

GENERAL MINUTES
 SKYPE VIRTUAL HEARING
 THE BOARD OF ZONING APPEALS
 SAINT PAUL, MINNESOTA
 September 21, 2020

MEMBERS PRESENT

Thomas Saylor - Chair
 Luis Rangel Morales - Co-Chair
 Robert Clarksen
 Glen Brown-Lowe
 Joyce Maddox (Alternate)
 Daniel Miller
 Diane Trout-Oertel
 Danielle Swift
 Legal: Peter Warner, City Attorney

STAFF PRESENT

Yaya Diatta DSI
 Matthew Graybar DSI
 Stephan Suon DSI
 Randy Sayavong DSI
 Maxine Linston DSI

MEMBER(S) ABSENT None

APPROVAL OF MINUTES for AUGUST 10, 2020- Approved

Moved By: Miller / Second By: Maddox

APPROVAL OF RESOLUTION – 20-055885 380 Randolph Avenue

Approved Voice Vote 5-0

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
20-061840	1362 Palace Ave – Angela Weber	Maddox	Trout-Oertel	7-0	Approved
20-062486	1171 Rankin Street – Scott Rehovsky	Clarksen	Swift	4-2	Denied
20-067232	475 Como Ave – Abdi Ibrahim Abdi	Miller	Morales	5-1	Approved
20-065974	263 Lexington Pkwy South – Anthony Pursuitti	Trout-Oertel	Miller	6-0	Approved
20-068704	815 Frank Street – Pastor Mickson Deronvil	Trout-Oertel	Morales	4-2	Approved
20-069860	1875 Eleanor Ave – John Kirr	Morales	Miller	6-0	Laid over for 2 weeks
20-069826	1493 Highland Pkwy – Michael Buelow	Clarksen	Maddox	4-3	Denied

Submitted by: Maxine Linston

Approved by:

Matthew Graybar

Daniel Miller, Secretary

BOARD OF ZONING APPEALS HEARING MINUTES

375 Jackson Street – Skype Virtual Meeting St. Paul, MN

September 21, 2020

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

Department of Safety and Inspections: Mr. Diatta, Mr. Graybar, Mr. Suon, Mr. Sayavong & Ms. Linston

Legal: City Attorney Peter Warner

ABSENT: None

The meeting was chaired by Thomas Saylor.

Mr. Saylor- 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 requests to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we do ask that you say your name and address.

Staff will first show some slides of the property, then followed by staff findings and discussion. I will then call on the applicant, then those in favor and then those opposed. The board does reserve the right to call back the applicant in case we have any additional questions which may arise over today's testimony. I will then close the public portion of the hearing and the board will vote to approve or deny the request. Please note that our vote is final unless appealed to the city council within 10 days.

Mr. Graybar- Mr. Chair, I just want to make sure you're aware that we are doing board member Browns oath. Mr. Nix first will be administering the oath before any of the cases. Sorry again to interrupt.

Mr. Saylor- Oh, that's great. I will finish reading this and then turn it over to you for that. Is that okay?

Mr. Graybar- Oh, yes, please. Thank you very much, sir.

Mr. Saylor- At this point, I'll ask the secretary to call role of those board members in attendance for today's hearing with the understanding that we are going to administer the oath at the end of these opening comments. So, Maxine, can you call the roll of those present, please?

Ms. Maxine- Attendance call: Clarksen-Here I am, Miller- Here, Morales (in at 3:30), Swift-Here, Trout-Oertel-Here, Maddox-Present, Glen Brown-Lowe-Here, my name is Thomas Saylor I am the chair of the board.

Mr. Saylor- We also have present today from the Department of Safety Inspections Mr. Graybar and is Mr. Diatta here today?

Mr. Graybar – Yes, he will join us later.

Mr. Saylor- I see our legal counsel Mr. Peter Warner and our secretary for today is Maxine Linston.

We will take the cases in the order they appear on the agenda unless there's opposition. For cases with opposition the board reserves the right to move these cases to the end of the agenda. And in fact, for today judging by the amount of correspondence we have received we are moving 1493 Highland Parkway to the end of the agenda 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 3 minutes each. Please be mindful of this

also if you have submitted a letter or an email a reminder that there is no need to read those documents as they are already part of the official record.

If you're speaking then please provide the board with your key points without repeating ideas presented already by previous speakers. Thank you for your attention to that.

And our first order of business is the swearing in of our new board member and for that I'm going to turn to Mr. Graybar.

Mr. Graybar- Thank you Mr. Chair. Mr. Nix, I believe you're online.

Mr. Nix- I am whenever you're ready, sir. All right Glen, congratulations on your appointment. If you can repeat after me, state your name *I Glen Brown-Lowe*, do solemnly swear *do solemnly swear* to support the Constitution of the United States *to support the Constitution of the United States* and of the state of Minnesota *and of the state of Minnesota*. And to discharge faithfully *and to discharge Faithfully* the duties devolving upon me *the duty revolving upon me* as a member of the board of zoning appeals *as a member of on the board of zoning appeals*. Of the city of St. Paul *of the city of Saint Paul* to the best of my judgment and ability *to the best of my judgment and ability*.

Mr. Nix- Congratulations again on your appointment.

Mr. Brown-Lowe- Thank you. Appreciate it.

Mr. Nix- Absolutely. Congratulations Mr. Brown and thanks everybody.

Mr. Nix- All right. I'll sign off and let you guys do your good work. Thanks everyone.

Mr. Saylor- Mr. Graybar.

Mr. Graybar- Yes, Mr. Chair.

Mr. Saylor- I do note from the roll called by Maxine that when Commissioner Rangel Morales comes we will have eight people present.

Mr. Graybar- Yes, that is correct. I already informed Ms. Maddox that as soon as he hops on she can stand by and we'll just hold on just in case somebody else has to drop off.

Mr. Saylor- Okay, thank you for noting that and having a plan ready. I should have known you would do that.

Mr. Saylor- Okay. So our first order of business was that.

Approval of Minutes for August 10, 2020

Mr. Saylor- Our second order of business is the approval of the minutes from August the 10th 2020. Is there discussion or motion on the minutes from August the 10th.

Mr. Miller- This is board member Miller I move for approval.

Mr. Saylor- Is there a second?

Ms. Maddox- I'll second.

Mr. Saylor- it's been moved and seconded. Maxine, can you give us a roll call please for the approval of the month of August 10, 2020.

Ms. Maxine: roll voice call- Clarkson-Yes. Danielle, Yes, Diane Trout-Oertel-Yes, ~~Glenn~~-Yes, Daniel Miller-Yes, Joyce-Yes, Saylor-Yes.

Mr. Saylor- Thank you, the minutes, for August the 10, 2020 have been approved.

Approved / Voice Vote 6-0

APPROVAL OF RESOLUTION 20-055885 - 380 Randolph Avenue

Mr. Saylor- Next order of business is the is an approval of resolution 20-055885 for 380 Randolph Avenue. And that is for approval as revised. Mr. Graybar, can you give us a quick, some of what these revisions are and what Commissioners are voting on?

Mr. Graybar- Absolutely Mr. Chair. This is Mr. Graybar again. When we first had this hearing I believe this is earlier in August or July 27th, as I'm looking at the resolution and since the sign code allows them four feet plus additional 2 inches for every foot setback from the property line staff incorrectly calculated that and so we wanted to bring it back just to make sure we got the record, right. We're voting on a 5 foot size. So they're allowed five feet. Actually we're asking for less. So what they're approved for was greater than what they're actually asking is actually in their favor that we did this.

Mr. Saylor- Thank you Mr. Graybar. Commissioners any questions of Mr. Graybar before we vote on the approval of this resolution. Hearing none Maxine, can you give us a roll call please for the approval of the resolution for 380 Randolph Avenue.

Ms. Maxine – Roll call vote- Clarkson, I wasn't present so I abstain, Miller-Yes, Danielle-Yes, Diane Trout-Oertel-Yes, Maddox-Yes and ~~Glen-Yes,~~

Mr. Saylor- Mr. Diatta, you have something to say?

Mr. Diatta- Yes. can you hear me?

Mr. Saylor-Yes.

Mr. Diatta- Yes. So, I'm just saying that this is Mr. Brown's first day he cannot vote on a resolution or minutes that he was not a part of the hearing. I tried to speak but I don't think you heard me.

Ms. Maxine- Okay, I'll strike those votes off the record. Okay, the last call would be Saylor-Yes.

Mr. Saylor- So we do have the required votes to approve the resolution for 380 Randolph has been approved as revised. Thank you for the explanation Mr. Graybar and thanks for those two notes Mr. Diatta.

Approved

5-0

Old Business: None

New Business:

1362 Palace Avenue: Mr. Saylor- the applicant is requesting the following variances in order to construct a new single-family dwelling to replace a previous single-family dwelling that was destroyed by a fire. Number 1 in planning district 14 in which this property is located the maximum building height for a single-family dwelling is 22 feet at a four-foot side yard setback. The proposed five-yard, 5-foot side yard setback allows a maximum building height of 23 feet. A building

height of 26 feet is proposed for a variance of three feet. Number 2, in this planning district a sidewall articulation is required on sidewalks that are greater than 35 feet in length. A 36-foot-long wall is proposed on the east side without an articulation for a variance of this condition.

Mr. Graybar- Thank you very much. Sorry about that. Yeah, having a we've done so many virtual meetings. It's just confusing. All right. Thank you very much. This is a 35 x 125 lot with alley access to a detached garage in the rear yard, and it's surrounded by mostly single-family dwellings. You'll find the plans on pages 10 through 16 slides going to be on three through nine. So the background this previous single family dwelling on this parcel sustained fire damage in February of this year and had to be removed. The property owner is proposing to construct a new house over the existing foundation. So here is the property in relation to the rest of the block. As you can see here, there's alley access right off of Albert Street South and then it goes to a "T" and alley. So then it's access from Palace Avenue to the north and James Avenue to the south. This is the street view of it. This is the side view of the same property. And this is also the other side of the property. It's kind of hard to tell try to zoom in a little bit here. That's up here. You'll see the signs of the smoke and the fire high that came out. So while it isn't as visual from the exterior of the building or observable from the exterior building the interior building has suffered the most damage. So these are other two story houses that are along the same block at 1374 Palace and 1378 Palace, along with 1392 Palace; there's a second floor and 1396 at the end of the block Palace Avenue. This is what the proposed foundation and the building is going to look like from the street. Here are the side elevations as we're looking at the property. It has a nice little covered porch at the front. Where the findings the development of this lot would be an improvement to the property as the proposed building is professionally designed to fit with the character of the block which consists of mostly two-story buildings. This request is consistent with Section 60.103 of the zoning code to promote and to protect the public health, aesthetics and economic viability of the community, and to provide housing choice. So finding one is met for both variance requests.

Finding two this block consists of buildings with various heights setbacks, designs, and the proposed development would be consistent with the pattern of development of this block face creating new housing units on infill lots is consistent with goals on the housing chapter of comprehensive plans, which is strategy 3.4 which states infill housing should meet design standards so that infill housing fits with the context of existing neighborhoods and is compatible with the prevailing pattern of development. So finding two is met. The applicant is using existing foundation for a new building to minimize the construction impact of the site and the adjacent properties similarly. The existing foundation doesn't provide enough space to meet the families housing needs which compels the applicant to construct a taller building to provide the needed living space. The purpose of the articulation requirement is to prevent long monotonous walls. However, the proposed east wall is only 36 feet long, which is only one foot longer than and 35 threshold which triggers the sidewall articulation. This is not a significant deviation from the requirement in addition since the existing foundation, which is being used doesn't meet the sidewalk articulation requirement it would be difficult to provide a new articulation without affecting the integrity of the foundation. These are reasonable requests. So we say that finding three is met for both variance requests. And the design and relatively small size of existing foundation are circumstances, are unique to the property not created by the landowner; that's finding four is met for both variance requests and single-family dwellings are permitted use in the R4 zoning district. So finding 5 is met for both variance requests and there are only one and two level dwellings in the neighborhood with varying heights and design elements the proposed height and lacked an articulation in the single-family drawing will not alter the essential character of the neighborhood so finding six is met for both variance requests.

For the staff recommendation I'm sorry for the district council recommendation. You'll find that on page 17 in your packets. Staff received the statement and support from District 14. For a correspondence, staff received one letter of support from the property owner at 1434 Palace Avenue, which is 728 feet to the west.

For staff recommendation, staff reports on pages 1 thru 4 and resolution on pages 19 through 22, and we recommend approval of the requested variances based on findings one through six. Pending your questions, that's all I have.

Mr. Saylor- Thank you, Mr. Graybar. Commissioners I see commissioner Clarkson has a question. If you have additional questions commissioners, please just let me know.

Mr. Saylor- Clarkson I will start with you.

Mr. Clarkson- Thanks for the presentation. The question I have relates to the potential that this has some sort of rights related to it potentially being a nonconformity in the first place before the fire. So the first question I have is whether the existing home prior to the fire would have met some of these regulations because if not, it would seem like those provisions that I'm thinking of would apply and the applicant would be able to rebuild without needing variances and some cases. Could you respond to that? I understand we're kind of trying to get to the same place, but I'm thinking about the strategy here.

Mr. Graybar- Yes, so section 62.105 in the zoning code allows non-conforming structure to be rebuilt as long they are built within one-hundred-eighty days or building permit pulled within that time. So that's for the existing foundation. However, since they're building "up" the new portion of the building has to meet the current code which requires the sidewall articulation and the height requirement. Does that answer your question, board member Clarksen?

Mr. Clarksen- I guess it kind of go back to the first part of the question, which was, did the existing home meet those requirements?

Mr. Graybar- Yes. The first floor did. That is correct.

Mr. Clarksen- It had the sidewall articulations?

Mr. Graybar- The sidewall articulation was met because it was legally non-conforming at that point. So my understanding so the second floor would have to meet that. So the first floor was fine because it didn't need it in the first place but second floor is where you would have to add it.

Mr. Clarkson- Is the variance only for the second-floor articulation am I catching that correctly? I'm trying to sort out what parts were non-conforming lawfully legally because variances should follow I think you follow me.

Mr. Graybar- Right? Yes. The first floor would be non-conforming which is legally non-conforming. So which is fine. So the second floor they're proposing would be non-conforming which means they need a variance from that requirement.

Mr. Clarksen- Okay. I think that was what I was getting at.

Mr. Graybar- Thanks. Sorry for the long about answer.

Mr. Clarksen- No, it's not easy to decipher.

Mr. Graybar- So yes, non-legally non-conforming issues are very complicated. So thank you so much for pointing that out.

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

Mr. Saylor- Is our applicant here today for 1362 Palace Avenue?

Mr. Graybar- Mr. Chair, this is a Mr. Graybar. Again. We had Tony the builder online and we also had the applicants father online as well. Can one of you please unmute yourselves and speak up?

Mr. Saylor- 1362 Palace Avenue anybody? Last call anybody speaking for 1362 Palace Avenue?

Mr. Graybar- Hey Tony, is this you? Did I just and unmute you and mute you here?

Contractor Tony-Yeah, I was muted. I'm the applicant building contractor working on the project.

Mr. Saylor- Thank you. So if you wish to speak just give us your full name and your business address, please.

Applicant Contractor- Anthony Brown and my business address 2136 Ford Parkway in St. Paul.

Mr. Saylor- thank you. And what would you like to add to the presentation provided to us by Mr. Graybar today?

Mr. Brown- I think he did a good job, I don't have anything to add.

Mr. Saylor- Okay Commissioners any questions for the person representing 1362 Palace?

Mr. Saylor- Okay. Thank you, Mr. Brown. If we do have additional questions, I may call you back in a few moments. But thank you very much. You can mute yourself again.

Mr. Saylor- Anyone here to speak in favor of the variance request for 1362 Palace Avenue today? Please let me know that you're here if you wish to speak in favor of 1362 Palace.

Mr. Saylor- Is anyone here to speak in opposition to the variance request for 1362 Palace Avenue? Anybody here to speak in favor of or in opposition to 1362 Palace Avenue?

Mr. Saylor- Hearing and seeing no one I'll close the public portion of the hearing and Commissioners invite you to make a motion on the resolution.

Ms. Maddox- I would like to move this variance along with the resolution based on staff finding one through six.

Mr. Saylor- It's been moved. Is there a second on the motion?

Ms. Trout-Oertel- second.

