules. I wish he was alive so I could talk to him about this; and this is no way throwing names around, no clout here. I am telling the CC the true timeline. A couple long time employees of the City had dealings with the applicant and told me 'he wants it his way'. I was told by a City employee that the applicant told them that he was great friends w/me for years...what? Most importantly he has not followed through with my simple requests such as: let me borrow a large Site Plan that I could read, do not dig any closer to my Arborvitaes (1st dig 4' and 2nd dig to 1/2-1', he dug up to my fence post) ...on and on.

Again, the applicant demoed the house, foundation and garage in 12 1/2 hours on 8/13/2020 and did not give notice to me or any other neighbor (he had a demo permit for the house and did not get a demo permit for the garage until 18 days after). It was a 95 degree humid day. This is when we had conversation and I said to the applicant, 'you took the buildings down so what now' and the applicant said, 'I have variances' and I said, 'the variances that were approved were for the existing buildings and now that you demoed them; you will need to apply for variances to build your house'. As his friendly demeanor changed he said 'they will approve them anyway'. That is when I realized his confidence in getting what he wanted in the City of St Paul.

The next conversation, I questioned how he wanted to build the garage with more hardscape along our property lines which was starting to concern me. I still have not been able to lay his Site Plan on my kitchen table and actually read the #'s although I have asked. He said, 'if you had a postage stamp size lot, wouldn't you want to get the most on it?', I said no I like more landscaping versus your hardscape. He does not have a postage size lot! **FYI - the lot to the West of him and 3 other lots on this Highland Pkwy block are the same size as his lot! His lot is 47 X 119**, some lots on this alley are larger and some smaller. I have a wider lot and certainly pay for it in taxes!

Back to the alley; if anyone drove up the alley and looked at the alley along the vacant lot they would see that the crew doing the dig actually dug up part of the alley. I know he wants the garage to be 1' off of the alley but again what about an apron or is he planning on putting the garage actually 1' from the City alley. Damage? along with the dips in the alley and the many areas PW has already patched, the question is what damage will the build create to City property and who is responsible.

Speaking of the variances, he paid \$442 for the original Minor Variance to rehab and add an addition to an existing house and garage and I approved it. As a property owning tax payer why would the applicant not have to pay the City for the Major Variance \$547 and then the Appeal to CC \$462? All residents would have to come up with the money. The applicant has caused a larger amount of work for City Staff, HDC, BZA and now the CC. Neighbors questioned and were told because the City made a mistake? What mistake? The applicant demoed the buildings so obviously he would need a new variance for a vacant lot to build a SFD which BZA denied. Why would it not be appropriate for the applicant to pay the \$1,009.00 fees? The neighbors were told to fill out the Appeal paperwork and Appeal the City's incorrect information! I invited City staff to come out and measure in person to get accurate data, instead of relying on maps.

Why I am continuing to fight for me? I am on my own with my adult children w/families on either coast. What the applicant is planning to do along the East side of his property will definitely effect the West side of my property. Between the sidewalk, the around 80' long house and then asphalt/concrete to the alley where will all the snow/rain go. HDC said it will go to the rain garden? The rain garden is along the front of the house. I am thankful that some of the BZA staff who have experience in building and architecture had valid issues and questions and denied the Site Plan as it is.

I will say it again, this is the first time I have watched/attended City meetings that affected me personally. **1.** I learned if the person in charge of the meeting does not want to hear from you they can block you. **2.** I learned that decisions to approve can be made before the meeting happens. **3.** I learned that some members thoroughly read, review and analyze the paperwork and some do not. **4.** I learned that people of power can control the way a decision goes. **5.** I learned how hard a property owning resident has to fight to have the truth known. **6.** I learned that when City Staff make errors that the errors cannot be corrected by residents giving correct information. **7.** I learned that residents have to pay the Appeal Fee and appeal the City Staff's wrong information and in this case it was too late to appeal. This incorrect information keeps being used as evidence for the applicant.

This has been the most stressful 5 months for me and way too much work trying to prove the truth! I have had to keep track of tons of photos, emails, messages, documents between neighbors. I believe as a live long resident of the City that Codes are there to help residents with unusual conditions. He did have that in the beginning and I supported him; but now that the buildings are gone there is nothing unusual about it. It is an average size City Vacant Lot that a nice Handicap Accessible House could be built. (as also said in the BZA meeting - by the way, some comments are missing from the minutes of that meeting).

I obviously have had the most conversations with the applicant because of the way the properties are situated. Before the house was demoed the door most used was on the side facing my rear yard. If you drove down the street/alley you would also see why. The attached picture gives you an idea of how close the dig is to my 8 Arborvitaes and how they were cleared on his side.

I would like to be feel retired and relax and not wake up and go to bed thinking about this situation. I am hopeful that I will not endure any repercussions because I told the truth and facts of the chain of events. I appreciate your time, talent and the truth in reviewing this appeal.

Cynthia Skally  
1485 Highland Pkwy.

This is an example of how close to my Arborvitaes the dig is. The Arborvitaes are inside my property line and were planted (about 40 yrs ago) by the daughter of the person who owned my house. The second picture shows the trunks not branches that he had the tree guys cut off. Anything that was in the way along the property line. The orange plastic is what he put up for protection during construction.







This third picture shows the edge of my Arborvitaes on my side of the property line by the edge of my roof (full and healthy) and the orange plastic fencing protecting my black aluminum fence? Spoke to him about something better for protection but he said he would take care of my fence if something happened. Thankful nothing was damaged (except for yellow paint I discovered on the applicants side and the strength of one post from the dig). This was the day (8/13) that the house, garage and foundation were demoed and hauled away. The foundation that was not good enough for him to build the original plan. One of the BZA members questioned the foundation, asked the applicant what year the house was built and said the foundation should have been good...I know nothing about that part of construction but the BZA member happened to be a builder. That is why I said previously that some comments were not in the meeting notes?





