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SENT VIA EMAIL: Contact-Council@ci.stpaul.mn.us CC: CouncilHearing@ci.stpaul.mn.us, chris.tolbert@ci.stpaul.mn.us.

October 26, 2020

RE: Public comment concerning 1493 Highland Pkwy. Hearing scheduled for October 28th, 2020 at 3:30pm. File# 20-080854 (ABZA 20-6).

Dear Members of the St. Paul City Council:

I write to you again as a concerned citizen of our fare city. An appeal to a Board of Zoning Appeals (BZA) decision is being brought before you concerning work being done in constructing a home at 1493 Highland Parkway. It is the second time this matter will have been brought before you this month following issues getting public comments submitted before the deadline into the record in time for them to realistically be considered by the Council. It is important for these comments and other submissions in opposition to the appeal by the developer (also the owner and architect) concerning the property in question.

It is extremely fortuitous that the matter was tabled following the October 21st hearing, as much of what I saw related by Board of Zoning employee Matthew Graybar in the video at the hearing could not have been further from the truth. The continued presentation of false information, now by a city employee, illustrates just how the inaccurate submissions by the developer of 1493 Highland continue to obfuscate hard truths about ongoing development there; some are so egregious as to eliminate any doubt in my mind that the differences between what he has submitted and reality are so far apart as to not be an oversight. If you take the time to carefully review the documents submitted by the twenty-seven or more residents who stand opposed to the appeal and don't take them at face value, I firmly believe you, too, will arrive at the same conclusion as I which is that changes being proposed clash considerably with surrounding properties and that many details in the submissions are not accurate and were not submitted in good faith.

Rather than repeating just some of the impact to neighbors both since construction began and by planned changes, which were mentioned in my written statement dated October 19th (submitted on October 20th), I want to draw your attention to the many inaccuracies, in bold, presented to you on October 21st:

1. **Two detached garages on the block were stated as attached.** They garages mentioned are in fact six feet or more away from corresponding residence and, thus, detached per city code.
2. **Existence of four attached garages stated to have a set back similar to the one proposed to be built at 1493 Highland of one foot off the alley.** Again, this statement is false. Please see documents submitted by others for actual distances.
3. **Many of the garages on the block were stated to sit close to the alley.** This statement is not a fair description of the truth, as the garages are detached and have a backyard so as not to cover the lot front-to-back like the proposed construction at 1493 Highland Parkway.

4. **Many homes sit close to the alley.** Again, this statement is false. Only two homes sit close to the alley and that is due to them predating the existence of the alley by many years. Furthermore, these are the same two homes referenced above (in point one) that, per city code, are in fact considered detached.
5. **When asked about petitions opposing the variances, the city employee stated “a few were from the block but many were not.”** Again, this statement is untrue. Among the twenty-seven petitions opposing the variance, twenty-two are from the block with one more petitioner just one block away from the property in question. The remaining four petitioners either reside within close proximity in the neighborhood and/or are St. Paul residents that have witnessed similar developments in the past and the resulting negative impact when development begins to stray from the character of the block and neighborhood.

Besides the aforementioned false information, I feel I would be remiss if not to highlight at least just a few of the larger reasons why the appeal should be denied:

1. As per BZA finding #6 denying the variances, no homes/garages cover the lot front to back, with no backyard, and severely limited front and side yards. As such, the proposed construction does not fit with character of the block.
2. Repeated impropriety by the owner/builder/architect and city regarding both a) measurable, objective data for garages, homes and existing set backs on the block and b) again, 23 of 27 petitions come from home owners on the block who do not support the variances. As stated above, city staff reported the opposite.
3. Building and zoning code exists for good reason. Instead, the property has been made a blank slate. Given that 2019 addition plus garage variances for the property with lesser lot coverage were fitting for the owner/builder/architect prior, why the vast changes now? Building permit was granted based on addition variances -- to attach the existing garage and do minor build out — but teardown and new construction was started instead. It only stopped when higher up city officials were made aware of change in scope of project.
4. The owner/builder/architect has enjoyed repeated privilege with steps bypassed, including unpaid appeal fees with the city, resulting in inequitable practices overall.

Again, I strongly urge you to deny the appeal. If you thoroughly scrutinize related documentation and submissions concerning the matter you are receiving from the more than two dozen residents opposed to what is transpiring at the property in question, I firmly believe you will come to two conclusions. First, the requested variance would result in construction that stands to both clash with the long-existing character of the block and neighborhood and risks putting in motion precedent that will undermine many aspects of what we are fortunate to enjoy in our city. Second, the appeal applicant has not been operating in good faith in presenting desired changes at the location for some time. I beg that you put yourself in the position of almost all of those voicing opposition who reside on the block and then ask yourself how you would wish the city to act were you to live on this block. Alternatively, consider that if the city does not draw a line in the sand here, what is to stop something similar from happening on your own block one day.

I thank you for your consideration.

Respectfully



John Torres

Resident of St. Paul