Mr. Saylor- It's been moved and seconded any additional discussion on the motion to approve the variance request for 1362 Palace Avenue.

Mr. Saylor- Additional discussion? Seeing and hearing none Maxine can you give us a roll call please on the resolution for 1362 Palace to approve.

Ms. Maxine- roll call vote- Miller-Yes, Swift-Yes, Clarkson-Yes, Trout-Oertel-Yes, Maddox-Yes, Saylor-Yes. (Mr. Saylor, did you forget a commissioner Brown)?

Ms. Maxine- Can he vote?

Mr. Graybar- He wasn't able to vote on the other two issues he wasn't just because he wasn't a member of the board at that time. He is a member of the board now since he's sworn in and he heard the testimony so he can make a vote on these issues from here on out.

Ms. Maxine- Okay, Thanks. Perfect.

Ms. Maxine- Okay roll call vote cont.: Brown- Yes and Saylor-Yes. Thank you.

Mr. Saylor- The variance request for 1362 Palace Avenue has been approved. Good luck with that project.

Moved By: Maddox / Second By: Trout-Oertel

Approved 7-0

1171 Rankin Street: Mr. Saylor- The applicant is requesting the following variances in order to construct a new single-family dwelling on this vacant lot four variances are being requested. Number 1. The zoning code requires garage has to be set back from the front lot line at least as far as the principal structure the proposed garage extends past the front of the house for a variance of this requirement. Number 2. the traditional neighborhood design standards require attached residential garages to be recessed at least 10 feet behind the front facade of the house. The proposed garage would not meet this requirement as described in number two above for a variance of this requirement. Number 3. Garage doors

that face a public street shall not exceed 60% of the width of the principal structure facing the same street a garage door occupying 72 percent of the width of house is proposed for a variance of 12%. Number 4. building design standards require that a primary entrance be located within the front third of the structure. The primary entrance is located behind beyond front third of the building for variance of this requirement.

Mr. Graybar- Mr. Chair & Commissioners. Thank you very much. This is a .6-acre vacant lot. The surrounding uses are industrial uses across the railroad tracks to the north and to the north west to the east and residential uses on the remaining sides. So a little bit background, this property was created subsequent to a lot split approved in 2006 that involves multiple properties along the south of the existing railroad tracks. So you'll find the plans if you want to look through them on go through my presentation on pages 11 through 20. I will show a couple of slides here. So this is the front of the property it is vacant, lots of nice trees. Here is the site plan in red. I outlined where the property line is in green up here. This is where the building or the new single-family dwelling is proposed and is easy. This is along Rankin Street. And this is the railroad goes to the north of this property. There's a site plan. In blue, I've highlighted the primary entrance location, the proposed one that's not in the front third. And you can see the garage here is also sticking out further from the rest of the house that's closer to the street.

Here's a nice garden plan that was submitted, what it looks like the majority of the rear yard is going to be comprised of. So for the building elevations, this is the east and west elevation. And the green is the on the left picture. The green box is where the garage is going to be. The blue indicates that this going to be the garage door is going to be completely made of windows. On the west side you can see it's going to be made of different materials as listed and what the blue is being the windows as well. This is what the north elevation is going to look like and that's where the location of the front door is that I highlighted in yellow and again to help keep you oriented as we look at all the different elevations of the house, I highlighted the garage in green, so you know where the front of the property is going to be. And this is look at the other side of the elevation with windows shown with the garage towards the right which indicates the front and there's a nice little cantilever in the back on the second floor.

So for the findings, the proposed two-story structure consists of three bedrooms on the second floor, a living room, a kitchen, and a bathroom on the first floor the requested variances as will allow a single family dwelling to be constructed on this vacant lot which will create additional housing for the city of St. Paul this request aligns, these variance requests align with the general purposes and intent of section 60.103 of the zoning code to provide housing choice and housing affordability. So finding one is met.

The requested variances will allow the applicants to construct a single-family dwelling on the vacant lot. These requests are consistent with the intent of policy 1.4 of the comprehensive plan, which aims to promote the development of housing and provides choices of housing choices for people of all ages including singles and young couple's, families, empty nesters and seniors. It is also consistent with comprehensive plan policy 3.4 which supports infill housing that fit within the context of existing neighborhoods and compatible with prevailing pattern of development since there are multiple other single-family dwellings are on this so finding two is met.

For finding three lot is relatively flat with my minimal grade changes while there is a large tree approximately a hundred eighty-six feet away from the front property line, it does not interfere with the placement of the house or the lot or prohibit its configuration from meeting zoning requirements pertaining to off street parking and design standards. This lot is wide enough to accommodate a dwelling with the garage in the rear off to the side of the house. There are no practical difficulties in complying with the zoning ordinances pertaining to design requirements that regulate the location of the primary entrance the garage door with or the placement of the garage on the lot. So this finding three is not met for all its variance requests.

This property is deeper than we found in St. Paul. However, this does not prohibit the applicant from when designing a house that meets zoning requirements pertaining to design standards that regulate the location of the primary entrance garage door with or the placement of the garage on the lot.

So finding four is not met for all the variance requests for finding five. The requested variances will allow the construction of a single-family dwelling with an attached garage, which is a permitted use in this zoning district. So finding five is met.

For finding 6, there are no other houses in the area that have a similar primary entrance location or a garage that is similar to the one being proposed by the applicant. The request of variances will create a house that with garage that will alter the character of the area. And I can take you on a nice little tour. This is the lot in question 1171. So as we stated earlier, these are commercial uses and then these are the single family dwellings. I have garages that are recessed further into the property. Most of them are aligned with or setback with the front of the house or set back from the front of the house. Parking in the garage in the far back. House with a garage that is alongside of it and off in the rear, I will switch back. There we go. Alright, so after that trip around the neighborhood, that's all I have pending your questions.

Oh, I'm sorry. I missed the district council recommendation that's on pages 25 and 26. Staff received a statement of support from District 15. For correspondence from the neighborhood you will find that on page 27. Staff received one letter in opposition from a resident at 2275 Youngman Avenue, which is 343 feet away. Staff recommendation is on pages 1 through 4. The resolution is on pages 28 through 31. Sorry, I realized I included the resolution twice. (So, please disregard the other resolution. They're both the same one). I just stuck it in there twice. Staff recommends denial of requested variances based on findings 3, 4 & 6 any questions, that is all I have.

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

Mr. Miller- Could you say the lot dimensions again? It's hard to see off the survey.

Mr. Graybar- Yes, Mr. Chair & Commissioner. Well, so I got .68-acre vacant lot. I know you're looking for dimensions. It's about a 55 and I think it's in their application sorry as I'm pulling that out.

Mr. Clarksen- Matthew, this is commissioner Clarksen. I can see on the survey it says 52.6 feet.

Mr. Graybar- Yeah, there it is. 52.6. Thank you. That's on page 11. And then the depth, it's like about 459 feet deep. Yes. It is a very unique lot regarding the depth of the lot. Does that answer your question commissioner Miller?

Mr. Miller- Yes, sorry. I'm switching screens back and forth to look at the width. Yeah, is there I guess an alternative clearly would be a driveway alongside the house to something in the back attached or detached and with 52 feet that's kind of a standard size width there is room to do that, right?

Mr. Graybar- Mr. Chair & Commissioners? Yes, that is correct. Even in the R4 single-family zoning district where you have a lot width a required of 40 feet. So this is 52 so it is wider than other typical lots. I mean it is very deep. So you could "yes" to answer your question, add a driveway that would be access to parking or the garage and in the rear of the property or even off to the side offset by 10 feet as a T2 district design standards require.

This is Scott- Can I just add something, this is Scott.

Mr. Saylor- Not right now. Let me ask the Commissioners and we will turn to you as the applicant in just a moment. Thank you. Thank you.

Mr. Saylor- Okay commissioner Clarksen did you have an additional question?

Mr. Clarksen- Yeah, so a couple things here, looking at, if you leave that aerial photo on if you would the existing building with the white roof on that lot where the front of the house would be. And then also what's the access arrangement because it looks currently like there's a shared driveway that accesses the garage behind 2179 Stewart that would provide access to this lot and that would be one alternative method of doing this that wouldn't require a variance I suppose and it seems like it's keeping on with something that's currently happening.

Mr. Graybar- Mr. Chairs, Commissioners, Commissioners Clarksen, there could be a shared parking agreement on file. I haven't seen one across in the files. However, that doesn't mean that one doesn't exist. So I can definitely look into that after the hearing for you if you'd prefer and you are correct if that's being used for parking they could continue not through the other property but also add a driveway that leads to the back.

Mr. Clarksen- I guess the reason I bring it up is, it would seem to justify your recommendation to not support this request as I understood it based on several findings. If there's already a parking arrangement that provides access from the side, why would they suddenly need to access from the front?

Mr. Graybar- Right, again this could be the property owner of 2179 just simply parking over that part of the lot. So as we've shown this is a vacant lot so that little building has been removed.

Mr. Clarksen- I get that. Yeah, the point I'm trying to make is it's giving your presentation and the size of that lot to me it doesn't I can see reasons why I wouldn't support granting this request. And if that is indeed a driveway that's used to access both properties to me. That's further evidence that there's another arrangement besides a variance making it difficult to support that proposal. So it to me it would be helpful to know that before we vote I guess but I understand you don't have that readily at your disposal. So be that as it may.

Mr. Graybar- Understood. And then to answer your other question. Looks like this is a storage and shipping warehouse is this was the building that you're referring to?

Mr. Clarksen- I said, there was one of the white roof ones. It looks like a little storage building or I was wondering if it was a house, but it looked kind of like a garage this one right here.

Mr. Graybar- Yes. I think it might have been a shed from this owner, maybe that they just built on this lot.

Mr. Clarksen- I think you said that that building had been removed.

Mr. Graybar- Yes. That is correct. This is a current picture and also from my photo that I took about a week or two ago. This is what's on the site now, so yes, it has been removed.

Mr. Saylor- Thank you Mr. Graybar, additional questions for Mr. Graybar before we turn to the applicant?

Ms. Trout-Oertel- Mr. Graybar, the setback for the proposed house. It meets the required setback correct?

Mr. Graybar- Mr. Chair & commissioner Trout-Oertel. Yes, that is correct. It would meet that requirement.

Ms. Trout-Oertel- Does it just meet it? I mean, is it right on or is it a generous setback? It looks like it's not a generous setback.

Mr. Graybar- Mr. Chair & Commissioner Trout-Oertel. I would have to look at through my notes again to see what the required is since I believe this is the only one on the block. I believe we would go with the, actually I have to pull it up here, with the standard for the block because the block isn't more than 50% built up and by the block I mean properties that face Rankin street that are on the same block if you can see my cursor 2179 That's not the front of their house. So if we go over to the side or to actual the next tree down Stewart. Yes, that's the front of their house. So that wouldn't be included with that block average. So this one would be included and Rankin is across the street from there. Looks like there's another street on Benson so we would include that I believe. Mr. Chair & Commissioners again. Let me get back to you on that.

Mr. Diatta- Matt, Yes. In the T2 district is there a zero to a max of 10 for a setback front setback.

Mr. Graybar- Yes, so I'm pulling up here for the district standards for the T2 again. We're going to verify the properties in the T2. So then we go here single family dwellings have a minimum of 15 to 25 feet. So they have to fall within that.

Ms. Trout-Oertel- Thank you. And yes, no problem.

Mr. Graybar- Did I answer your question commissioner Trout-Oertel?

Ms. Trout-Oertel- Yes. Thank you.

Mr. Saylor- Commissioners additional questions before we turn to the applicant now.

Mr. Graybar- Mr. Chair, this is Mr. Graybar again, it looks like Mr. Rangel Morales is online.

Mr. Saylor- Okay, that would mean that we're going with 7 and then commissioner Maddox is not voting at this point, is that correct?

Ms. Maddox- Correct, thank you.

Mr. Graybar- Correct? Yes. Mr. Rangel Morales can you hear us?

Mr. Morales- Yes, I can Mr. Graybar.

Mr. Graybar- Thank you very much, sir.

Mr. Saylor- Thank you again, do we have additional questions before we bring the applicant?

Mr. Saylor- Did I hear the applicant earlier. Scott are you there?

Applicant- I am here.

Mr. Saylor- Perfect and because we're recording this, just give us your first and last name and your address, please.

Applicant- My name is Scott Rehovsky and I'm the applicant of 1171 Rankin.

Mr. Saylor- Thank you. And what would you like to add to the presentation provided to us by Mr. Graybar?

Mr. Rehovsky- Well, first of all amazing, that was really well done. My comment was the reason that the garage ended up where it was it was the real goal of this house, the whole back of the house first and second floor is all glass and the goal was that it is looking right down the center of that garden path that really was my goal with this with this property and so by moving in the garage to the back of the house, then you're looking at windows at our garage. So that's not ideal. And then the other thing is if we were to move it to one side or the other it just it takes it off that main path of the garden which is kind of the focal point. So anyway, that was kind of why the garage kind of ended up where it was now and we kind of viewed the front of the house as not rank and but more, you know along the railroad tracks. So it's unique just because of the narrowness of that lot.

Mr. Saylor- Okay, thank you. Commissioners questions for our applicant? Okay, thank you Mr. Rehovsky. If we do have additional questions, I may ask you back again so you can mute yourself for now. But hang on don't go away.

Mr. Saylor- Is anyone here to speak in favor of the variance request for 1171 Rankin? Anyone to speak in favor anyone to speak in opposition to the variance request for 1171 Rankin Street? Anyone to speak in opposition? Hearing neither I'll close the public portion of the hearing and entertain motion or discussion on the resolution for 1171 Rankin Street.

Ms. Trout-Oertel- I would just like to open the discussion by making a comment. I think this is a very unusual lot and the house itself is very unusual as well as been pointed out but with the industrial areas nearby, I would definitely have no problem removing finding six. I mean, I think whether or not if it's in the neighborhood is sort of, you know a point that could be argued here because of you know fact it's really between an industrial area in a residential area. The other thing is, there isn't other houses facing Rankin nearby. So it really is an unusual situation at I would like to find some way to approve this application. I'm having trouble meeting the exact letter of the zoning code, however, and so I hope that someone else has some ideas there to help me out.

Ms. Trout-Oertel- I think a real long driveway would be required in order for this applicant to build a house that there that comes even close to their aspirations. And that would be a lot of impervious pavement and it also has been pointed out by the applicant is going to destroy the reason perhaps they purchase this property and their whole vision for this house. That's all I've got for now, but I like to hear from others.

Mr. Saylor- Thank you Commissioner Trout-Oertel. Other Commissioners comments, discussion or motion?

Mr. Clarksen- This is commissioner Clarksen. Usually when we see variances to these provisions, you get something that looks like a box that was built in the suburbs in 1984. And this absolutely isn't that which makes me somewhat sympathetic to it on one hand. But then when I look at the findings particularly the issue with the creation by the applicant if you get a 52 + foot wide lot, you know, there are there are smaller lots in my neighborhood that have long driveways that go to the back of the site and those are accessed from a driveway that reaches the front or where it comes from the alley in some cases and you know, you can totally accommodate that on a lot of 40 to 44 feet wide. And so there's it seems like it's almost a little unfair to allow this and then deny it in other places that I guess I'm having a hard time with I appreciate the design and the attempt to do something really unique with an unusual goofy lot. I'd love to know the history of that. The garden is really neat the linear aspect of the garden and the fountain and the visual lines of you're trying to achieve it but it's also hard to justify, so I'm a little twisted.

Mr. Saylor- Thank you Mr. Clarkson.

Mr. Saylor- Commissioners additional comments?

Mr. Miller- Yeah, I agree with Diane and I think Mr. Clarkson this is a very unique amazing property. And I think I see the vision. I think it's a great idea. There's got to be another way to tweak the design to not to require so many variances I think that you'll be able to find a way to get most of your vision accomplished. Like Diane said figure out the language to get around those findings in a code. That's all thanks.

Mr. Saylor- Other Commissioners with questions or comments or motion?

Mr. Brown- Can you hear me?

Mr. Saylor- Yes, commissioner Brown. Yes, sir. Yes. Go ahead. Please.

Mr. Brown- Well, so obviously I don't have the proper language with the findings that aren't met but I would like to piggyback off of the other commissioners and I do find it a very good idea. I think it'll look nice. I mean looking at the finished product. I mean, I think that will complement the area and with the lot size. I do see the potential but just again piggybacking everyone else is just hard to go against the finding that aren't being met. And that's my say on that.

