

September 18, 2020

Re: Current Variance Application for 1493 Highland Pkwy
MB is applicant/owner/builder

Dear City Staff and BZA Committee ---

This letter is written on behalf of neighbors on this block of the Variance Application, on both Highland Pkwy and Eleanor Ave. We have talked through the Variances and problems (see Exhibit E - Related Problems at 1493 Highland Pkwy). **23 Neighbors that live on the block signed petitions to OPPOSE Variances 1 and 2 in MB's current Variance Application. 4 additional St. Paul neighbors also oppose. (Petitions attached.)** These were still being compiled at the time of Highland District Council meeting on the subject on September 15, 2020. It's unfortunate, as I sense this would have factored heavily on their decision to support the Variances before you today.

"Does this home fit the area" seems at the heart of the matter. Admittedly, it's subjective. Established so far

1. No other homes are this close to the alley, excluding one built in 1913, nearly 20 years before the alley was constructed.
2. Few homes have attached garages. Where they do exist, they're within setback requirements > 25 ft from alley or street.
3. Vehicles enter existing garages from one side via one set of doors. This plan implies 2 sets of vehicle doors, at 90 degree angles of each other.
4. There's a lot of hardscape on the lot, with approximately
 - 445 square ft in patios
 - 342 square ft in parking pad
 - 3830 square feet in walking path along East side of the house
 - **considering last two bullets, and knowing snow is not to be shoveled into the alley, where will it be removed to?**
 - ?? square ft tbd in block walls and additional concrete off the existing sidewalk at the front of the house per Site Plan

This 4617+ square ft of hardscape combined with the recent removal of greenscape from many to one tree - prominent among homes on the rest of the block - not only results in results in increased runoff pollution to the Mississippi River, but contributes again to how the home just doesn't fit in.

<https://www.capitolregionwd.org/our-water/stormwater-runoff/>

That aside, do the structural plans fit the lot? As new construction, it should be possible to build a house that does not need any variances - one is working with a clean slate, so to speak. The need for variances here really stems from the structures being too large for the lot. **Again, no other home on the block covers the lot like this; it is not in harmony with the block. To the argument that 18 sq ft is not a large area, isn't just as easy to change the site plans vs. getting the Variance?**

Specific to the variances at hand:

- *Lot Coverage-

The Variance Application shows lot coverage to be 40.2%, for a variance of 0.2% or about 18 sq ft.

While Lot Coverage Variance doesn't seem a big ask at approx 18 sq ft, please refer to prior points in "does the home fit the area". Also note other home on the block is covered from back to front of lot like this with only the front set back ordinance intact to allow for green space there. Specifically, all but one property on the block have a backyard, and this outlier is due to the alley located as it was when built nearly 20 years after the home.

*Of note, reported lot size on this project has changed 3x since BZA started weighing in on Variance requests in February 2019.

- Originally, 40x125 ft = 5000 sq ft

- Then, in August 2020, lot size became 47x (119.3 + 10 ft alley allowance) = 6077.10, and lot coverage 41.4%. The Highland neighborhood allows coverage of 40%, resulting in variance of 1.4%, or 87.8 square ft.

- Now, September 2020, after a week of work to clarify what #s were used to calculate this different lot size, only today was that offered; "that the lot is slightly wider at the front, which was measured at 47.19'. This would account for the 16.9 square foot difference between the 6,077.1 that you and your neighbors came up with and the 6,094 that was surveyed."

- Rear Yard Set Back-

Allowing a 1 ft set back from alley instead of the required 25 ft set back, thus a variance of 24 ft. Again, MB states "This request is in keeping with the neighborhood. On our block there are four other houses with attached garages, all of these, including two other homes (are) within 4-10 ft of the alley. (See attachment - Zoning Variance Application - p. 2 and Exhibit B on p. 14.)"

In fact, these two other homes are not attached at all. And of those with attached garages, all sit more than 25 ft from the alley or street, with three entered from the front/street side of the property, the others from the alley to tuck-under garages. Only one home sits within 10 ft of the alley, and it was built 19 years before the alley was built in 1932. (See Exhibit C for details, Exhibit D for photos.) As such, the data provided by the applicant to support this variance "fitting the neighborhood" is based on incorrect information.

Unfortunately these discrepancies were missed in the Variance Application and Board of Zoning Appeals (BZA) Staff Report in 2019 when variances were approved (for an *Addition*). Neighbors were prompted into action to measure/take photos after we were told correcting this incorrect information would not be guaranteed, as the City uses a subjective, drive-by process to verify the applicant's data. (The BZA Staff Report to accompany the current Variance Application has not been provided.)

In short, 1493 Highland Pkwy has been a complicated situation, seeming to exist due to a knowledgeable builder strategically navigating City policy and procedure, combined with key misses along the way by the City. Had MB approached neighbors, Highland District Council and the City earnestly and clearly on his changes along the way, we feel we could be supportive at this time-- as we were when first approached for *Addition* variances in 2019. However, he's repeatedly acted otherwise, breaking our trust in him and the system of checks and balances at the City to prevent such problems. Now the property exists as a large hole in the ground that needs remedy. While we welcome construction that fits in with the block, it does need to fit in, and not be pushed through hastily through misrepresentation and deceptive behavior.

