

GENERAL MINUTES
 SKYPE VIRTUAL HEARING
 THE BOARD OF ZONING APPEALS
 SAINT PAUL, MINNESOTA
 October 05, 2020

MEMBERS PRESENT

Thomas Saylor
 Danielle Swift
 Glen Brown-Lowe
 Daniel Miller
 Robert Clarksen
 Diane Trout-Oertel

STAFF PRESENT

Matthew Graybar DSI
 Yaya Diatta DSI
 Stephan Suon DSI
 Kelly Koski DSI

Legal: Peter Warner, City Attorney

MEMBER(S) ABSENT

Luis Rangel Morales

APPROVAL OF MINUTES for September 21, 2020

Moved By: Miller / Second By: Trout-Oertel

APPROVAL OF RESOLUTIONS – 1493 Highland Parkway - Denied

Old Business:

| FILE # | NAME | MOVED | SECONDED | VOTE | ACTION |
|-----------|------------------------------|--------|--------------|------|----------|
| 20-069860 | 1875 Eleanor Ave – John Kirr | Miller | Trout-Oertel | 4-0 | Approved |
| | | | | | |

New Business

| FILE # | NAME | MOVED | SECONDED | VOTE | ACTION |
|-----------|---|--------------|----------|------|--------------------------|
| 20-069303 | 350 University Ave East – David Meyer | Trout-Oertel | Swift | 4-1 | Approved |
| 20-069819 | 542 Portland Ave – Sullivan Property Investment LLC | Miller | Clarksen | 6-0 | Approved with conditions |
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Submitted by: Maxine Linston
 Matthew Graybar

Approved by:
 Daniel Miller, Secretary

BOARD OF ZONING APPEALS HEARING MINUTES

375 Jackson Street – Skype Virtual Meeting

St. Paul, MN, October 05, 2020

PRESENT: Members of Board of Zoning Appeals: Mr. Clarksen, Mr. Miller, Mr. Saylor, Ms. Swift, Ms. Trout-Oertel, Mr. Brown

Department of Safety and Inspections: Mr. Graybar, Mr. Diatta, Mr. Suon, Ms. Koski

Legal: City Attorney Peter Warner

ABSENT: Mr. Rangel Morales

The meeting was chaired by Thomas Saylor.

Mr. Graybar- and I just want to remind everyone if you are waiting to speak. If you could just please keep your microphone muted so that way we don't get any of the background interference and it's a little bit clearer to hear the board members and the chair. Thank you very much.

Mr. Saylor- Thank you, Matthew for the reminder. Randy are you in charge of the tech today?

Randy Sayavong- Yep, I'll do my best.

Mr. Saylor- Perfect, Thank you. And Kelly I see you there. You're running the meeting today from that side.

Ms. Kelly- Yes, I am. Recording has started.

Mr. Saylor-Perfect, Thanks Kelly. Okay, let me check the chat box one more time. I see somebody here on good to go.

Mr. Saylor- All right, good afternoon, and welcome to the board of zoning appeals. Our purpose is to review and decide requests for zoning code variances administrative reviews and request to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we ask that you start your remarks by giving your name first and last name and your address and a few if it's a business address that works fine, too.

Staff will first show slides of the site, a presentation of findings, and discussion will then follow all then call on the applicant then those in favor and then those opposed at that point the board may call back the applicant in case we have additional questions. I will then close the public portion of the hearing and the board will vote to approve or deny. The requests. The board's vote is final unless appealed to the city council within 10 days.

At this point, I'll ask our secretary Kelly Koski to call role of those board members in attendance for today's hearing.

Ms. Kelly- Miller-Here, Swift-Here, Trout-Oertel-Present, Saylor-Present.

Ms. Kelly- Is that it?

Mr. Saylor- We just have four today so far. Hopefully we'll have more but four of us we have now, thank you. Present today from the Department of Safety and Inspection: Kelly Koski who is running the meeting today. Matthew Graybar, our legal counsel is Peter Warner, and my name is Thomas Saylor, I'm the chair of the BZA.

We will take the cases in the order. They appear on the printed agenda and less there is opposition for cases with opposition. The board does reserve the right to move those cases to the end of the day's agenda. For those present with us today a few words on speaker time, the board limits this to a total of 30 minutes for those speaking in favor and an equal 30 minutes for those speaking in opposition individual speakers are limited to three minutes each. Please be mindful of this.

And if you have submitted a letter or an email a reminder that there is no need to read those documents. They are already part of the public record. So, please provide us your key points without repeating ideas presented by previous speakers that keeps things moving along. Thank you very much for your consideration of that.

Approval of Minutes for September 21, 2020

Mr. Saylor- So our first order of business looking at the agenda is the approval of the minutes of 21 September 20 20, is there motion discussion on the approval of the minutes move for approval.

Mr. Miller- This is board member Miller I move to approve.

Mr. Saylor- Thank you. Is there a second?

Ms. Trout-Oertel- I will second.

Mr. Saylor- It's been moved and seconded, any discussion on the minutes. Kelly- roll call please for approval of the minutes

Ms. Kelly- Miller-Yes, Swift-Yes, Trout-Oertel-Yes, Saylor-Yes.

Mr. Saylor- The minutes of 21 September 2020 have been approved.

APPROVAL OF RESOLUTION: 20-069826- 1493 Highland Parkway - Denied

Mr. Saylor- Next we have resolution for approval and Mr. Graybar can you bring us up to speed on what that is?

Mr. Graybar- I sure can. Mr. Chair. This is Mr. Graybar. So this is for the revised resolution. Correct? Yes. That was for 1493 Highland Parkway. This was to approve the *denial*. Staff initially recommended approval of the request variances. However, the board voted for 4-3 to deny the request variances. So this is the revised resolution denying those variances.

Mr. Saylor- Okay, so we will have a roll call to approve this so to remind Commissioners, if you vote Yes on this you are voting to agree with the revised resolution. Is that correct Mr. Graybar?

Mr. Graybar- Yes, that is correct.

Mr. Saylor- Perfect. Okay any discussion on this revised resolution for 1493 Highland Parkway before we move to the roll call?

Ms. Swift- I have a question. I'm trying to recall. Could you pull the minutes back up to show how I voted? So it should my vote reflect how I voted the first time around because I think that I voted with the staff approval which was not what was approved. Do you know what I mean?

Mr. Saylor- I do and we'll ask Mr. Graybar to check that and Mr. Warner if there's a legal answer to what commissioner Swift should know. Can you let her know that?

Mr. Warner- I can do that chair. Commissioner Swift (Yes.) - You're just voting now on the on the resolution as its phrase you're not voting on the substance your vote at the time you voted on the substantive issues been recorded. This is just merely the housekeeping matter that requires the city to reduce its reasons writing.

Ms. Swift- Okay. Thank you.

Mr. Saylor- Any additional questions on this one before we turn to the roll call? Kelly roll call please

Ms. Kelly roll call- Swift-Yes, Miller-Yes, Trout-Oertel-Yes, Saylor-Yes.

Mr. Saylor- resolution for 1493 Highland Parkway has been approved as passed last week.

Old Business: 1875 Eleanor Avenue

Mr. Saylor- Mr. Graybar can you bring the board up to speed on that one, please.

Mr. Graybar- Mr. Chairman & Commissioners. Good afternoon. Yes, my name is Mr. Graybar. So we heard this case at our last hearing on September 21, 2020. The board voted to lay over this hearing until today because they wanted some more specificity regarding the practical difficulties for finding number three. And so we revised our staff report accordingly provided some additional information for the board members consideration and if you would like Mr. Chair, I can just give a brief summary of the property and of the staff findings.

Mr. Saylor- Thank you Mr. Graybar. That be welcome.