Mr. Saylor- Other comments discussion or motion which we still don't have?

Mr. Clarksen- This is commissioner Clarkson. I'll move to follow the staff recommendation.

Mr. Saylor- Which is?

Mr. Clarksen- My understanding is to deny based on I think three of the five findings.

Mr. Saylor- So just to make sure we have it straight you're moving your motion would be to deny based on the staff findings 3, 4 & 6 as staff report.

Mr. Clarksen- Yes. That's correct.

Mr. Saylor-Thank you. Okay, so we have a motion to deny which is based on the staff findings. Is there a second on that?

Ms. Swift- Second that.

Mr. Saylor- Commissioner Swift second. Okay, so it's been moved and seconded to deny based on findings 3, 4 and 6 and following the staff resolution any additional discussion on that motion?

Mr. Saylor- Okay Commissioners a reminder when Maxine does the roll call since the motion is to deny if you wish to agree with that you need to say yes.

Mr. Morales- Can you guys hear me? (Yes, I can). Okay, I think this one's difficult because I think what the variance requests are intended to prohibit this kind of preventing / letting someone alluded to it sort of like the suburban home being built in the city with the garage and the front yard if anything this is anything but that it's incredibly unique. It looks like I think Ms. Trout-Oertel, who was an architect by trade could comment more on the degree of effort that's been put into trying to fit a home into the size of this lot. I missed the part about how wide the lot is. Mr. Graybar could you answer that for me really quickly?

Mr. Graybar- Mr. Chair & Commissioners Morales. Yes. It's 52 feet wide. It's on page 10.

Mr. Morales- And how wide is the typical lot?

Mr. Graybar- In the R4 zoning district, even though this is the T2 the R4 for requires a minimum of 40 feet width and the T2 here I am pulling up the standards now the minimum width is 30 feet.

Mr. Morales- Right but I'm saying what is the typical you know, I know that's a very vague question, because they vary all over the place, if you could say the average home in St. Paul whether you took a home in Mac Groveland or Highland Park. What is a lot size for a yard there?

Mr. Graybar- I believe that the typical lot size, commissioner Morales, is 40 x 125.

Mr. Morales- And this one is?

Mr. Graybar- 52 x 459.

Mr. Morales- Oh, okay. So it's wider.

Mr. Graybar- Yes. It is wider.

Mr. Morales- Never mind, but I still think you know, the general feel of this design, I don't think the regulations are intended to prohibit. You know something that's unique and artistic almost because I don't think it looks bad. I know that's not what we're basing it on. But it otherwise we just have all the houses that look the same which sort of takes away from the look of the city as well. So I think there's a way, but I agree that it's hard to find language. Those are just my thoughts.

Mr. Saylor- Thank you Commissioner Rangel-Morales.

Mr. Warner- I am having a hard time getting my comment box being able to see a question or a comment. I don't know what's going on but I do have a comment with respect to voting. The staff recommendation was to deny and so there's no reason for commissioners to state their agreement or disagreement with that. It's just moving the staff recommendation. So the normal roll call vote would be fine.

Mr. Saylor- That's correct. That's what I understood but just for my comment list to remind commissioners that by voting yes, they are agreeing with these staff findings, which is to deny.

Mr. Warner – Thank you.

Mr. Saylor- Okay, commissioner's additional discussion on the motion we have which is to deny based on findings 3, 4 & 6? Okay, Maxine roll call please.

Ms. Maxine- roll call vote- Swift-Yes, Clarksen-Yes, Trout-Oertel-No, Rangel Morales-No, Miller-Yes, Brown- Is it possible not to make a motion? (Mr. Saylor- to abstain? - Mr. Warner, is it okay for the commissioner to abstain yes). Ms. Maxine-Okay, so we have an abstain for Brown and last one is Saylor-Yes.

Mr. Saylor- The staff resolution which denies based on findings three four and six has passed. So that has been denied. You can appeal to the city council within 10 days.

Move By: Clarksen/ Second By: Swift

Denied 4-2

****1493 Highland Pkwy has been moved to the end of the agenda for today**.**

475 Como Avenue: Mr. Saylor- the applicant is proposing to convert the existing storage and maintenance facility into an automotive repair facility. The following three variances are requested. Number 1. Automotive repair facilities require a lot size of 15,000 square feet. 6,000 square feet is proposed for a variance of 9,000 square feet. Number 2. A 10-foot landscape buffer with screen planting and an obscuring fence shall be required along any property line at joining an existing resident this property joins two residences located to the northwest and southeast of the property a three-foot buffer is proposed for a variance of 7 feet. Number 3. To meet the tree-planting requirement a minimum of at least one shade tree shall be planted for every five parking spaces in a surface parking lot. There are eight proposed parking spaces requiring one shade tree to be planted. No trees are proposed to be planted for a variance of this requirement. Mr. Graybar.

Mr. Graybar- Thank you Mr. Chair & commissioners, the site and area conditions this is a 6,000-square foot industrial lot with surface parking, off street parking in front of the building additional off-street parking is provided on a smaller parking lot located at the rear of the property the adjacent property and 469 Como Avenue. So here we have the yellow highlighted portion. That's the building in question 475 Como. 469 as you can see here this is the building. There is a small little lot behind it. The same property owner owns both properties and can create any kind of documentation that we need to allow them to park on here in order to access this property here. And there is an access easement to allow access to the 469 Como site through an entrance on Topping Street located at the northwest of 475 Como Avenue. So if I pull up here, this is the property in question 475 Como Avenue here is Topping Street. This little gate right here opens up and this will be a private access way into the required parking that they're going to install three parking spots back here for that property.

The surrounding land use for this property again it's in the industrial zoning districts. So it is flanked is also flanked by legally non-conforming single-family dwellings to the west and to the east of this property just because single family dwellings aren't permitted in the industrial zoning districts. So any ones that are there have been built before the current zoning code has been implemented which makes them legally non-conforming. There's a warehouse located to the north and another to the south across Como Avenue, just to give you a little bit of background for this property. This property was constructed in 1993 as a storage facility on according to the owner of the previous tenant maintained and serviced their own equipment here at one point. Although there's a record of an auto repair business license being issued for this property between 2004 and 2007; The use of the building was never officially changed. Whenever they change the use of a building, they need a change of use building permit and that was never established. So again, the plans are on pages 9 through 20. I'm I will go through a couple of slides here for you. This is the street view of the property. Again. This house here is a single-family dwelling. There was never a fence in between there and the applicant is looking to install landscaping along the interior perimeter of 475 Como Avenue to meet that buffer requirement.

This is the site plan that they're posing as you can see there's a nice little turnaround area along with five parking spaces and on an additional slide I will show you the three other parking spaces on the other side. There are two maintenance bays again this is going to be for a diesel repair, diesel engine repair company. So here we have 475 Como just to the right of that you'll see that they're going to install three parking spaces here for 375 on 469. The property owners also

looking to expand the rear yard and add additional green space for that single-family dwelling. The applicant for this property is also going to have to improve the alley in order to make that an improve surface because right now its dirt.

So this is the 469 Como Avenue, which is the property adjacent to this one. I out lined where the future parking pad is going to be located and where the green area shows the expanded rear yard that they're going to install grass and move those concrete blocks back and do an infill. They're going to do a lot of renovations to this property to improve it. This is the floor plan. As you can see here. There's two bays where cars can go in or for engines and a waiting room/office and a bathroom. So this is the rear of the property. This big tan building is 475 Como here. As you can see it is dirt and it's private access here the yellow arrow indicates on 469 Como Avenue where the three parking spaces are going to be located and to make sure that the people who park over at 469 Como will have access to 475. The property owner is installing a walkway so that way people who park can walk in between the two properties and have no issues.

For the findings this property is located industrial district and the existing building which is currently unoccupied and was previously used for storage. Although the building was mostly storage the previous tenant repaired their own equipment within the building and the applicant proposes to use the property in a similar manner. The requested variance is aligned with Section 66.512 of the zoning code to accommodate wholesale, warehouse, and industrial operations whose external physical effects are restricted to the area of the district and no matter affect surrounding districts in a detrimental way. The requested variances also align with Section 60.103 of the zoning code to fix reasonable standards to which buildings structures and uses shall conform provided a change of use building permit is obtained from the Department of Safety and Inspections. So finding one is met.

the requested variances will allow a building that was previously used for storage to be converted into an automotive repair station for diesel engines, which is compatible with other industrial uses permitted in this district. With a changing economic climate creating conditions for business retention and growth is critical and allowing the proposed use without significantly altering a site that also had a comparable operation 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 for all requested variances.

This property is only 50 feet wide and has a single-family dwelling to the northwest and southeast of this property. This means that the applicant would have to install the required buffer area on both sides of the property, thereby reducing the functional width of the lot to only 30 feet installing the require landscaping would cut off access to both repair bays, reduce the maneuvering lane to only 10 feet instead of the required 20 feet, which would ultimately prohibit vehicular mobility in the parking lot. The applicant is proposing to install a three-foot of between the adjacent residential properties, which is reasonable amount of landscaping given the width of the lot. The narrow with a lot is a practical difficult with the in complying with the landscaping requirements, since there are shade trees in the right-of-way and on the adjacent lot to the northwest adding another shade tree on this property could damage the roots of the existing trees and end up killing both trees. So finding three is met for all variance requests.

The narrow width of the lot and the proximity of the trees on the adjacent lot and in the right of way are unique circumstances to the property not created by the landowner and I think I can get a nice street view. This is the property. That's the shade tree I was referring to. There's the other tree's out on the adjacent lot. So, I believe you're leaving off with finding four the near with a lot proximity of the trees adjacent right away unique circumstances finding four is met.

The requested variance as well allow property to be used for automotive repair on a lot that's smaller than required without the appropriate landscaping or screening fence. No unallowed uses be permitted. So finding five is met.

The requested variances will not alter the essential character of the area as the proposed use is industrial in nature and matches other automotive repair facilities within the area. The landscaping that applicant proposes will improve the general appearance of their property and will contribute to the aesthetic value of the single-family dwellings that blanket so finding six is met.

For the district council recommendations; staff did not receive a recommendation from District 6. No correspondence is received from the adjoining neighbors. For the staff recommendation the staff report is on pages 1 through 5. And the resolution is on pages 21 through 24. Staff recommends approval of the requested variances based on findings 1 through 6 subject to the condition that a change of use building permit is obtained from DSI. Pending your questions that's all I have.

Mr. Saylor- Thank you Mr. Graybar, Commissioners questions for Mr. Graybar about the presentation on 475 Como Avenue?

Mr. Miller- I guess maybe it's more of a comment. Didn't we approve something similar maybe two doors down not too long ago. And either way it looks like a nice improvement. That's my only question and comment.

Mr. Saylor- Thanks. Mr. Miller.

Mr. Clarksen- Thanks. I'm sorry. I may not have followed the location of the three feet of landscaping. I'm not seeing that on the site plan in the application packet on page 9 so I'm wondering about that. And then also if there's going to be any sort of landscaping separating the public sidewalk from where the cars will be parked in front of the business the turnaround area. In other words, it doesn't show anything between the sidewalk and where the cars will be. I think that's by design, but I'm not sure that I'm on board with that.

Mr. Graybar- The proposed landscaping plan is on page 20 of the application packet. They submitted an additional landscaping plan to their site plan. So they didn't incorporate the two into one.

Mr. Clarksen- Okay, thanks. I'll take a look at that here. Maybe you can move on and I'll come back if I have more questions.

Mr. Graybar- I'd like to point out if whenever you do start looking at it, you'll notice that the container planting is that are to the right of the property by the overhead bay doors that separate the 469 property to this property. They listed on their landscaping plan that the beds are going to be placed on 469 Como, but I've spoken to them and I've informed them that the plantings have to be located on 475 Como Avenue because that's perimeter landscaping for 475, not 469.

Mr. Clarksen- Is this going through site plan review at the Planning Commission or something.

Mr. Graybar- It is not. This is a change of use for the building. It is a permitted use in the zoning district. They will be able to provide enough parking. They don't need a conditional use permit at all.

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

Ms. Swift- I just have a clarifying question. So they're not removing the tree in the front. Is that right Mr. Graybar?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Swift you are correct. They're not removing the tree in the right of way. They are still there as of the date of my inspection. They're not, there's no plans to remove it. Does that answer your question?

Ms. Swift- Yes. Thank you. Yep, my pleasure.

Mr. Saylor- Okay is our applicant present today? Mr. Abdi? Is our applicant here today or anyone for 475 Como Avenue? Looks like I can see Mr. Abdi on the list of attendees, but I don't hear any.

Mr. Saylor- Mr. Graybar, can you possibly unmute Mr. Abdi?

Applicant- I'm here. All right, can you hear me? Yes, this is Mr. Abdi.

Mr. Saylor- Yeah, okay first because it's an official hearing and we're recording. We need your first and last name and your address, please.

Applicant- My name is Abdi Abdi. My address 7549 Emerson Avenue North, Brooklyn Park MN 55444.

Mr. Saylor- Thank you Mr. Abdi. And what would you like to add today to the presentation? Mr. Graybar gave us.

Mr. Abdi- I don't have any questions. He did a fantastic job.

Mr. Saylor- Thank you. Commissioners questions that you have for our applicant? Questions for the applicant? Okay, Mr. Abdi if we have additional questions, we may circle back to you so you can mute yourself, but please don't go away.

Mr. Saylor- Is anyone here to speak in favor of the variance request for 475 Como Avenue? Anyone here to speak in favor of 475 Como Avenue? Anyone here to speak in opposition to the variance request for 475 Como Avenue. Anyone here to speak in opposition for 475 Como Avenue?

Mr. Saylor- Seeing and hearing neither of those. I will close the public portion of the hearing and commissioners you can make a motion or it's time for discussion, questions on the resolution for 475 Como Avenue.

Mr. Miller- I move approval based on staff findings 1 through 6 subject to the condition that a change of use building permit is obtained from DSI.

Mr. Saylor- Thank you commissioner Miller. We have a motion to approve. Is there a second? We have a motion to approve, does someone want to second that?

Mr. Morales- I'll second.

Mr. Saylor- Thank you very much. We have a motion and a second to approve the resolution for 475 Como Avenue with the condition that a change of use permit is required. Additional discussion on that motion? Maxine can you give us a roll call please for the resolution for 475 Como Avenue.

Ms. Maxine- roll call vote- Clarkson-No, Trout-Oertel-Yes, Morales-Yes, Miller-Yes, Swift-Yes, Brown-Brown (Commissioner Brown, Commissioner Brown? -Saylor-Maxine mark abstain, next) Saylor-Yes.

Mr. Saylor- Thank you. Mr. Abdi, your variance request has been approved and good luck with that project.

Moved By: Miller / Second By: Morales

Approved 5-1

263 Lexington Parkway South: Mr. Saylor- the applicant is proposing to expand an existing attached single-story one car garage into a two-story two-car garage. The following two variances are requested. Number one a 25-foot rear yard setback is required 19 feet is proposed for a variance of 6 feet. Number two a side yard setback a four-feet is required three feet is proposed for a variance of 1 foot. Mr. Graybar.

Mr. Graybar- Mr. Chair & Commissioners I have highlighted the subject property in yellow. It's 263 Lexington Parkway South. The blue highlighted properties have attached garages so there's a lot of them there. They're the one at 251 Lexington Parkway South which is two houses to the north while it may not physically be attached it is less than six feet from the house to the garage which makes it attached for zoning purposes. So this is the front view of the house it has ground that slopes down towards the south. So the applicant submitted this to show that there's a storm water issue on the property. The blue is how the storm water currently drains currently drains from the garage to the adjoining property neighbor to the south. The red height outline is the addition and the orange highlight is that gutters downspouts and the new flow of storm water once gutters and downspouts are installed on the addition. So this is the footprint of the proposed addition on the south of the property. So as you can see they're going to bump it out 7 feet until it meets 3 feet from the south line. This is bumping out to the north 4 feet to match it and align it with the existing fence. These are the arbor vitae trees that I mentioned in the staff report that he's looking to keep and there's the fence that is looking to align it alongside with. This is the site plan for the proposed garage the existing trees, the existing driveway and the trees. So this is the part of the addition that's going to be visible from the street. The green box shows the house the current house so you wouldn't be able to see all of the addition from the main street you only see what's

not highlighted out there. This is the building elevation for the south and this is the north elevation the doors and the garage will lead to the backyard. This is what the rear of the addition is going to look like. It's got a two-car garage with room for a great room above. This is the floor plan the main floor plan as you can remember from the elevations I showed you previously those doors that are in the garage will lead to the backyard. There's also another set of doors that will lead to an enclosed porch and up to the towards the top of the screen and the yellow doors also lead out to the front yard as you remember from the slide is that door and little green is for upstairs. They'll be leaving upstairs to this second-floor plan where there is no bathroom, no kitchen, no bedrooms. It's just going to be used as a great room. I had to look that up. It's just a big room with a lot of room for just lounging and relaxing this kind of like a multi-purpose room. And then the blue entrance is into the dining room into the existing house.