Thank you for taking the time to consider our concerns, weigh the discrepancies why these Variances should not be approved.

Marge Isom
1477 Highland Pkwy
St. Paul, MN 55116
612/251-7441

attachements:
Petitions
letters from neighbors

neighbor info letter

email to Matt Graybar, September 18, 2020

please refer to Current Zoning Variance Application, specifically p. 2 and Exhibit B, p. 14 re:garage info;
Exhibit C - Existing Garages and Homes Clarification; Exhibit D - Photos of garages, the dig, the dig to lot
lines, the dig into alley; Exhibit E - Related Problems at 1493 Highland Pkwy

September 18, 2020

Re: Current Variance Application for 1493 Highland Pkwy
MB is applicant/owner/builder

Dear City Staff and BZA Committee ---

This letter is written on behalf of neighbors on this block of the Variance Application, on both Highland Pkwy and and Eleanor Ave.

In short, 1493 Highland Pkwy has been a complicated situation, seeming to exist due to a knowledgeable builder strategically navigating City policy and procedure, combined with key misses along the way by the City. Had MB approached neighbors, Highland District Council and the City earnestly and clearly on his changes along the the way, we feel we could be supportive at this time-- as we were when first approached for *Addition* variances in 2019. However, he's repeatedly acted otherwise, breaking our trust in him and the system of checks and balances at the City to prevent such problems. Now the property exists as a large hole in the ground that needs remedy. While we welcome construction that fits in with the block, it does need to fit in, and not be pushed through hastily through misrepresentation and deceptive behavior.

Neighbors have talked through the Variances and problems (see Exhibit E Related Problems at 1493 Highland Pkwy). **23 Neighbors that live on the block signed petitions to OPPOSE Variances 1 and 2 in MB's current Variance Application. 4 additional St. Paul neighbors also oppose. (Petitions attached.)** These were still being compiled at the time of Highland District Council meeting on the subject on September 15, 2020. It's unfortunate, as I sense this would have factored heavily ON their decision to support the Variances before you today.

Why do Neighbors oppose:

We contend the new project is not in harmony with the block as noted by

- ***Lot Coverage-**

While Lot Coverage Variance doesn't seem a big ask at approx 18 sq ft, we note no other home on the block is covered from back to front of lot like this, with only the front set back ordinance intact to allow for green space there. Specifically, all but one property on the block have a backyard, and this outlier is due to the alley located as it was when built nearly 20 years after the home.

- specifics on hardscape/lack of greenspace - with approximately

- 445 square ft in patios

- 342 square ft in parking pad

- 3830 square feet in walking path along East side of the house

- **considering last two bullets, and knowing snow is not to be shoveled into the alley, where will it be removed to?**

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This 4617+ square ft of hardscape combined with the recent removal of greenscape – prominent among homes on the rest of the block – not only results in results in increased runoff pollution to the Mississippi River, but contributes again to how the home just doesn't fit in.

<https://www.capitolregionwd.org/our-water/stormwater-runoff/>

That aside, do the structural plans fit the lot? As new construction, it should be possible to build a house that does not need any variances – one is working with a clean slate, so to speak. The need for variances here really stems from the structures being too large for the lot. **Again, no other home on the block covers the lot like this; it is not in harmony with the block. To the argument that 18 sq ft not a large area, isn't just as easy to change the site plans vs. getting the Variance?**

*Of note, reported lot size on this project has changed 3x since BZA started weighing in on Variance requests in February 2019.

Originally, 40x125 ft = 5000 sq ft

Then, in August 2020, was 47x (119.3 + 10 ft alley allowance) = 6077.10

Now, September 2020, after a week of work to clarify what #s were used to calculate this different lot size, only today was that offered: that the lot measures differently at the front than back, “that the lot is slightly wider at the front, which was measured at 47.19’. This would account for the 16.9 square foot difference between the 6,077.1 that you and your neighbors came up with and the 6,094 that was surveyed.”

- Rear Yard Set Back

Allowing a 1 ft set back from alley instead of the required 25 ft set back, thus a variance of 24 ft. Again, MB states “This request is in keeping with the neighborhood. On our block there are four other houses with attached garages, all of these, including two other homes (are) within 4-10 ft of the alley. (See attachment – Zoning Variance Application – p. 2 and Exhibit B on p. 14.)”

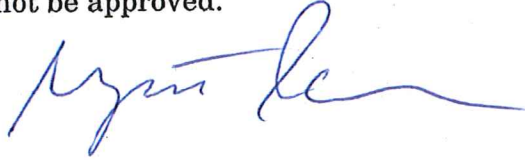
In fact, these two other homes are not attached at all. And of those with attached garages, all sit more than 25 ft from the alley or street, with three entered from the front/street side of the property, the others from the alley to tuck-under garages. Only one home sits within 10 ft of the alley, and it was built 19 years before the alley was built in 1932. (See Exhibit C for details, Exhibit D for photos.) As such, the data provided by the applicant to support this variance “fitting the neighborhood” is based on *incorrect* information.

