

From: [Becky Hammett](#)
To: [*CI-StPaul Contact-Council](#)
Subject: comment on public hearing item
Date: Monday, October 31, 2022 6:14:03 AM

I am writing in response to an appeal of a decision by the zoning board by the former occupants of 1841 Lincoln Ave. The file number is 22-106148. I understand there is a second public hearing which I had hoped to attend but I will be babysitting my 2 year-old granddaughter.

I live with my husband at 1836 Lincoln Ave. We are both retired and like the other families in this neighborhood our home is a major financial investment. The plan being pursued by our former neighbors for the purpose of personal financial gain is a zero sum game. This means their gain would come at a direct cost to the families living in this neighborhood.

It was shocking to get the first notice of their intentions let alone this appeal. I would have thought their new \$1.3 million home would be enough reward.

Thank you for your diligence in this matter.

Becky Hammett

From: [Bob Hammett](#)
To: [*CI-StPaul](#); [Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Subject: Comment on Zoning Variance Appeal
Date: Thursday, November 3, 2022 4:04:57 PM

This email is in reference to a zoning variance appeal (file number 22-106148).

I am Robert Hammett and live at 1836 Lincoln Avenue. Amy & Kurt Atkinson were former neighbors. I am against the zoning variance they are pursuing. The variance is for 10 feet for each lot which I believe is way too much of a variance. My belief is that Amy & Kurt are seeking the variance **strictly** for financial gain. In addition, any future building on the lot would require the removal of multiple trees along with disruption to the neighborhood. My understanding is that Amy & Kurt were not totally honest about their address of residence when they presented their plan to the Board of Zoning so I am not sure they would be totally honest with the City Council.

I strongly urge the City Council to follow the Board of Zoning's lead and deny the variance.

Sent from [Mail](#) for Windows

From: [Mary Deering](#)
To: [CouncilHearing \(CI-StPaul\)](#); [*CI-StPaul Contact-Council](#)
Subject: Comment: Variance Appeal 1841 Lincoln Ave
Date: Thursday, November 10, 2022 7:59:32 AM

I'm responding to an appeal of the Board of Zoning Appeal's denial of a variance for a property at 1841 Lincoln Avenue in St. Paul. Because of family responsibilities I am unable to attend the City Council meeting where the appeal will be heard. I did however attend and make a verbal comment (to follow my submitted written remarks) in opposition at the initial BZA hearing on September 6.

The appeal comes from the owners of the property, who are former residents at that address. Their appeal is based in part on "an unanimous approval" of the variance by the Housing and Land Use (HLU) Committee of the Macalester Groveland Community Council, and on their plight due to the current zoning requirement that lots be 50 feet wide.

The HLU Committee approved the variance at an August 31 special meeting. The results are mis-stated in the appeal -- a minor point but it wasn't quite unanimous. It was actually 10 in favor, with one abstention. More important, the HLU Committee did not hear any opposition from nearby residents on Lincoln Ave because we were not informed of the meeting. The MGCC executive director told me in an email that the variance requester is encouraged to inform neighbors of the meeting. That never happened. No one showed up to object because objectors didn't know about the meeting. However, the meeting was recorded on the streaming service VIMEO and I was able to watch it after the fact but obviously unable to comment.

The appellants appeared to present themselves as residing at the 1841 property, when in fact they had moved to a different residence in mid- June of this year. A portion of their testimony alluded to the stress and toll the upkeep of the large lot was taking on their family, which because of the move and a lawn service of several years standing, was no longer a factor. It's not unreasonable to assume if neighbors had been present to voice opposition and clarify some apparent mis-statements, that the vote would have not been unanimously in favor of the project.

The appeal is also based on the fact that 1841 Lincoln was platted over 100 years ago for two 40-foot lots. The house was built in 1915 and at some point the second lot was combined to make the current full 80 foot wide lot. The appellants want us to believe that what once was, should be again - despite the fact that St Paul zoning at some point rejected the 40- foot lot and replaced it with a 50 foot requirement as the standard for the R3 sector.