Mr. Diatta- So if I remember correctly also, this was about initially staff in the report I believe staff said that it's an addition on the garage, it turned out to be a demo for garage and rebuild and the board wanted that to be reflected and staff to go back and change the wording notify that this is not an addition more like a demo and rebuild. I think that should be part of the record.

Mr. Saylor- Mr. Graybar, do you want to comment on Mr. Diatta information there?

Mr. Graybar- No, he's right. That's what it was also for is that a part of the staff report did say it was building on top of the existing addition and as the song administrator stated that it's that's another part of the staff report that we cleaned up.

Mr. Saylor- Very good. Thank you Mr. Diatta. Continue Mr. Graybar.

Mr. Graybar- Thank you. Mr. Chair, so again, this is the front of the property as you can see the garages in the back. There's a little bit closer of the existing garage that will be demolished. This is the rear yard with the large arborvitae and the shed and the rear yard. This is the site plan where the large tree is going to be placed in relation, where the large tree is placed in relation to the proposed garage car port and the existing house.

These are the floor plans for the addition. I'm sorry, not the addition the new garage with the second floor on there and the carport with the Peloton room.

So this is a .14 acre lot with no alley excess with the properties excess by a driveway leading from Eleanor Avenue. It's surrounded by single-family dwellings. We stated that for finding one. The finding was met provided the proposed garage is constructed with the roof and exterior finish that complement the existing house, gutters and downspouts are installed to manage storm water, and the exercise room above the garage will not be utilized as an accessory dwelling unit under this variance application. That aligns with Section 60.103 of the zoning code to promote and to protect the public health, safety, morals, aesthetics, economic viability, and general welfare of the community and to conserve and improve property values.

We stated that finding two is met, because it would allow for the support the rehabilitation of St. Paul's existing housing stock.

For finding three, and then this is where we started getting limited more detail regarding the specifics about the requested height, but also restate the request for the setback variance the applicants say that there is a large arborvitae in the northeast corner of the lot where they would like to keep which reduces the amount of usable space in the rear yard. Since the applicant will be using the existing driveway to access both the carport and the garage it would be difficult to shift the structure further from the property line as the access will be skewed resulting in a sharper turn to enter and exit the carport and garage. This is a reasonable proposal given the layout of the driveway and the tree and the rear yard. These are practical difficulties and complying with the setback requirements for accessory structures in the zoning code.

And then for the average height of the garage as you can see here. This is a nice little diagram of how it's going to be laid out. So the applicant is proposing a typical ceiling height in the garage of eight feet. And then, as you can see here, this is the 8-foot height. There's another one-foot height of structural elements to accommodate for that. The walking surface of the Peloton is 1 foot off the ground so that brings it up another foot off of the surface of the floor. And that is in its

reclined position, so that would be starting at 10 feet above grade. In the incline position, the walking surface of the Peloton treadmill is raised 1.5 feet, which brings the equipment, the walking surface of the equipment at 11.5 feet. While, the applicant is six feet tall which means the top of his head is going to be at 17.5 feet above grade, the additional three feet of room between the top his head and to the midpoint in the grade allows the applicant to utilize the equipment in a safe manner and would prevent him from bumping his head on the ceiling while he's exercising. The applicant is also proposing to install a ceiling fan to help the air circulate better which contributes to the need for the requested garage height. Additionally, the applicant is proposing a 7:12-roof pitch, which is what we are recommending for a condition. This matches the existing roof pitch of the house. The applicants request for the proposed garage height is reasonable given that a shorter garage height would prohibit the functional use of this space for his exercise equipment, so finding three is met for all variance requests.

And the large arborvitae tree in the rear yard and the use of the existing driveway for excess prohibit the proposed garage and carport from being constructed anywhere else in the rear yard. This also means that the applicant must build on top of the proposed garage to create the needed space for the exercise studio. These are circumstances unique to the property not created by the landowner, so finding four is met for all the variance requests.

For finding five, the variance request won't allow the homeowner to construct a new garage that is within exercise room above it that is closer to the property line and taller than permitted. It will also allow a carport to be constructed in front of the garage that will share the same set back. No unpermitted uses will be allowed with these variance request, so finding five is met.

Since the garage is set so far back into the property it's not going to alter the essential character of the neighborhood, so finding 6 is met.

Correspondence: District Council recommendation, staff did not receive a recommendation from District 15. For correspondence those are on pages 10 through 15, staff received five letters of support from the property owners at 1871 and 1881 Eleanor Avenue. Those are the neighbors to the east and west of this property. 1876 out Eleanor Avenue, which is across the street from this property. 1882 Eleanor Avenue which is adjacent to 1876 across the street and 672 Sue Place which is 54 feet to the northwest.

For the staff report those are on pages 1 through 5, resolutions on pages 16 through 20. Again, staff recommends approval of the requested variances based on findings 1 through 6, subject conditions 1). The roof and exterior finish of the new garage complements the roof and exterior finish of the house. 2). The gutters and downspouts are installed to direct storm water away from the adjacent property and 3). The proposed exercise room above the garage will not be utilized as an accessory dwelling unit under this variance application. Pending your questions, that was all I had.

Mr. Saylor- Thank you Mr. Graybar. Commissioners, questions for Mr. Graybar on this revised presentation here? Now we did have the hearing last two weeks ago on this, Mr. Warner given this is a revised application should we consider re-opening the hearing to hear from the applicant?

Mr. Warner- Chair that would be up to you. I think I'll defer to you. It's not necessary, it's just a revised staff report; simply clarifies staff's previous recommendation in a little bit more straightforward manner. So if the Commissioners desire to reopen the public hearing they certainly do so but I don't know that it's necessary.

Mr. Saylor- Okay. Thank you, Mr. Warner. Commissioners does anyone wish to reopen the Public Hearing in order to hear from the applicant on this revised application?

Mr. Miller- I don't think that'll be necessary. This is Commissioner Miller.

Mr. Saylor- Thank you Commissioner Miller.

Mr. Saylor- Okay, then Commissioners we have a revised set of findings on this particular case and Mr. Graybar has delivered a decision. We have a chance for discussion here or a resolution.

Mr. Miller- This is Commissioner Miller. I think that staff put an incredible amount of work into the details of 3 and 4. I understand their thought process now at this point and I would be happy to move approval based on the staff reports findings 1 through 6 and with the accompanying condition.

Mr. Saylor- Okay, the motion for approval based on findings one through six and the accompanying conditions. Is there a second?

Ms. Trout-Oertel- This is commissioner Trout-Oertel I'll second the motion.

Mr. Saylor- Thank you. We have a motion and a second for approval as revised. Discussion on this? Kelly roll call please.

Ms. Kelly- roll call vote: Trout-Oertel-Yes, Swift-Yes, Miller-Yes, Saylor- Before you call me, Commissioner Clarksen I believe has arrived. Clarksen- I missed the first part of the conversation, so I think I'm going to abstain) Saylor-Yes.

Mr. Saylor- Thank you. The resolution has been approved as amended and good luck with this project. Thank you, Matthew, for your work on that.

Moved by: Miller Second By: Trout-Oertel

4-0

New Business:

350 University Avenue East: Mr. Saylor- The applicant is proposing to add a used auto dealership to the existing Dog Daycare and boarding facility. The following variance is requested. Vehicular access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets. This property has two entry/exit points within 60 feet of the intersection at University Avenue East and Pine Street for a variance of this requirement. Mr. Graybar?