For site and area conditions, this is a .15-acre lot with alley access to the existing 1 car attached garage and the rear yard from Lexington Parkway South and St. Clair Avenue. The strongest land uses are single family dwellings to the north, east and south, townhouses are located west across the alley. The plans, if you want to review them are on pages 8 through 13. The applicant's proposal allows for a more functional two-car garage with a great room above, which is a large room the residents usually serving several functions as I mentioned before there are no kitchens, bathrooms and sleeping rooms provided. That the garage is constructed with an exterior finish that complements the exterior finish of the house and gutters and downspouts are installed in the garage this proposal aligns with the general purposes and intent of the zoning code to conserve and improve property values. So finding one is met for both variance requests.

The requested variances for the proposed addition are an improvement to the property that would support the rehabilitation of St. Paul's existing housing stock. The requested variances are consistent with the comprehensive plan by allowing the existing property owner in an established neighborhood to reinvest in this property and maintain its vitality and preserve and promote the neighborhood which is strategy 2.1 of the housing plan. So finding two is met for all variance requests.

Additionally, this house was constructed in 1953 at a current location with the attached garage that lines up with the southern facade of the house. There's approximately 10 additional feet of unused space between the house and the south property line. The applicant is proposing to utilize this unused portion of land and extend the garage 7 feet closer to the south property line. This will bring the garage to the 3 feet pointed out earlier. The applicants is also expanding the garage to the north by 4 feet to align with the fence right along those arborvitae trees inside the yard which he would like to keep. If the house with the attached garage was constructed closer to the south property line. Then applicant could can expand the garage more into his lot and wouldn't need a variance. This proposal is reasonable because the proposed garage will be able to accommodate two vehicles with space above for a great room, will not adversely affect the adjoining property as evidenced by the letter of support from the adjacent property owner at 269 Lexington Avenue South, and will correct the existing storm water issue. The footprint of the house with the attached garage and its present location present practical difficulties and meeting the zoning code requirements. So finding three is met.

The owner did not constructed house with the attached garage and its present location and configuration on the lot. This is a unique circumstance not created by the landowner. So finding four is met for all variance requests.

The requested variances from the side and rear yard setback will not allow any unpermitted uses to be established and of the variance requests. The variance will only allow the property owner to expand a single-family car garage. So finding five is met for all variance requests.

The requested variances to allow the attached garage to extend into the rear and side yards will not alter the essential character of the surrounding area since there's a mix of both attached and detached garages in the area finding 6 is met.

District council recommendation, staff did not receive a recommendation from District 16. For correspondence you can find those on pages 14 through 16 in your in packets. Staff received two letters of support from the neighbor at 269

Lexington Parkway South which is the neighbor to the South and 1116 Sinclair Avenue, which is 76 feet away to the north.

Staff recommendation, the staff report is some pages one through four, resolution, pages 17 through 20. Staff recommends approval of the requested variances based on findings one through six, subject to the condition that 1). the garage is constructed with an exterior finish that complements the exterior finish of the house and 2). gutters and downspouts are installed on the new garage to direct storm water away from the adjacent properties. Pending your questions that's all I have.

Mr. Saylor- Thank you Mr. Graybar. And I apologize I'm right next to the church bell towers in my office here at school. It's what you are hearing in the background. Commissioners questions for Mr. Graybar on the information he has provided for us? Questions commissioners for Mr. Graybar?

Mr. Saylor- Okay, is our applicant here today for 263 Lexington Parkway South?

Applicant- Yeah, this is Tony Persuitti. I'm here.

Mr. Saylor- Oh hi, again because we're recording, please just state your name first and last name and your address, please.

Applicant- Yep, Anthony Persuitti, 263 Lexington Parkway South.

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

Mr. Persuitti- I think. Mr. Graybar did a good job. Appreciate it. Thanks. I do not have anything to add to this at this time.

Mr. Saylor- Okay. Commissioners questions for our applicant? Commissioners questions for our applicant?

Mr. Saylor- Okay thank you very much. Hang on you can mute yourself, but please don't go away just in case we have questions and I may come back to you.

Mr. Saylor- Is anyone here to speak in favor of the variance request for 263 Lexington Parkway South? Anyone here to speak in favor for 263 Lexington Parkway South? Anyone here today to speak in opposition to the variance request for 263 Lexington Parkway South? Anyone here to speak in opposition for to 263 Lexington Parkway South?

Mr. Saylor- Hearing and seeing neither. I will close the public portion of the hearing and commissioners you have the ability to discuss, question or make a motion for the resolution provided by Mr. Graybar, which is to approve with two conditions. Is there discussion or motion from anyone for 263 Lexington Parkway South?

Ms. Trout-Oertel- I will move approval of the variances subject to the two conditions.

Mr. Saylor- Thank you commissioner Trout-Oertel we have a motion. Is there a second on that motion?

Mr. Miller- I'll second this, is Mr. Miller.

Mr. Saylor- It's been moved by Trout-Oertel and second by Miller to approve. Is there discussion on the motion before we have a roll call? Maxine can you give us a roll call, please?

Ms. Maxine- Clarkson-Yes, Trout-Oertel-Yes, Morales-Yes, Miller-Yes, Swift-Yes, Brown, Brown, I think he's having trouble unmuting himself. (Saylor-Yeah, we're having some audio challenges that were working on. So please mark that as and abstain so we can move this forward) Saylor-Yes.

Mr. Saylor- Thank you. Mr. Presutti, your variance request for 263 Lexington Parkway South has been approved. Good luck with that project.

Moved By: Trout-Oertel / Second By: Miller

Approved 6-0

815 Frank Street: Mr. Saylor- the applicant is proposing to install a new freestanding sign in the rear yard of an existing church. The following variances are requested there are two of them. Number 1, if located within a required yard a free-standing sign may not exceed four feet in height plus 2 inches for each foot setback from the property line. The applicant proposes to install the sign 12 feet away from the rear property line, which is within a 25-foot required rear yard setback this permits a height of 6 feet. The top of the sign will be measured at 6 feet 6 inches for a variance request of 6 inches Number 2, for religious institutions one identification sign not exceeding a total of 30 square feet in area for each street frontage is allowed. The proposed sign will be 32 square feet for a variance of 2 square feet. Mr. Graybar.

Mr. Graybar- Mr. chairs & commissioners. This is the highlighted property. It's at the corner of Ross Avenue and Frank Street North as you can see the building occupies the majority if not all of the forward part of the lot which leaves a very minimal amount of room to place the sign and only in the region located in the rear yard. This is the front of the church. This is the sign. There's a small little 6 square foot sign. It doesn't need a permit that's on there. This is the rear of the church. And this is where the approximate location of the sign is going to be located. It's going to be in the backyard which is 12 feet away from the alley of the right-of-way and two feet from the side yard. And since it's in the required rear yard, that's how we calculated it. This is what the applicant submitted for their site plan. This is what the sign is going to look like. Again, the sign is being proposed a little bit lower in the property just because if you see even on their site plan or the picture of the sign where it's going to be the proposed sign you see the trees on the right of way. Anything higher would be obscured by the shade trees and they're all along the property. So this is across the alley from the south. And that's along the right-of-way at alongside the church.

This is a .15-acre lot with alley access from Frank Street North there is no off-street parking provided for this church. For surrounding land uses its surrounded by single and two-family dwellings. The plan is on page 8.

The requested variances to allow the proposed sign stem from a need to increase visibility while keeping the sign high enough off the ground to prevent it from being covered in snow during the winter season. This request is in keeping with the purpose and intent of section 64.101 of the zoning code to protect the right of information transmittal provided that a sign permit is obtained from Department of Safety Inspections or DSI.

Sign permits also variances have to meet additional requirements. The up-condition request conforms the provisions of section 64.207. The variance is due to unusual conditions pertaining to sign needs for a specific building or a lot the church occupies 40% of a lot and is occupied toward the front of the property towards Ross Avenue. This leaves the rear at as the only viable space for the proposed freestanding sign. Additionally, it may be challenging to place the sign on any part of a lot due to its design and configuration, meaning the churches design and configuration. The sign would not create a hazard. The sign has been professionally designed and will be installed under permit by a licensed sign contractor. It would be located in the way from the right-of-way and would not affect a maneuvering aisle or sidewalk. So this finding is met. Letter A for the variance is due to unusual conditions. That finding is met as well. Letter C the sign would not be objecting to adjacent property owners. No objections to this request have been raised from the adjacent property owners. So this finding is met. Letter D, the sun assigned would not adversely affect residential property through excessive glare and lighting the sign is designed to be internally lit in the applicant. It will have a soft luminescent glow and will be in compliance with the maximum lighting standard allowed in the district of .5 five-foot candles measured 50 feet away from the signs face pursuant to section 64.401 this finding is met. And the sign is in keeping with the general character of the surrounding area. The sign is located in a residential area and is in keeping with the general character of the surrounding district as its not overly large, bright, or detracting from the residential character of the neighborhood. So this finding is met. So finding one is met for both variance requests.

This would be the only sign on the property. The only permitted sign on the property, as I was. Allowing this sign would be consistent with the goal of the comprehensive plan and reducing sign clutter. So finding two is met for all variance request.

The size of the church and its location on the lot prohibit the placement of a sign that would be visible from a distance anywhere else on the lot other than the rear yard. They proposed a slight increase in height and size are reasonable request that cannot be accomplished without the requested variances the location of the building causing the sign to be installed in the rear yard and the concern of lack of concern for lack of visibility related to snow piles are challenged dictating to design and placement of the sign. This finding is met for finding three.

The size and design of the building and its location on the lot prevent a 32 square foot sign for being placed in the location that offers maximum visibility outside of the rear yard the trees in the right-of-way also prevent signs remain placed higher on the building since the foliage would obscure it the property owner neither designed or constructed the church and he did not plant the trees in the right-of-way these issues limit the possibilities of where the sign can be installed or where it can be read from a distance. These are unique circumstances to the lot not created by the landowner, so finding four is met.

Signs are permitted use in the zoning district and it will these variance request will only allow a larger sign to be installed that is taller than it being required or allowed to be installed. So finding five is met.

The sign is not over the large and will not alter the residential character of the established neighborhood. So finding six is met.

For the District Council recommendation, staff did not receive a recommendation from District Council. No correspondence is received from the neighbors and for staff recommendation, staff report on pages 1 through 4 with the resolution on pages 9 through 13. Staff recommends approval of the requested variances based on findings 1 through 6, subject to the condition that a sign permit is obtained from DSI. Pending your questions, that's all I have.

Mr. Saylor- Thank you Matthew. Commissioners, questions for Mr. Graybar on the presentation he shared with us? Commissioners any questions or comments on the presentation that Mr. Graybar has provided.

Mr. Saylor- Let's see if our applicant is here today. Is someone here for 815 Frank Street?

Mr. Clarksen- I just, I don't know, I look at this and I see a place on the front elevation of the building along I believe it's Frank Street and also on the side street on the wall where you could put a sign, we could probably put a sign on each side. I would think that might be approaching the size that's proposed and like in the image right there to the left of the two-story windows. What seemed like you could put one right below where your cursor? Yeah, right about there and it would communicate to people on the street in front of the building and people approaching the church. I think it's the north coming down looking right that you'd be able to see it from the intersection. So I guess I'm not completely sure I understand the rationale for the application for a variance being the only place you can put a free-standing sign. It might be somewhere in the back. But that's really inconsistent with where signs appear in institutional districts, and I guess, I would much rather see something clever done on the building that takes advantage of this unique turn of the century structure then a pole sign in a backyard, which is just about the worst idea I can think of so, that's my thoughts. Thank you.

Mr. Saylor- Commissioners additional questions or comments about the presentation? Mr. Graybar prepared for us.

Mr. Saylor- Okay is our applicant here today? Is someone here for 815 Frank Street. Is the applicant or someone representing 815 Frank Street with us today?

Mr. Graybar- Mr. Chair, I sent out the agenda and the request for them to join. It does not look like they are online.

Mr. Saylor- Thank you Matthew.

Mr. Saylor- Do we have anybody here to speak in favor of the variance request for 815 Frank Street? Anyone to speak in favor for 815 Frank Street? Anyone here to speak in opposition to the variance request for 815 Frank Street? Anyone here to speak in opposition 815 Frank Street?

Mr. Saylor- Seeing and hearing neither, I will close the public portion of the hearing. Commissioners you can make a motion on the resolution for 815 Frank Street or questions and comments. Again, reminder we have the resolution from Mr. Graybar, suggestion is to approve with the condition for a sign permit. Questions or a motion?

Ms. Trout-Oertel- Excuse me. This is commissioner Trout-Oertel I'll move approval of variance request subject to the conditions.

Mr. Saylor- Thank you. We have a motion to approve. Do we have a second?

Mr. Morales- Second.

Mr. Saylor- Commissioner Morales, is that you?

Mr. Morales- Yes.

Mr. Saylor- Who was the second exactly?

Mr. Morales-That was me? I'm sorry.

Mr. Saylor- Okay, just double checking for the records.

Mr. Saylor- Okay. We have a motion and we have a second to approve the resolution for 815 Frank Street. Do we have additional discussion before we have a roll call vote? Maxine roll call please.

Ms. Maxine – roll call vote: Clarksen-No, Trout-Oertel-Yes, Morales-Yes, Miller-Yes, Swift-No, Brown -Brown, (Mr. Saylor-Commissioner Brown are you with us? Maxine just mark abstain, please) Saylor-Yes.

Mr. Saylor- Again the resolution for 815 Frank Street has been approved.

Moved By: Trout-Oertel / Second By: Morales

Approved 4-2

1875 Eleanor Avenue: Mr. Saylor- the applicant is proposing to construct an addition on top of the existing single story one car detached garage in the rear yard and carport in front of the garage. The following two variances are requested. Number 1, accessory structures have a maximum building height of 15 feet measure to the midpoint in the roof for Gable styled roofs a height of 20 feet and 6 inches is proposed for a variance of five feet six inches. Number 2, the existing garage has a legal non-conforming side yard setback of one foot from the west property line. The applicant is proposing to construct both additions along the existing setback line for a variance of 2 feet.

Mr. Graybar- Mr. Chair & commissioners this is the highlighted property 1875 Eleanor Avenue, even from this side, you can see there's a larger tree in the backyard. That's the arbor vitae that is mentioned staff reports and I'll show pictures later on. This is a .14-acre lot with no alley access. The property is accessed by driveway leading from Eleanor Avenue. There's a large utility pole near the garage and power lines that run from it to the house and to the adjacent properties as well, which the applicant and the surrounding land property owners are working with Xcel to install underground cabling instead of on a pole. The surrounding land uses. This property is surrounded by single family dwellings. If you want to look at the plans while I'm going through my presentation they're on pages 8 through 13. This is the front view of 1875 Eleanor Avenue. You can see the driveway that leads to the existing garage. Here's a better picture of the garage and they are looking to demolish the garage and then construct a newer one that's one foot away instead of the current .7 foot away. So there's about a 3 inch difference there. There's looking to move a little bit further away from a property line. This is the rear yard with the existing garage to the left and to the right which is not indicated on a site plan, there is the large arbor vitae tree that they're looking to keep and the shed that's directly behind it here. This is a site plan for the garage and the carport in front of it. There's the shed that's in the very back along with the larger arbor vitae tree.

As you can see the garage lines up right with the driveway. If the applicant were to move it further towards the east he would have to remove the tree and it would create a practical difficulty for them to remove that larger tree. This is the

second-floor addition floor plan. This is going to be an exercise room. There are no bathrooms. There are no kitchens. No bedrooms. I think it's just an exercise unit. The proposed garage would accommodate an exercise room. As I mentioned before. Provided the proposed garage is constructed with a roof and exterior finish that complement the existing house gutters and downspouts are installed to manage storm water and no accessory dwelling units that added, the requested variances aligned 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 finding one is met.

