

Naylor, Racquel (CI-StPaul)

From: Margaret Isom <marge@grophy.com>
Sent: Tuesday, October 20, 2020 10:45 AM
To: *CI-StPaul_Contact-Council; CouncilHearing (CI-StPaul)
Subject: neighbor opposition to city council appeal - 1493 highland pkwy, oct 21, 2020
Attachments: IMG_2559.JPG; IMG_2558.JPG; IMG_2555.JPG; IMG_2554.JPG;
Neighborresponsetosept15cdcmtg.doc; IMG_2249.jpg; IMG_2250.jpg; 2.jpg;
neighborsccappeal.docx

October 20, 2020

Hello City Council –

I'm writing on behalf of neighbors to 1493 Highland Pkwy. We understand you received our Opposition Packet from the BZA hearing on Sept 21, 2020. Thank you now for considering these additional thoughts.

In our packet, you saw 27 neighbors signed petitions to oppose both variances requested by the Applicant. In contrast, only three neighbors signed *Consent of Adjoining Property Owners For Set Back Variance*. Note: 1) the two property owners on either side of the applicant signed the petitions – they did not give consent; 2) the applicant also signed, but he's not an adjoining property owner; 3) the three signatures were gained before the petition went out; (4) the form shows an undated, handwritten amendment of "consent to lot coverage". It's not clear these neighbors were also in support of that provision.

Neighbors agree with the BZA Committee *denial* of variances requested for rear set back and lot coverage on Sept 21, 2020. Neighbors also contest City Council Appeal Application and prior BZA Staff Report findings as follows:

#3 The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision.

FYI – The BZA Committee found this criteria was NOT met for both variances at the Sept 21, 2020 meeting.

The applicant states disability is the practical difficulty leading to need for an attached garage. With several health care providers on the block, we are particularly empathetic to disability issues (see pg 27 Opposition Packet). However, when this property was granted variances in 2019 as an addition, the existing garage could be attached to the existing home and additions could be made resulting in very little change to the footprint. (See BZA presentation, site plan slide - growth of home from red outline to green; Highland District Council 2019 Resolution and minutes for the property <https://www.highlanddistrictcouncil.org/wp-content/uploads/2014/06/Resolution-of-support-for-1493-Highland-Pkwy.pdf>; <https://www.highlanddistrictcouncil.org/wp-content/uploads/2013/07/CDC-Committee-Minutes-February-19-2019.pdf>.) These additions were what the Applicant requested to make the home accessible, and it fit the lot and the surrounding homes. So despite a problem with the foundation, why does design have to change so dramatically to make the home accessible now?

#4 The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The lot is narrow, and with a 9% grade, so the garage must be pushed to the back of the lot is the argument. As seen on *1493 Highland Pkwy Area Map*, many lots are comparable: 7 of 12 properties on this Highland Pkwy block measure the same width. On Eleanor, 5 of 13 homes are the same and 3 *more* narrow. So this really isn't unique, with many other homes having the same situation. We conclude again, 1493 is not fitting with the block: narrow lot or not, with or without attached garages, none have lot coverage as the Applicant proposes.

The shape, size and slope of this lot haven't changed since purchased by the Applicant a couple years ago. A disability accessible home was proposed and deemed possible when *minor variances for an addition* were secured in 2019. So why are lot width and grade now a problem?

#6 The variance will not alter the essential character of the surrounding area. In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified.

FYI --The BZA Committee found this criteria was NOT met for both variances at the Sept 21, 2020 meeting.

Contrary to Application and and BZA Staff Report, the proposed home does not fit with surrounding homes.

- Only 2 other homes are set back like this – 1477 and 1485 Highland Pkwy – because the alley was installed after the fact, almost 20 years after the homes were built. Both homes have a substantially larger front set back, at least 58 ft vs proposed home at 32 ft.

- No homes with attached garages are 1 ft. off the alley like the proposed home. In the two homes mentioned above, garages are 6 ft from respective house, thus not attached. All other homes with attached garages are well set back from the alley/street. (See attached garage measurement photos and pg 24, Opposition Packet, Exhibit C.)

-No other garage has access like this, with 2 sets of doors 90 degrees of each other.