Mr. Graybar- Mr. Chair & Commissioners. Thank you very much. This is Mr. Graybar. So this is the property here outlined in yellow. This is 350 University Avenue East where the existing Dog Daycare is. I'll go through a couple of the slides here first, then we'll start going through my findings. This is the street view of this property. In yellow I highlighted the existing curb cuts. So right here, this is University Avenue East that we're looking at is these are the two curbs. The one here, yellow to the left, is the curb cut that's approximately 45 feet from the intersection of Pine Street and University. So that's within the 60 feet. And this is a view from Pine Street. The yellow box indicates that there is an existing curb cut and the red lines are the measurements to the intersection from the curb cuts, and that's approximately 28 feet, and that's the closest one. This is the applicants proposed site plan for his parking. I highlighted the portions and green that indicate where the proposed cars for sale are going to be placed. So he's not turning the entire lot for sale. He's only dedicating five spaces out of all the other spaces in the parking lot for the new business. As you can see, they are each labeled accordingly, which spots are going to use for employee parking, for the Dog Daycare with spots for any use for the Run and Run customers, that's the name of the used auto sales business that he's proposing which are going to be right up front. and then the rest are going to have for the customers for the dog daycare and the new business. And as you can see here this wide-open space. This is the curb cut on Pine Street, and these are the other two curb cuts existing on University Avenue East.

This is the interior section of the building. So the building is pretty huge. However, I just wanted to focus on the portion. That's only going to be used for the proposed used car business as you can see. I highlighted in green and shows that there's an office space. It has its own entrance, and we'll be using the shared bathroom facilities with the existing business. And the rest of the building is used for the Dog Daycare and boarding facility. So this is a .87 acre lot with no alley access located at the corner of University Avenue and Pine Street. I've already showed you where the off-street parking is accessed from. We already mentioned that there are three entry and exit points the existing to the surface parking lot.

For finding one, you'll find the plans on pages 9 through 11. If you wanted to review those while I'm going through these. The requested variance will allow an existing dog daycare facility to add an additional use of an outdoor Auto Sales lot. The applicant is proposing to add a reasonable use to the property and to maximize the usage of the parking lot provided that the applicant obtains a license and a change of use building permit from the Department of Safety and

Inspections, this variance request aligns with Section 60.103 at the St. Paul Legislative Code to fix reasonable standards to which buildings structures and uses shall conform, so finding one is met for the variance request.

The requested a variance will allow the currently underutilized property to add an additional use to the building that would allow for new market opportunities. This variance request meets the City's 2030 comprehensive plan policies 1.48 to support compatible and mixed use within single buildings. With the changing economic climate, creating conditions for business retention and growth is critical and allowing the proposed use without significantly altering a site is one way to do that. This request is in keeping with the goals of the comprehensive plan to support local business, so finding two is met.

This parking lot has three existing curb cuts that will allow vehicles to access sales lot located at the front of the property to the curb cuts are located approximately 28 feet and 45 feet away from the intersection within the two streets. The alternative to applying for a variance is to remove these two curb cuts that are within the 60-foot distance requirement and install regular curbs and gutters. The applicant proposes to use the parking lot in a reasonable manner since removing them would create only one entry/exit point to the property thereby decreasing the maneuverability of the parking lot for both businesses. This is a practical difficulty in complying with the zoning requirements for vehicular access to an outdoor auto sales lot, so finding three is met.

The applicant did not install the two curb cuts that are within 60 feet of the University Avenue East and Pine Street intersection. This is a unique circumstance of the property and that was not created by the applicant. The requested variance will allow the property owner to conduct an outdoor auto sales business on this property and no unpermitted uses will be allowed with this request variance request, finding five is met.

The requested variance will also not alter the central character of the industrial area since this proposed use will resemble a parking lot, which is a common use in this neighborhood. So finding six is met.

Correspondence- District Council recommendation, no statement was received from District 5. For correspondence you'll find that on pages 12 and 13 in your packet. Staff received one letter of support from the adjacent business owner at 628 Pine Street. Staff recommendation, you'll find those in the staff report on pages 1 through 4 as the resolution is on pages 14 through 17. Staff recommends approval of the requested variance based on findings one through six subject to the condition that the license and change of use building permit is obtained from the Department of Safety Inspections. Pending your questions, that's all I have.

Mr. Saylor- Thank you, Mr. Graybar. Commissioners questions for Mr. Graybar?

Mr. Clarksen. Thanks. I'm curious if the city has any intention of improving the pedestrian environment along University Avenue in particular. It's pretty horrendous through there. I don't think there's a bike lane along University, which kind of exacerbates a bad situation it looks to me like access from Pine Street would make for a pretty good way to get into this property. So I'm kind of curious, also, about what considerations were giving to at least closing perhaps the University Avenue access point in addition to my question about the pedestrian realm and the sidewalk and perhaps any sort of landscape area along that edge. Thank you.

Mr. Graybar- Mr. Chair, Commissioners & Commissioner Clarksen. So that the improvement of the right-of-way would be the Public Works department. I had not consulted with them yet regarding what their intentions are for this street or this block of this neighborhood regarding the removal of the two-existing curb cuts would result in decreased maneuverability of the parking plan that he has laid out. Which would cause an issue with mobility as I mentioned. So again, if he removed these two points of contact that would mean everyone would be entering/exiting off of Pine Street, which would be pretty hard to do considering if we took these two out that would leave kind of create like a pinch point and or a bottleneck where everyone would be coming in and out of just one spot. This isn't a very busy intersection or portion of University Avenue East. So I don't think it would create too big of a an issue if we left it open because it they've been using it this way for a multitude of years. Does that answer your question Commissioner Clarksen?

Mr. Clarksen- In some ways, yeah, I guess. The point I wanted to make is that if we grant a variance for them to continue use that curb cut it doesn't really give the city an opportunity to improve that in the future because now we're on record as saying we don't care about curb cut there and I think that's kind of doing a disservice to the street environment and the public improvement opportunity is that you could have to make this look like something that's a little bit more attractive. It looks pretty shabby right now and that's giving it a compliment. I don't think I'll be voting in favor of this.

Mr. Saylor- Does that answer your question?

Mr. Clarksen- For now, it does.

Mr. Saylor- Commissioners additional questions for Mr. Graybar before we turn to the applicant?

Mr. Saylor- Is our applicant here today?

Applicant- Good afternoon, this is David Meyer with 350 University Avenue.

Mr. Saylor- Hi, thanks for joining us today. And what would you like to add to the presentation that Mr. Graybar provided?

Mr. Meyer- First thanks for taking time. I believe folks have the letter I sent the commission and some of you that documentation. You know, I don't try to have a whole lot more to add than that to be honest. You're trying to, as Mr. Graybar noted, really do to environment we're working in here today with COVID and the daycare business which is our primary business. We had two other locations here in St. Paul. But as you can imagine there's some challenges with COVID and folks not going to work and whole bunch of other things so long story short. We are really trying to really retain that business in St. Paul. This is not something that will be our primary business there and the reality is folks won't even realize it's a Doggy Daycare or won't even realize it's a used car dealership. All advertising will be done online. There'll be no additional signage outside of what is required by the state. So what we're really trying to do is add some additional revenue stream for that location. It does not mean it's a long-term solution for us. We're simply trying to get to the next year or two with what's going on in the current environment. Our main focus is daycare in that location and always will be, so if there's absolutely any questions I can answer it be more than happy to.

Mr. Saylor- Thank you, Mr. Meyer. Commissioners, questions for our applicant?

Ms. Swift- I have a question. I'm just curious. Where will your inventory be kept if not on the lot?

Mr. Meyer- The whole inventory will be kept on the lot again we're just simply trying to supplement income. So this is not a primary business for us. We do happen to have some relationships with family in the auto industry that's why we were attempting to leverage those connections. But those five spaces is really all we need. We're really only looking to park the equals there again, they'll be no additional advertising and windows etc., that this is a used car dealer or even that the cars are for sale. But we will be able to store those for short term as they come in, marketed all online. Yes, if somebody comes for a test drive that's about the only time anybody will even come to a lot or even know what's something to do with a used car dealership. If somebody wants to do a test drive other than that, they're simply be cars parked in the lot as if they were, you know customers or simply parking there. So we're looking at only turn that 3, 4, 5 equals a month. You know as an additional revenue stream for that location.