The requested variances will allow an improvement to the property that would support the rehabilitation of St. Paul existing housing stock. The requested variances are consistent with the comprehensive plan by allowing the existing property or in an established neighborhood to reinvest in the property and maintain its vitality and preserve and promote their neighborhood, which is strategy 2.1 of housing plan finding two is met for the variance request.

A large arbor vitae tree in the northwest corner of the lot that they would like to keep but reduces the amount of the usable space in the rear yard. This leaves the applicant with the only viable space on the lot to construct the garage away from a foot away from the west property line which lines up with the existing driveway. This is a practicability difficulty in complying with the provisions of the zoning ordinance. So finding three is met.

The large arbor vitae in the rear yard prohibits the proposed garage and carport from being constructed anywhere else in the rear yard the location of the tree in the rear yard is unique and circumstance to the property not created by the landowner. So finding four is met.

The request of variances will allow the homeowner to construct a new garage and a carport that will be closer to the property line and taller than permitted. It will also allow a carport to be constructed in front of the garage that shares the same setback. No unpermitted uses will be allowed. So finding 5 is met.

For finding 6, the garage is set back further into the lot and will not be easily visible from the street. The request variances will not allow alter the essential character of the surrounding area. So finding 6 is met.

For the district council recommendation staff did not receive a recommendation from District 15. Correspondence, you can find that on pages 9 and 10. Staff received two letters of support from the property owners at 1881 Eleanor Avenue, which is the neighbor to the west and 672 Sue Place, which is 54 feet away to the north.

Our staff recommendation staff report is on pages 1 through 4. The resolution is on pages 11 through 14. Staff recommends approval of the requested variances based on findings one through six, subject to the conditions that 1). the roof and exterior finish of the addition complements the exterior finish of the house. 2). gutters and downspouts are installed to manage storm water. 3). The proposed exercise room above the garage will not be utilized as an accessory dwelling unit under this variance application. Pending questions that is all I have.

Mr. Saylor- Thank you. Mr. Graybar Commissioners questions for Mr. Graybar based on the on the presentation he provided for us?

Mr. Miller- Two questions one, I guess the practical difficulty in not being able to put this addition on the house is because of the tree, is that correct or not?

Mr. Graybar- Yes, Mr. Chair & Commissioners. Yes, the tree is back there which prohibits the addition of adding another carport on the side of the garage or the reconstruction of the garage anywhere else on the lot.

Mr. Saylor- Thank you Matthew.

Miller- Then that means that's the practical difficulty and the height requirement. They have to build up on the garage because they can't build out from the house is that you want to make sure I'm understanding, that right?

Mr. Graybar- Mr. Chair, commissioners & Commissioner Miller. Yes, you are correct. If you see this picture back here, they wouldn't be able to bump it more to the east of the property with the carport just because that takes up a significant amount of room and has shown here on the site plan. Which would cause the practical difficulty for them to build up instead of over and onto the side. Did that answer your question commissioner?

Mr. Miller- Yes. And my second one, I can't zoom in enough to see if it's spec'd, but what is with your condition that something has to complement I believe the house is brick. Are we requiring brick?

Mr. Graybar- Mr. Chair, commissioner Miller. We're requesting that the applicant install an exterior finish and the roof that complement the exterior finish of the house. Did that answer your question commissioner?

Mr. Saylor- Commissioner Miller did it answer your question.

Mr. Miller- Perhaps the applicant can. Thank you.

Mr. Saylor- Additional questions for Mr. Graybar.

Mr. Diatta- Board members, Matt, for the record could you clarify? I thought after we sent out notification that is going to be a second-story addition. We found out that it's a total demo and building a new one but the variance still the same. Could you comment on that?

Mr. Graybar- Sure Zoning Administrator Diatta. Yeah, so the applicant there was miscommunication between the applicants and myself not with adjacent property owners are understanding that this is going to be a demolish and reconstruct of a new garage there. I know in our initial staff report , they're just adding onto the existing which I then changed and revise and sent out to everyone to show that it was the demolition of the current garage. And then the reconstruction of the garage

Mr. Diatta- Okay, thanks. I just wanted to make sure it turned out fine.

Mr. Saylor- Okay, Mr. Diatta. Thank you. Sure.

Mr. Saylor- Additional questions or comments before we turn to the applicant?

Mr. Saylor- Is our applicant here today for 1875, Eleanor Avenue? Is our applicant here today or anyone representing 1875 Eleanor Avenue?

Mr. Graybar- Mr. Chair, John Kirr or he goes by Jack. He is on, I do see Mr. Kirr there. Yeah. Thank you.

Applicant- Mr. Kirr- Can you hear me okay? Sorry about that.

Mr. Saylor- It's a little quiet, but we can hear you and just because it's public record can you just please give us your first and last name and your address?

Applicant- Yes, John Kirr, 1875 Eleanor Avenue, St. Paul 55116.

Mr. Saylor- Thank you Mr. Kirr. And what would you like to add to the presentation provided by Mr. Graybar?

Mr. Kirr- I'd like to thank Mr. Graybar and the DSI for their work and helping us get this to your committee here and I'd like to just add a few minor things based on the questions. I heard from the board. We are going to add an exterior finish that compliments the house as you can see in one of the first photos the front of the house has brick on the lower level and a vertical scalloped panel on the upper level. You can see that will flip to that their previous one there. Anyway, when you see it, you'll note that there. We are doing painting on house right now. So the scallop panels are being fixed right now. But anyway, you can see in the upper level the pale yellow vertical scalp panels and the exterior of the garage will look similar to that. It will have a vertical plank of some kind and it may or may not mixed with some brick. We haven't quite decided that but whatever the features of the garage will look similar to the front of the house particularly

the upper floor of the house. And to also second point where our to clarify. Yes. This is a demolition and reconstruction as you can see the garage we have now is small it would be difficult to build on top of it and that was miscommunication. But now we've clarified that and I hope your group understands that it's a demolition and a reconstruction and then thirdly with regard to the arborvitae. We looked at many different ways to put this garage on the property. Building the garage to the east toward the arborvitae really made it difficult just impractical we would lose for one thing the views that we have toward the back. We lose our garden and which you can see there along the north fence line and just with all the different variations. We looked at it really was building up and asking for the variance up rather than building out or to the east and that's all of my comments.

Mr. Saylor- Thank you. Mr. Kirr.

Mr. Saylor- I'm going to move to questions from our commissioners.

Mr. Morales- When you said that you're tearing it down and rebuilding it drew my attention because a lot of the findings are to me you sort of read like it's we're utilizing the current structure and going upwards and you know, preserving a view or preserving a garden is very different in terms of I would meet certain criteria. And so my question that was just a thought that came to my mind, that wasn't my question that I had wanted to ask, is there a reason that it needs to be this tall? like I mean, is it possible to make it smaller? And still get the space where your people can walk. I mean, I think even at 15 feet you might still be able to have spaces to walk the top wouldn't you?

Mr. Kirr- Possibly so but I can tell you that it's sort of a, forgive me for making this a longer answer than perhaps you would like, but because of COVID we canceled our gym membership. We are all runners in our house and we needed a place to run in the winter time. So we've purchased a treadmill we look very specifically at the dimensions required for the treadmill for safety and for accessibility and so forth. And that was the original motivation for building the height to get that treadmill in and to give us some extra additional space. We built the garage as high as reasonable. We knew that we could request a variance higher than this we chose not to we felt like this was a reasonable request for variance that gave us the height we needed in the space we needed for a treadmill and for some additional storage for our attic space.

Mr. Morales- Are you suggesting that? I mean the treadmill is off the ground about six inches?

Mr. Kirr- I don't have the dimensions in front of me.

Mr. Morales- No, I'm just saying is, you know, it's not like you're not walking up two, three steps to get up to a treadmill. It just seems the height to me was the concern and then the side yard. I kind of understood where the findings were coming from if you were going to use the original structure, but if you're going to tear down the structure, I will be honest, I don't necessarily see why you can't conform to the variances. Those are just my thoughts if anyone else has any questions.

Mr. Saylor- Thank you commissioner Morales. Commissioners additional questions for our applicant?

Mr. Saylor- Okay, Mr. Kirr, you can mute yourself, but don't go away if we have additional questions we might call you back in a little bit here.

Mr. Kirr- Sounds good. Thank you.

Mr. Saylor- Yes, is anyone here to speak in favor of the variance request for 1875 Eleanor Avenue? Anyone to speak in favor of 1875 Eleanor Avenue? Anyone here to speak in opposition to the variance for 1875 Eleanor? Anyone here in opposition 1875 Eleanor? Seeing and hearing neither, I will close the public portion of the hearing and commissioners you have the ability to make a motion or ask questions or make comments at this time. Again, the resolution from Mr. Graybar is to approve with three conditions.

Mr. Morales- I have a question for Mr. Warner, in terms of... 1). whether the information provided by the applicant being inconsistent with the staff recommendations. For example, on finding 5 it says the requested variance will allow the homeowner to construct an addition on top of the existing garage that will be closer to the property line and taller than permitted. It is not going to be in the existing garage it's going to be a new garage all together. And so then you know with the practical difficulties in finding 3. The unique circumstances to the property is the property owner did not construct the current garage in its current location in relation to the large tree on the western property line in the rear yard. And so number 1). I don't understand how that has anything to do with where the garage is with the height variance and number 2). Also, you know, it's if they're going to demolish the entire thing it's not the current location. I mean it's just a question for Mr. Warner about whether the findings in number itself are enough to support the variance and the staff recommendation.

Mr. Warner- Chair, commissioner Morales, I'm not sure how to respond other than to say is I understand what you're saying and it was a conversation I had with staff because the staff report sort of suggests that there is going to be the old garage with an addition built on top of it. And in fact as you say it's a brand new garage. So I think staff can better explain the writing style. I don't disagree I think it's a bit confusing on the other hand. It's not unreasonable to put a second story on a garage except you're dealing with the height limits and that's why you're having the issue put before you today, which I think is basically just a height variance. I'd really don't know how to respond beyond that. I look at the drawings that were attached in the staff report, you look at and listen to the testimony of the applicant and what they're suggesting is certainly not unusual whether or not it's reasonable. I don't know I will I will tell you that I am not a "runner but I'm a cyclist" with very fancy electronic indoor bicycle stuff and I sort of get why they have the height because I have lots of fans in my cycling room. So I guess I don't I don't really know how to respond other than I understand what you're saying, but I will leave it to you to determine whether or not you find that the findings are reasonable enough to support the variance request.

Mr. Saylor- Thank you Mr. Warner.

Mr. Clarksen- I guess I can respond to Mr. Warner's comments to at the same time and I put them in the chat so I can kind of put my thoughts together. But this is more than a height variance. There's no, lawful nonconformity to side yard established on the upper level of that garage because there isn't one yet. So there's no way you can go up without also adding building baulk required side yard setback. That's why you need the variance. So it's just a height variance. It's also the 3-foot side yard interior setback that I think is before us, and I agree with everything. Mr. Morales put out there that it, you can't justify an application based on false pretenses. The staff report doesn't address the issues that were presented by the applicant and alluded to by the zoning administrator. We would, I don't think we'd be in a good place to move forward on this as it is that being said, perhaps another way to do this might be to have the applicant return at a future meeting with a modified application and better report that better response to the actual circumstances. But at this point I would be voting against this proposal.

Mr. Saylor- Thank you commissioner Clarksen. Commissioners additional comments?

Mr. Warner- Thank you Chair. I don't know that I would characterize this application is being a false pretense. I would characterize it as the way the staff has presented the application and while I don't disagree that revisiting the issue down the road might be better. It would be better only because I think it would give staff a chance to sort of redraft a staff report and be a bit more clearer on what's being requested here? I just don't think that there's been any false statements being made here.

Mr. Saylor- Thank you. Mr. Warner, to follow-up commissioners would it be reasonable for commissioners to work with the resolution they have in front of them today. Is that correct?

Mr. Warner- Mr. Chair was that question to me?

Mr. Saylor- Yes, sir.

Mr. Warner- Well, yes, you have a staff report and you've got staff findings and recommendations. You also have testimony and so you can noodle this a bit and figure out how you would like to proceed. You could proceed with the report as it's written. You could certainly make a motion to lay the matter over with direction and staff to redraft a report and submitted a recommendation whether it's different to are not at a later date. I'm sure there's time to do that under the 60-day rule.

Mr. Saylor- Thank you, Mr. Warner. Commissioner Morales you wish to add a comment to this.

Mr. Morales- Yeah, I do. I'll make a motion after I'm done with my comments. I agree with Mr. Warner and I don't think it's false pretenses either. It sounded like the applicant provided information and I think even in two while they were providing the information they said they clarified. Information with Mr. Graybar or someone from the city about what their actual intentions were. So my comments were more generalized based on this new information. Does that mean that the staff recommendation can go forward as it stands? I can't get to the language of the practical difficulty as well as some of the other findings in terms of the height variance. It doesn't mean that staff can't even with the additional information provided by the applicant about demolishing the current garage and putting up a new one with the additional height at the same location. So with that said I see commissioner Clarksen has a comment too, but I'll go ahead and make a motion. My motion would be to delay this for two weeks to allow Mr. Graybar to re-do the staffing report based on the additional information provided by the applicant and again my hope is that there is a practical difficulty and that there is language to support that. I can't come off of it off the top of my head, but even just having Mr. Warner speak briefly there. I can see why there would be reasons to. So my motion would be to delay this for two weeks.

Mr. Miller- I'll second that.

Mr. Saylor- Thank you. We have a motion. Thank you, Luis. We have a motion to layover for two weeks and it's been seconded by commissioner Miller. So commissioners we are now working with this motion to lay over for two weeks.

Mr. Saylor- And Mr. Warner, we should take a roll call on this given it is to layover for two weeks. Is that correct?

Mr. Warner- Okay. Yes.

Mr. Saylor- Okay. So before we do that, before we take a vote on this motion, other comments on this motion?

Mr. Clarksen- Thanks. I was afraid you were going to just run past me there for a second.

Mr. Saylor- I don't do that. I'm not that kind of guy.

Mr. Clarksen- So that's two cases of I didn't mean to suggest that there was some kind of ill intentions here just it seems to me that the fact that the staff report says one thing and the fact and the testimony seem to say something else to me 2 plus 2 doesn't make four and I'd really like it to make four so I'm happy with the outcome to lay this over for a while and sort it out. So that it's clear air in terms of what the public understands about this application because my big concern is transparency, and I think that leads to a more transparent result, so I'm happy with that. Thanks for the opportunity to add that in.

Mr. Saylor- Absolutely. Thank you. Mr. Clarkson. So commissioners we do have this motion now to lay this over for two weeks to give staff a chance to rework what they've presented for us. So additional comments on that before I ask Maxine for a roll call vote. Anybody else wish to comment? Okay. So Maxine will give us a roll call and that will be too again if your motion is to lay this over for two weeks to allow staff to reconfigure. And so again, if you're voting yes, it will be for that.

Ms. Maxine- roll call vote: Miller-Yes, Swift-Yes, Clarkson-Yes, Trout-Oertel-Yes, Morales-Yes, I'll try Brown one more time- Brown (mark abstain), Saylor-Yes.

Mr. Saylor- Okay. So this has been laid over for two weeks and Mr. Warner, could you speak a little bit about what you would like to see ideally from DSI staff before they bring this back to us?

Mr. Warner- I will chair and I'll talk to Matt about this particular report and we'll get a revised version to you.

Mr. Saylor- Thank you very much Mr. Warner.

Mr. Graybar- Yes, we are all good to go here.

Moved By: Morales / Second By: Miller

Laid over for two weeks 6-0

1493 Highland Parkway: Mr. Saylor- Here the applicant was previously granted variances of the side yard setback the rear yard setback and the sidewall articulation to construct a one-story addition that would connect the detached garage to the house. After the condition of the foundation was determined to be deficient. The contractor was approved to demolish the house and construct a new single-family dwelling with an attached garage using the rear yard setback variance previously granted upon further consideration. The contractor was advised to re-apply for the same rear yard setback variance since the scope of the project changed from an addition to the construction of a new single-family dwelling. The proposed one story single-family dwelling with an attached garage requires the following two variances. Number one, a rear yard setback of 25 feet is required a setback of 1 foot is proposed for a variance of 24 feet. Number two, this property is located in planning district 15 for R1 to R4 residential districts in this planning district the total lot coverage of all buildings, including accessory buildings shall not exceed 40%. The applicant is proposing a lot coverage of 40.2 percent, for a variance of the 0.2% or 17.8 square feet.