- All nearby properties have larger front setback than 1493 Highland Pkwy's 32 ft. The smallest nearby are up to 19% greater than the applicant's set back, ranging 35-38 ft at 1465, 1475, 1515, 1519 Highland Pkwy. And all these homes also have backyards.

- As noted above, this lot is not atypically narrow at 47 ft. Other lots are the same, even narrower, but home/garage don't cover the lot like this. (See 1493 Highland Pkwy area map and City Council Appeal Application - Exhibit B, block overview.)

- The Applicant's mention of cantilevered construction at Sept 21, 2020 BZA Appeal – adding more square footage over a smaller foundation – results in even more lot coverage, further out of step with surrounding homes. Note – this block has a wide alley = 20 ft, effectively allowing more lot coverage (50% of width = 10 ft x width of lot = 47 ft = 470 sq ft). Many nearby alleys don't run this wide, including this alley that continues across Pascal.

- In short, no other home on the block covers a lot like the one proposed, with home/attached garage stretching from 1 ft off the alley forward to a 32 ft. front set back, with the minimal 4 ft set backs on either side. All other properties have significantly larger green space.

Other neighbor oppositions

1. In his appeal, the Applicant's story is of variances for a major remodel in 2019, removing walls and roof. This is not consistent with the *addition, minor variance* applied for and approved at that time. So we find this

explanation odd. Also odd for an experienced builder: foundation problems came as a surprise; not knowing City process and procedure re: project changes. The issue seems to stem from wanting a home that is too big for the lot and not fitting w/ those on the block. Especially now with an empty “clean slate” lot, there seems no need for either either variance.

2. Highland District Council Support

A. Comments re: Resolution Sept 15, 2020:

- See neighbor letters of frustration (attached) after the Sept 15, 2020 meeting to address the property and variances. 10-12 neighbors participated, none voicing support of the plan, many talked over and effectively silenced by the Applicant and Exec Director. As such, the 27 petitions opposing both variances were not presented and the committee voted to support variances.

- It should be noted in the Resolution: Demo permit for garage wasn't secured until *after* the tear down; Feb 2019 variances applied to a significantly different project: an addition to connect the existing garage to existing home and make the home slightly wider. It really isn't relevant to the current conversation except that the plan has changed dramatically.

B. re: Letter to CM Tolbert – Having attended multiple Highland District Council meetings on Zoom, none have had technical difficulty seeing comments or hands raised. As noted above, the Exec Director talked over neighbors while the Applicant could express himself fully. On viewing variance requests narrowly, neighbors argue the committee misses context, as noted with the BZA finding #6. This thinking also maintains if granted before, variances should be given again, making mindful ordinances rather negligible.

C. FYI – (1) Highland District Council Exec Director was contacted to advise on the surprise teardown at 1493 Highland Pkwy on Aug 13, 2020. Without feedback, neighbors started calling the City Aug 25, 2020, as digging extended to property lines and into the alley (see attached photos). Stop Work was initiated a few days later given significant change in scope of project without City authorization. (2) Pg 31 of Opposition Packet is not part of the neighbor Packet, but a letter from Exec Director expressing difficulties of the property owner-neighbor meeting.

Summary

There are 27 neighbors whom said no to the Applicant's two variances in September 2020. The BZA Committee noted problems and denied the requests. No other home on the block extends continuously from the front set back to the alley, with or without attached garage, including the lots forementioned with equal or less lot width. This property was granted variances in 2019 that the owner requested for accessibility. However, he's now requesting a bigger home/garage on the same lot, needing new variances for lot coverage and rear set back. While an attached garage is desirable for all of us, the two variances combined result in excessive lot coverage, out of step with homes on both Highland and Eleanor sides of the block. The ongoing misrepresentation and inequities – by the Applicant and BZA Staff Report, at the Highland District Council meeting and City short-cuts granted to this experienced builder – have made this process especially difficult. In a time of increased focus on equity and truth, it feels especially important rules are consistent across Applicants. We hope you agree, and vote no to this appeal. Thank you for your thoughtful consideration.