Ms. Swift- I understand. Thank you.

Mr. Saylor- Commissioners, additional questions for our applicant?

Mr. Saylor- Thank you, Mr. Meyer. Standby, if we do have additional questions for you. I may ask you to digitally step forward again.

Mr. Saylor- Is anyone here to speak in favor of the application for 350 University Avenue East? Anyone here to speak in favor, 350 University Avenue East? Anyone here to speak in opposition to 350 University Avenue East? Anyone to speak in opposition, 350 University Avenue East?

Mr. Saylor- Okay, seeing and hearing neither those in support nor those in opposition. I will close the public portion of the hearing. Commissioners, we do have, Mr. Graybar, can you succinctly summarize the findings for what is your recommendation?

Mr. Graybar- Mr. Chair & Commissioners staff recommends approval of the requested variance based on findings one through six, subject to the condition that a license and a change of use building permit is obtained from the Department of Safety Inspection.

Mr. Saylor- Thank you. Mr. Graybar. So Commissioners that is the findings of Mr. Graybar and you have the ability to ask questions or make a resolution.

Mr. Clarksen- So this is subject to a licensure by DSI also does a DSI licensure have any sort of conversation with public works at all about or anything to do with the site plan review or any kind of a review of the parking lot whatsoever?

Mr. Graybar- Mr. Chair Commissioners & commissioner Clarksen. Yes, the licensing department will review the application, they'll review the parking lay out, they'll review of the entry and access points. They'll see that two of the points fall within 60 feet of the of an intersection. So, then this is when they would come to us and say hey, did they get a variance for this or did they get approved for this? And, so we would look at that time? Look at that site plan review like we have for his variance application Public Works wouldn't be involved with this sense it's just changing the use on the lot.

Mr. Saylor- Thank you.

Mr. Diatta- Yeah. Yeah. Yaya here, commissioners. And so the only time we will be talking to Public Works would be when they're doing work in the right away. So that need to be looked at by public works and also public works were called a list of licensed contractors to do right away work. So that's where they will have good public workers. They look. Yep, you need to do this in the right away. You need to go through a licensed contractor with the city of St. Paul to do work this right away. And at that time they will look at also traffic maneuvering and everything and okayed or ask the applicant to amend by in this case since the using existing curb cuts. They were what do you feel there's a need to talk Public Works and usually they would not be looking at it.

Mr. Saylor- Thank you Mr. Diatta.

Ms. Trout-Oertel- This is Commissioner Trout-Oertel. I'll move approval of the application based on findings 1 through 6 with the conditions that the applicant apply for a license and change of use building permit.

Mr. Saylor- Thank you commissioner. Trout-Oertel has moved. Is there a second on this?

Ms. Swift- I will second it.

Mr. Saylor- Ms. Swift's second. We have a motion for approval and a second additional discussion on this motion? Kelly, roll call please.

Ms. Kelly- roll call vote: Swift-Yes, Clarksen-No, Trout-Oertel-Yes, Miller-Yes, Saylor-Yes.

Mr. Saylor- Thank you. You're on the resolution has been approved. Good luck with this project.

Moved by: Trout-Oertel / Second by: Swift

4-1

542 Portland Avenue: Mr. Saylor-The applicant is proposing to construct a triplex as a second principal building on a lot that has an existing Triplex. The following six variances are required. Number one, the primary entrance of principal structures shall be located within the front third of the structure. The applicant is proposing the main entrance to be in the rear of the building, for a variance of this requirement. Number two, 10 off-street parking spaces are required, eight spaces are proposed including one bicycle rack, for a variance of two parking spaces. Number three, in residential districts principal building shall not cover more than 35% of any zoning lot, 38.39% is proposed here, for a lot coverage variance of 3.39%. Number four this property is located in the RT2 to zoning district and requires 2,500 square feet of lot

size per unit, a lot size of 15,000 square feet is required for 6 units, 12,493 square feet are available, for a lot size variance of 2,507 square feet. Number five, a minimum lot width of 20 feet per unit is required in this zoning District. The existing lot with is legally non-conforming at 46.08 feet wide. The new triplex requires an additional 60 feet of lot width for a variance of 60 feet of lot width. The sixth and final variance required here, a minimum rear yard setback of 25 feet is required. 15 feet is proposed, for a variance of 10 feet.

Mr. Graybar- Mr. Chair & Commissioners. Thank you very much. This is Mr. Graybar. So this is the property here outlined in yellow. This is an odd shaped lot as you can see. There's a little red line that goes across the end of the property which the applicant has submitted a lot combination to Ramsey County to join these two lots together. As you can see there are other units multifamily units around this property. To the south of it is a five-unit building. I put three units and two units on here as in three units live in the house. And there is a little carriage house in the back. I'm not sure if you can see it here, but there's two units living in there. Then there's also four units another 6 units and another four unit. The rest are single family dwellings. This is the street view of the existing triplex. This is the site plan for the existing triplex. I outlined in green the existing triplex. The orange markers indicate where the property lines are and the blue is the proposed location of the triplex. And this is a perspective to show how it's going to be arranged on the lot and how it will compare to the adjacent properties facing Summit Avenue. This is going to be the functional front on Summit Avenue while this is the rear of the house. This is located within the historic preservation district and it is subject to their design requirements. And one of the requirements was that a porch be added to the rear of the building and that the primary entrance location to the building be located to the rear of the building to make this more of the functional front. And the addition of the porch that is required by HPC push the building over the lot coverage of 35% lot coverage requirement, which is why they're requesting a variance for the 3% additional. So this is the other elevations that we're looking at here. This is going to be the east, the north, middle elevation here. This is what's going to be facing the existing triplex as you see there are three stall garages. Each unit has its own stall.

Here's a little bit better picture of the parking plan to show maneuvering and turning movements. As you can see, there are four surface parking spaces. Each unit has its own stall garage as I mentioned before. Highlighted in yellow, as you can see there, it's all partitioned off; and then in each garage, they'll be a car lift and you can see the with the yellow arrow pointing to the picture here a car lift to be provided in each town house unit. So the zoning code specifies or defines a parking space that has a definite length and width dimensions. It doesn't go into like dual stacked parking as far as two cars fitting in one parking space. So since they're actually providing the parking spaces, but we can't count those parking spaces because that doesn't go with what the zoning code allows them to. That's why they're seeking the variance from it. So they're not actually contributing to additional on street congestion on Portland Avenue or Summit. They are actually going to be providing the required amount of off-street parking. They just, we can't count them as a legal parking space because of the definition of the zoning code. These are the floor plans for the first and second floors. The left-hand floor plan is the first floor as you can see the garage is towards the top, towards the north, and then you can see the stairways that lead up to the second floor and that's the same in each of the different layouts.

The second-floor plan is over here on the right. See if they come up through the stairs, they'll enter the dining room in each room where they'll be a bathroom and a kitchen on the second floor.

The third floor as they continue to go up the stairs will be the bedroom, master bedroom and a bathroom as well.