Unfortunately these discrepancies were missed in the Variance Application and Board of Zoning Appeals (BZA) Staff Report in 2019 when variances were approved (for an

Addition). Neighbors were prompted into action to measure/take photos after we were told correcting this incorrect information would not be guaranteed, as the City uses a subjective, drive-by process to verify the applicant's data. (The BZA Staff Report to accompany the current Variance Application has not been provided.)

Thank you for taking the time to consider our concerns, weigh the discrepancies why these Variances should not be approved.

Marge Isom
1477 Highland Pkwy
St. Paul, MN 55116
612/251-7441



attachements:

Petitions

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email to Matt Graybar, September 18, 2020

please refer to Current Zoning Variance Application, specifically p. 2 and Exhibit B, p. 14 re:garage info; Exhibit C – Existing Garages and Homes Clarification; Exhibit D – Photos of garages, the dig, the dig to lot lines, the dig into alley; Exhibit E – Related Problems at 1493 Highland Pkwy

September 14, 2020

Re: Current Variance Application for 1493 Highland Pkwy

MB is applicant/owner/builder

Hello –

As you're aware, variances have been requested for new construction after a surprise tear down at 1493 Highland Parkway. Prior email notified you of upcoming Zoom meetings to address whether the variances will be granted. These meetings take place Tuesday, September 15 and Monday, September 21. **At the end of this letter, you'll find a petition. If you feel NO to the variances, please sign and email or drop in Marge's mailbox). It needs to be received by BZA on Friday, September 18, so we need to be timely.** With lives full of obligations and interests, thank you in advance for any attention you can give to this matter. Further, with abundant care for objectivity, we've waited on clarifications from the City, some still pending. Thus the delay in sharing this info with you. The variances under review are:

1. Rear Yard Set Back

Allowing a 1 ft set back from alley instead of the required 25 ft set back, thus a variance of 24 ft.

MB states "This request is in keeping with the neighborhood. On our block there are four other houses with attached garages, all of these, including two other homes (are) within 4-10 ft of the alley. (See attachment – Zoning Variance Application – p. 2 and Exhibit B on p. 14.)"

In fact, these two other homes are not attached at all. And of those with attached garages, all sit more than 25 ft from the alley or street, with three entered from the front/street side of the property, the others from the alley to tuck-under garages. Only one home sits within 10 ft of the alley, and it was built 19 years before the alley was built in 1932. (See Exhibit C for details, Exhibit D for photos.)

As such, the data provided by the applicant to support this variance "fitting the neighborhood" is based on *incorrect* information. Unfortunately these discrepancies were missed in the Variance Application and Board of Zoning Appeals (BZA) Staff Report in 2019 when variances were approved (for an *Addition*). Neighbors were prompted into action to measure/take photos after we were told correcting this incorrect information would not be guaranteed, as the City uses a subjective, drive-by process to verify the applicant's data. (The BZA Staff Report to accompany the current Variance Application has not been provided.)

2. Lot Coverage

The current Variance Application states lot coverage as 40.2%. However, on Friday, September 11, the City has corrected lot coverage to be 41.4%, with lot measured at $47 \times (119.3 + 10) = 6077.10$. The Highland neighborhood allows coverage of 40%, resulting in variance of 1.4%, or 87.8 square ft.

That said, "does this home fit the area" seems at the heart of the matter. Admittedly, it's subjective. Established so far

1. No other homes are this close to the alley, excluding one built in 1913, nearly 20 years before the alley was constructed.

2. Few homes have attached garages. Where they do exist, they're within setback requirements > 25 ft from alley or street.

3. Vehicles enter existing garages from one side via one set of doors. This plan implies 2 sets of vehicle doors, at 90 degree angles of each other.

4. There's a lot of hardscape on the lot, with approximately

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<https://www.capitolregionwd.org/our-water/stormwater-runoff/>

That aside, do the structural plans fit the lot? As new construction, it should be possible to build a house that does not need any variances – one is working with a clean slate, so to speak. The need for variances here really stems from the structures being too large for the lot.

Adding to confusion

1. There's been confusion re: lot size, including above clarification from the City that the 2019 Variance Application and supporting Board of Zoning Appeals Staff Report show incorrect numbers. At that time, BZA Staff Report recorded lot size $40 \times 125 = 5000$. In September 2020, a 3rd lot size has been provided., thus the need for ongoing City clarification. With lot coverage defined by lot size, neighbors have asked how this number is derived, = lot width by lot length, allowing half of alley width. Of note -- the most recent lot size happens to be the largest, allowing a larger build.

2. Exhibit B on p. 14 of the current Variance Application depicts birds eye view of the block. The subject property shows lush greenscape, as other properties on the block. As mentioned above, this was removed from the property in August 2020; one tree remains at the SW corner of the lot. At the time of tree removal, neighbors had not been notified of plan changes from *Addition to New Construction* by MB nor the City. In hindsight, this was the first clue the project had changed from the *Addition* plan proposed to neighbors and Highland District Council in 2019.