Marge and Jon Isom

1477 Highland Pkwy, St. Paul, MN 55116

612/251-7441 mobile

**The text in this email is also found in attached document, neighborsccappeal.docx

Neighbor Letters

From Katherine Bliss

14. sep. 2020

Thank you, Marge for your diligent work on this! As you said, there is varying awareness and knowledge base on the details of this case so I am catching up. In the variance application, MB states that the attached garage will provide an enclosed handicap accessible entrance for a person in his family (I'm assuming his wife based on his Exhibit A). I'm mostly in agreement with most of our neighbors here in saying "no" due to the manner in which this was all done (transparency and honesty mean everything), but I will admit, this information (about a possible disability accommodation) gives me pause. Does anyone have any insight on this?

Thanks all,
Katie Bliss
1524 Eleanor Ave

From: Niels Billund

Date: Mon, 14 Sep 2020 20:40:53 -0500

As a nurse, my immediate reaction also was empathy, however I feel that a home that meets the needs of a person with a disability, can be constructed without having to push the limits, set for all families to have a home on city plots that doesn't obscure or intrude on neighbors.

What happened on Eleanor just east of Hamline completely changed the feel of that entire block. We need to let the city leaders know that we expect already generous codes to be followed.

From: Margaret Isom

Mon, 14 Sep 2020 11:24:34 PM -0500

Thanks for your engagement, Katie, and for bringing this up. I've struggled a bit with that, too. The builder has openly shared his wife has Multiple Sclerosis. Like Niels, I too have a history in health care -- Physical Therapist for nearly 15 years, working often w/ chronic neurological disease. While empathetic to that and the challenges it brings, it doesn't lessen the problems the builder has brought upon himself.

With over 30years in construction w/ many contracts with the City in single and multifamily homes, he knows the ordinances, processes and the people. And so do the people at the city. That, to me, is the bigger problem, and it feels systemic. So much is in place to prevent this kind of situation, and yet it goes awry with some granted special privileges. It's not a level playing ground for those who do the remodel process honestly, and disrespectful to us neighbors. Just my take on it all.

Can't agree w/ you more -- truth and honesty mean everything. Thanks again for your careful consideration of the situation. - Marge

PS -I've added other neighbors to this thread with their shared emails tonight. Welcome to the conversation. Hope my candid thoughts aren't too much so early in meeting.

From: Katherine Bliss

Wed, 16 Sep 2020 10:45:54 PM -0500

Hi Marge,

Adam was the person from our family who sat on the call in its entirety (and he was able to raise his hand and ask questions). I was popping in and out of the room as I was putting the kids to bed (Eliza is still pretty attached to me for bedtime). There was a tremendous amount of work that was put into this and to have the efforts mostly ignored is quite frustrating and a waste of time. Thank you anyway.

Fundamentally I kept coming back to the notion of why do setbacks exist in the first place? Going off what I witnessed last night is that setbacks only exist for those that respect them. If you simply don't want to follow the rules it seems you don't have to as long as you ask... at some point, sort of... Variances should only be granted if you have an odd configuration of land that prohibits you from adhering to local setbacks. In this case wanting to build a house that is clearly too large for the lot is absolutely not a legitimate reason. Hearing that other, more significant variances had been approved previously as a reason to approve this one is also deeply troubling. Seeing yet another example of a system that is set up to favor well-connected, savvy, affluent, English speaking individuals is quite discouraging. Of course this single case will do little to negatively impact the community in terms of aesthetic appeal and watershed, but the city is counting on the fact that most of us will respect the rules that are in place for a reason to avoid a tragedy of the commons situation. I hate to act like my four-year-old and scream "not fair not fair!" but it truly is not fair.

In gratitude,
Katie

Patti Hade <pattihade@gmail.com>
Thu, 17 Sep 2020 8:41:23 AM -0500

"Amy Huerta" <amyelizabeth107@gmail.com>

"Katherine Bliss" <katherine.bliss@gmail.com>, "Margaret Isom" <marge@grophy.com>
TLS [Learn more](#)

I totally agree, Amy!

For a person (who knows that a meeting is being held that would have a significant impact on his home construction) to "show up" in his car, indicates to me that (once again) he is being just a little bit "slick".

How many times did he say "I don't have that information in front of me"? Of course he doesn't (!) because he is a busy, hard-working businessman that did not have time to get home in front of his computer and have access to information that others may have questions about! He did not have "dates" available (such as when Adam asked about the date of the tear-down) because it would have demonstrated how he continued with the tear-down BEFORE he had city approval. When Marge did have that date available, she got "shut down" by Cathy really quickly! When I asked what the addresses were of the 4 attached garages, he said he didn't have that in front of him (because that would have made him accountable for the accuracy of his statements). Ugh! AND to pull the "poor me, you're bullying me" card, angers me.