For the site and area conditions, this is an 11,593-square foot size lot with access to the existing surface parking from Portland Avenue. This variance application involves two lots on to the north like I showed you and that small one to the south that's landlocked that they've already submitted, the applicant has already submitted a lot combination to Ramsey County and we're just waiting for them to finalize that. According to the applicant, there are seven off-street parking spaces provided on the unimproved gravel surface in the smaller parcel to the south of the triplex, however, they're going to be removing those three and then adding the driveway that leads to the tuck under garages. There is an easement for the driveway between 542 Portland Avenue and 536 Portland Avenue as evidenced in the variance application packet. This property is also located within the Local Heritage Preservation District and is subject to their design requirements. HPC has reviewed their application and will hold a final meeting regarding this application today,

right now, so hopefully they're going to get through their meeting and then another one I up against I know we still have one of the applicants on for this property for 542 Portland. So they should be able to speak to any of the variances or questions that the board has.

The surrounding land uses, there is a 6-dwelling unit to the west; A single-family dwelling to the north across Portland Avenue; A single-family dwelling to the East; and a 5-unit dwelling, three dwelling units in the main house and two in the carriage house to the South. The plans are on pages 14 through 37. The slides are on 15 to 23.

The requested variances if approved will allow a second triplex to be constructed thereby creating additional housing in the city they have again is working with the Historic Preservation Commission to ensure that the aesthetics and the design of the proposed triplex will meet their design standards to ensure that the proposed house blends in with the surrounding properties on Summit Avenue. A triplex could be constructed without a covered front porch to meet the allowed maximum lot covers 35%. However, the porch is a requirement of the HPC design standards and must be incorporated which causes the lot coverage to be exceeded. Provided HPC approves the applicant's proposal the requested variances align with Section 60.103 of the zoning code to promote and to protect the public health safety, morals, aesthetics, economic viability, and general welfare of the community, to provide housing choice, and to conserve and improve property values. So finding one is met for all the variance requests.

The requested variances will allow the applicant to construct additional housing on a lot that is similar in size compared to several of the adjacent lots that have an equal amount of density. These requests are consistent with the intent of policy 1.4 which aims to promote development of housing that provides choices for people of all ages including singles and young couples, families, empty nesters and seniors. It is also consistent with Comprehensive plan policy 3.4 which supports info housing that fit with the context of listing neighborhoods and compatible with the prevailing pattern of development, so finding two is met.

The lot cannot be expanded in size or with to create the additional 2507 square feet of side of lot size or 60 feet of lot with required under the current zoning code to accommodate the proposed triplex. This is a practical difficulty in complying with the provisions of the zoning code. The applicant can place the required primary entrance in the front third the building and constructed proposed triplex with 34.92% lot coverage without the covered porch on the rear of the building facing Summit Avenue. This would then alleviate the need for the rear yard setback variance request because of proposed triplex would meet the minimum 25-foot setback requirement from the rear property line. However, since this property is located in the local Historic Preservation District, it is subject to HBC's design requirements. These requirements are necessary for the HPC to approve any project within its purview. This is a practical difficulty meeting the zoning code requirements for the primary entrance location, lot coverage, and rear yard setback. The two triplexes require 10 off street parking spaces, the applicants providing eight spaces for the future tenants to park with four spaces in the surface parking lot between both triplexes, and three parking spaces in the new triplex.

Additionally, the applicant is providing a bicycle rack that can accommodate up to five bicycles, which can substitute for one off-street parking space. Each unit will have its own garage stall with one parking space that will have its own hydraulic lift. The lift allows for two cars be parked in one parking space, thereby creating three additional parking spaces, which cannot be counted towards the parking requirement due to the zoning codes definition of the parking space. This definition does not account for garage of the hydraulic lifts. This is a practical difficulty in meeting the zoning code requirements for the off-street parking and the applicant's proposal is a reasonable solution to the parking shortfall, so finding three is met for the variance requests.

The lot size which directly correlates to housing density and legally non-conforming lot with are unique circumstances to the property not created by the landowner. The applicant must include HPC's design requirements such as the primary entrance location facing Summit Avenue and the covered porch on the rear of the building which results in the property exceeding the 35% maximum lot coverage permitted and brings the house further within the required rear yard setback. This is due to the property of being located within the local Historic Preservation District. The location of the property and the local historic preservation district is unique circumstance to the property not created by the landowner.

In order for the applicant to provide the required number of off-street parking spaces and additional variance for either parking in the front yard or parking within 4 feet of the west property line in the rear yard adjacent to the proposed triplex would be required. There is no room left on the lot to provide the two-parking short space shortfall without the variance. This is a unique circumstance of property not created by the landowner, so finding four is met for all variance requests.

The requested variances will allow another triplex to be constructed on a lot with an existing triplex. This property is located in the RT2 zoning district, which allows to principal buildings. No unpermitted uses will be allowed with the very requested variances, so finding five is met.

HPC design requirements, the applicant would be able to meet the primary entrance location minimum rear yard setback and lot coverage requirements. The requested variances will allow the applicant to meet the design standards for the property that is located and the local Historic Preservation District at HPC requires. This will make the proposed triplex blend in better with the character of the surrounding area.

The off-street parking variance request will not alter the character of the surrounding area by adding to the already congested levels of on-street parking since the applicant is proposing to install hydraulic lifts in each garage, which will allow each tenant in the new triplex to park two cars in one parking space and the provided tuck under garage. This will reduce the potential of any additional cars from parking on the street.

The requested variances from the required lot area and lot with will not alter the essential character of the area since the proposed Triplex will have a functional front entrance facing Summit Avenue and will be comparable in size to 545 Summit Avenue and 533 Summit Avenue, which are the adjacent properties that face Summit Avenue. These requested variances will also not affect the character of the area for the properties along Portland Avenue as the proposed triplex will be set back into the existing lot approximately a 161-feet from Portland Avenue, so finding six is met for all variance requests.

Correspondence- For the District Council recommendation, you'll find that on page 82 in your packets. Staff received a letter of support from District 8. For correspondence, you'll find the letters of support on pages 39 through 59 and the letters of opposition on pages 83 through 101. The applicant submitted 17 letters of support with the variance application and eight letters in opposition were received. Staff recommendation staff report is on pages 1 through 8. Resolution is on pages 103 through 108. Staff recommends approval of the requested variances based on findings 1 through 6 subject to the condition that final approval from HPC is obtained. After consulting with the city attorney, we would like to add an additional condition of approval which is to add the condition that the proposed hydraulic lifts are installed according to the plan submitted with this variance application. Pending your questions, that's all I have.

Mr. Saylor- Thank you. Mr. Graybar.

Mr. Saylor- I see commissioner Miller has a question and then other Commissioners. If you do have a question, please just let me know in the chat box. Commissioner Clarksen you'll be second.

Mr. Miller- Hi first off, I'd like to say this is one of the most fascinating projects I've looked at all year. So congratulations on that. My question for staff is are you're looking at or are there any issues with 533 side yard, being the effective front yard of this could they build anything there or are there any complicating factors with putting something in front of the back of this house facing Summit.

Mr. Saylor- Mr. Graybar. I believe you're muted.

Mr. Graybar- Mr. Chair Commissioners, Commissioner Miller. The question that you posed that the, if the new proposed triplex to the south of the lot will cause any issues or for the existing 533 dwelling there on Summit Avenue. So it depends if they go over the lot coverage requirement. They would still need a variance from that but as far as being able to build in front of that no, there is no issues from a zoning perspective. As long as there are 6 feet between the existing house on 533 to the whatever they propose there. And if they meet the lot coverage requirements that they meet setbacks if they meet a lot size area all and parking then they could propose to move ahead with whatever project that

they wanted to. So to answer your question, sorry in a long round about wait, no, it wouldn't really affect what they can do with their property.

Mr. Miller- Just a quick follow-up.

Mr. Saylor- Please.