Mr. Graybar- Mr. Chairman, Commissioners. Thank you very much. So this was a very unique circumstance that happened. This is probably the first time this has ever happened. I'm pretty much sure that it's not going to happen again. So what happened was in 2019, the applicant was approved for the following variances a 3.1 foot setback from the west property line, a rear yard setback of one foot and that's to attach a detached garage, and for an exemption from the sidewalk articulation requirement to the west side of the house. So after the applicant was granted these variances he applied for a building permit to start work. And as you mentioned before, when he started the work, he notice that the foundation wouldn't be able to support or be insufficient for the new addition. So the applicant came back to us for a revised plan that shows the demolition of the house and the rebuilding of a bigger house at 40.2%, but when we first measured it was at 40%. But, again, when we measure stuff by hand, it's not as accurate as when an architect does it by AutoCAD. So, we went with the AutoCAD requirement or the AutoCAD measurements, which is what brought it 17.8 square feet over, for the maximum 40 percent structure. So, once he started work, he got approved for a demolition permit. He got approved for the building permit. So, the applicant has done everything that's required of anyone who wants to do any work within St. Paul is that they request they obtained the required permits and approvals and permissions from the City.

So upon further review with the zoning administrator and legal with Peter Warner over there that the authority should have been given to the Board of Zoning Appeals to give them the applicant another chance at re-applying for a variance for an attached garage that's going to be one foot for the new house instead of a detached garage. So since the scope of work changed from a detached to a whole new house, he would have had to gone back to the board to get that approval from them not from DSI as was given. So, he, everything he's been given was approved from us. It was our mistake that we are looking to correct by bringing him back to the Board and making sure everything is done correctly.

So after that he applied for the variance and that's why we are here. And I just want to go over the map here real quick. So, as you can see here, the highlighted property is in yellow. It is set back further on the block compared to the other houses. And as you can see the green lines, those are the elevation changes towards the front the proper line and as you can tell the other houses are set back appropriately from those elevation changes and they're set back further into the

lot. Here is the overview of the block with the yellow highlighted property in question 1493 Parkway. It's located across the street from Highland National Golf Course surrounded by single-family dwellings to the east, west, and north. The blue properties that are outlined have attached garages. So the one at 1485, while it maybe not physically attached it is within six feet and is considered attached for zoning purposes this is what the current lot looks like. Now as you can see everything has been removed. The lot has been gutted. These are the site plans. This is the previous plan that was there on the lot towards the left. That's the left furthest most picture. As you can tell the applicant is proposing another bigger one-story addition. I'm sorry, single family dwelling. That will be built over the lot and expanded upon and on the right, is the whole new single family by itself. This an elevation of the west elevation for the 1493 Highland Parkway. And see if the towards the right of the screen is the street and the elevation changes the further back you go in the lot. Same if we flip it around looking at the east elevation and if we're looking towards the house see the elevation changes and the Highland Parkway is now on the left of the street. These are the plans that were submitted, the markups there in yellow are from our Plan Review Department. The north elevation on the right the PFG. That's just a symbol for needs wall bracing.

So for staff findings. This is a 6,094 square feet in size lot with alley access to the rear yard from Highland Park Way and Pascal Street South as I mentioned the property surrounded by single-family dwellings. And the golf course is located south across the street. The plans are on pages 11 through 16. The requested variances to allow the proposed one story single family dwelling that will be set back one foot from the rear proper line with a lot coverage that is 0.2 percent; 17.8 square feet larger than allowed will create a building that will have matching aesthetics with several other properties on this block the previous house on the lot required variances of the sidewall articulation and side yard setback requirements in order to construct the proposed addition The new house conforms more to the zoning code than the previous house did since it incorporates the required sidewall articulation and meets the side yard setback without the need for variance. The reconstruction also improves the economic viability of a neighborhood and the City and 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. So, finding one is met.

The reconstruction of the single-family dwelling is an improvement to the property which is consistent with strategy two of the housing plan and 2030 Comprehensive Plan that aims to reinvest and develop properties in order to maintain desirability. Finding two is met.

The applicant is maximizing the use of a lot by proposing to construct a larger one-story single-family home with an attached garage the larger one-story dwelling with an attached garage is necessary to provide access to all areas of the house for a person with accessibility needs. This is a practical difficulty of meeting the zoning requirements for a lot coverage and rear yard setback. This finding is meant for both variance request. So, finding three is met.

Towards the south end of the property which is the front of the house the great slopes downward towards the front property line with an approximate 9.4% changing grade you change a grade allows the front of the property coupled with that homeowners need for an accessible entryway house and garage with covered entry are unique circumstances to the property not created by the landowner. Finding four is met for all variance requests.

Single family dwellings with an attached garage are permitted use in the zoning district. The requested variances allow a slightly larger house to be constructed closer to the rear property line, than allowed. No unpermitted uses will be created with this requested variance. So finding five is met.

There are other properties in the immediate area that have attached garages such as the ones I identified earlier in blue such as 1485 Highland Parkway, 1477 Highland Parkway, 1460 Eleanor Avenue and 1508 Eleanor Avenue. several other properties share a similar front yard setback is 1490 through Highland Parkways such as 1465, 1475, 1515, 1519 Highland Parkway. The requested variances will allow the proposed house to better match the existing properties. The requested variance for the additional 0.2% or 17.8 square feet for the house will not creating an overly large house that would detract from the neighborhood. So, finding 6 is met for all variance requests.

For the District Council recommendation; you'll find that on pages 21 through 22. Staff received a statement of support from District 15. For correspondence, which is on page 23 and in your in-boxes, that I emailed you late Friday night. The applicant submitted a list of adjoining property owners that consent to the requested variances and a packet of opposition was submitted to us at 2 p.m. on Friday of last week that I emailed to all of you along with the revised statement from the packet's originator. The staff recommendation, staff report is on pages 1 through 5. The resolution is on pages 24 through 27. Staff recommends approval of the requested variances based on findings one through six. Subject to your questions, that's all I have.

Mr. Saylor- Thank you for that very good presentation. Mr. Graybar. Commissioners questions for Mr. Graybar about the information he has shared with us?

Ms. Trout-Oertel- This is Commissioner Trout-Oertel and I'm wondering how the side yard, or how the side setback articulation went away? Can we see that side elevation again that you showed? I don't know which elevation it was. I'm Don't have the drawings with me, but it probably was the west it must have been in the west elevation that you showed earlier. Can we see that again, please? So that looks pretty long. Does that really meet the articulation requirement?

Mr. Buelow- Commissioner. This is the property owner. May I respond?

Mr. Saylor- No, not yet. I will call on you after we're done allowing the Commissioners to ask questions of the proposition. Thank you.

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Trout-Oertel, again, sorry I was on mute. And I while I was talking I move the highlighted portion of the on my site plane here towards the right. As you can see the porch is actually, would count as the articulation as this is more than 1 foot deep and 6 feet wide. So this would count for the west side.

Ms. Trout-Oertel- So but then there's the long part behind it. And how long is this? What is that dimension? Taking off the porch. What is the dimension of the west side of that house?

Mr. Graybar- Mr. Chair, Commissioners. So, it looks like it'd be about 80 feet 85 feet long, which is okay because the articulation can occur anywhere along that doesn't have to be within the first 35 feet. It doesn't have to occur every 35 feet as long as that one side has that articulation then it meets the requirement.

Ms. Trout-Oertel- I thought that, I guess my interpretation of the of the requirement was different and was designed to avoid a long blank wall. 80 feet is quite a long dimension. And so what you're saying is the there are no articulations required along those 80 feet?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Trout-Oertel, you are correct because there is the articulation in the front here that meets this definition of the sidewall articulation, which is 1 foot deep and 6 feet wide.

Ms. Trout-Oertel- Thank you.

Mr. Saylor -Commissioner Miller.

Mr. Miller-What a strange circumstance. This was I've never seen anything like that. Where the condition of the foundation was determined after beginning construction to be insufficient. As far as I can tell most of the addition was being built on the back and is hardly being supported by that. I'd be curious to know what, how City, DSI kind of came to the conclusion that that was I made it. I think I'm asking mostly because the neighbors have commented a lot on this subject. It's a strange thing, and I've certainly never seen before.

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Miller. Yes, you're correct. We've rarely come across this as well; but that doesn't mean it can't happen. And again, I would like to defer that question to the applicant just because he is the contractor and property owner and I don't have any expertise in building code.

Mr. Saylor- Do we have additional questions; or can we move to the applicant and property owner and have that question answered? Commissioners additional questions, different ones?

Mr. Saylor- Who's this, please?

Ms. Cynthia- This is Cynthia and I live next door to the east.

Mr. Saylor- No, we will have a time for people who are either in favor or in opposition to speak but we have to work through things in a certain order. The property owner, and the applicant is next. So, thank you. Just hang on a minute; is the applicant here today for us? Okay, and just for the record, can you give us your name and address?

Mr. Buelow- Yes, this is Michael Bulow, 1645 Palace Avenue St. Paul.

Mr. Saylor- Okay, and there was a question you can respond to or you can simply provide more information. Go ahead please.

Mr. Buelow- Our plan was to build onto an add to the existing Foundation. It was later determined that the existing Foundation was very old and it was and it was hollow block and did not have a substantial footing virtually no footing and so it was it was determined that it would not support the new home and needed to be replaced. We removed the existing foundation in our plans. And then submitted the plans to permit plan review. I think it's important to say that we did not start construction and then discover the foundation had failed we did due diligence, or review into the foundation and found that it would not support; and then so, the plan that we submitted to plan review was for the proper project that we are building today. Does that answer your question?

Mr. Saylor- Thank you. And would you like to add any other comments or information to the presentation made by Mr. Graybar?

Mr. Buelow- No, I thought you did a very good job. I would add briefly that there is additional articulation on the west side because there is a one-foot deep cantilever of the main floor of the house from the foundation of the house. That is identified as an articulation in addition to the front porch. And there's also windows that have been added and window trim that further enhance the articulations.

Mr. Saylor- Okay. Thank you. Commissioners, questions for our applicant? Any questions for our applicant from the commissioners?

Ms. Trout-Oertel- I would like to ask the owner/applicant if you are saying that the foundation under the house was unstable then because when you add on you would be doing a brand-new foundation for the addition. So, you know, I'm having a hard time seeing you know, what that has to do with the house you tore down was it unstable?

Mr. Buelow- Yes, it was probably built in the turn of the century and the foundation was simply concrete block and did not have a footing so it was not stable.

Ms. Trout-Oertel- So, the original house did not have a footing underneath the foundation?

Mr. Buelow- It did not.

Ms. Trout-Oertel- Thank you.

Mr. Saylor- Additional questions for our applicant? Okay. Thanks very much. Mr. Buelow you can mute yourself, but please stay around in case we have additional questions after. Is anyone here to speak in favor of the variance request for 1493 Highland? Anyone want to speak in favor 1493 Highland? Anyone here to speak in opposition for 1493 Highland?

Ms. Isom-Yes.

Mr. Saylor- Can you give us your name first and last name? And your address, please?

Ms. Isom- This is Marge Isom. Can you hear me?

Mr. Saylor- Yes, ma'am.

Ms. Isom- Thank you. I'm at 1493 Highland Parkway. Should I continue?

Mr. Saylor- Yes, ma'am, please.

Ms. Isom- Hello to everybody and thanks for taking my comments. Unfortunately, I'm just on the phone with an audio call. My software wasn't allowing Skype to run on my computer. That's the link was set up. So as a result, I won't be able to show photos. I'd hope to support the neighbor confusion on the property. And I also am not sure I can comment specifically at the images that were just shown in the presentation that I couldn't see them. I trust you all were able to see them over the packet submitted about the property and I very much appreciate the opportunity to do that. We hope that you had the chance to pay special attention to the petition. It shows 27 residents oppose these variances and I sense this far outweighs the number of residents who support the variances, although I wasn't able to see that. There were also additional letters summarizing the problems that have surrounded this process from the owner/builder as well as the City and District Council here in Highland.

Of note, I spoke with the applicant and the building inspector regarding the confusion shortly after the demo. And before the dig was starting and the applicant said, and I quote, it was always a tear down and a new build. All that changed was the foundation which had problems and needed removal. So, you already heard from him regarding that but I needed to share that bit with you. In brief, we neighbors simply feel the site plan isn't in harmony with the area. No other homes on the block cover a lot like this. All homes on the block have a backyard, several homes have attached garages as was pointed out in the application. I think, as Mr. Graybar was showing you images of but all have the required more than 25-foot setback. No other garages have two sets of garage doors or vehicles at a 90-degree angle of each other. No other homes have hardscape like this. It appears to be at least 4600 square feet for this type plan. It's important to make way for this development all but one tree was removed prior to the demolition. I'm guessing in the image that you saw it was exhibit B. I'm guessing I'm not certain from the application that was an aerial view of the block and I think you can note that it had significant green scape as to the surrounding area on the block. The absence of this green scape now, is further not in keeping with the surrounding area further with this extensive hardscape. There's concern of adding significant water runoff adding to as we know Mississippi River pollution as we know from many Minnesota publications.

In addition, with all the coverage at the rear part of the lot plus the parking pad in a walkway a lot line on the east side of the house. There's really nowhere for snow to move it into the alley which we know it's not allowed. So, this again is another problem with the current site plan. Important to note the garage data again on the block as stated by the applicant and that's presentation. It just is not correct. I asked for City to please come and reassess that and add that to the report and they said that was done through a drive-through of the block and that's what we went to measuring each and every block and I think you'll see that in the packet we provided. I believe that is Exhibit C that we provided and we can go through that in detail if you would like.

Mr. Saylor- Yes, please. I will ask you to bring your comments to a conclusion as the we did provide the guidelines at the beginning that individual speakers are limited to three minutes each and you have used that. So, I will ask you to succinctly summarize for us so we can be sure to have your comments out there.

Ms. Isom- Yeah, I didn't catch the very beginning because I was trying to login. As I mentioned I couldn't do that Skype I had to do it for phone, audio. So, the only home that does sit within 10 feet of the alley in fact was built 20 years before the alley, so I guess I feel it's a moot point. And again, that's pointing to the incorrect data that was provided. Finally in our public comments submitted last week since then has become clear that R4 setback is 25 feet from the front for the

in the site shows at 32 feet. It's unclear why it says it was it's required as it says on the set plan set on the site plans that were provided to you all. I don't know if there's a height difference that needs to be accommodated. But we were told by the builder that no way could this be moved forward it was already at its Max front area of lot. So, I guess in summary. I don't know why it can't be shifted. I also don't know why the garage can't be reduced by one foot at the depth of the garage and alleviate the lot size variance just giving the structural plan for this new build versus, you know, an add-on that it would initially was. I just can't understand why this doesn't conform to existing variances and thank you for taking our comments.

Mr. Saylor- Thank you very much for staying on the line with us and adding your comments to the conversation today. We appreciate that.

Mr. Saylor- Who's this, please?

Ms. Cynthia Skally- I've been waiting to make a comment and I'm not that tech savvy to understand how I ask. Is there a place where I'm supposed to ask?

Mr. Saylor- Are you here to speak in opposition or in favor of the variance request for 1493 Highland?

Ms. Cynthia Skally- In correction and opposition.

Mr. Saylor- This is the right place and it's also the right time. So just give us your first and last name and your address and the floor is yours for three minutes.

