

1493 Highland Parkway, Saint Paul, MN 55116

Variance request;

1. **Rear Yard setback 24 feet for attached garage.**
2. **Addition of 17.8 Sq. Ft. (3/10 of 1%) to 40% Lot Area Coverage**

Dear Council President, Brendmoen, and Council members, Thao, Noecker, Tolbert, Jalali, Yang, and Prince:

This entire action brought against us is based on bullies on the block who want to tell us what's best for them, for us to live in. It's not about anything except for how it affects them. If we build what they deem is appropriate - then they will allow us to proceed. But if we try to build the house we want to live in - they gang up not only on us but also on the neighbors who support us!

We want to build a beautiful, single-story, functional home to live in for the rest of our lives in St. Paul. With your support, Please allow us to do so.

We have attached a redlined copy of the oppositions letter, highlighting her, misrepresentations, half-truths and disingenuous comments. – Please review.

Thank you,
Suellen & Michael Buelow
651-260-5528

MARGARET ISON

September 18, 2020

Re: Current Variance Application for 1493 Highland Pkwy

MB is applicant/owner/builder

SPOKE W/ BZA MEMBERS

MARGARET ISON, REPRESENTED HERSELF AS HDC BOARD MEMBER TO GAIN ACCESS

?? CC CHANGES TO BOUNT AS HDC REP. UNDOCKS & CUSACKSON

Dear City Staff and BZA Committee ---

This letter is written on behalf of neighbors on this block of the Variance Application, on both Highland Pkwy and and Eleanor Ave.

In short, 1493 Highland Pkwy has been a complicated situation, seeming to exist due to a knowledgeable builder strategically navigating City policy and procedure, combined with key misses along the way by the City. Had MB approached neighbors, Highland District Council and the City earnestly and clearly on his changes along the the way, we feel we could be supportive at this time-- as we were when first approached for Addition variances in 2019. However, he's repeatedly acted otherwise, breaking our trust in him and the system of checks and balances at the City to prevent such problems. Now the property exists as a large hole in the ground that needs remedy. While we welcome construction that fits in with the block, it does need to fit in, and not be pushed through hastily through misrepresentation and deceptive behavior.

NOT TRUE

Neighbors have talked through the Variances and problems (see Exhibit E Related Problems at 1493 Highland Pkwy). 23 Neighbors that live on the block signed petitions to OPPOSE Variances 1 and 2 in MB's current Variance Application. 4 additional St. Paul neighbors also oppose. (Petitions attached.)

NOT TRUE

These were still being compiled at the time of Highland District Council meeting on the subject on September 15, 2020. It's unfortunate, as I sense this would have factored heavily ON their decision to support the Variances before you today.

* HARASSING & SUPPORTIVE NEIGHBORS

BS -

Why do Neighbors oppose:

We contend the new project is not in harmony with the block as noted by

- *Lot Coverage-

While Lot Coverage Variance doesn't seem a big ask at approx 18-sq ft, we note no other home on the block is covered from back to front of lot like this, with only the front set back ordinance intact to allow for green space there. Specifically, all but one property on the block have a backyard, and this outlier is due to the alley located as it was when built nearly 20 years after the home.

WRONG - FRONT & SIDE SETBACK INTACT

- specifics on hardscape/lack of greenspace - with approximately

- 445 square ft in patios

- 342 square ft in parking pad

- 3830 square feet in walking path along East side of the house

- considering last two bullets, and knowing snow is not to be shoveled into the alley, where will it be removed to?

330 WE STUPID! 400

17

Exhibit E
Related Problems at 1493 Highland Pkwy

- Property encroachment and damage

@1485 Highland Pkwy

Dug up to the lot line. Stability concerns at edge of lot resulted calls in metal support panel installation. Tree roots were exposed, and the owner is concerned that damage that will effect their longevity. There are eight mature trees. Time will tell.

@1501 Highland Pkwy – refer to letter from Amy Huerta, dated September 17, 2020 for specifics. In short, the dig went up to the lot line resulting in significant concerns of property encroachment, stability, etc.

- Significant damage to alley – cracks, rolling dips, concavity. We're concerned how the snow plow will be effective, as well as increased damage thru Minnesota's freeze/thaw cycle. Tgere's been a small amount of patching since this has been reported, but problems exist far beyond that quick fix.

- Missing permits and process for a new build, resulting in near "stop order" per DSI. It seemed resolved when MB procured legal documents to assume full risk for continued build without variances, etc.. in place. (There was attempt to confirm this with Dave Tank, Building Inspector, as he was the communicator on this. He however was out of the office September 17, and no other respresentative was able to secure the documentation.)