Mr. Miller- I just need to switch screens or sorry, it would, sorry, I can't find what I'm looking for. But essentially like will they be using this front yard, like nobody's going to be putting in a sidewalk and walking across 533 his property to get to this property, right?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Miller. Yes, you are correct. No sidewalks are going to be proposed for this property just because they would be going across the other property 533 is locked and they're not allowed to do that. And there are additionally I believe in the plans. The applicant is also proposing to replace the fence here. I can show you if I can zoom out here so if you see here, you see this fence here. They will be removing that fence in placing like a metal rod iron fence. I believe that is in your application packets. So that way that prevents anyone from coming up to the door for trick-or-treating purposes. They might think that this is you know another house that's on the safe. So no there would be it would be blocked off with a fence. Does that answer your question Commissioner Miller?

Mr. Miller- Yes, absolutely. Thank you.

Mr. Saylor- Thank you Commissioner Clarksen You're Next.

Mr. Clarksen- Well, thanks Commissioner Miller you pretty much ask the questions that I was thinking of it's intriguing to me that they're going to all this length to make this look like another house on Summit Avenue and then putting a fence in front of it and saying, well not quite. I just can't get over the irony of that. But I was going to ask the same question but as applied to the other property and I don't have the address would be to the left if you're on Summit looking at the new triplex I think 533 is the address of the one on the right. What's the be to the west? Yeah, there you go. Is that 545? To the to the left of your cursor right now. So what I'm getting at is there could there be a situation where let's say 545 wants to let's say put a porch on the front of their house or build an addition or something would the presence of this new structure to the right now impose an additional set back then would otherwise be imposed on that property because I think St. Paul uses the prevailing setback in cases where the minimum setback would be increased and I think this this would if you view this as, I guess, maybe it's viewed as a rear lot line at the at the south end of the 542 property that will be in front of this new front-ish if you want to call it that facade, so maybe that's the way it's being dealt with is as long as that's a rear yard than a front setback wouldn't apply across from the house on the corner to the house. To the left if that makes sense.

Mr. Graybar- Mr. Chair, Commissioners, Mr. Clarkson, you're referring to 545 this property here at correct.

Mr. Clarksen- Right if they were to try to let's say they wanted to build an addition to the front because they're set back quite a ways from the house on the corner as you look at it from Summit, with this with this with this new building impose a front yard setback on their property that would come from the corner of the house at the corner of Kent and Summit and then it had east but on an angle to the corner of this new building if you follow me it would cut right through the front of their house.

Mr. Graybar- Mr. Chair, Commissioners, Mr. Clarkson. Mr. Graybar again. Yes. I am following what you're saying. No, it would not be counted as a front yard as a front property for a front yard setback because this property 542 that small little landlocked portion that's added to this bigger building lot here. This does not have lot frontage on this and on Summit Avenue, so this would not the proposed triplex would not take into consideration. If they wanted to redo some kind of addition if they want to tear it down and rebuild it. This would not come into play for that property.

Mr. Clarksen- Thank you. I had one other question, is there's if there's anything and you can see it's probably been addressed because you're there's going to be a fence there and stuff. There won't be any access. But the question had to do with assigning the project and address off Portland Avenue when it may have had a face on Summit. Is there any

concerns about public safety are you know if you call an ambulance or they going to find it but I think the answer is probably yes. I'll have no problem the way it's been described.

Mr. Saylor- Thank you, Mr. Graybar.

Mr. Diatta- Yeah, I just wanted to recognize both Board Members Miller and Clarksen those are pertinent questions, really, when you ask about the frontage. That made us all also think about those questions ahead of time because as Matt pointed out when looking at the frontage about where the property fronts and that's how you find out the average front setback of the block. So that was a good answer Matt and thank you both Miller and Clarksen.

Mr. Saylor- Thank you. Mr. Diatta.

Mr. Saylor- Additional questions before we turned to the applicant? Is our applicant here with us today?

Applicant Architect- Yes, I'm sorry. I was trying to unmute.

Architect- So, my name is Carlos Perez, and I'm the architect of record of the project.

Mr. Saylor- Because we're recording this, I need to have your business address, please.

Architect - Yes. So, I live on 178 Robbie Street West on the Westside.

Mr. Saylor- Go ahead. Thank you.

Architect- I just want to thank Mr. Graybar for the presentation which I think was very thorough and complete and I just wanted to be brief just to touch a couple of points just to make sure that it is there and there's clarity in that regard like Mr. Graybar mentioned. There are a total of six variances and although you know, variances 1, 3, & 6 they're all the requirements from the HPC to include the porch on the rear of the yard that will add that will that is referring to the variance for the principal entrance facing Summit, lot coverage being above the 35%, and also having the setback on the rear, to be, to require a variance for 10 feet on the setback on the rear because of that porch. I don't know if I can I request control? Mr. Graybar and show a couple of slides from a screen. Will that be possible?

Mr. Graybar- Hey Carlos, so you would if I gave you control you would be controlling my screen. Okay, in order for you to share your screen, we would have to allow you to make you a presenter before the meeting started.

Architect Carlos- Okay. Okay. Well, I can explain a really quick. So I'm going back to so again, I just wanted to make sure that it's understood that three of the variances that we are requesting our direct result of the coordination that we have with HPC through the design process. The HPC have very involved on the design. We started the back last fall and working with them and we did several iterations. I'm glad to hear that the Commissioner Miller so that this was a fascinating project, I appreciate that comment. And also, I just wanted to mention, the other three variances that we have. They are not because of our you know, it's not plight of the owner, again these, the parking stalls that we are providing are representing for a variance of 2 parking stalls. But at the same time, we're providing three additional parking stalls that cannot be counted the way the ordinance reads currently. The condition that Mr. Graybar was mentioning about having the lift being part of the condition approval, I think that's very reasonable. The parking lifts are already part of the project and that wouldn't mean any change to the project.

I also wanted to mention that we had the opportunity to meet with the neighbors during the last two weeks. Originally, we were going to submit this application for the BZA meeting on September 21st, but we were informed that there was some opposition to the project and some neighbors were aware of what we were doing. Again, we've been working on the project for a long time and we thought that we were receiving pretty good feedback, but we did was postponed that meeting just to be able to listen to the neighbors. We had two meetings with them the week of the 21st and then the Saturday after that and we took note of all their comments. We actually were able to implement some of the comments that they provided that with, actually were an improvement for the project. They were other comments that were completely deviated from the philosophy of the project. So those probably those comments we could implement

because they were completely a 360 from the direction that we had started the project with designing with HPC and with the city staff as well.

Also, wanted to mention that we receive it, during those two weeks we received numerous letters of support from neighbors that we show them the project and they thought it were pretty good. In all fairness of all the neighbors that we met on site, there was one couple that didn't like the project because they didn't like classical architecture and they didn't provide a comment but overwhelmingly, we received quite a bit of support and positive feedback about architecture about the proposal. Also, the Summit University District 8 provided a letter of recommendation, encouraging the higher density and per the comments that Matthew mentioned below in accordance with the goals of the city and the policies that are implemented to increment density in the city and love for diversity and avoid displacement. So those are items that the project taking consideration and the reasoning for the variances and why we're here today.

And I just wanted to mention really quick in response to commissioner Miller's comment about the lot. That was something that was discussed in our preliminary meeting with HPC. They brought the same comment as a what are you doing to make sure that the project, nobody gets confused on accessing the project from Summit Avenue when you're facing Summit Avenue, and in discussion with HBC, we agree that the best option was to provide a fence. We're not providing a cedar fence, not a tall fence, we're providing a small picket fence very common along Summit Ave. You can be seen in many projects. I mean, let me know so it's very transparent. We, our project like Mr. Graybar noted, doesn't affect the neighbors to the on Summit Avenue to the east or to the west to do future projects. Now, the one thing that I wanted to mention is the property today is has already two principal structures, and it should not be allowed to build a third one on the same lot. And Mr. Graybar can confirm that because they have a principal house and then they had the carriage house. So they have already two principal structures that you know, they should not be able to put something some second structural and a lot.