The appellants point to newer policy developments based on the social benefits of greater housing density. Those policies are in large part a recognition of the tremendous housing shortage for low and moderate-income people. It's almost universally accepted that the method to increase affordable housing stock is by way of multi-family structures on full-sized lots, not by shoehorning a single family house into a lot not zoned for such. It seems highly *unlikely* that if a house is added to the Lincoln Ave lot, it would be affordable for a family of moderate means. This tactic appears to be a case of distorting a social policy to cover a request for an exception that benefits only the appellant in one minor case.

What has remained unspoken in the appellants' initial application, in their testimonies and now in the appeal is the fact that splitting the lot will allow them to make substantially more

money from the eventual sale of the property than they would make if it remained as one parcel, with one house.

As a retired nurse who worked for Catholic Charities and 28-year owner and resident of 1833 Lincoln (the property just east of 1841), it's true that I will be most directly impacted if the requested lot-split is allowed to go forward. One issue for me is the maple tree in my backyard. It's the only tree there, and the main feature of a nice outdoor space. It sits almost on the property line, and my arborist (from Rainbow Tree Service) tells me it would be at risk from any excavation for a house a few yards away. If it didn't survive, not only would the backyard basically be denuded, I would incur the expense of having a mature dead tree removed. Another issue for me is the fact the west side of my house is about 3.5 feet from the property line. Assuming a new house goes up with a six-foot side set back, I'll have a new neighbor less than 10 feet away. Currently the narrow space is mitigated by a privacy fence (owned by 1841) but I'd assume that would be demolished during construction.

Aside from potential personal loss, the lot split and new construction will impact other neighbors as a whole in the short and long term. The street will be closed off mid block for some time as gas, water and sewage lines are placed. Excavation of the lot for a house and garage means the loss of crucial green space and mature trees that can never be regained. It's no wonder the appellants chose to vacate for greener pastures.

The appeal in this matter is not about alleviating the stress of keeping up property or furthering social policy. It's about increasing the selling price of a property in a way that conflicts with the judgement of those who established the current zoning requirement, and at the expense and against the wishes of current neighbors. The BZA response to deny the variances should be upheld.

Mary Deering
1833 Lincoln Ave
St Paul, MN 55105
Phone: 651-271-5117

From: [Susan Smith](#)
To: [*CI-StPaul Contact-Council](#)
Subject: File # 22-106148
Date: Monday, November 7, 2022 12:52:22 PM

When I first heard about this variance request, I wrote to the zoning board. As a neighborhood resident of many years, I am deeply concerned about this request and the precedence it sets for other requests.

In an established neighborhood where many of the homes are nearly 100 years old, it is extremely disruptive to have a home built. Our homes are already very close together. A 50-foot lot is not large. Reducing this to 40 feet puts an undue burden on the immediate neighbors and the neighborhood in general. In addition to the construction chaos, it threatens existing trees and limits green space and essential non-paved surfaces.

I have a corner lot. With shrubs, small trees, and a garden, it looks like an “extra” lot to many people. When I’ve been asked about selling my “extra” lot, I’ve always said “No! That’s not extra. That’s my yard.” I called Ramsey County to make sure and was told the entire lot is not large enough to be split into two. Out of respect for my neighbors and the additional burden it puts on neighborhood services and street parking, I would not consider challenging this ruling for my own selfish reasons.

It’s disappointing to me that my neighbors are fighting for a zoning variance after they have moved. They will not have to contend with construction traffic and noise, crowding, parking challenges, and more. They are leaving the burden of their decision to the existing neighbors.

Please do not allow this variance to go through.

Sincerely,
Susan M Smith
snuz99@gmail.com

From: [Luke Hanson](#)
To: [*CI-StPaul Contact-Council](#)
Subject: Approve Atkinsons' appeal
Date: Friday, November 11, 2022 3:54:12 PM

Dear Councilmembers,

My name is Luke Hanson and I am a volunteer leader of Sustain St. Paul. I am writing to ask you to support Amy and Kurt Atkinson's appeal to overturn the Board of Zoning Appeals denial of their application for a zoning variance at 1841 Lincoln Avenue.

Saint Paul doesn't have enough homes to accommodate the number of families who want to live here; our city's zoning rules should make it easy for people to build more homes in response to this need— not get in their way.