Ms. Cynthia Skally- Cynthia's Skally. I live at 1485 Highland Parkway, and I can't stand discrepancies. My house and garage are over six feet apart. I worked in zoning and it is not considered attached per zoning. Okay, so that needs to be corrected. I don't want my property used. Also, my property sits where it has sat since 1910 and I measured myself and I'm 21 feet from the back of my house to the alley and the paperwork says I'm 12 feet. So please assure me that you will correct those two items. No, I am not an attached garage per zoning. Okay, and all I wanted to say is I've never, I went to a couple variances meetings when John Hardwick was in charge and I help people fill out variances. I don't have a problem with a house being built. Build it. But I do have a problem with the hardscape along my side. I'm the only neighbor so sidewalk, a covered sidewalk asphalt along the whole East Side. My west side, the applicant's east side. And I'm a senior. I'm retired and on my own and I'm just wondering about that and at the Highland District meeting when I brought that up because that's my only big concern. Most said, well, there's a rain garden. I'm not, I'm intelligent enough to know that it rained out in the front of your property does not have anything to do with the whole east side. Okay. So, I want to, I would like an answer to know if you're going to correct the information on my property built in 1910. It's been sitting in the same spot. I bought it 10 years ago and I couldn't afford to tear down and build a new one. So, I rehabbed the inside. It was a duplex, a tiny duplex. So, I haven't moved the house. I've been sitting here, you know for a 110 years and it is legally a detached garage according to the zoning. And like I said, the figure says it's 12 feet off the alley. I like things to be correct when I'm involved. So I need to know there's so many discrepancies that my time. I'm sure is but from the beginning of time, I've read a lot of site plans. I had a lot of years in the city and I never have been able to understand this site plan or read it. Believe me. I printed it. The numbers are so tiny, but I'm concerned about the west side of his property side of mine with all that hardscape and I'm concerned in wondering why the garage can have like the neighbor two doors down have a double garage and a single garage along the alley instead of driving next to where all my gardens are and then access of third car garage that way; that's what I'm wondering and I do not I do not have a problem to make it clear with anybody building a house, but you could build a wonderful house and it can be handicapped accessible and you know, whatever. But it's somebody going to answer me if they're going to correct the information on my property of 1485 Highland.

Mr. Saylor-Yes. Yes, ma'am. I wanted to make sure first to hear all your comments before I begin to respond to you. Okay, let me ask Mr. Graybar if there are comments made by Cynthia here that that pertain to today's case that you can address for her.

Mr. Graybar- Mr. Chairman, Commissioners, Cynthia. We can definitely look into that for you.

Ms. Cynthia Skally- There's really nothing to look into. You can come over to my house. I measured it several different times and my house is over 6 feet. I am not an attached garage period. And, as far as a house from the alley the applicant put 12 feet. It's 21 feet. So yeah, what can I do? I can't move the house up a few feet. You know, it's a two-story.

Mr. Saylor- Cynthia thanks for bringing those matters to our attention. What I what I will do is ask Mr. Graybar to follow up with you and see if there's anything that is that he can help you with respect to what you brought up for us today and I'll thank you for your comments.

Ms. Cynthia Skally- And I would like to allow the applicant some time to please bring a full-size site plan that I can look at it because I've been trying for a month and a half on getting a site plan, and I can't see the numbers on any of them. So maybe if I had a large one a full size because I want to really understand what I'm going to be in for a long his east side and my west side. You know that his eastside, my west. Thank you. I'm just concerned about taking care of myself. That's all.

Mr. Saylor- Thank you very much for your comments.

Ms. Cynthia Skally- Thank you for giving me the time. I'm sure it was a little over three minutes. Thank you very much.

Mr. Saylor- Anyone else here to speak in opposition to 1493 Highlands. Anyone else to speak in opposition to 1493 Highland?

Ms. Isom- This is Marge a 1477 Highland.

Mr. Saylor-Just a minute, please. Mr. Warner, a question if we had a speaker once can we reopen the floor to them again?

Mr. Warner- Chair, the time limitations are yours to make. Typically, we give people one opportunity to make their statements, but I will defer to you.

Mr. Saylor- Well, we have I what I will ask the speaker to because we have used more than three minutes already. If you have a brief comment to make I will allow that here, so please

Ms. Isom- Thank you for your consideration, just the point of my garage at 1477, which was a point of support of the application by the staff report as well as the application itself is also not attached per zoning, and I do have the paperwork to show this again old house 1913 all this was in existence. So please take note and thanks for your time.

Mr. Saylor- All right. Thank you. Anyone else to speak in opposition 1493 Highland? At this point I will close the public portion of the hearing. We have a question from Commissioner Miller. Oh, hang on a minute Commissioner Miller do you have a question for our most recent speaker.

Mr. Miller- Actually, it can be for the applicant who I believe you'd probably call back up here anyway.

Mr. Saylor- Yes, so let me call the applicant back because we have at least one question for you from the board. Is the applicant still here?

Mr. Buelow- Yes. I am.

Mr. Saylor- Thank you. We have a question for you from Board Member Miller.

Mr. Miller- Just what year was the was the original house built? You mentioned turn of the century.

Mr. Buelow - I'm not positive but I would say close to 1900.

Mr. Miller- Okay, is there? Okay, they weren't using block foundations then. I'm just kind of confused by that maybe staff could look up.

Mr. Buelow- It was a combination of form concrete stone and block from grade up about three feet and then and so it was a combination of foundations.

Mr. Saylor- Thank you. Additional questions for our applicant? Okay, then I will close the public portion of the hearing and Commissioners, questions, discussion or a motion on the resolution?

Ms. Swift- I have a question. Is there anything with the Historic Preservation that comes into play while we're talk about like the age of the house?

Mr. Saylor- Mr. Graybar?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Swift. This is not in the Historic Preservation District and is not designated as a local historic site. So, it doesn't adhere to those provisions.

Ms. Swift- Thank you.

Mr. Saylor- Questions, comments or a motion from anyone.

Mr. Diatta- I can make a comment too. Chair, board members, so typically in Highland, the max height allowed 22 feet. This house about 16 feet and some change in height. So it's a rambler, really low in height single-family dwelling with a garage with a ramp for handicap. So if we're looking at really the additional square footage over the max that's what its accommodating, so that's that. I just wanted to try out there you understand to you know, that this isn't a tall house by any means, lower than the maximum allowed at 22 feet.

Mr. Saylor- Thank you. Mr. Diatta. Commissioner Clarksen, you want to make a comment?

Mr. Clarksen- I'm almost reluctant to ask this question this way because it may draw some attention. But if a big part of this issue seems to be that they have been found to be at 40.2% and going around the perimeter of this building they get 17 square feet of area that puts them over this 40 percent threshold. There was a reference early in Matt's presentation about you know, two different ways to potentially measure: one using like AutoCAD and some precise computer method and in another doing it by hand with a tape measure on site and I'm wondering if; I've ran into this situation before where you can, where situation like this where you really close to the threshold comes up, you talk the architects in the folks at the City talk sometimes and a revised drawing can be prepared that isn't a fabrication of what's happening. But it may better represent the situation and I'm wondering if that would bring it down to something equal to or less than the threshold with perhaps a revisit of the measurements and brings some of this off the table. So, I guess that's my question.

Mr. Saylor- Mr. Graybar, or do you want to address that question or Mr. Diatta?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Clarksen. You were comparing how the AutoCAD comes up with one number and then if we went out to the site because we normally just review plans with a ruler and a pen here at the office. We don't actually go out to the site and measure it. We're you suggesting that maybe we could go out and measure the proposed building. And then compare it to what AutoCAD would say? Sorry. I'm just looking for a clarification.

Mr. Clarksen- I guess what I'm getting at is if there's an ability to achieve a more precise measurement that represents the situation better where because it's so close to being on the margins of being at the forty percent threshold. I guess just if I was the applicant, I'd be looking at ways to provide the City with slightly different information. I'm wondering if there's any way this is meeting the 40% threshold and I'm asking this question because you raised this issue about two

different methods for measuring I mean, yeah using a computer more precise, but when you're talking about something like that it seems like it's a question worth asking I guess. I don't know if I'm being very clear not.

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Clarksen. I completely understand where you're going with that. Yes, so we would definitely defer to the more precise method and that would be the AutoCAD method. So, I realize it's barely over the 40%. It doesn't even get to 41% It's still 40% but it's 40.2. So, since it's still slightly over we would be able to, would have to bring them in for a variance for that and I know there's been a couple of measurements hand drawn or hand measured which have been all different. So in order to make it clear and precise we went with the most precise method, which was the architect's method using the AutoCAD machine and unfortunately it still is over by 0.2% But again, we're going to defer to that because that's the most precise.

Mr. Clarksen- I could follow that too. I think that's the right approach; and so, I didn't want to suggest otherwise. It's, I mean any interest of transparency like I said on the last item, I mean that's the right way to do it. Had the applicant considered any changes to the project that would bring this under that threshold and just take one of these issues out of consideration because it seems to me that would be a useful endeavor when you're at 17 square feet on some number of thousands.

Mr. Saylor- Mr. Graybar, do you want to answer that question?

Mr. Graybar- Mr. Chair. I think he was referring that to the applicant.

Mr. Saylor- And we've already closed the public portion of the hearing.

Mr. Graybar- Understood.

Mr. Saylor- Commissioners, additional questions? We have closed the public portion of the hearing. So, a motion is also possible now. Mr. Graybar can you remind us of the recommendation you've made?

Mr. Graybar- Mr. Chair, Commissioners, yes, I can. The staff recommends approval of the requested variances based on findings 1 through 6.

Mr. Saylor- Commissioners?

Mr. Rangel-Morales- I guess to see where people are at. Let's all go ahead and move that staff recommendation to approve based on finding one through six.

Mr. Saylor- Thank you, Commissioner Rangel-Morales. Do we have a second for this motion to approve?

Ms. Swift - I'll second that.

Mr. Saylor- Thank you Commissioner Swift. We have a motion to approve and a second; additional discussion on the motion to approve? Maxine roll call please.

Ms. Linston-roll call vote: Clarksen-No. Rangel-Morales-Yes. Miller-No. Swift-Yes. Brown's not here and I'll go back to Trout-Oertel-No. Saylor-Yes.

Mr. Saylor- Have we called all seven?

Ms. Linston- It's a tie.

Mr. Saylor- Who is not here anymore?

Mr. Graybar- Commissioner Maddox is still on the line.

Mr. Saylor- Commissioner Maddox?

Ms. Maddox- No

Mr. Warner- Chair.

Mr. Saylor- Yes, sir.

Mr. Warner- Have we determined that Commissioner Brown is no longer participating in the meeting because he can't.

Mr. Saylor- It is unclear to me Mr. Warner. At this it's just he is not participating. He's not on the line anymore.

Mr. Warner- All right, because I have in my notes that when Commissioner Rangel-Morales joined the proceedings that Commissioner Maddox dropped out. Although she has participated it really, I mean, I'm sorry not that she's participated. I misspoke there, that she's listened in. Right now, I've got a 3 to 3 tie vote.

Mr. Saylor- Well, Mr. Warner did I hear earlier that when we asked commissioner Maddox to stick around and it was also say it just stay with us that was also the case in if someone else dropped out we had someone there who was present and it was a voting member. I just heard the words. I want you to stick around. I didn't know that she would be an active alternate but I guess as a matter of procedure if that's what you'd like to do, that would be fine because then you would have a then you have the ability to have four votes one way or the other.

Mr. Saylor- That is correct. What I will do, having Commissioner Maddox here as a voting member, I'll ask Maxine to redo the rollcall. So, we have a straight, clean vote.

Mr. Warner- Yeah, I think that's a good idea.

Ms. Linston- Okay, you guys are ready.

Mr. Saylor- Yes, ma'am.

Ms. Linston- roll call vote: Clarksen-No, Trout-Oertel-No, Rangel-Morales-Yes, Miller-No, Swift-Yes, Maddox-No, Brown isn't with us. Saylor-Yes.

Mr. Saylor- The vote is 4 to 3 against, so the variance request has been denied. You have the ability to...

Mr. Warner-I'm sorry to interrupt. So now that you have four votes in opposition, that means that the recommendation has been denied. Now you need a second motion articulating where the error is in the staff recommendation and then do a second vote on those reasons with people either adding to them or just joining in the reasons offered by the maker of that particular motion. So one of the four Commissioners who voted in opposition will now have to articulate where the errors are in the staff report.

Mr. Saylor- And make a motion to deny.

Mr. Warner- Correct.

Mr. Saylor- Okay the four Commissioners who voted no on this one of you will need to make that motion, articulating those reasons as Mr. Warner has laid out why the recommendation should be denied.

Mr. Diatta- For clarification, can I ask a question?

Mr. Saylor- Mr. Diatta.

Mr. Diatta- With those there is a be voted to deny be worried separately with that in jointly.

Mr. Warner- Well, the motion was to approve the application that motion was denied. So now the next step would be to have a motion stating why the why the matter should be denied. So they're going to have to somebody who voted no on

that previous motion is now going to have to articulate reasons why the staff report is in error. And they can do it on one they can take they can take and get yes. We need to hear from those four why they voted no.

Mr. Saylor- Commissioners. Are we clear in the next step from the four people who voted no, one of you needs to make a motion and elaborate the reasons why.

Mr. Clarksen- I think I'm fairly clear. I hope the others are.

Mr. Saylor- Okay.

Mr. Clarksen- I am not hearing anybody else. So I'm going to try to take a stab at this the best that I can, but I'm looking at just for the sake of those following along at home, which is all of us, page 8 of the 1493 Highland Parkway PDF, which is the applicants statement of how the findings are met, I believe, and they have some brief comments there for each of the six findings. And I'm going to look at those for starters to think it's kind of succinct and it might be helpful. So with regard to the first finding, I think that you can make a subjective argument that the variances are inconsistent with the general purpose... I'm sorry. Nope. Not that one. My bad. I was trying to read these and think on the fly. The consistent thing was that I don't know that the proposed variances leave a house that is consistent with the comp plan in architectural design and placement of the structure such that it doesn't have negative impacts on the homes in the adjacent neighborhoods or in the in the properties adjacent in nearby to this to the subject that there may be practical difficulties, but I'm not sure that avoiding inclement weather when entering or leaving a property is necessarily a practical difficulty that is unique to someone. Pretty much everybody faces that I don't have a covered walkway that connects the front of my home to my street. So I am subject to inclement weather and I think that's a just a part of living in the city. And with respect to the fourth finding. I'm not sure that the grade changes are necessarily merit worthy in terms of creating practical difficulties, it seems to me that there may be another way to accommodate a person with accessibility needs that would not require a variance and those things are not directly connected to the sidewall articulation; where the size of the structure and its relationship to the amount of a lot that had coverage covers those things to me seemed to be, there's not a direct relationship to those two things. So, I will offer those as well as a rationale for why the proposed variances are just inconsistent with the comp plan in the code.

Mr. Saylor- Thank you Commissioner Clarksen. I'm going to check with Mr. Warner. Are we okay moving forward with those as elaborated by Commissioner Clarksen?

Mr. Clarksen- I would add one more too, I'm sorry. The sixth finding I think it will have impacts on the essential character of the surrounding community when you have a home that has this sort of coverage on the site. It's just uniquely different than the others and I think that's a that's something to consider. They could build the home on a single floor that provides measures of accessibility where they would be able to achieve meeting the zoning code requirements for lot of coverage. So, I think it does have an impact on the essential character of the surrounding area. If you had a bunch of these houses that had 40.2% lot coverage that also rose up two and a half stories. That would be a very different kind of development than what you have with the proposed.

Mr. Warner- Chair, I think Commissioner Clarksen's reasons given for number three, we can probably create some language for those. The previous references to comp plan matters, I'm not sure. I don't think that's sufficient. His finding that number 6 is, the applicant isn't building a two and a half story building, so simply not relevant in terms of a comparison. So at best we can come up with some language for finding number three, we can present that to you in two week's time for you to consider and as you know with variances you only we need to find that the applicant has not met one of the findings. The other rationale, I'm sorry, I just I can't follow it at don't understand how it applies and it really hasn't been articulated how it applies to any particular finding that's required.

Mr. Saylor- Thank you. So Mr. Warner, we have a motion to deny based on finding number three. That's what Mr. Clarksen can move forward with?

Mr. Warner- Yes, that's as best as I can come up with given the reasons he's articulated.

Mr. Saylor- Thank you. Commissioner Miller, did you want to say something?

Mr. Miller- Yeah, if it's my turn to articulate my, you know, I'm voting no based on finding number three. I think staff erred the placement of the existing foundation is no longer a constraint requiring a 24-foot variance for a rear yard setback. Now that the foundation is not there, they can build it wherever they want to.

Mr. Saylor- This wasn't a vote but those are the reasons that you will you would use to on number three. Thank you.

Mr. Miller- Yeah.

Mr. Saylor- Okay all we did we need to do well Commissioner Clarksen made a motion which we have we have narrowed down to finding number three is the rationale that will be used to vote "No" and to deny and so we're going to take your comment and Commissioner Clarksen has another comment and then I'm going to move to a vote on this. Commissioner Clarksen.