My impression of him certainly did not improve after the "meeting". It got worse.

I felt the whole meeting was poorly run and ineffective for the members of the community to express their concerns.

Thank you, Marge, for taking this on! You couldn't PAY me to do what you are doing! ?

Patti Hade, 1512 Eleanor Avenue

On Thu, Sep 17, 2020 at 7:19 AM Amy Huerta <amyelizabeth107@gmail.com> wrote:

Katie- THIS! "Seeing yet another example of a system that is set up to favor well-connected, savvy, affluent, English speaking individuals is quite discouraging. Of course this single case will do little to negatively impact the community in terms of aesthetic appeal and watershed, but the city is counting on the fact that most of us will respect the rules that are in place for a reason to avoid a tragedy of the commons situation. I hate to act like my four-year-old and scream "not fair not fair!" but it truly is not fair. "

Aside from the variance I was stuck on the attitude and language being used from Michael. He used tactics that are deeply rooted in privilege such as calling people, women specifically, who questioned him, badgering and bullies and then telling every person who asked a question he didn't understand their question or where they were coming from. I was really struggling with that during the meeting above all. It was clearly an attitude of feeling superior.

From: Margaret Isom

On Tue, Sep 15, 2020 at 10:25 PM

Friends - were you able to "raise hand" at tonight's meeting as you wanted? It sounds some were able to ask one question only, then the function was blocked for no more.

From: Amy Huerta

Thu, 17 Sep 2020 12:11:30 PM -0500

I sent this to the HDC through their Contact us sharing my thoughts on the process.

Hello. I wanted to share a perspective from a newer community member who also identifies as having a family in marginalized demographics in this area, single parent Latina / Hispanic family. I am not new to SP, in fact born and raised here, only new to owning my home next to the property recently demolished. During this pandemic I have needed to continue to go to my office and manage a major crisis for our community and I have had to do it while children were out of school and do it absolutely alone with no other parent. I have watched so many people on the neighborhood pages try to be nice white people and talk about racial and demographic injustices while they sit safely at home and shame so many others and my experience was no different on Tuesday. What I witnessed and experienced was marginalization and lack of respect to those living next to the property discussed. What I experienced was lack of good process for comment from those impacted and a shut down of the concerns and a hyper focus on the needs of the builder. And then I experienced the builder use white supremacist's tactics to gaslight those asking questions and women who have raised concerns, two women who are single home owners who spend our hard worked time and money to keep our homes nice and engage in community. I was angered and appalled and why I needed to share at the end we need to be able to speak our truths and share in an open forum and feel heard and while it may seem unclear where balls were dropped in respect and communication, there is clear need for accountability for any neighbor to respect and communicate. I watched my property get destroyed in this demo. Encroachment and land cracking and my tree roots cut. I had to tell the crew more than once to not park behind my property or store equipment on my property and once even backed into a trailer parked behind my garage. The encroachment was not disagreed by the builder but instead of being transparent and having integrity and coming to me to resolve he waited for me to and that is bothersome and a sense of entitlement I cannot and will not accept as a single parent raising Latina daughters in a society where white men feel they own everything. I share this because you have much to learn as area leaders and need to start listening to more diverse perspectives and hear the impact of decisions regardless of the law or policy. Those things

can and should be changed to have a DEI lens. The builder and I have met and spoken and I am holding him accountable for the damage and encroachment and I trust he will do the right thing and I want to move to have a good relationship with him and his family and I am ok there, but I was not ok with the tone and language used and this organizations ok for that. As for the variances, I find city zoning pretty unaware and archaic but I find the process of communication and community one to need a harsh nudged. I too chair city committees and if I had allowed the one seemingly in power to behave that way I would ask myself that night if my position was time for an end. If you like specific example of how this was seen and experienced I am happy to share. One cannot state you care about DEI and want things to change when things are handled this way. I hope there is consideration of this as you move forward. Highland is more diverse than often spoken about and we are at a critical time now when being heard and transparency and respect need to be priority because we can and will get more accomplished this way. Thank you.

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.

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,

John Torres, St. Paul Resident