It is absurd that the Atkinsons had to request a variance for this in the first place. Forty-foot-wide lots are incredibly common in Macalester-Groveland and throughout the city— both in areas zoned R3 (where a minimum lot width of 50 feet is required) and in areas zoned R4 (where a width of only 40 feet is required). Moreover, as the Atkinsons pointed out in their zoning application, 1841 Lincoln Avenue was originally platted as two separate 40-foot-wide lots, intended for two homes. It is nonsensical that our current zoning rules arbitrarily require 50-foot lot widths to build in an area where 40-foot lots are ordinary.

The consequence of denying the Atkinsons' request would not necessarily be to prevent them from building a second dwelling at 1841 Lincoln Avenue; the zoning reforms enacted by the Council earlier this year (in response to Phase One of the 1-4 Unit Housing Study) allow for ADUs and multiple "principal dwellings" on a single parcel. Rather, the consequence would be to prevent them from *selling the second dwelling separately from the first*. Put differently, the Atkinsons can already build another house on their lot, on the condition that both homes have the same owner. The 50-foot lot-width rule in R3 was obviously not intended to prevent the construction of homeownership opportunities, and you should not allow it to do so by denying the Atkinsons' appeal.

Thanks for your consideration.

Luke Hanson
1423 Eleanor Avenue

From: [beth b](#)
To: [*CI-StPaul](#), [Contact-Council](#), [CouncilHearing \(CI-StPaul\)](#)
Subject: Comment on 1841 Lincoln Avenue Appeal to the City Council
Date: Saturday, November 12, 2022 12:35:04 PM
Attachments: [1841Lincoln_CityCouncilLetter.pdf](#)

November 12, 2022

Attention: Contact-Council@ci.stpaul.mn.us, CouncilHearing@ci.stpaul.mn.us

Re: 1841 Lincoln Avenue appeal of the BZA decision to deny two major zoning variances

Saint Paul City Council,

My family and I live on the property that adjoins the west edge of 1841 Lincoln property. The points that I feel are critical to call to your attention are as follows:

- Failure to provide evidence of an error
- Intent and transparency
- Potential implications of a lot split

Failure to Provide Evidence of an Error

An appeal to the City Council and grounds for overturning a BZA Board decision requires evidence of an error. The Atkinson's have failed to provide such evidence. Stating a change to zoning requirements is not a practical difficulty.

Intent and Transparency

Omission of information has been the Atkinson's approach to their application and this process.

Since moving to the neighborhood in February, my husband has had a several interactions with Kurt Atkinson. In these interactions, the intent to split their lot, the purchase of their new home, nor their move was mentioned. Although the Atkinson's absence from their 1841 Lincoln Avenue home at the start of June was apparent, we did not know what had happened to them.

Only after a conversation with another neighbor during Labor Day weekend did we become aware of the Atkinson's application and their permanent relocation. Our household did NOT receive the original BZA letter/notice, which indicated that the issue would be reviewed by the Mac Groveland Community Committee (MGCC). In speaking with this neighbor and others, our experience of avoidance and omission with the Atkinson's was not unique. I expect this is why the neighbors, including ourselves, were unaware of the MGCC meeting, and as a result were not given an opportunity to voice concerns, or to identify omissions on the part of the Atkinson's.

For the past 17 years the Atkinson's have enjoyed the benefit of a large lot. They only applied for a variance to allow a lot split after they purchased a new property and relocated. Nevertheless, they continued to list and present the 1841 Lincoln property as their primary address. This behavior only changed with their application of appeal to you, the Saint Paul City Council, after the BZA committee called into question their use of the 1841 Lincoln address.

Further, the story told to the MGCC and in the initial variance application was that their motivation for a lot split was the mental and physical stress of caring for a .14-acre empty lot. Again, there was no mention that they voluntarily opted to purchase another property, and that this second property is situated on a .25-acre lot.

I expect this information was omitted because it suggests that the plight of the landowner was created by the landowner, and the economic consideration is the true practical difficulty in complying with the zoning provision, both of which challenge the grounds for their application.

Potential Implications

Large lots are not unique or outliers on our block or within Mac Groveland as suggested in the application. There are at least three instances on our block, including the 1841 Lincoln Avenue property.