In sum, this has been a complicated situation, seeming to exist due to a knowledgeable builder strategically navigating City policy and procedure, combined with key misses along the way by the City. Had MB approached neighbors, Highland District Council and the City earnestly and clearly on his changes along the the way, we feel we could be supportive at this time, as we were when first approached for *Addition* variances in 2019. However, he's repeatedly acted otherwise, breaking our trust in him and the system of checks and balances at the City to prevent such problems. Now the property exists as a large hole in the ground that needs remedy. While we welcome construction that fits in with the block, it does need to fit in, and not be pushed through hastily through misrepresentation and deceptive behavior. **We therefore respectfully DO NOT support the current variances requested. We hope you can join us in petition of "No to Variances" and "Related Problems at 1493 Highland Pkwy."**

Understandably, there is varying awareness and knowledge base re: this property's issues. **Please reach out if more insight is needed to the data provided, and to share your views.** We'll be working to get back to you quickly – thanks in advance as we make time to get back to you.

Sincerely,

Marge Isom

1477 Highland Pkwy

612/251-7441

Cynthia Skally

1485 Highland Pkwy

651/338-4905

Attachments – Current Zoning Variance Application, specifically p. 2 and Exhibit B, p. 14; Exhibit C – Existing Garages and Homes Clarification; Exhibit D – Photos of garages, the dig, the dig to lot lines, the dig into alley; Exhibit E – Related Problems at 1493 Highland Pkwy

Me <marge@grophy.com>
Fri, 18 Sep 2020 12:56:10 PM -0500

"Graybar, Matthew (CI-StPaul)" <Matthew.Graybar@ci.stpaul.mn.us>

"Yaya Diatta" <yaya.diatta@ci.stpaul.mn.us>

"jon and marge isom" <otto@grophy.com>

Thanks --- while I understand the limits Covid puts on this process, does that mean City is doing business on Sunday's? In other words, why wouldn't it be dated Monday, Aug 31?

I find this notable when City asks to understand this project took over 2 weeks to clarify w/ Highland District Council per neighbor request. The vacuum of info resulted in neighbors moving ahead on their own to get answers. With multiple calls initiated by a number of neighbors starting August 25, the issues started to get addressed, but still there have been numerous delays in a regular work week to obtain info. Examples include initial contact to you re: "what are the Variances in question?". We spoke Monday, Aug 31, but nothing was received til Friday, Sept 4. With the Variance Application already in hand at the City, why the delay? There are other examples, incl asks for the specific #s that make up the new lot size, starting Monday September 14, without clarification until today, the 18th. This just hasn't made sense.

Respectfully,
Marge

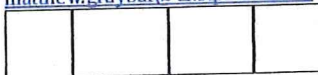
---- On Fri, 18 Sep 2020 08:15:35 -0500 Graybar, Matthew (CI-StPaul) <Matthew.Graybar@ci.stpaul.mn.us> wrote ----

Good Morning Marge,
You can drop it off at our office: 375 Jackson St., Suite 220.

As for the lot size question in your subsequent email this morning, the attached survey shows that the lot is slightly wider at the front, which was measured at 47.19'. This would account for the 16.9 square foot difference between the 6,077.1 that you and your neighbors came up with and the 6,094 that was surveyed.

Respectfully,

Matthew Graybar
Zoning Inspector III
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
P: 651-266-9080
F: 651-266-9009
matthew.graybar@ci.stpaul.mn.us



Making Saint Paul the Most Livable City in America

DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.

DSI's Vision: To be the leader in creating the safest, healthiest, most livable, and vibrant city in America.

Think Green - please do not print this email unless necessary

Need assistance resolving a property issue with a resident or landlord?

Call the **Dispute Resolution Center**: <http://disputeresolutioncenter.org/> 651-292-7791

There is FREE PARKING at our office located at **375 Jackson Street**. Just tell the guard you're here for an appointment!

From: Margaret Isom <marge@grophy.com>

Sent: Friday, September 18, 2020 7:44 AM

To: Graybar, Matthew (CI-StPaul) <Matthew.Graybar@ci.stpaul.mn.us>

Subject: re: public comment re: 9/21 BZA hearing 1493 Highland

Think Before You Click: This email originated **outside** our organization.

Good morning -- I have a public comment packet to deliver re: this meeting that unfortunately I don't think I'll be able to send electronically.

I see on the Public Hearing Notice that you are the contact, to deliver by 2pm 9/18, which is today. Where should I bring it?

Thank you - Marge
612/251-7441

=====
Forwarded message
=====

From: Kathy <kathy@highlanddistrictcouncil.org>

To: "CDC" <cdc@highlanddistrictcouncil.org>

Date: Tue, 15 Sep 2020 14:10:07 -0500

Subject: Fwd: Staff Report 1493 Highland

=====
Forwarded message
=====

CDC,

Below is an explanation of the lot coverage variance for the property at 1493 Highland Parkway. This is from City staff and is meant to clear up any confusion.