- Repeated misrepresentation by MB:

- "(this property) was always a teardown"

- despite 2019 Variance Application and Highland District Council meeting notes showing *Addition*.

- despite presented to neighbors as *Addition*, explicitly not a teardown when garnering support in 2019.

- "(I did not mean to say those are attached garages" in depiction of current garages on the block in Variance Application-- see Exhibit C

- Missing permits and process with City policy and procedure not followed when scope of project changed from *Addition* to *Tear Down*, leading to Building Permit granted and demolition done without appropriate variances and permits. In fact, demo permit for garage wasn't issued until 2 weeks after it's removal.

- Neighbors notified of plan change to tear down and new construction by flyer drop less than 1 week before tear down started, with *New Construction* and build plans not easily discerned. (Never notified by City.)

NOT TRUE

NOT TRUE

NOT TRUE

NOT TRUE

DON'T EXIST

NOT TRUE

* BUILDING & DEMO PERMITS IN PLACE & ZONING APPROVAL !!

→ NOT TRUE

1,170#
LE - ?? square ft btd in block walls and additional concrete off the existing sidewalk at the front of the house per Site Plan

This 4617+ square ft of hardscape combined with the recent removal of greenscape - prominent among homes on the rest of the block - not only results in results in increased runoff pollution to the Mississippi River, but contributes again to how the home just doesn't fit in. HAVE BUTTERS
RAIN BALTEN - DRAINAGE TUBS

<https://www.capitolregionwd.org/our-water/stormwater-runoff/>

That aside, do the structural plans fit the lot? As new construction, it should be possible to build a house that does not need any variances - one is working with a clean slate, so to speak. The need for variances here really stems from the structures being too large for the lot. Again, no other home on the block covers the lot like this; it is not in harmony with the block. To the argument that 18 sq ft not a large area, isn't just as easy to change the site plans vs. getting the Variance? HARDEN TO GET

*Of note, reported lot size on this project has changed 3x since BZA started weighing in on Variance requests in February 2019.

Originally, 40x125 ft = 5000 sq ft LE

Then, in August 2020, was 47x (119.3 + 10 ft alley allowance) = 6077.10 LOT = 6094#

Now, September 2020, after a week of work to clarify what #s were used to calculate this different lot size, only today was that offered: that the lot measures differently at the front than back, "that the lot is slightly wider at the front, which was measured at 47.19'. This would account for the 16.9 square foot difference between the 6,077.1 that you and your neighbors came up with and the 6,094 that was surveyed."

- Rear Yard Set Back

Allowing a 1 ft set back from alley instead of the required 25 ft set back, thus a variance of 24 ft. Again, MB states "This request is in keeping with the neighborhood. On our block there are four other houses with attached garages, all of these, including two other homes (are) within 4-10 ft of the alley. (See attachment - Zoning Variance Application - p. 2 and Exhibit B on p. 14.)" ON OUR BLOCK THERE ARE 4 GARAGES WITH IN 1' AND 6, WITH IN 1'-6".
NOT TRUE

In fact, these two other homes are not attached at all. And of those with attached garages, all sit more than 25 ft from the alley or street, with three entered from the front/street side of the property, the others from the alley to tuck-under garages. Only one home sits within 10 ft of the alley, and it was built 19 years before the alley was built in 1932. (See Exhibit C for details, Exhibit D for photos.) As such, the data provided by the applicant to support this variance "fitting the neighborhood" is based on incorrect information.

Unfortunately these discrepancies were missed in the Variance Application and Board of Zoning Appeals (BZA) Staff Report in 2019 when variances were approved (for an DIDN'T EXIST

2. Lot Coverage

The current Variance Application states lot coverage as 40.2%. ~~However, on Friday, September 11, the City has corrected lot coverage to be 41.4%, with lot measured at $47 \times (119.3 + 10) = 6077.10$. The Highland neighborhood allows coverage of 40%, resulting in variance of 1.4%, or 87.8 square ft.~~ **NOT TRUE!** **WRONG!**

That said, "does this home fit the area" seems at the heart of the matter. Admittedly, it's subjective. Established so far

1. No other homes are this close to the alley, excluding one built in 1913, nearly 20 years before the alley was constructed. **NOT TRUE!**

2. Few homes have attached garages. Where they do exist, they're within setback requirements > 25 ft from alley or street. **NOT TRUE!**

3. Vehicles enter existing garages from one side via one set of doors. This plan implies 2 sets of vehicle doors, at 90 degree angles of each other.