Instead, what is unique about the 1841 Lincoln Avenue property, are the properties directly to the north. Specifically there are a series of properties zoned as mixed residential and commercial, and commercial spaces. These properties contain a four-car garage, two 3-car garages, a movie theater, and a parking lot that border the alley. Needless to say, this area is densely populated with concrete and structures. Dividing the 1841 Lincoln Avenue property for development of a single family dwelling (as suggested but unspecified by the applicants) may reduce the green space in our area substantially, and require water to be redirected toward the alley and surrounding properties.

As is, our alley has a propensity to flood, and is slow to drain. This poses a particular challenge and hazardous situation in the winter/spring when snowmelt is combined with below freezing temperatures. Ultimately, several factors contribute to the alley flooding/drainage issue. However, the number of structures on the alley is a primary influence.

Lot 7 provides the major source of drainage for the existing structures on Lot 6. Not only do the existing structures consume a substantial amount of Lot 6, Lot 6 has been heavily landscaped, and contains a large patio and paved walkways. Additionally, the existing structures on Lot 6 do NOT meet setback requirements. Specifically, the distance between the primary structure and my home (1845 Lincoln Avenue) is 10.7 ft., rather than 12 ft. with the 1841 Lincoln structure 4.9 ft. from the property line. The distance between the 1841 Lincoln Avenue garage and the property line is 1.4 ft., rather than 3 ft. Without the benefit of Lot 7, and the relief it provides to Lot 6, water drainage from Lot 6 will become an even greater source of concern for our home and our property. Not only am I concerned for our 64 year-old home, but also the primary structure/house on the 1841 Lincoln Avenue property was built over a century ago in 1915, and the neighboring home adjacent to the proposed Lot 7, 1833 Lincoln was built in 1916. The applicants argue that development on Lot 7 can easily comply with the majority of the zoning code, the exception being the 50 ft. width requirement. Yet, they fail to highlight the many exceptions that have already been granted, or exist at present.

My husband actively sought a home in the Mac-Groveland area because we appreciate the maturity of the neighborhood, which as you know contains older homes with foundations more susceptible to water ingress. The zoning code, including sections that specify maximum lot coverage, lot width i.e., 50ft, and setback ordinances are critical to ensure adequate watershed/ground permeability within our area. At present, we are experiencing the negative impact that exceptions to ordinances can have, particularly to the alleyway deterioration and flooding. My concern is that extending variances further will begin to, if they haven't already, to have a negative impact on the homes surrounding the 1841 Lincoln Avenue property.

Appreciatively,

Beth Bullemer¹¹_{SEP}

1845 Lincoln Avenue

Saint Paul, MN 55105

From: [Zakary Yudhishthu](#)
To: [CouncilHearing \(CI-StPaul\)](#)
Subject: Comment in Support of Variance at 1841 Lincoln Avenue
Date: Saturday, November 12, 2022 2:15:40 PM

Dear Councilmembers,

My name is Zak Yudhishthu. I am a member of Sustain St. Paul and on the board of the Macalester-Groveland Community Council.

I'm writing to express my strong support for appealing the BZA's denial of the Atkinson's lot split. Our city needs more housing everywhere — but Mac-Grove especially needs more housing. As described in minutes from a previous BZA meeting, the current lot is big enough for an ADU but not for a second principal dwelling, unless we permit this lot split. I know that many members of the council would agree that adding a housing unit in Mac-Groveland is important, and follows both the city and the neighborhood's comprehensive plans. Allowing for those units to be on separate lots that can be sold individually would also add another opportunity for property ownership.

The city recently passed Phase 1 of the 1-4 Unit Housing Study and will soon be looking to Phase 2. When we get caught up in small debates over a lot split that would return lots to the size at which they were originally platted, we are using our time inefficiently *and* ultimately undermining the goals put forth in projects like the 1-4 Unit Housing Study.

I hope that the city council agrees with the need for more housing in our city and in this neighborhood, and that they express this sentiment both via support for this variance and via future reforms that keep us from getting caught up in these minor variance debates.

Best,
Zak

From: [Karen Allen](#)
To: [*CI-StPaul Contact-Council](#)
Subject: Regarding BZA Ruling Appeal at 1841 Lincoln Avenue
Date: Monday, November 14, 2022 10:41:22 AM

My name is Karen Allen and I live at 1315 Minnehaha Avenue in Saint Paul. I'm writing to ask you to approve Amy and Kurt Atkinson's appeal to overturn the BZA's denial of their zoning variance request at 1841 Lincoln Avenue.

