

GENERAL MINUTES
 THE BOARD OF ZONING APPEALS
 CITY HALL – ROOM 40 & 41
 SAINT PAUL, MINNESOTA
 FEBRUARY 2, 2026

BOARD MEMBERS PRESENT

Daniel Miller
 Jerome Benner II
 Megan Dayton
 Chris Schweitzer

STAFF PRESENT

David Eide DSI
 Yaya Diatta DSI
 Maxine Linston DSI
 Pang Yang DSI
 Samatha Juneau City Attorney

ABSENT BOARD MEMBERS: Brian Martinson; Marilyn Porter; Robert Clarksen.

APPROVAL OF MINUTES:

January 5, 2026 - Moved By: Dayton / Second By: Benner II, Approved 4-0

APPROVAL OF RESOLUTIONS:

DSIBZA- 000226-2025 - Moved By: Benner II / Second By: Dayton, Approved 4-0

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
DSIBZA-000232-2025	1305 7 th Street West- Joe Bennett	Motion to deny failed; Vote: 3-1 (Per SPLC § 61.203, less than 4 votes in any direction fails.) Motion to approve failed, as there was not a second. Board members stated rationale for denial votes prior to first motion to deny that failed. MN Statues § 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
DSIBZA-000231-2025	97 Oxford Street North – Drew Horowitz	Dayton	Benner II	4-0	Approved

Submitted by: Maxine Linston

Maxine Linston

Kaozouapang (Pang) Yang

Kaozouapang Yang

Approved by: Marilyn Porter, Secretary

Marilyn J Porter

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
FEBRUARY 2, 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, Ms. Dayton, Mr. Schweitzer

Department of Safety and Inspections: Mr. Eide, Mr. Diatta, Ms. Yang, Ms. Linston

Legal: City Attorney Samantha Juneau

ABSENT: Mr. Clarksen, Mr. Martinson, Ms. Porter

The meeting was chaired by Daniel Miller and began at 3:00 p.m.

Chair Miller called the meeting to order and outlined the procedure for the public hearing. He noted that David Eide and Pang Yang from the Department of Safety and Inspections was present. Yaya Diatta, Zoning Administrator, Samantha Juneau was the legal counsel, and Maxine Linston was the secretary. He requested that Maxine Linston conduct a roll call of those in attendance. Benner II, Dayton, Schweitzer, and Miller were in attendance.

Approval of Minutes for:

January 5, 2026

Chair Miller noted that the approval of the January 5, 2026 meeting minutes was before the Board. Dayton moved approval and Benner II seconded. Chair Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Miller, Benner II, Schweitzer, and Dayton voting to approve. The motion passed.

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

Approval of Resolution for:

1430 Maryland Ave East (DSIBZA-000226-2025)

Chair Miller noted that the approval of the 1430 Maryland Avenue Resolution was before the board. Benner II moved approval and Dayton seconded. Chair Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Miller, Benner II, Schweitzer, and Dayton voting to approve. The motion passed.

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

Old Business: None

New Business:

1305 7th Street West:

Chair Miller read the purpose statement for the request, which was a variance to convert an existing illuminated freestanding sign to a dynamic display sign in its current location. The zoning code requires dynamic display signs to be 75 feet measured along the road from residential districts and 50 feet measured radially; 50 feet and 47 feet are proposed, for variances of 25 feet and 3 feet. Pang Yang presented the staff report with a recommendation to approve the variance based on findings one through six. No recommendation was received from the Fort Road Federation, and no correspondence was received.

Board Member Dayton asked whether denial of the variance would prevent reasonable use of the property, noting that the site already contains a compliant sign and questioning whether the business could continue to function without the request. She expressed concern about whether the applicant demonstrated a hardship specific to the property and questioned whether the cited conditions differ meaningfully from those affecting other B2 parcels adjacent to residential districts. Referring to findings three and six, Board Member Dayton stated that the identified constraints appear common to many similarly zoned properties and that the zoning code is intended to regulate, not waive, those provisions. She asked what distinguishes this property and raised concern about the precedent approval could set.