Now it regard to the fence. This is something that they need to have brought up to our attention because we're facing Summit and they're concerned that the project, you know it could be covered in discussion with Mr. Graybar the owners install 7-foot fence on the rear of the yard. They are in compliance with the zoning ordinance. I don't want to speak for the HPC but I haven't seen any cedar fence along Summit Avenue. I think it probably will have a hard time getting that approval. But again, you know, we don't have any control on what the neighbors can do. You know the on that property in that regard, but the fence that we're proposing is a more transparent and I don't know if Mr. Graybar can show maybe the 3D rendering or the or the or the view that shows the axonometric view of the building. It also I like to really quick mention in regard to Commissioner Clarksen's comment about signage and life safety, per city, the city staff that have reviewed the project the project I have provided comments on one of the this was to make sure that we provide a clear signage on the Portland side. And I would be part of the project is to make sure that, from a safety point of view, the emergency vehicles know where they were the project sits and I think that that kind of summarize I think. Mr. Graybar did a great job about summarizing the project this a big package. That we have put together and you know if I open myself to any questions that you may have at this point.

Mr. Saylor- Thank you, Mr. Perez. Commissioners questions for our applicant.

Mr. Clarksen. Thank you. This should be quick. I'm curious about, so I'm reading some testimony and in the packet. It's like, I forget what page I saw it on, but there was some question in there about the narrowness of the driveway alongside the house that as I understand it would get you from the new building the carriage. I don't know if you're calling it a carriage house or not, but this new triplex structure at the southern part of this lot out to Portland Avenue. I guess I'm kind of interested in your thoughts on like if a car is trying to pull in and there's a car that's trying to exit at the same time and they get caught in between the two buildings. How does that work? What happens or how do you manage that potential conflict? Because then you could have, you know a car backing up and backing on to Portland. I would think that that would not be a good situation.

Mr. Perez- And thank you, Mr. Miller in that regard asserting ordinance doesn't require for drivers to be to lane driveways. The fortunately the property to the east, in regard to the neighbor, which is being one of the comments and

why some neighbors have posted that comment, the property to the he's actually has a u-shape drive so they have actually share drivers on both sides of the house as you can see on the aerial in here. You can see the u-shape so, you know again that's not a requirement, but they you know, it's a good thing that he that is there, but it's not a requirement in regard to traffic. They wouldn't be much different of the current situation. You know, we have seven parking stalls in there and we're required to have 10. So it's not a huge increase in parking density. The condition will be pretty similar to what we have currently right now. Did that answer your question?

Mr. Clarksen- Mr. Perez you and the u-shape drive, is there you have an agreement with the property owner? Is it 536? Portland to use that access?

Mr. Perez- Not the u-shaped portion of it. We have an easement agreement for access between our properties. The reason why I mention that U shape is because luckily, I mean the neighbor to the east will be less affected because you know, they have actual access to their rear of the yard. But in regard to our property and in regard to the neighbor as well. The condition will be very similar to the condition at (...inaudible...). Just for clarification we are not doing a carriage house that's a loaded word in regard to the zoning ordinance. So what we are proposing is not a carriage house, it's is a triplex or actually a 3 unit townhouse.

Mr. Clarksen- Thanks for the clarification.

Mr. Saylor- Thank you.

Mr. Perez- Thank you.

Mr. Saylor- Commissioners, additional questions for the applicant? Thank you. Mr. Perez. Please don't go away, we have additional questions and may call you back later. Thank you for now.

Mr. Saylor- Is anyone here to speak in favor of the variance request for 542 Portland? Anyone here with us today to speak in favor of speaking support of the variance request for 542 Portland? Anyone here for opposition to and wishes to speak in opposition to the variance request for 542 Portland? Support or opposition to 542 Portland?

John Solaris- Hello, Matt?

Mr. Saylor- Who's speaking please?

Mr. Solaris- Yes, this is John Solaris. I live at 550 Portland Avenue.

Mr. Saylor- Are you here to speak in favor or in opposition?

Mr. Solaris- In opposition.

Mr. Saylor- Go ahead please.

Mr. Solaris- This is a new process for me. So what I was wondering about is, if we submitted our comments should we understand that the people who are voting here read those comments or should we walk through those comments at all on this particular call?

Mr. Saylor- This is Mr. Saylor, the BZA Chair, if you have submitted a letter or an email, again, a reminder that there is no need to re-read those documents or present them again as they are already part of the record and they have been delivered to the Commissioners in advance of this meeting. So if you wish to speak now, you can summarize your key points, but again there is no need to reread document. Okay. Thank you. You're welcome. Did you want to summarize or make a succinct point?

John Solaris- No, I mean I think we were pretty clear in the document we submitted. So if everybody's read that document, then I'm fine not summarizing it.

Mr. Saylor- Finally, Commissioners will have the opportunity, if they wish to since you have presented yourself as a speaker, to ask you questions as well.

John Solaris- That sounds good.

Mr. Saylor- Great, Commissioners questions for our speaker here? Very good anyone else here to speak in favor of or in opposition to 542 Portland?

Mr. Saylor- Okay, then I will close the, hang on a minute, I have a..., closed the public portion of the hearing.

Mr. Saylor- Commissioner Clarksen, you have a question for staff?

Mr. Clarksen- Thank you. I was looking at the comments in the letter from the man who was just speaking. I didn't catch his name, but 550 Portland, and one of the one of the questions that they raised has to do with management of water on the site and the percentage of a hard surface, and I don't believe there was a variance request for that, but I thought if staff could address that, it might be helpful.

Mr. Saylor- Mr. Graybar?

Mr. Graybar- Mr. Chair and Commissioner Clarksen. So the hard space or hardened lot coverage requirement applies to the building. There is also a surface parking paving requirement, but that doesn't kick in because there isn't wasn't more than 15% of the lot that's being paved for surface parking. The driveway doesn't count, sidewalks do not count, patios do not count. Only surface parking spaces count towards that requirement. Does that answer your question Commissioner?

Mr. Clarksen- I think it does it's a way of saying that they're consistent with the zoning code in those regards.

Mr. Graybar- Yes, correct.

Mr. Saylor-Thank you, Mr. Graybar. Thank you Commissioner Clarksen for the question. Commissioner Brown, question?

Mr. Brown- Yes, can you hear me?

Mr. Saylor- Yes, we can.

Mr. Brown- Okay. So first I want to apologize for being late. Second and I'm going to try to make this sound legit as possible. My question is that so are these zoning ordinances that the applicant has to abide by are these very current ones that are compatible with the comprehensive, the 2040, or are these very older ordinances? Because I know that a lot of districts are alleviating themselves of older ordinances. So I'm just curious is this are they trying to remain compatible for things that aren't consistent with thickening the density of the city.

Mr. Saylor- I'll let Mr. Graybar or Mr. Diatta address that.

Mr. Graybar- Commissioners, Commissioner Brown, This is a Mr. Graybar. So yes what they're proposing aligns with the general intent of the zoning code as in finding one and in finding two. If you're like, I can reiterate those for you.

Mr. Brown- Please.

Mr. Graybar- Sure thing. For, regarding funding one, the requested variances if approved will allow a second triplex to be constructed thereby creating additional housing in the city. The applicant is working with HPC to ensure the aesthetic and design for the proposed triplex will meet their design standards to ensure the proposed house blends in with the surrounding properties on Summit Avenue. A triplex could be constructed without a covered front porch to meet the allowed maximum lot coverage of 35%. However, the porches requirement of HPC design standards and must be incorporated which causes the lock carbon should be exceeded. Provided HPC approves the applicant's proposal, the requested variances align with Section 60.103 of the zoning code to promote and to protect the public health, safety, morals, aesthetics, economic viability, and general welfare of the community, to provide housing choice, and to conserve and improve property values, so finding one is met.