- Saint Paul, like many urban areas, is facing a historic housing shortage. City government should be working to remove barriers to new housing, not preventing it. Wealthy neighborhoods like Macalester-Groveland should not be exempt from this.
- 1841 Lincoln Avenue was originally platted as two separate 40-foot lots, intended for two houses. Moreover, 40-foot-wide lots are plentiful in the surrounding area. It is nonsensical that the city zoning code would impose a 50-foot minimum lot width requirement on this neighborhood in the first place, where narrower lots are so ordinary; this requirement should be corrected, and not used as the grounds for blocking new housing development.
- Denying the Atkinsons' appeal would conflict with the City Council's critical positive efforts to catalyze new housing development in Saint Paul: eliminating parking minimums, adopting the recommendations in Phase One of the 1-4 unit housing study, and more. We cannot allow minor variance debates to stifle activities that align with the broad goals of the 2040 Comprehensive Plan.
- Neighbors to a property should not have an outsized or "veto"-type power over landowner actions like lot-splits.

Please grant the appeal in the favor of the Atkinsons' and allow the lot split to proceed.

Thank you,
Karen Allen

--

Karen Allen
[LinkedIn](#)
651-315-2262

From: [Jennifer Strautman](#)
To: [*CI-StPaul Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Subject: 1841 Lincoln Ave Appeal
Date: Monday, November 14, 2022 1:31:49 PM

TO: St. Paul City Council

RE: File # 22-106148

We are writing in support of the Board of Zoning Appeals denial of variances to create a 40 ft lot for new construction at 1841 Lincoln Avenue and urge the City Council to uphold the BZA's decision.

In addition to adding congestion near an already busy corner/alley, we are concerned that allowing such a scenario, which does not seem to remedy some hardship that is unique to this property, would signal a weakness in our local ordinances.

Thank you and please advise if you need any further information.

Jennifer and David Strautman
1869 Lincoln Ave.
Saint Paul, MN 55105-1420
612-384-2210

[Sent from Yahoo Mail on Android](#)

From: [Mark Gilbert](#)
To: [*CI-StPaul Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Cc: [Eide, David \(CI-StPaul\)](#); kurtatkinson@gmail.com
Subject: Comment on Lot split appeal at 1841 Lincoln Avenue
Date: Monday, November 14, 2022 2:00:11 PM

Greetings:

I write with regard to the appeal of Amy and Kurt Atkinson to split their lot at 1841 Lincoln Avenue, to be considered by the council on November 16, agenda item 19 ABZA 22-4 File #22-106148. I live a few houses west at 1855 Lincoln Avenue.

I strongly support the plan to split the current 80-foot lot into two 40-foot lots.

40-foot lots are the norm on the block and in the neighborhood. The many such lots in our neighborhood provide good, livable housing at moderate density. I find it bizarre that our neighborhood was down-zoned in the past, essentially outlawing this standard lot size that is common here and serves us well.

I support the city's goal to increase density by allowing infill construction, ADUs, multi-family buildings, etc. If anything, our neighborhood should be up-zoned. Ours is a moderately walkable neighborhood that can comfortably support more people, and more people will help make the neighborhood better by supporting businesses and frequent transit. Even though a new house on this block isn't likely to be affordable to a family of moderate income, new construction does reduce housing prices nearby. The law of supply and demand works!

I sympathize with the neighbors who now have a view of a grass lawn and a tree, but will instead have a new house close to them. This is a case where the drawbacks of building are obvious to a few neighbors, but the benefits are diffuse. The benefits are diffuse, but real, since they take the city in the direction of its goals for healthy development. It's also a benefit to land owners, like myself and even the closest neighbors, to be able to do what we will with our property, within reasonable limits. The Atkinsons' plan shouldn't be subject to a veto by their nearest neighbors when it respects setback rules and is in line with the city's goals.

Sincerely,
J. Mark Gilbert
1855 Lincoln Ave.
markgilbert@pobox.com

From: [Mark Gilbert](#)
To: [CouncilHearing \(CI-StPaul\)](#); [*CI-StPaul Contact-Council](#)
Cc: [Eide, David \(CI-StPaul\)](#); [Kurt Atkinson](#)
Subject: Comment on Lot split appeal at 1841 Lincoln Avenue
Date: Tuesday, November 15, 2022 8:15:58 AM

Hi,

I tried to email these comments yesterday, but from my end it looks like the email didn't go through. I'm trying again, since the deadline for comments is approaching. If you received my comment yesterday, you can ignore this email, and I apologize.