4. There's a lot of hardscape on the lot, with approximately

445 square ft in patios

- 342 square ft in parking pad **WRONG**

- 3830 square feet in walking path along East side of the house **WRONG, WALK = $95' \times 4' = 380'$**

- considering last two bullets, and knowing snow is not to be shoveled into the alley, where will it be removed to?

- ?? square ft tbd in block walls and additional concrete off the existing sidewalk at the front of the house per Site Plan

This 4617+ square ft of hardscape combined with the recent removal of greenscape – prominent among homes on the rest of the block – not only results in results in increased runoff pollution to the Mississippi River, but contributes again to how the home just doesn't fit in. **CURBS, DRAIN TUBS & RAIN GARDEN!**

<https://www.capitolregionwd.org/our-water/stormwater-runoff/>

That aside, do the structural plans fit the lot? As new construction, it should be possible to build a house that does not need any variances – one is working with a clean slate, so to speak. The need for variances here really stems from the structures being too large for the lot. **1. STORY HOUSE!**

Adding to confusion

1. There's been confusion re: lot size, including above clarification from the City that the 2019 Variance Application and supporting Board of Zoning Appeals Staff Report show incorrect numbers. **NOT TRUE** At that time, BZA Staff Report recorded lot size $40 \times 125 = 5000$. In September 2020, a 3rd lot size has been provided., thus the need for ongoing City clarification. With lot coverage defined by lot size, neighbors have asked how this number is derived, = lot width by lot length, allowing half of alley width. Of note -- the most recent lot size happens to be the largest, allowing a larger build.

2. Exhibit B on p. 14 of the current Variance Application depicts birds eye view of the block. The subject property shows lush greenscape, as other properties on the block. As mentioned above, this was removed from the property in August 2020; one tree remains at the SW corner of the lot. At the time of tree removal, neighbors had not been notified of plan changes from *Addition to New Construction* by MB nor the City. In hindsight, this was the first clue the project had changed from the *Addition* plan proposed to neighbors and Highland District Council in 2019.

In sum, this has been a complicated situation, seeming to exist due to a knowledgeable builder strategically navigating City policy and procedure, combined with key misses along the way by the City. Had MB approached neighbors, Highland District Council and the City earnestly and clearly on his changes along the the way, we feel we could be supportive at this time, as we were when first approached for *Addition* variances in 2019. However, he's repeatedly acted otherwise, breaking our trust in him and the system of checks and balances at the City to prevent such problems. Now the property exists as a large hole in the ground that needs remedy. While we welcome construction that fits in with the block, it does need to fit in, and not be pushed through hastily through misrepresentation and deceptive behavior. We therefore respectfully DO NOT support the current variances requested. We hope you can join us in petition of "No to Variances" and "Related Problems at 1493 Highland Pkwy."

Understandably, there is varying awareness and knowledge base re: this property's issues. Please reach out if more insight is needed to the data provided, and to share your views. We'll be working to get back to you quickly – thanks in advance as we make time to get back to you.

Sincerely,

Marge Isom
Cynthia Skally

1477 Highland Pkwy
1485 Highland Pkwy

612/251-7441
651/338-4905

Attachments – Current Zoning Variance Application, specifically p. 2 and Exhibit B, p. 14; Exhibit C – Existing Garages and Homes Clarification; Exhibit D – Photos of garages, the dig, the dig to lot lines, the dig into alley; Exhibit E – Related Problems at 1493 Highland Pkwy

SUPPORTED
VARIANCES

ZONING
STAFF
RECOMMEND
A PPROVAL
OF
VARIANCES

NEVER HAPPENED

Re: Current Variance Application for 1493 Highland Pkwy
MB is applicant/owner/builder

Hello –

As you're aware, variances have been requested for new construction after a surprise tear down at 1493 Highland Parkway. Prior email notified you of upcoming Zoom meetings to address whether the variances will be granted. These meetings take place Tuesday, September 15 and Monday, September 21. **At the end of this letter, you'll find a petition. If you feel NO to the variances, please sign and email or drop in Marge's mailbox). It needs to be received by BZA on Friday, September 18, so we need to be timely.** With lives full of obligations and interests, thank you in advance for any attention you can give to this matter. Further, with abundant care for objectivity, we've waited on clarifications from the City, some still pending. Thus the delay in sharing this info with you. The variances under review are:

1. Rear Yard Set Back

Allowing a 1 ft set back from alley instead of the required 25 ft set back, thus a variance of 24 ft.

