

Hello Rebecca.....Allow me to introduce myself.....My name is Dave Klun owner of Organic-Compass LLC and I am the general contractor for a job we are doing at the residence of 975 Lincoln Ave. The large corner lot on Chatsworth and Lincoln. The project entails a tear down of an existing garage built in 1923 and building a new slightly larger garage along with a 15' breezeway between the garage and existing home. This would allow the residents not to deal with the elements and have a safe walking trail to and from the home.

This situation all started way back in March when I applied for a permit to move this project forward and have completed by the end of this summer. When applying for a permit the folks in the plan review area made me aware of the home being in the historic district and needed to go through the historic folks to determine if the garage was worth saving and during this same time they also made me aware that the zoning folks needed to be OK with this breezeway since it is a new building on the site and we were in there words attaching the breezeway to the home. This actually will not happen (attaching the breezeway to the home) however the language that is used by the zoning department and the individual I was introduced too was Ya Ya Diatta. When Ya Ya is saying attaching the breezeway to the home the breezeway is actually being butted to the existing home with a cold joint which was approved by the planning folks as we went through this situation in great detail. As we moved forward with Ya Ya he said since this situation is going all the way to the home you will need to apply for a variance. Not knowing what this was Ya Ya made it sound like a rubber stamp since the size of the garage and breezeway made the hard cap percentage which is no more than 35% of the yard to building structure so we made it past that hurdle. Ya Ya explained to me the process of a variance and how he would go out and take photos and send a letter to the neighborhood about this project. Ya Ya and I spoke about filling out the variance and answering the 6 questions that he could submit and have the Board of Zoning Appeals (BZA) approve at the next meeting which is every other Monday. Since I have never been through this process before and doing work for more than 30+ years I thought this would be some good learning for me. We put a date on the calendar and Ya Ya said he would put us on the agenda for the next BZA meeting and I am thinking this is going well however after about a week going by Ya Ya called and informed me that Amy Spong needed to review the garage from the historical perspective asked how long this will take and he asked me to connect with her and she will let me know.....This is where things are starting to come off the rails.....I called and left a VM 8 times and wrote 4 e-mails over the span of 9 days looking for information from Amy as she does not work on Fridays either.....after all of that she handed me over to Josh Williams through an e-mail as I do not recall ever

talking to Amy. Josh was awesome and I explained the urgency on this historic situation as it is clear with anyone who has common sense would see that this garage from 1923 has no historical value. He asked me to send pictures of the structure so I took 15 pictures on my phone and sent them over as he said Ya Ya will have photos as well since we were applying for a variance. Another two weeks go by and we missed the BZA meeting so we re-scheduled for the next one two weeks out. According to Josh, Amy was concerned that the process might need to take longer if she was not able to streamline this garage. Weeks went by and we missed another BZA date so I wanted to know what I needed to do to make sure we do not miss another date. Josh and I talked a lot over the next two weeks and Josh was able to confirm that the garage was OK to tear down and we are now ready to move forward with the next BZA meeting.

This was music to my ears finally moving forward however I received a call from the district council person and she said it was in our best interest to attend their meeting on a Tuesday so that board could hear what this project consisted of. Not even knowing what a district council is as I do all of my work on the east side suburbs...like Woodbury, Cottage Grove, IGH etc.....We did attend and it was packed with people because there was a vote for some school situation. It was very loud and standing room only and pretty hectic as well. We were second on the agenda so I thought this would be quick and we move on to the BZA. It is my understanding that this district council can only make recommendations to the BZA board so it is more for information with these folks. I got up in front of the crowd and talked through the project, some questions were asked about the 6 questions that need to be met before they could approve this project. Thinking I met the 6 questions because I filled out that form I did not even realize that they voted then. The homeowner and I left after our presentation and we talked about the next steps. I connected with Ya Ya two days later when he received the minutes from the district council and he said that they felt we only met 3 out of the 6 questions. I was amazed by that and Ya Ya said this is simply a recommendation to the BZA which I understand today holds more weight than I first realized as the BZA denies or grants the variance not the district council....more learning for me. Ya Ya then sent out those minutes and also his own personal recommendation which I received in the mail. Once reading this and I asked him why he wouldn't approve this he said we only met 3 out of the 6 questions according to the way he sees the project. Again I was amazed by the outcome since it felt like nobody wanted this breezeway built but we only needed the final 7' as I did not need any variance if it stopped 7' from the house but who would do this as it will look very odd and unfinished stopping it short as you are asking the homeowner to go out of their house walk outside for 7' then open