Greetings:

I write with regard to the appeal of Amy and Kurt Atkinson to split their lot at 1841 Lincoln Avenue, to be considered by the council on November 16, agenda item 19 ABZA 22-4 File #22-106148. I live a few houses west at 1855 Lincoln Avenue.

I strongly support the plan to split the current 80-foot lot into two 40-foot lots.

40-foot lots are the norm on the block and in the neighborhood. The many such lots in our neighborhood provide good, livable housing at moderate density. I find it bizarre that our neighborhood was down-zoned in the past, essentially outlawing this standard lot size that is common here and serves us well.

I support the city's goal to increase density by allowing infill construction, ADUs, multi-family buildings, etc. If anything, our neighborhood should be up-zoned. Ours is a moderately walkable neighborhood that can comfortably support more people, and more people will help make the neighborhood better by supporting businesses and frequent transit. Even though a new house on this block isn't likely to be affordable to a family of moderate income, new construction does reduce housing prices nearby. The law of supply and demand works!

I sympathize with the neighbors who now have a view of a grass lawn and a tree, but will instead have a new house close to them. This is a case where the drawbacks of building are obvious to a few neighbors, but the benefits are diffuse. The benefits are diffuse, but real, since they take the city in the direction of its goals for healthy development. It's also a benefit to land owners, like myself and even the closest neighbors, to be able to do what we will with our property, within reasonable limits. The Atkinsons' plan shouldn't be subject to a veto by their nearest neighbors when it respects setback rules and is in line with the city's goals.

Sincerely,
J. Mark Gilbert
1855 Lincoln Ave.
markgilbert@pobox.com

From: [Kevin L. Vargas](#)
To: [*CI-StPaul Contact-Council](#)
Subject: Support for Lot Split Variance - 1841 Lincoln Ave
Date: Tuesday, November 15, 2022 8:20:51 AM

Dear Council,

My name is Kevin Vargas and I live at 1034 Cleveland Ave S in Saint Paul. I'm writing to ask you to approve Amy and Kurt Atkinson's appeal to overturn the BZA's denial of their zoning variance request at 1841 Lincoln Avenue.

- Saint Paul is experiencing a major housing shortage, and we need to remove barriers that prevent people like the Atkinsons from building homes to accommodate our growing population-- especially in expensive neighborhoods like Macalester-Groveland.
- 1841 Lincoln Avenue was originally platted as two separate 40-foot lots, intended for two houses. Moreover, 40-foot-wide lots are plentiful in the surrounding area. It is nonsensical that the city zoning code would impose a 50-foot minimum lot width requirement on this neighborhood in the first place, where narrower lots are so ordinary; this requirement should be corrected, and not used as the grounds for blocking new housing development.
- Denying this appeal would undermine the City Council's recent efforts to catalyze new housing development in Saint Paul: eliminating parking minimums, adopting the recommendations in Phase One of the 1-4 unit housing study, and more. We cannot allow minor variance debates to distract us from the broad goals of the 2040 Comprehensive Plan.

Thank you for your consideration.

Best,
Kevin

From: [Zach Allen](#)
To: [*CI-StPaul Contact-Council](#)
Subject: 1841 Lincoln Avenue Appeal
Date: Tuesday, November 15, 2022 11:43:40 AM

Dear Council,

My name is Zach Allen and I live at 1315 Minnehaha Avenue W in St Paul. I am asking that you approve the appeal of the zoning variance request by Amy and Kurt Atkinson at 1841 Lincoln Avenue.

- Denying the request is a direct conflict with the City Council's efforts to catalyze new housing development in our city - such as eliminating parking minimums and adopting the recommendations in Phase One of the 1-4 Unit housing study, and the broader goals of the 2040 Comp plan.
- 1841 Lincoln was platted as two 40ft lots, intended for two houses, much like the rest of the neighborhood. With 40ft lots plentiful in the neighborhood, imposing a 50ft minimum requirement is arbitrary and should not be used as grounds for blocking new housing development.
- During a historic housing shortage in St Paul, city government should be working in tandem with residents and homeowners to remove barriers to new housing and not preserving the inequitable status-quo of wealthier neighborhoods.