**THIS IS IN KEEPING W/ NEIGHBORHOOD!
OUR BLOCK = 4 OTHER ATTACHED GARAGES, 4 GARAGES WITH IN 1' AND 6' WITH IN 1'-6"**

MB states "This request is in keeping with the neighborhood. On our block there are four other houses with attached garages, all of these, including two other homes (are) within 4-10 ft of the alley. (See attachment – Zoning Variance Application – p. 2 and Exhibit B on p. 14.)"

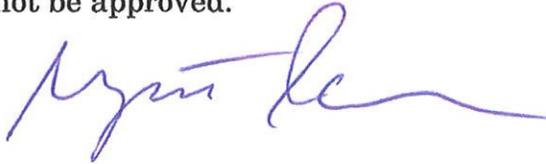
In fact, these two other homes are not attached at all. And of those with attached garages, all sit more than 25 ft from the alley or street, with three entered from the front/street side of the property, the others from the alley to tuck-under garages. Only one home sits within 10 ft of the alley, and it was built 19 years before the alley was built in 1932. (See Exhibit C for details, Exhibit D for photos.)

As such, the data provided by the applicant to support this variance "fitting the neighborhood" is based on ~~incorrect~~ information. Unfortunately these discrepancies were ~~missed~~ in the Variance Application and Board of Zoning Appeals (BZA) Staff Report in 2019 when variances were approved (for an *Addition*). Neighbors were prompted into action to measure/take photos after we were told correcting this incorrect information would not be guaranteed, as the City uses a subjective, drive-by process to verify the applicant's data. (The BZA Staff Report to accompany the current Variance Application has not been provided.)

Addition). Neighbors were prompted into action to measure/take photos after we were told correcting this incorrect information would not be guaranteed, as the City uses a subjective, drive-by process to verify the applicant's data. (The BZA Staff Report to accompany the current Variance Application has not been provided.)

Thank you for taking the time to consider our concerns, weigh the discrepancies why these Variances should not be approved.

Marge Isom
1477 Highland Pkwy
St. Paul, MN 55116
612/251-7441



attachements:

Petitions

letters from neighbors

neighbor info letter

email to Matt Graybar, September 18, 2020

please refer to Current Zoning Variance Application, specifically p. 2 and Exhibit B, p. 14 re: garage info; Exhibit C – Existing Garages and Homes Clarification; Exhibit D – Photos of garages, the dig, the dig to lot lines, the dig into alley; Exhibit E – Related Problems at 1493 Highland Pkwy

Exhibit C

Existing Garages – Clarification

Address	Garage distance	Attached	Garage type
1477 Highland Pkwy	On alley	No	
1485 Highland Pkwy	On alley	No	
1465 Highland Pkwy	50 ft from street	1 Yes	At front
1512 Eleanor	68 ft from alley	2 Yes	Tuck under at back
1508 Eleanor	40 ft from alley	3 Yes	Tuck under at back
1500 Eleanor	56 ft from street	4 Yes	At front
1460 Eleanor	28 ft from street, 17 ft to alley (though this is to side of garage, not door entry)	5 Yes	At front

Existing Homes – Clarification

1. 1477 Highland Pkwy was built 1913, home is 9 ft from the alley and garage sits just off alley;

1485 Highland, built in 1910, home is 21 ft from alley and garage sits just off the alley. Both homes were built _____ years before alley was created. Homeowners have the paperwork to show how these existing garages sites were ok'd by the city.

2. All other homes on the block are ^{NOT} set back well beyond 25 ft of the alley or street, not as presented in current Variance Application.

3. Two attached garages in graph above were not accounted for in current Variance Application.

High

September 17, 2020

To whom it may concern,

I wish to share my feelings on what I saw transpire at the Tuesday, September 15th Highland District Council meeting. Specifically, I wish to address the matter of the debate concerning a request for a variance for 1493 Highland Avenue.

Let me begin by sharing I am a resident of St. Paul and a homeowner here since 2003. My roots in St. Paul go back to those that laid the railroad here. My grandfather was a successful builder for over five decades building everything from office parks to large subdivisions. He also managed many of his properties, and I had the privilege to work for him as my first job during my youth. On many occasions I watched his interaction with both the public, his tenants, and local officials. He prided himself on being a good neighbor to those with whom his work dealt. Sadly, what I witnessed at the district council meeting this past Tuesday evening was in stark contrast to anything I saw while in my grandfather's employ.