Thank you

Kathy

Kathy Carruth

Executive Director

Highland District Council

651.695.4005

Kathy@highlanddistrictcouncil.org

www.highlanddistrictcouncil.org

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From: Graybar, Matthew (CI-StPaul) <Matthew.Graybar@ci.stpaul.mn.us>

Sent: Tuesday, September 15, 2020 1:52 PM

To: Kathy

Cc: Diatta, YaYa (CI-StPaul)

Subject: RE: Staff Report 1493 Highland

Good Afternoon Kathy,

Unfortunately, as Yaya stated yesterday in his voicemail he left you, we cannot send the staff report out to district councils until the board members get it first. We are hoping to send out the packets to the board members late Wednesday or early Thursday this week. I'm sorry it won't be ready for your meeting tonight.

I believe you were looking for a breakdown of everything that went into the determination of the 0.2% lot coverage variance request, right? If so, I listed it below for your reference.

The lot size (including 1/2 of the alley): 6,094 sf.
40% of the lot (buildable area): 2,437.6 sf.
Size of the house w/attached garage: 2,455.4 sf.
Difference: 17.8 sf.
Total lot coverage: 40.2% (2,455.4/6,094)

Is this what you were looking for? If not, please let me know and I will gladly get the information you're looking for.

Thank you for your time and patience with this case.
Respectfully,

Matthew Graybar
Zoning Inspector III
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
P: 651-266-9080
F: 651-266-9009
matthew.graybar@ci.stpaul.mn.us

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
As referred to information in document above
September 14, 2020

| Name | Address | Phone |
|------|---------|-------|
|------|---------|-------|

No to variance 1

No to variance 2

No to both variances 1 and 2

| | | |
|-----------------|--|--------------|
| James V Webster | 951 May St (owner of 1460 Eleanor Ave.) | 612 597 4607 |
|-----------------|--|--------------|

| | | |
|------------|---------------------|--------------|
| Paul Scowb | 1470 Eleanor Avenue | 651-207-5144 |
|------------|---------------------|--------------|

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

Other comments

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
As referred to information in document above
September 14, 2020

Name Address Phone

No to variance 1

No to variance 2

No to both variances 1 and 2

| | | |
|------------------|---------------------|----------------|
| NIELS K. BILLUND | 1456 ELEANOR AVENUE | (612) 306-7515 |
| ANNE T. STRINGS | 1456 ELEANOR AVENUE | (651) 278-5057 |
| Shannon Scanlon | 1470 ELEANOR AVE | 451-528-0265 |

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

NIELS K. BILLUND

ANNE T. STRINGS
Shannon Scanlon

Other comments

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
As referred to information in document above
September 14, 2020

| Name | Address | Phone |
|------------------|---------|-------|
| No to variance 1 | | |

No to variance 2

No to both variances 1 and 2

Adam Bliss *AGP*

1524 Eleanor Ave 651-263-7771

Amrpre Sharma

1508 Eleanor Ave. 651-307-3388

Sarah Dufano

1508 " " 952 994 6554

Steve Dufano (STEVE DUFANO)

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

Other comments

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
As referred to information in document above
September 14, 2020

| Name | Address | Phone |
|------|---------|-------|
|------|---------|-------|

No to variance 1

No to variance 2

No to both variances 1 and 2

| | | |
|---------------------|--------------------|----------------|
| Chris & Jenny Malek | 1482 Eleanor Ave | (651) 698-1368 |
| Patricia Wade | 1512 Eleanor Ave. | (651) 329-5195 |
| Pat R. Walker | 1477 HIGHLAND PKWY | 651 399-1661 |

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

Patricia Wade (see above)

Other comments

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116

As referred to information in document above

September 14, 2020

| | Name | Address | Phone |
|------------------------------|---|--|------------------------------|
| No to variance 1 | <i>Paul Omet</i> <i>Ave Omet</i> | 1509 HIGHLAND | 651-699-7559 |
| No to variance 2 | <i>Paul Omet</i> <i>Ave Omet</i> | 11 | 11 |
| No to both variances 1 and 2 | <i>Paras kumar</i> <i>Cynthia Skaely</i> | 1518 Eleanor Ave 1485 Highland Pkwy | 763 221 9116 651-338-4905 |

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

Other comments

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
As referred to information in document above
September 14, 2020

Name

Address

Phone

No to variance 1

No to variance 2

No to both variances 1 and 2

Amy E. Huerta
 1501 Highland Parkway
 St. Paul, MN 55116

651-329-9249

AS

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

Amy E. Huerta
 1501 Highland Parkway
 St. Paul, MN 55116

651-329-9249

AS

Other comments

~~JAMES BATES~~
 Amy Bates
 JAMES BATES

1465 Highland Pkwy

St Paul MN 55116

651-699-4041

JANILE BATES
 Janice Bates



PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
As referred to information in document above
September 14, 2020

| Name | Address | Phone |
|------|---------|-------|
|------|---------|-------|

No to variance 1

No to variance 2

No to both variances 1 and 2

Katherine Bliss 1524 Eleanor 651-263-9954
Katherine Bliss
Kate Hanley 1521 Highland Pkwy 952-220-6574
K.W. Hanley

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

Katherine Bliss 1524 Eleanor 651-263-9956
K.W. Hanley 1521 Highland Pkwy 952-220-6574