And then you also asked about the finding two, regarding the comprehensive plan the requested variances will allow the applicant to construct additional housing on a lot that is similar in size compared to several of the adjacent lots that have

an equal amount of density. These requests are consistent with the intent to policy of 1.4 which aims to promote the development of housing and promotes and provides choices for people of all ages including singles and young couples, families empty nesters and seniors is also consistent with the comprehensive plan policy 3.4 which supports infill housing that fit within the context of existing neighborhoods and compatible with the prevailing pattern of development. Does that your answer a question Commissioner Brown?

Mr. Brown- Okay, so I'm going to try to rephrase this because I do find what you reiterated and all of the rest of the points in between and after I find very awesome in my opinion that I think that every variance compliments how to stay compatible. My question is, from my experience of applying for zoning application, or rezones and variances, is that I know that I was trying to apply for a variance, that just to remain compatible in the ordinance, that I think it was an ordinance from early 1900. And I know that just as of recently, I think in District 14, 15, and 16. I know District 2 and 3. I know that they've been alleviating these older 1900 ordinances. And so what I'm wondering is are these things that if it was to wait if the project was to wait I don't know however long it would take but are these things that they would have to remain compatible with within the overall scope of their project of remaining compatible with in thickening the density of decision?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Brown. This is Mr. Graybar again. So these are the six required findings and finding a number two is the variance is consistent with the comprehensive plan. These are the only findings that they have to meet.

Mr. Brown- Okay.

Mr. Graybar- Does that answer your question?

Mr. Brown- Yeah, I'm looking at them. I'm looking at them and I agree. I was just wondering are these very current? Are they staying compatible with things from earlier that would probably fall off (...inaudible...).

Mr. Diatta- And again, Chair, Commissioners to the zoning code is an evolving document. So what may have been okay back when the zoning code started in 1922, I believe, then that changed to 1975. And today we're 2020. So it's an evolving document that adapts to how life changes. As a matter of fact, if you look at parking, there's a study going on that looks looking at eliminating totally the minimum is one of the options and the other option was to look at some areas where we have, I would call it, a transit to get rid of those what transit is available because as you know, people are getting rid of cars more and more not depending too much on cars when you talk about green energy. What they call it pollution and also life changes. So the code always is an evolving document. So what's applicable 50 years ago is probably not applicable today. It may not be able to go 20 years from now. So this this finding that Matt looked at those are in keeping with the zoning code currently and the comp plan today and even the 2040 comp plan which hasn't been, it's not quite ready yet. Hopefully that kind of helps answer the question.

Mr. Brown- No, that helped me out a lot because you used dates and the years. I remember you saying early 1900, 1975, and then two-thousand and so that answers my question that it is very current, and I said that it is an evolving document and it has cycled and correcting updated itself. So, thank you.

Mr. Saylor- Thank you, Mr. Diatta and Mr. Graybar. Good question Mr. Brown. Commissioners, additional questions for staff? Again, we've closed the public portion of the hearing. Again Commissioners questions? Mr. Graybar can you succinctly summarize you're findings so Commissioners know what they are able to make a motion on.

Mr. Graybar- Commissioners, thank you very much this Mr. Graybar. Staff recommends approval of the requested variances based on findings one through six subject to condition that the final approval from HPC is obtained and again after Consulting with our City Attorney, he did advise that we do recommend another condition of approval which is to add the condition of the proposed hydraulic lifts are installed according to the plans submitted with this variance application.

Mr. Saylor- Thank you. Mr. Graybar commissioners, so questions on that what you just had presented for you again or a motion on that, please?

Mr. Miller- This is commissioner Miller. I would move approval based on staff findings one through six, subject to the condition that final approval from HPC is obtained and the other condition as just stated by Mr. Graybar about the hydraulic lift. Sorry, I didn't remember the wording exactly.

Mr. Saylor- Thank you, Mr. Miller.

Mr. Saylor- We have a motion. Is there a second on that?

Mr. Clarksen- Second. This is Commissioner Clarksen.

Mr. Saylor- Thank you move by Miller second to by Clarksen. Commissioners additional discussion on the motion? Kelly roll call please

Ms. Kelly- roll call vote: Clarksen-Yes, Trout-Oertel-Yes, Miller-Yes, Swift-Yes, Brown-Yes, Saylor-Yes.

Mr. Saylor- Thank you your resolution application has been approved and good luck with that. Very interesting project.

Mr. Perez- Thank you so much.

Moved by: Miller / Second by: Clarksen

6-0

Mr. Saylor- Commissioners that was the last case on our agenda for today and are there any final comments words from either City attorney or from Mr. Diatta or Mr. Graybar?

Mr. Warner- Nothing from the city attorney's office.

Mr. Graybar- I did have one thing Mr. Chair, this is Mr. Graybar.

Mr. Saylor- Please.

Mr. Graybar- As you send out the email previously this again, this doesn't relate to the hearing. The land use training conference that's coming up next week.

Mr. Saylor- Yes.

Mr. Graybar- I got an email from the GTS staff. They did have everyone accounted for and they will be sending out information on how to join the conference, I believe later today or tomorrow. If not, you might have already received something in your email boxes again. I think the majority of the BZA members were signed up for this.

Mr. Saylor- Mr. Graybar just a follow-up. So the information will come to those email addresses that we typically use for receiving information about BZA hearings?

Mr. Graybar- Yes, correct. All the ones that I've been sending out regarding email, one email, to with all the staff findings and the application packets. Yes, it will go to those in boxes. That's the email address. I forwarded to be signed up for.

Mr. Saylor- Thank you. Go ahead, please.

Mr. Graybar- And again, I want to remind everybody that if you can't attend that hearing so the first day October 12th is just a half day October 13th is a full day to include little breakout rooms for further discussion if you can't meet on a certain date. We are, actually I should say the GTS folks, are recording the conference. So that way you can always revisit it at a later time if you have to reschedule due to prior commitments.

Mr. Saylor- Thank you. Mr. Graybar. Mr. Diatta anything from you?

Mr. Diatta- No, Matt, got it covered. Thank you all.

Mr. Graybar- So sorry. I did have one last thing please.

Mr. Saylor- I'm sorry not to keep dragging this on. I believe the city council just approved some residential design changes to the properties in districts 14 and 15 regarding the height requirement and the sidewall articulation which we

will be putting together a draft of how that will look, as in how it changes, how this will alleviate the need for future variances for a lot of those. Yes. I know finally, so we're just waiting on the mayor to sign it city council approved it. We're waiting. It has it takes 30 days to go into effect. So staff will put together a presentation and give it to you. Hopefully on October 19th at the next hearing we will have three cases at the next hearing so it shouldn't take too long those other cases so we should be able to get that training at the end of everything.

Mr. Saylor- Thank you. Mr. Graybar. So again, hopefully everyone can be there for our next meeting in two weeks. Again, Matthew. Thank you for and everyone, for getting the land use conference all set up and for that stuff to present in the 19th. Commissioners any questions about either of those or anything else you want to ask since we have everybody present?

Mr. Graybar- Also, one last thing the city was approved to pay per diem. I'm not going to mention the amount, but you will be getting a stipend since, you know, you will have to attend virtually attend the meeting so that way you also be compensated for your time.

Mr. Saylor- Thank you. Mr. Graybar, okay without further comments from Commissioners or staff. We are adjourned and thank you everyone. Thank you, Kelly and Staff for your help to me and we will see you all in two weeks.

Submitted by: Maxine Linston

Approved by:

Matthew Graybar

Daniel Miller, Secretary