Thank you for considering this appeal.

Zach Allen

Zoning appeal at 1841 Lincoln Ave.

Daniel Tikk <daniel.m.tikk@gmail.com>

Mon 11/14/22 08:22 PM

To: #CI-StPaul_Ward1 <Ward1@ci.stpaul.mn.us>

Think Before You Click: This email originated **outside** our organization.

Dear Councilmember Balenger:

My name is Daniel Tikk and I live in Ward 1 in St. Paul. I'm writing to request your support for a zoning appeal brought by the Atkinsons for their property at 1841 Lincoln Avenue, to be heard on Wednesday.

While the property is outside of our ward, I care about the zoning board's denial of the variance request because of its impact on available housing in the city. In the midst of a housing crisis, all reasonable steps should be taken to allow for more housing, and the denial of the variance for what would be a 40-foot lot is unfortunate. This matches lots throughout our city, so the variance requested is reasonable.

The Council has taken meaningful steps to allow for new housing, including the changes from Phase 1 of the 1-4 unit housing study, and supporting this zoning appeal is well aligned with the Council's goals.

Thank you,
Daniel Tikk
791 Ashland Avenue

From: [Mary Deering](#)
To: [CouncilHearing \(CI-StPaul\)](#); [*CI-StPaul Contact-Council](#)
Subject: For City Council Meeting of 12/7 - Comment on the Appeal of BZA's Denial of 1841 Lincoln Variance Request
Date: Wednesday, November 23, 2022 2:55:36 PM

I'm writing in response to the appeal hearing of a BZA denial for a lot split variance at 1841 Lincoln Ave. The public hearing took place before the City Council on 11/16. I was unable to attend but viewed the video of the appeal process.

At the City Council meeting the appellants, former residents of the property, relate factual and procedural errors they believe impacted the outcome of their variance request. The appellants appear to call the lack of quorum and long wait to testify at their first BZA hearing, and a short cancellation notice of a 9/19 rescheduled BZA hearing (again for lack of quorum), procedural errors. These problems though annoying and stressful for the appellants (and not uncommon as noted by Council Chair Amy Brendmoen) can hardly be called procedural error.

The appellant says that at the 10/3 meeting he was told to "only focus" on findings 3 and 4. The transcript of the hearing seems to show a different conversation. Prior to the appellants' testimony Mr. Miller (the BZA chair) says: *"Is there something you'd like to add specifically to the staff report and can focusing in, we got your statements last time. I know it was a little bit rushed, but I think we kind of mentioned, you know, focusing on those findings, that the staff has recommended denial of, findings three and four."* [BZA 10/3 hearing minutes page 5.]

At this point the appellants pointed out that not all of the board members currently present heard their first testimony (9/6) and asked if they could read it again. Chair Miller immediately assents and the appellants proceed with their testimony, which aside from not including the plat maps and other references, appears to contain the same case for variance as they made on 9/6.

The appellants also claim a fact error was committed in "not clearly communicating" the number of 40-foot wide and otherwise nonconforming lots that interface with 1841. The date of this error is not stated, but the appellants did reference lot sizes in their original application and testimony on 9/6. At the BZA hearing of 10/3 the transcribed minutes show however that, both prior to and after the appellants' testimony, there was significant discussion between BZA staff and board about the number of 40 foot lots vs lots sized 50 feet or greater, on both the north and south side of the block in question. In fact it appears the staff person pulled up a plat map to do a count. [BZA 10/3 hearing minutes pages 4 and 12.]

To the appellants' point, staff and board did not discuss the lots that are nonconforming for features other than width, of which there are two, a duplex and a house that is nonconforming in length. Both have lots 60 feet in width. (For the Council's information, there are a total of 12 lots on the north side of the block between Fairview and Howell, including a corner property facing Fairview. Six out of the 12 are 50 feet or wider. On the south side there are 11 lots, including the corner lot facing Fairview, 5 out of 11 are 50 feet or wider.)