Other comments

PETITION re: 1493 Highland Pkwy St. Paul, MN 55116
 As referred to information in document above
 September 14, 2020

| Name | Address | Phone |
|------|---------|-------|
|------|---------|-------|

No to variance 1

No to variance 2

No to both variances 1 and 2

| | | |
|---------------------------------------|--------------------------------------|--------------|
| MARGARET ISOM <i>Margaret Isom</i> | 1477 Highland Pkwy St Paul, 55116 | 612-251-7441 |
| <i>Jan Isom</i> | 1477 Highland Pkwy St Paul 55116 | 651 690 2228 |

Agree city officials should meet with neighbors on regular basis for resolution of related issues (Exhibit E), to be practiced on city wide scale.

| | | |
|--|--------------------|-------------------------------|
| <i>MARGARET ISOM</i> <i>Margaret Isom</i> | 1477 Highland Pkwy | St Paul 55116 612-251-7441 |
| <i>Jan Isom</i> <i>Jan Isom</i> | 1477 Highland Pkwy | St Paul 55116 651 690 2228 |

Other comments

On Mon, 14 Sep 2020 19:59:18 -0500 Sherri Quinn wrote ----

Hi Marge.

Please add me to the NOs. I am happy to join you and support this.

You can add me as

Sherri Quinn

1315 Hartford Ave

612-819-2213

as I'm on my phone and cannot add myself.

Thanks for the information.

Sherri Quinn

Sent from my iPhone

September 14, 2020

No to variance 1

Name

Address

Phone

No to variance 2

No to both variances 1 and 2

651-710-0257

Jamisse Roush 1405 Edgemoor Rd, St Paul, MN 55116

Jonathan Roush 1405 Edgemoor Rd, St Paul, MN 55116

City officials should meet with neighbors on regular basis for resolution of related 651-660-0337 issues (Exhibit E), to be practiced on city wide scale.

Cynthia Skally

1485 Highland Pkwy

651/338-4905

Attachments – Zoning Variance Application, specifically p. 2 and Exhibit B, p. 14;
Exhibit C – Existing Garages and Homes Clarification; Exhibit D – Photos of garages,
the dig, the dig to lot lines, the dig into alley; Exhibit E – Related Problems at 1493
Highland Pkwy

1493 HIGHLAND PKWY, PAID FOR SECTION

As referred to information in document above
September 14, 2020

Name Address Phone

No to variance 1

No to variance 2

No to both variances 1 and 2



John Torres 407 Duke Street

651/785-3339

City officials should meet with neighbors on regular basis for resolution of related issues
(Exhibit E), to be practiced on city wide scale.

Exhibit C

Existing Garages – Clarification

| Address | Garage distance | Attached | Garage type |
|--------------------|--|-----------------|--------------------|
| 1477 Highland Pkwy | On alley | No | |
| 1485 Highland Pkwy | On alley | No | |
| 1465 Highland Pkwy | 50 ft from street | Yes | At front |
| 1512 Eleanor | 68 ft from alley | Yes | Tuck under at back |
| 1508 Eleanor | 40 ft from alley | Yes | Tuck under at back |
| 1500 Eleanor | 56 ft from street | Yes | At front |
| 1460 Eleanor | 28 ft from street, 17 ft to alley (though this is to side of garage, not door entry) | Yes | At front |

Existing Homes – Clarification

1. 1477 Highland Pkwy was built 1913, home is 9 ft from the alley and garage sits just off alley;
1485 Highland, built in 1910, home is 21 ft from alley and garage sits just off the alley. Both homes were built _____ years before alley was created. Homeowners have the paperwork to show how these existing garages sites were ok'd by the city.
2. All other homes on the block are set back well beyond 25 ft of the alley or street, not as presented in current Variance Application.
3. Two attached garages in graph above were not accounted for in current Variance Application.

Exhibit E

Related Problems at 1493 Highland Pkwy

- Property encroachment and damage

@1485 Highland Pkwy

Dug up to the lot line. Stability concerns at edge of lot resulted calls in metal support panel installation. Tree roots were exposed, and the owner is concerned that damage that will effect their longevity. There are eight mature trees. Time will tell.

@1501 Highland Pkwy – refer to letter from Amy Huerta, dated September 17, 2020 for specifics. In short, the dig went up to the lot line resulting in significant concerns of property encroachment, stability, etc.

- Significant damage to alley – cracks, rolling dips, concavity. We're concerned how the snow plow will be effective, as well as increased damage thru Minnesota's freeze/thaw cycle. Tgere's been a small amount of patching since this has been reported, but problems exist far beyond that quick fix.

- Missing permits and process for a new build, resulting in near "stop order" per DSI. It seemed resolved when MB procured legal documents to assume full risk for continued build without variances, etc.. in place. (There was attempt to confirm this with Dave Tank, Building Inspector, as he was the communicator on this. He however was out of the office September 17, and no other respresentative was able to secure the documentation.)