Yaya Diatta explained that the applicant proposes replacing the existing illuminated box sign with a dynamic display sign to allow more efficient advertising of promotions. He stated that denial would not prevent continued operation of the business or use of the existing sign, but it would limit an opportunity to modernize advertising. He noted that dynamic display signs are permitted near residential areas when operated under strict standards, including monochromatic display, a minimum 20-minute message hold time, prohibition on flashing, and nighttime shutoff. He stated that the practical difficulty arises from the property's proximity to surrounding residential zoning, which limits the ability to install an upgraded sign that meets separation requirements, and added that the proposal aligns with the zoning code's intent to reduce driver distraction and visual impacts.

Vice Chair Benner II asked whether any concerns had been received from surrounding property owners; staff confirmed that none had been received. He commented that the orientation and monochromatic design of the sign could help minimize impacts on nearby residences and stated that compliance with limits on message frequency and brightness would be important to reduce distraction. While acknowledging the proximity to residential uses, he indicated that the request could be considered a reasonable deviation from the zoning code.

Chair Miller asked whether the intent of the zoning code is to protect residential neighborhoods from bright and flashing lights. He then invited the applicant to speak.

Applicant representative Matt Duffy, representing the sign company, stated that residential concerns typically relate to brightness and motion. He explained that the proposed sign would be monochromatic, would follow the required 20-minute message hold time, and would be turned off overnight. He added that the sign includes adjustable brightness controls and that, based on his experience with similar installations near residential areas, brightness can be reduced to address neighbor concerns.

Board Member Dayton stated that while the applicant had described operational limits such as monochromatic display, message timing, and nighttime shutoff, those measures did not address a property-specific condition that would make compliance with the zoning code unreasonable. She indicated that she had not heard evidence of a unique circumstance tied to the site itself, as opposed to a preference for the proposed sign.

Chair Miller asked whether there were additional reasons the proposed digital sign would be preferable to a manually changed sign beyond employee time, including whether safety or other operational considerations should be taken into account.

Applicant representative Matt Duffy stated that there is no location on the property where a sign could be installed that meets the required separation distance from residential uses. He explained that denial of the variance would not prevent the restaurant from continuing to operate, but it would limit the owner's ability to use a digital sign that could improve advertising effectiveness and revenue. The digital sign allows messages to be programmed automatically and is a more effective advertising tool than a manually changed sign.

Yaya Diatta added that a digital sign could improve safety by eliminating the need for workers to climb onto the roof to manually change the sign, particularly during winter conditions. He reiterated that no compliant sign location exists on the property.

Board Member Schweitzer stated that while he generally supports business improvements, he believed the request represented the type of situation the zoning code was intended to prevent. He expressed concern that approval would weaken established standards and set precedent and stated that broader policy issues should be addressed through code amendments rather than variances.

Vice Chair Benner II observed that the property operates as a standalone business surrounded by residential uses and has long functioned in that location. He viewed the request as a reasonable business improvement with safety benefits and noted that no alternative compliant sign location exists on the site. He stated that the proposed operational limits would likely minimize impacts and indicated support for the variance.

Board Member Dayton responded that a desire to modernize signage does not constitute a site-specific hardship preventing reasonable use of the property. She highlighted that the Board's role is to apply the variance criteria as written. She then moved to deny the variance based on findings three and six, stating that the applicant had not demonstrated a unique practical difficulty and that approval would weaken the intended transition between commercial and residential areas and create precedent.

Board Member Schweitzer seconded the motion. Chair Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted Dayton, Schweitzer, and Chair Miller voting against and Vice Chair Benner II voting for. Chair Miller announced that the motion failed for lack of the four affirmative votes required.

Vice Chair Benner II then moved approval of the variance based on staff findings one through six. No second was received.

Chair Miller stated that because no motion received the required number of affirmative votes, the request was denied in accordance with procedure. The City Attorney confirmed that a failed motion to approve results in denial. Chair Miller announced that the variance was denied and that the decision would be final unless appealed to the City Council within ten days.

Moved by: Dayton / Second by: Schweitzer

Denied (3-1)

Motion to deny failed, Vote 3-1 (Per SPLC § 61.203, fewer than four votes in any direction fails). Motion to approve failed due to lack of a second. Board members stated their rationale for denial votes on the record. Pursuant to MN Stat. § 15.99, a failed motion to approve constitutes a denial.