In the appeal application submitted to the City Council, the appellants define their practical difficulty and plight as *one created by the current zoning regulations*. This is essentially the plight of all variant applicants and indeed all of us when laws or regulations prevent us from doing what we'd like to do. The appellants are hoping to

turn the clock back to a time when the zoning for the neighborhood was different. There's a reason for the evolution of zoning codes. They adapt in response to external pressures and new realities, with the goal of a more livable city.

The appellants point out the tension between the City's Comprehensive Plan and current zoning regulations as supporting their appeal. However the city's attorney, Peter Warner, who was present at the 10/3 BZA hearing warned against making too much of this conflict: *Mr. Warner: "Chair and commissioners, my only comment is, people talk about conflict between the comp plan and the zoning code. I would suggest that there is no conflict. It's true that the comp plan calls for increasing density, but you do that through zoning classification. So you create zoning classification increased density. So this [the property at 1841 Lincoln] is zoned R3, which is single family. So just because there's a big lot doesn't mean that there's a conflict... I would caution about using that word in this particular application".* [BZA 10/3 hearing minutes page 13.]

BZA Board member Saylor responds: *Mr Saylor: "Discussion here, but Mr. Warner's point is well taken. The comprehensive plan does point towards increased density, but we are tasked as the board of zoning appeals. This is our lens, right? The lens of the zoning code and the six criteria that we have here are the factors we are tasked to use when it comes to variance requests, and I agree with commissioner Trout...I can't find rationale that is consistent to overturn what the staff has recommended with respect to finding three and finding four. So to move this process along, I will move to approve the staff recommendation which is recommending denial of the requested variances based on findings three and four because that is what the code provides us."* [BZA 10/3 hearing minutes page 13.]

It seems clear that the City Council acting in their assigned judiciary role must uphold the BZA's denial.

Thank you,

Mary Deering

1833 Lincoln Ave, St Paul 55105

ABZA 22-4

Think Before You Click: This email originated outside our organization.

Dear Council member Tolbert:

I attended the city council meeting on November 16, at which this matter was on the agenda. My neighbors and I had to leave before it came up for discussion. However, I watched the discussion video the following day. My neighbor Bill, made a very salient point.

I have a comment for the vote on the above matter, scheduled for December 7.

It seems to me, watching the video, that a logical question is why this (lot division) is so important to the Atkinsons when they no longer live in the neighborhood?

After all, if the variance is approved, the Atkinsons walk away (with extra cash), someone else is able to squeeze a single family home onto the lot, and we, the neighbors, have to live with the outcome. That was the point my neighbor Bill made on the 16th.

Just to be clear, I am still opposed to the division of the lot.

Judy Donohue
1852 Lincoln Ave.

From: [Susan Smith](#)
To: [*CI-StPaul Contact-Council](#)
Cc: [#CI-StPaul Ward3](#)
Subject: File #22-106148
Date: Thursday, December 1, 2022 10:47:15 AM

Dear council members —

I have read Kurt and Amy Atkinson's application for splitting the lot of their former home. I have also listened to their testimony before the council on video. As a long-time homeowner in the neighborhood, I firmly disagree with a number of those points raised.

First, Kurt made a statement that this request "isn't about us, it's about doing the right thing." I'm really not sure what that means. Does that mean it's right to fight the zoning board? Does it mean it's right to build a house on a lot that does not meet code? Their request was denied by the zoning board. I believe the zoning board is "doing the right thing" by enforcing the zoning rules that have been clearly established.

Second, Kurt spoke of his yard being an "eyesore." I have been walking this neighborhood for more than 35 years. I have never thought of greenspace as an eyesore. What is offensive to me is a massive home on a too-small lot that doesn't fit the neighborhood. If he's truly concerned about a yard being an eyesore, some landscaping would solve the problem and cost much less than a new home.

Third, just because a lot division was approved sometime in the 50s does not mean it should be approved in 2022. Times change, and as was noted in their application, the zoning rules changed. The experts know so much more about rainwater and storm drainage now than they did 70 years ago. We know not to cover every inch of land in concrete and buildings.

This is a slippery slope. If the council sets a precedent and overrules the zoning board on their denial, you will open up the opportunity for developers to build on every square foot of land in this neighborhood. I cannot see any advantage in that approach except for people who want to build new structures in an appealing neighborhood simply for their own profit.

Sincerely,
Susan Smith
snuz99@gmail.com