another door into the breezeway and go into the garage. Common sense as far as a builder goes. So moving forward I let Ya Ya know that he must be against us since he is not with us and he keeps telling me that I take things too personally. In the packet he sent to me there was also a letter from a neighbor who was in favor of this situation and to my knowledge there still no neighbors that have objected to this situation. This takes us to the BZA meeting we so wanted to attend which was the end of April....we attending this and Ya Ya got up and did his thing and the homeowner and I got up and did our presentation and with much dialogue from the BZA we agreed that maybe a reasonable accommodation permit should be issued since the homeowners are handicapped. They have a two wide parking space on the street (Chatsworth) because it is closer to walk from there than the old 1923 garage. It just is not a very safe walk from there in the winter months or when things get icy in the fall and spring. After agreeing to exploring that scenario with the reasonable accommodation vote in play this was a big mistake on my part. We left the meeting and Ya Ya wanted me to get in touch with Wendy Lane who is head of the zoning department. We finally talked, got in touch with each other after a week of voicemails.....she was amazed that the BZA did not pass the variance and had little information on how to go about this reasonable accommodation scenario as she has never had this happen before and this would be the first time this was done for a private residence. We talked in great length and she recommended that she talk to the BZA at the next meeting and she too was amazed by this 7' short scenario. Another week passes and I had asked Wendy if anyone should be at this meeting as I was headed to our daughter destination wedding in Mexico. We talked about what percentage she thought she could get the BZA to approve this situation and Wendy decided it was better than a 75% chance she could do this because it seemed so simple to her. Monday May 9th was the meeting and I tried to connect with her from Mexico with e-mails and VM and she finally replied via e-mail on May 12th and she informed me of the denial from the BZA. That had me asking more questions and I never did hear from her again as she had the city attorney, Peter Warner call late the following week. That was an interesting discussion and he had said why did you agree to something you knew nothing about so nobody is looking out for my best interest here and I was simply looking for some guidance which Peter was clear on that he would not provide and since I had 10 days to appeal but did not even find out really about options until Peter Warner called me and by then I had three days so this led me to believe we need to get an attorney involved and start this process over again from the beginning.

So it began once again starting from the beginning with an attorney by the name of Patrick Lindmark who was recommended by another trade guy in the area. The cost of the attorney is currently at \$5,200.00 to date which demonstrates the commitment from the homeowner that they want this project to look and function correct for them. Currently they have a two wide handicap area to park in on the side street of Chatsworth as this is a closer walk than the garage. The point being aging in place and having thesis folks have a safe dry area to walk through before getting to the vehicles. However the attorney has not had any better luck than me. He applied for the variance and submitted all the documentation and beefed up the concerns the district council had in regards to my first communication the first time through. We got a date to appear at the district council and this time it was a much smaller format with only 4 folks in the room. Very quiet and I thought we could explain our situation in greater detail. We were the second on the agenda and when our time came there was much push back because we had already submitted this once before as a few council folks mentioned. The two very vocal women on this board had nothing to do with giving us a chance to dive a bit deeper in regards to their concerns. They denied this once again and we thanked them and left the building. The attorney was amazed at the lack of openness to hear our new alignment to their concerns. Again I believe this group really thinks that there will be no breezeway which is the farthest from the truth as we have the permit to build the breezeway it will just be 7' short of the house which will look very unfinished and incomplete. So we headed to the BZA again with the attorney at hand. The meeting was set for the BZA and the attorney again submitted more substance to the situation before our meeting. We went to the BZA meeting with the attorney and we were the third group to go on the agenda. The BZA struggled with getting a quorum but it was accomplished just before the first person spoke. Unfortunately, the one person on the BZA was not there who was really engaged with me the first time around. Our time came and there was better discussion than at the district council level however just by the way the questions were asked again I truly believe the BZA board thinks they are voting on not having the breezeway which simply is not true. They thanked us for addressing in much greater detail with the attorney on their original concerns. However it amazes me that they actually would think it will look good 7' from the house. It was denied and the appeal process is in motion.

My biggest concern with this project is after doing remodeling for over 30+ years now the best projects are those that look like they were there from the beginning. These homeowners have committed to using the materials that match the house which is stucco and brick so they keep the look of the original house built in

1923. It is important to them that it flows with the house and their lot supports this project, with a corner lot this project enhances the whole street. They had 4 letters from the neighbors in favor of this project. This project will look very incomplete if this variance is not granted as the 7' gap looks into the side of this bump out of their home. I just have had no person yet really explain to me why this is not feasible to them. It just seems like they are misinformed on the situation and leaving a 7' gap would be terribly wrong. I am asking you if there would be a way I could sit down for a few minutes and talk through the situation as common sense seems to be lost with this basic variance request. I just do not know what to do any longer to help folks understand the look they are voting on. We spent many hours exploring different scenarios to create a dry, user friendly walkway from the house to garage. One of the biggest hurdles was convincing the homeowners to spend the money so it looks like it tied into the original structure and once they saw how wonderful it looked they were all in. I would hope the city council would consider overruling the request from the BZA and district council and give an approval of this variance so people in the neighborhood would not have to wonder why there is a 7' gap in the project.

Thank you,

David A Klun

Organic-Compass, LLC
Owner
Licensed General Contractor
RBC Lic # BC675551