Before District Councilwoman Isom could adequately share her concerns about events and implications of work done at 1493 Highland Avenue of late and the requested variance, she was immediately talked over by Mr. Buelow. As she attempted a second time to speak her piece, she was interrupted again, this time by a cacophony of incredulity from Mr. Buelow with claims of personal attacks. If Mr. Buelow wanted transparency on the issue, it begs the question why did he not want District Councilwoman Isom to speak. People who have the facts on their side do not need to resort to these types of tactics. Mr. Buelow was also lacking when it came to evidence to back up many of his claims instead stating he did not have the documentation in front of him. Tuesday evening's meeting was not a surprise, so why was Mr. Buelow not prepared? If one felt that he or she was unfairly being attacked, wouldn't one make an extra effort to attend the meeting with supporting documentation? Also, contrary to Mr. Buelow claim that there are but a small number of individuals opposed to what is transpiring at 1493 Highland Parkway, the number of people who signed a petition in opposition proves otherwise.

Also disconcerting was the difference in treatment afforded to District Councilwoman Isom and Mr. Buelow. Mr. Buelow repeatedly interrupted District Councilwoman Isom with little to nothing in the way of admonishment as well as when he referred to those who were there to air their grievances about what has been transpiring at 1493 Highland Avenue using the derogatory term "NIMBYs" (Not In My Backyard). Yet when District Councilwoman Isom tried to respond to Mr. Buelow's accusations, she was told at least twice to "shush" by a fellow district councilperson. Frankly, I came out of Tuesday's nights district council meeting feeling like the decision on the topic was pre-ordained and that any semblance of legitimate debate was simply a formality.

MARGARET WAS TOLD TWICE TO, "SHUSH" BY HDC CHAIRWOMAN, KATHY CARRUTT AND LAND-USE COMMITTEE CHAIR BECAUSE HER COMMENTS WERE REDUNDANT & NOT GERMANE.

I have seen the information District Councilwoman Isom and others on the block have produced concerning the variance and its impact on those living there. In my opinion, it deserved serious consideration. It is therefore a pity that I saw little in the way of substantive discussion permitted on the matter at the district council meeting this past Tuesday evening.

Respectfully,

[Signature]
John Torres
St. Paul Resident
407 DUKE ST
3 MILES AWAY

- 1465 HIGHLAND
- 1456 ELWOOD
- 1460 ELMWOOD JAMES WELISTON
- 1471 ELMWOOD
- 1470 FAN SHAW
- 1482 CHRIS MAREK
- 1500 ELMWOOD ANIPEL SHARKE
- 1512
- +2 1524 ADDA BLISS
- 1521 HIGH
- 1509 HIGHLAND - BEN BRITST
- 1518 ELEANOR PARASKEVAL
- 1485 EYNTHIA HIGHLAND
- 1501 HIGHLAND amy

MARGARET ISOM
1477 HIGH - KID SIGNED

* MARGARET MISREPRESENTED FACTS OF SITUATION -

NOT! "27 NEIGHBORS" - LIE!

NOT ON BLOCK

From: Margaret Isom <marge@grophy.com>
Sent: Friday, September 11, 2020 4:15 PM
To: Diatta, YaYa (CI-StPaul) <yaya.diatta@ci.stpaul.mn.us>
Cc: Soderholm, Larry (CI-StPaul) <Larry.Soderholm@ci.stpaul.mn.us>; Graybar, Matthew (CI-StPaul) <Matthew.Graybar@ci.stpaul.mn.us>; kathy@highlanddistrictcouncil.org; Cdc <cdc@highlanddistrictcouncil.org>
Subject: Re: FW: 1493 Highland Pkwy

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

Hello Yaya - Larry called me just after you and I spoke. He was able to provide the paperwork -- current Site Plan and House Staking -- so I think we're all set for now.

My sincere thanks for the extra attention to this matter. ^{HAD PERMIT!} With so many errors and confusion surrounding the property's surprise teardown, seemingly fueled by the owner/builder's repeated misrepresentation, it's felt important to get to the objective data and greater understanding overall. It's been a long few weeks working with neighbors, and we'll be sharing info readily -- here on the block, as well as Highland District Council's Community Development Committee zoom meeting on Tues, Sept 15. 1493 Highland Pkwy makes up the bulk of the agenda.
https://www.highlanddistrictcouncil.org/ai1ec_event/community-development-committee-cdc-8/?instance_id=

Hoping you can attend because on a broader scale, we in the community and city officials need to work closely together to prevent further issues like these.

Thanks again,
Marge Isom, Grid 4 representative - Highland District Council
612/251-7441
1477 Highland Pkwy
St. Paul, MN 55116

NOT TRUE