- Repeated misrepresentation by MB:

- "(this property) was always a teardown"
 - despite 2019 Variance Application and Highland District Council meeting notes showing *Addition*.
 - despite presented to neighbors as *Addition*, explicitly not a teardown when garnering support in 2019.
- "(I) did not mean to say those are attached garages" in depiction of current garages on the block in Variance Application-- see Exhibit C
- Missing permits and process with City policy and procedure not followed when scope of project changed from *Addition* to *Tear Down*, leading to Building Permit granted and demolition done without appropriate variances and permits. In fact, demo permit for garage wasn't issued until 2 weeks after it's removal.
- Neighbors notified of plan change to tear down and new construction by flyer drop less than 1 week before tear down started, with *New Construction* and build plans not easily discerned. (Never notified by City.)

Exhibit E - Related Problems at 1493 Highland Pkwy

- Property encroachment and damage

@1485 Highland Pkwy

Dug up to the lot line. Stability concerns at edge of lot resulted calls in metal support panel installation. Her tree roots were exposed, and she's concerned about damage that will effect their longevity. There are eight trees. Time will tell.

@1501 Highland Pkwy – details pending, but also was dug up to the lot line resulting in significant concerns.

- Significant damage to alley – cracks, rolling dips, concavity. We're concerned how the snow plow will be effective, as well as increased damage thru Minnesota's freeze/thaw cycle.

- Missing permits

- Poor neighbor notification

- Repeated misrepresentations by MB:

- “(this property) was always a teardown”
 - despite 2019 Variance Application and Highland District Council meeting notes showing *addition*.
 - despite presented to neighbors as *addition*, explicitly not a teardown when garnering neighbor support in 2019.
- “did not mean to put attached garage” in Variance Applications-- see Exhibit C
- City policy and procedure not followed when scope of project changed from *addition* to tear down, leading to Building Permit granted and demolition done missing appropriate variances and permits. In fact, demo permit for garage wasn't issued until 2 weeks after it's removal.
- Neighbors notified of plan change by flyer drop less than 1 week before tear down started. (Never notified by city.)

Exhibit F
Neighbor Letters

From Katherine Bliss

14. sep. 2020

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

Thanks all,

Katie Bliss

1524 Eleanor Ave - ON THE BLOCK

From: Niels Billund

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

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

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

RESIDENT ON THE BLOCK

From: Margaret Isom

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

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

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

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

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

RESIDENT ON THE BLOCK

NEIGHBOR LETTERS

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

Hi Marge,

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

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

In gratitude,
Katie

RESIDENT ON THE BLOCK

From: Margaret Isom
On Tue, Sep 15, 2020 at 10:25 PM

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

RESIDENT ON THE BLOCK

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

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

Hello. I wanted to share a perspective from a newer community member who also identifies as having a family in marginalized demographics in this area, single parent Latina / Hispanic family. I am not new to SP, in fact born and raised here, only new to owning my home next to the property recently demolished. During this pandemic I have needed to continue to go to my office and manage a major crisis for our community and I have had to do it while children were out of school and do it absolutely alone with no other parent. I have watched so many people on the neighborhood pages try to be nice white people and talk about racial and demographic injustices while they sit safely at home and shame so many others and my experience was no different on Tuesday. What I witnessed and experienced was marginalization and lack of respect to those living next to the property discussed. What I experienced was lack of good process for comment from those impacted and a shut down of the concerns and a hyper focus on the needs of the builder. And then I experienced the builder use white supremacist's tactics to gaslight those asking questions and women who have raised concerns, two women who are single home owners who spend our hard worked time and money to keep our homes nice and engage in community. I was angered and appalled and why I needed to share at the end we need to be able to speak our truths and share in an open forum and feel heard and while it may seem unclear where balls were dropped in respect and communication, there is clear need for accountability for any neighbor to respect and communicate. I watched my property get destroyed in this demo. Encroachment and land cracking and my tree roots cut. I had to tell the crew more than once to not park behind my property or store equipment on my property and once even backed into a trailer parked behind my garage. The encroachment was not disagreed by the builder but instead of being transparent and having integrity and coming to me to resolve he waited for me to and that is bothersome and a sense of entitlement I cannot and will not accept as a single parent raising Latina daughters in a society where white men feel they own everything. I share this because you have much to learn as area leaders and need to start listening to more diverse perspectives and hear the impact of decisions regardless of the law or policy. Those things can and should be changed to have a DEI lens. The builder and I have met and spoken and I am holding him accountable for the damage and encroachment and I trust he will do the right thing and I want to move to have a good relationship with him and his family and I am ok there, but I was not ok with the tone and language used and this organizations ok for that. As for the variances, I find city zoning pretty unaware and archaic but I find the process of communication and community one to need a harsh nudge. I too chair city committees and if I had allowed the one seemingly in power to behave that way I would ask myself that night if my position was time for an end. If you like specific example of how this was seen and experienced I am happy to share. One cannot state you care about DEI and want things to change when things are handled this way. I hope there is consideration of this as you move forward. Highland is more diverse than often spoken about and we are at a critical time now when being heard and transparency and respect need to be priority because we can and will get more accomplished this way. Thank you.