Request Denied

97 Oxford Street North:

Chair Miller read the purpose statement for the request, in which the applicant is proposing a variance from the 5-foot side yard setback requirement to allow for the construction of an accessible elevator addition. The proposed addition, necessary to provide ADA access to the building, would be located 2.4 feet from the north property line, resulting in a requested variance of 2.6 feet. Pang Yang summarizes the staff report with a recommendation to approve the variance request based upon findings one through six. No recommendation was received from District 8 – Summit-University, and staff received two emails in opposition to the request.

Board member Schweitzer asked whether staff had information regarding the licensing, certificate of occupancy, and zoning compliance of the sober living facility referenced in public correspondence. He sought clarification on ownership, operation, and whether the use was properly permitted. Pang Yang responded that the property had received approval for a conditional use permit in late 2025 to increase the number of residents from 24 to 34 and is permitted to operate as a sober living facility.

David Eide explained that the zoning code limits the number of residents allowed without a conditional use permit in the H1 district and that the applicant had obtained approval to exceed that limit. He clarified that the current request does not change occupancy and is limited to construction of an elevator addition.

Vice Chair Benner II confirmed that the use of the property as a sober living facility had gone through the appropriate approval process and that the variance request relates only to the proposed elevator within the side yard setback.

Applicant Representative Ms. Goode stated that the property recently passed occupancy inspection following interior renovations and has been vacant during construction. She explained that the elevator is proposed to improve ADA accessibility for residents with mobility needs. She noted that the property has operated as a form of supportive housing since the 1960s and was purchased by her organization in summer 2024.

Board member Dayton asked whether the applicant had considered alternative locations for the elevator that would achieve ADA compliance while meeting zoning setback requirements. Ms. Goode responded that the organization had renovated the interior of the building to include ADA-compliant features and later decided to add an elevator to improve accessibility, but she could not speak to alternative placement options.

Vice Chair Benner II asked staff about building and fire code compliance related to the reduced setback. Mr. Eide explained that the addition is located along a public alley rather than an interior property line and proposes no windows, and that Building Plan Review would ensure compliance with applicable building and fire codes regardless of the variance decision.

Board member Schweitzer asked about the operational history of the sober living facility. Ms. Goode stated that the property has functioned as a form of supportive housing since the 1960s and as a sober house since at least the early 2000s. She added that her organization purchased the property in summer 2024 and that it has remained vacant during interior renovations.

Board member Dayton motion to approve the variance request based on findings, 1-6. Vice Chair Benner II 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. Chair Miller informed the applicant that the request was approved, and that the approval was final unless appealed to the City Council.

Moved by: Dayton / Second by: Benner II

Approved 4-0

Note: City Attorney Juneau clarified that under Zoning Code Section 61.203, any motion receiving fewer than four affirmative votes fails. She explained that when a motion fails and differs from the staff recommendation, Board members are required to state their rationale on the record so it can be reflected in a memorializing resolution. She noted that Board Members Dayton and Schweitzer had already stated their reasons and requested that Chair Miller state his rationale. Chair Miller responded that his vote was based on the language provided by the maker of the motion.

Before adjournment, Pang Yang informed the Board that one case is scheduled for the February 17 meeting involving a United Village variance related to glazing, windows, and door openings.

Chair Miller then adjourned the meeting.

The meeting was adjourned at 3:42 p.m.

Submitted by: Maxine Linston

Maxine Linston

Kaozouapang (Pang) Yang

Kaozouapang Yang

Approved by: Marilyn Porter, Secretary

Marilyn J Porter

Signature: Maxine Linston

Maxine Linston (Feb 18, 2026 14:16:09 CST)

Email: maxine.linston@ci.stpaul.mn.us

Signature: Marilyn Porter

Marilyn Porter (Feb 18, 2026 14:29:27 CST)

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Signature: Kaozouapang Yang

Kaozouapang Yang (Feb 18, 2026 14:11:05 CST)

Email: kaozouapang.yang@ci.stpaul.mn.us

FEBRUARY 2, 2026- BZA GENERAL AND HEARING MINUTES

Final Audit Report

2026-02-18

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By:	Kaozouapang Yang (pang_yang82@hotmail.com)
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