Mr. Clarksen- Did you want to go with Mr. Miller first. I'm sorry.

Mr. Saylor- No Mr. Miller has made his comment of weight about number three. And so do you have something else to say about your motion that you're going to make?

Mr. Clarksen- So I actually appreciate Mr. Miller's comments in regard to the variances as originally approved are no longer germane to the to the proposed project and I overlooked that and, didn't I got so distracted by all this stuff, but he's absolutely right. So that should also be a part of it. As far as number six goes what I was trying to say is that,

Mr. Saylor- You know as Mr. Warner reminded us we only need one to move forward so I would say it's best if we stick with that which is the most germane point is Mr. Warner said so your motion is to deny based on finding three. Let me see if we have a second for that motion.

Commissioner Maddox- I would second that.

Mr. Saylor- Okay. We have a motion to deny based on finding number three, and it's been seconded by Maddox. Do you have additional discussion on that motion? Okay, I'm going to ask Maxine for roll call now. Everybody remember this is a motion to deny. If you vote "Yes," you're voting to deny and if you do say yes, you'll have to give the reasons for example: finding number three that backs up your position. If you vote "No," you're saying no to the motion to deny. So lots of negatives in that sentence. I'm sure you understand it. We've done this before.

Ms. Linston-roll call vote- Clarksen-Yes, it's my motion. Trout-Oertel-Yes for the reasons articulated. Rangel-Morales-No. Miller-Yes, for the reasons articulated by myself and Mr. Clarksen for finding 3. Swift-No. Maddox-Yes, based on finding three and six. I do feel it will alter the essential character of the neighborhood as no other garages are located that far back. Okay, Brown isn't present. Saylor-No.

Mr. Saylor- The motion to deny has passed by a vote of four to three. So, Mr. Warner, I think I'm correct in saying that the variance application has been denied. Is that correct?

Mr. Warner- Yes, you are correct, chair.

Mr. Saylor- As the applicant, if you're still with us, I hope you are; you have the ability to appeal this to the City Council within 10 days.

Mr. Buelow- Yes I will be.

Mr. Saylor- Okay, that is the conclusion of the seven cases. We had on our agenda today and I'm going to officially close this meeting.

Submitted by: Maxine Linston

Approved by:

Matthew Graybar

Daniel Miller, Secretary

After Meeting Notes:

Mr. Saylor- Mr. Graybar, there is something we have, one more step after the conclusion of today's meeting.

Mr. Graybar- Is that right? Yes. That is correct. It will be led by our City Attorney Peter Warner. I'll be guiding the slides.

Mr. Saylor- Okay, and is the public welcome to stay on for this if they like to they can okay. If you're a member of the public or any of our applicants, we thank you for your attendance today. This is simply staff information that follows, you are perfectly willing or able to stay on if you want but it is not related to any of the cases we heard today.

Mr. Graybar all right, Mr. Chairman and Commissioners. Thank you very much for staying. Mr. Peter Warner and thank you very much for guiding us through just some reminders about protocol and procedures. Would you like to kick it off Peter?

Mr. Warner- Oh, I can Commissioners one of the things that we've talked about at a staff level is the fact that since we're no longer meeting in person and probably won't be for the foreseeable future. We just wanted to spend just a few minutes. I know it's been a long meeting. So I'll be brief and I feel bad because commissioner Brown can't be here to listen in, but we just wanted to go back and just sort of remind folks of some of the protocols that we deal with and the slide that's up before you've probably seen it before but this is in the package of information that we use for new Commissioners, and I just wanted to highlight the second bullet point which has to do with conflicts of interest just to remind you that when you get a packet and you see an application if you're concerned that you might have a conflict. I always encourage you to call me to talk it over. Remember there's two kinds of conflicts. There is the type of conflict that's defined by Statute and that usually has to do with financial interest, but there's also what I'll call secondary.

Inflicted that's the conflict of appearance. And some of you I know have served on District Councils in the past and it's just to remind you that if you're still serving on a District Council and you vote on a matter at District Council level that then comes before you in your capacity as a Commissioner with the BZA you really do have to recuse yourself because you've already previously voted on the matter in a form that's outside of that of the BZA. So just a way to always keep in mind that conflicts although they come up very occasionally. You just have to kind of be on your toes to ask yourself is this a financial conflict or is this some sort of an appearance or procedural conflict? And if you ever have a question, please feel free to contact me. That's all I really wanted to say about that.

And the other thing is we just went through this little exercise. Remember that when you are granting a variance or denying a variance you you're denying or granting the variance based on the required findings and those findings are basically set forth in State Statute as a basic minimum and then Cities around the State expand on those but your findings have to be based on those particular things that are articulated in the zoning code. In other words, you can't add a condition and the other thing that I want to remind you is that the rationale for your finding has to be factually based in the record. And so that's why I brought up the example just now what you know the reference. Well, it would be out of place it we don't want two and a half story buildings, but that's not in the application before you so you have to stick to the facts that are in the case before you and the facts that are on the record. So keep that in mind when you're making findings. And also if you're thinking in the course of a hearing going hmm, I don't necessarily disagree with the staff recommendation. It's best to start jotting down your reasons why so that you can link your reasoning to the

acts that have been presented to you either during testimony or in the staff report. So that's all I want to say in that regard.

And if there's another slide, I don't know Matt.

Mr. Graybar- Yes Peter. However, a commissioner Swift asked a question.

Mr. Warner- Oh, okay.

Ms. Swift- Where do I look on this thing that says I am contractor working at one now. Does that pose a conflict?

Mr. Warner- it may and that's why we should talk about it and give me a call and then we can sort of sort through the details and make a make an analysis, and so that I can give you an opinion and you can take that opinion and figure out how you want to deal with it. So yeah always ask.

Mr. Saylor- Good question to ask Daniel.

Mr. Graybar- I think you covered this already.

Mr. Warner- Yeah, that's the second bullet point I guess it's a good chance to re-emphasize that if especially in those cases where staff has recommended approval. The reason why we went through that exercise to remind you again is because state law requires it if staff recommends approval. And you move to deny you just can't say I move denial and leave it at that. State Law requires you to articulate reasons for that and state law requires you to articulate reasons at the time. So you can't revisit the issue in two weeks and say well here's why I decided to do it. You have to be prepared which kind of goes back to my original comments to all new Commissioners as please read those packets and understand the staff reports. And if you see something in the staff report, you don't understand all staff and ask them. Why are you making this? What's your basis for making this recommendation and they'll be happy to answer your questions. So that's my reminder about that.

Mr. Saylor- Thank you, Peter.

Mr. Saylor- Right, and I don't know if anybody has any other questions. Mr. Graybar & Mr. Diatta. Do you have anything to add for the Commissioners?

Mr. Graybar- Yes. So this is a nice little snapshot of all of us staff you know that helps support the BZA. I know our website doesn't have any pictures of you all. So if you could.

Mr. Warner- Well Matt before we go there.

Mr. Graybar- Is there a reason why there isn't anything on our website generally speaking?

Mr. Warner- I don't know if Commissioners images are public data. I think they are but I want to be sure so we don't have to go through the Tennyson warning process. So let's sort this out beforehand.

Mr. Graybar- Sure. All right, I know and we had someone in our and one of our other departments mentioned that it's like, you know, there's no information about that. I'm sure people would like to see. See what they look like and everything. So it's a good thing you brought that up.

Mr. Warner- So we'll revisit that with you before the Commissioners. Send us any nice snapshots of there. But I think that it's okay. I just I don't know. I'm not familiar enough with Tennyson warning rules. I just know that they're out there. So let's talk about that and maybe I can find a picture that even shows my hair even longer than it is now. Hey, I appreciate any kind of update.

Mr. Graybar- Thanks for being such a great on point City Attorney Peter.

Mr. Warner- Thank you.

Mr. Saylor- And thank you both of you for the information today and I will just ask that you talk with each other. And if there is anything you want pictures from us, and if anyone that wants to send those but let me ask if Commissioners have questions about this information. I see commissioner Miller has a question.

Mr. Miller- Yes, I didn't know that we could call City staff. That's good to know just to be clear though. Like we're not we're not supposed to call each other or email each other just staff. Is that correct?

Mr. Warner- That's correct. You don't want to have an instant inadvertent violation of the open meeting law which basically stands for this proposition that when you're making these decisions and remind you again, these are Quasi-judicial decisions that you have to make it. Based on the evidence and facts in the record that was produced before you add a public hearing. So having conversations outside of that are ill-advised other words. Don't do it.

Mr. Saylor- Good question. What are the questions from Commissioners we have again. Mr. Diatta, Mr. Graybar and Mr. Warner here. This is a great time to ask questions related to the information. They shared in the last few minutes or anything else that you want to simply ask about we don't often have the chance to do this.

Mr. Diatta- Question. Yeah, so Mr. Warner, so as I say, I have a development going on block and I don't like it. I'm sitting on the board. Can I make a partial decision on that particular project? Because since I don't like it and somehow, it's affected me and let me see the wound up saying I'm not I don't support this type of development. Would that be construed to mean that I had a base opinion before coming to the meeting?

Mr. Warner- Well, you know, it's an interesting question Yaya clearly, it's not a financial matter except when you say it's affected me. You know, what does that mean? Does it mean that the development will negatively impact your property values or you perceive that it might do that. Those are the sorts of things that we should talk about because that gets to that sort of that secondary conflict if you are concerned about a development and it's your neck. It's on your block or it's next to you that that's something that we should talk about and you know likewise if you have strong feelings about particular developments that might happen throughout the city. You have to sort of be careful because if you start articulating on the record in some other case that will I just don't happen to like these types of developments and that you know down the down the road as a like development comes before you and you vote against it, you know, it's not difficult for people to go back in mind this data and come out and say well commissioner "A" has articulated on several occasion that that he or she does not like these types of developments and it was a for 2/3 vote and that person was obviously the swing vote and clearly they weren't listening to the evidence. They weren't listening to testimony. They already made up their mind that they don't like these types of developments and therefore I didn't get a fair shake. That's the sort of thing that becomes problematic.

And remember you're making quasi-judicial decisions. And so you are obligated to apply the standards and conditions that are in the code to the application. And if you think that it's the application doesn't meet those then you can articulate those but you know, if you just are generally against something that's not really giving the applicant a fair shake.

Mr. Diatta-Thank you.

Mr. Saylor- Thank you, Mr. Warner. Commissioner Clarksen would like to know about the training and I think you're meaning the training in Shoreview next month commissioner Clarksen.

Mr. Clarksen- Yeah last I heard there wasn't or we there was no resolution about whether it was going forward. There were concerns about open meeting law for a training.

Mr. Saylor- which I think we have an update for that.

Mr. Warner- we do in this sense that I'm just going to go out on a limb here and say that large meetings are not going to be authorized next month. So it's going to be still online and I think it's fine if people participate in the Forum online even if all seven of us are all seven of the commissioners of there at the same time, you're doing it remotely I'm assuming that you're not emailing back and forth about what's going on about some application. That's before you so as long as long as it's a remote presentation, I think we're going to be fine.

Mr. Saylor- And Mr. Graybar, will you have information for Commissioners as far as the specifics related to the event.

Mr. Graybar- Yes, we're signing people up. You should be getting some more or some email regarding information on how to join the link and everything like that coming up tomorrow. We're going to be getting with the accountants to make sure everything is running smoothly.

Mr. Saylor- Okay, and we'll that information about logging on with that come from your office.

Mr. Graybar- Yes, I believe so. We haven't signed up too many people before they normally send out to the app to the email address that's registered. And so what we have your email addresses so we can register you that way.

Mr. Saylor- Okay this one make sure people are looking for that in their inbox and doesn't go to a spam filter through a spam filter. That's all.

Mr. Rangel Morales- It's a follow up on Mr. Warner's common further instructions I guess for clarification in terms of like some of these standards. Can we put that on? Can we still put up the standards really quick? Or if it's shut down, that's fine. But a lot of the way that I know, I completely understand what you're saying in terms of keeping an open mind to everything but a lot of it also depends on how we interpret certain provisions or some of the words in the findings. So for example, what practical difficulty means or what? like a unique to the property and so I'm just thinking more generally for myself sitting on both the Planning Commission in this and the other standards that we have, you know, whether it causes a change to the neighborhood or so on and so forth and a lot of those is, you know, kind of establishing a standard because they're the terms to me are very vague. So in order to guide myself, I kind of have to articulate like define it for myself and what it means. And so should I not be doing that? Try not to die be applying a different definition even within myself about what these standards mean?

Mr. Warner- I think that the best way to approach the application of the required findings is to remember that you always apply them on a case-by-case basis. And so when you talk about for example a circumstance that's unique to the property not created by the landowner so much of it depends on the actual property. And so if you are in dealing with a variance request out of Highwood where they have steep slopes and there are restrictions that affect landowners ability to put a structure within so many feet of the bluff line under those facts. That's how you decide whether or not the requested variance is how it applies to that particular property. I understand that it's difficult to do in terms of formulating sort of a hard-and-fast standard, but I just don't think you can with variances because remember when you're granting a variance, you're already dealing with an application to do something that the zoning code doesn't permit.

So, you know variances are meant to be this is probably overstating it but they're meant to be difficult to obtain. And so I think that if you just take the position that you look at each application that comes in and what the actual variances for it gives you sort of a good sense of how you want to deal with it and I again I go back to the application today the gentleman that wanted to build the long house next to the railroad spur, you know, that that's you know, I understand how people were you know, how do you how do you deal with this particular application? But if you look at what they're asking for as against the requirements in the code, and I always apply it to an individual case on a case-by-case basis it I don't want to sound like I'm talking in circles here, but I think it's actually easier to do it that way than to try to come up with an overarching template, if you will to apply with respect to something like well this alter the essential character than the surrounding area. Well, you really don't know that because you don't know until you examine what the surrounding area is and what its character might be. Then you have to ask yourself will the variance alter it so if

somebody is at their, you know a height variance for a garage is different than say a setback variance for a factory. I mean, I mean you just have to sort of go at it on a case-by-case basis and I am afraid that that's about as precise as I can be to go back to my zoning 101 stuff. It's not easy. These are not easy decisions for you to make and that's why staff makes a recommendation and you're not bound by that recommendation, but you have to be able to articulate why if you take a different tack?

Mr. Morales-Yeah just don't want to give the appearance of having a predetermined. Yep. I certainly try to approach every case independently. And as I said for the merits of what it is, but you know, what I'm learning is that the longer that I'm sitting in these commissions and in the meetings you kind of have more to like when you first start now it you're the you have on it. It's very limited, especially as just individuals who don't necessarily do this on an everyday basis and the longer you sit in it. You see more things or I'm sure commissioner Clarksen has even you know way more background in terms of what he can related to or compare it to compare it to and so I you know, you start you know, what does plight of you start sort of defining terms. And I think your presentation today was a good reminder to sort of take each individual standard for what it's worth to each individual application.

Mr. Warner- Yeah, I think the other thing I would like to add and commissioner at staff at P.E. D. We just talked about this a few weeks ago when we were saying well, you know, we sort of live and eat and breathe this stuff all the time and Commissioners don't they see it once or twice a month? And as staff we have to be a little bit more in tune, if you will with the background that the various Commissioner come to these commissions with and not... we'll just, know, try to make it easier for them to understand some of the rationale for the recommendations that are being made.

Mr. Saylor- Thanks, Peter Commissioners other questions for other. Mr. Diatta, Mr. Graybar and Peter Warner. Our goal is as we've been talking all this I've been talking with them too as we want. We want everyone to feel comfortable and confident with the information so we can all make the best possible decisions for the cases that come before us and so I'm appreciative of the training that's available for us next month. I'm also appreciative of Mr. Graybar, Mr. Diatta and Mr. Warner taking time today after what was a rather lengthy session to share information with us and to make sure that we have the ability to ask questions and get the information. We need to feel confident in what we're doing.

Mr. Saylor- So without any additional questions, I will thank everybody for your time patient to participation today. And hey, you know, in just 14 days we get to do this again. So yeah, and we think that's funny. I could tell you some more one-liners, but I won't, thanks. Thanks everybody, Maxine thanks for your participation with us today. And I've see Randy is gone. Is it who's with you now? Is it Stephen this there? Yes, thank you for your participation help too. Thanks everybody. I'm going to close this. Unless we have additional questions. Thank you everybody and again look for information about the training and Shoreview next month coming. And any other questions. Please be in contact with any of us who can help you. Thanks very much.