PRESIDENT ON THE BLOCK

September 17, 2020

To whom it may concern,

I wish to share my feelings on what I saw transpire at the Tuesday, September 15th Highland District Council meeting. Specifically, I wish to address the matter of the debate concerning a request for a variance for 1493 Highland Avenue.

Let me begin by sharing I am a resident of St. Paul and a homeowner here since 2003. My roots in St. Paul go back to those that laid the railroad here. My grandfather was a successful builder for over five decades building everything from office parks to large subdivisions. He also managed many of his properties, and I had the privilege to work for him as my first job during my youth. On many occasions I watched his interaction with both the public, his tenants, and local officials. He prided himself on being a good neighbor to those with whom his work dealt. Sadly, what I witnessed at the district council meeting this past Tuesday evening was in stark contrast to anything I saw while in my grandfather's employ.

Before District Councilwoman Isom could adequately share her concerns about events and implications of work done at 1493 Highland Avenue of late and the requested variance, she was immediately talked over by Mr. Buelow. As she attempted a second time to speak her piece, she was interrupted again, this time by a cacophony of incredulity from Mr. Buelow with claims of personal attacks. If Mr. Buelow wanted transparency on the issue, it begs the question why did he not want District Councilwoman Isom to speak. People who have the facts on their side do not need to resort to these types of tactics. Mr. Buelow was also lacking when it came to evidence to back up many of his claims instead stating he did not have the documentation in front of him. Tuesday evening's meeting was not a surprise, so why was Mr. Buelow not prepared? If one felt that he or she was unfairly being attacked, wouldn't one make an extra effort to attend the meeting with supporting documentation? Also, contrary to Mr. Buelow claim that there are but a small number of individuals opposed to what is transpiring at 1493 Highland Parkway, the number of people who signed a petition in opposition proves otherwise.

Also disconcerting was the difference in treatment afforded to District Councilwoman Isom and Mr. Buelow. Mr. Buelow repeatedly interrupted District Councilwoman Isom with little to nothing in the way of admonishment as well as when he referred to those who were there to air their grievances about what has been transpiring at 1493 Highland Avenue using the derogatory term "NIMBYs" (Not In My Backyard). Yet when District Councilwoman Isom tried to respond to Mr. Buelow's accusations, she was told at least twice to "shush" by a fellow district councilperson. Frankly, I came out of Tuesday's night's district council meeting feeling like the decision on the topic was pre-ordained and that any semblance of legitimate debate was simply a formality.

I have seen the information District Councilwoman Isom and others on the block have produced concerning the variance and its impact on those living there. In my opinion, it deserved serious consideration. It is therefore a pity that I saw little in the way of substantive discussion permitted on the matter at the district council meeting this past Tuesday evening.

Respectfully,



John Torres
St. Paul Resident

Graybar, Matthew (CI-StPaul)

From: Kathy <kathy@highlanddistrictcouncil.org>
Sent: Monday, September 21, 2020 2:19 PM
To: Graybar, Matthew (CI-StPaul)
Cc: michelle.j.doyle@gmail.com
Subject: Comments from HDC -with regard to Neighborhood Feedback

Think Before You Click: This email originated outside our organization.

Matt,

I am not sure if you still have time to share the email below with the BZA. This HDC email, is a response to a neighbor that was missed for comment at the HDC Development meeting last Tuesday. The HDC would like to go on record with the BZA that we are not trying to exclude anyone from commenting on a project, ever! I will not be able to attend the hearing today, I sent the HDC resolution last week and the email below will offer some explanation as to why the neighbor was missed and why the Committee supported this project.

Thank you for the message and for attending the HDC's Community Development Committee (CDC) meeting. I copied the HDC Executive Committee on this email.

We appreciate hearing from all community members, particularly from those most affected by a project like you are. I'm sorry you were not called on earlier in the meeting to ask a question or make a comment. Our volunteer committee members are used to meeting in-person and are still learning the skill of effectively managing online meetings. We did start the meeting with instructions on how to be called on, but clearly need to work on having our facilitators consistently reviewing the Zoom participant window for raised hands and the comments window for questions/comments.

I do understand and regret that the change of scope and construction of this project have been harmful to you and your property. The Community Development Committee(CDC) is intended to provide a forum for residents to discuss issues and have conversations about developments throughout the entire neighborhood. The city trains district councils to consider variances narrowly and to provide feedback in the context of the seven findings of the Board of Zoning Appeals (BZA). The committee must consider the facts in front of them as it pertains to the specific variance requests because judging an applicant or community member's attitude, intent, or other subjective qualities could invite bias. It's also important for the CDC to be fair and consistent in its consideration of variance requests. Historically the committee has supported variances of such small degrees, especially when it allows the property to be adapted to senior living or for people with disabilities. We strive to make Highland accommodating to people of all ages, backgrounds, and abilities.

Thank you again for sharing your feedback. I'm glad that you've made your home in Highland and hope that we can better serve you in the future. I would be happy to set up a meeting or discuss further when you have time.

Thank you,

Kathy

Kathy Carruth
Executive Director
Highland District Council
651.695.4005

Kathy@highlanddistrictcouncil.org

www.highlanddistrictcouncil.org

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