From:	Terry Fisher
To:	Terry Fisher; *CI-StPaul_Contact-Council; CouncilHearing (CI-StPaul)
Subject:	Appeal File 24-092718
Date:	Tuesday, December 10, 2024 9:06:12 AM
Attachments:	West Grand Zoning Study - Neighborhood Planning Committee memorandum to Planning Commission re recommendations_20130528101829194 4.pdf

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I am writing to voice my opposition to the appeal of the denial for 2 variance requests by Reuben Benegas of Benegas Properties LLC. They were denied variance requests for the following:

1. Zoning limit for height from 40ft to 50ft.
2. Zoning code limit to the floor area ratio from 2.25 to 2.27.

I am writing because I believe these variance requests were denied for good reasons. I have attached a copy of a study done by the Neighborhood Planning Committee-West Grand Avenue Zoning Study(May 14, 2013) as I feel many of the findings directly apply to this project. This study found:
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Building height was identified in public testimony as a major concern, particularly for single-family residents directly across an alley from RM2 lots, and District 14 suggested further height reduction. Based on public testimony and Comprehensive Plan goals, the Neighborhood Planning Committee concluded that the number of units is less important than building height and mass in regard to the relationship between Grand Avenue apartments and adjacent single-family residential lots. One person spoke in opposition to the recommended changes to RM2 density and dimensional standards. One individual spoke in opposition to the proposed commercial node rezonings.

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Public hearing testimony identified building height as a major concern of neighborhood residents, particularly on RM2 lots directly across an alley from single-family residential. Testimony from a number of individual residents as well as the Macalester Groveland Community Council specifically stated that maximum allowed heights should be further reduced (relative to the study's recommendation).

additionally:

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Based on this analysis, the Neighborhood Planning Committee recommends modifying the proposed zoning text amendments to reduce maximum building height to four stories/40 feet. While zoning along Grand has always allowed taller buildings (RM2 currently permits 5 stories / 50 feet, and zoning prior to 1975 allowed even taller buildings), a 4 story/40 foot maximum height would be consistent with the 3 and 3½ story apartment buildings that are common along Grand Avenue, and consistent with the 40 foot maximum height allowed in RT1 two-family, RT2 townhouse, and RM1 multiple-family districts.

As it relates to the original variance request:

1. *The variance is in harmony with the general purposes and intent of the zoning code.* The code is for 40ft max and the variance request is for 50ft. I hope that the height code is put in place to protect property owners that will be impacted by exceeding these limits. I see the zoning code as something to protect my interests as a property owner next to this proposed development. This building will be much taller than 50 feet at the alley because of the slope of the property.

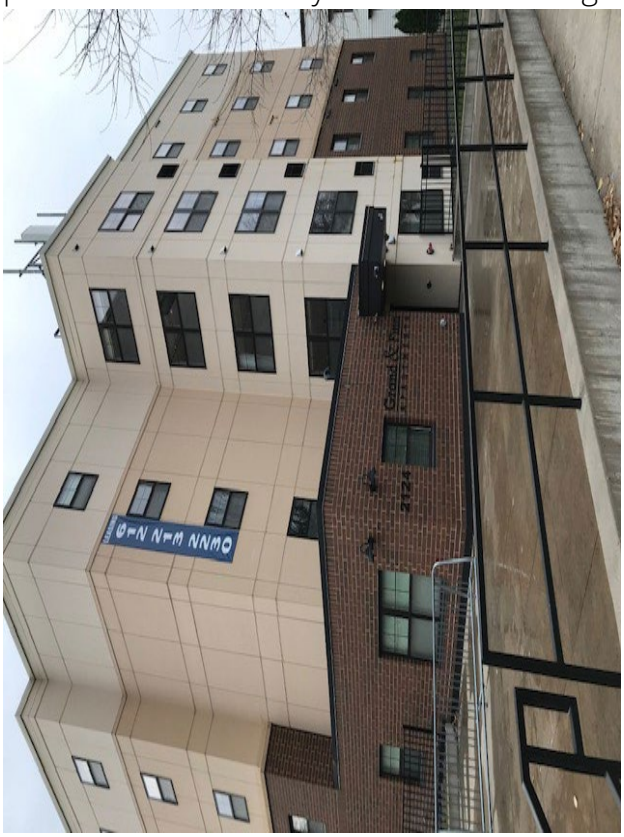
2. • *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* Benegas Properties did not establish any practical difficulties that would necessitate the variance request. He stated during the Macalester Groveland Community Council Housing and Land Use Committee meeting that they were trying to maximize the number of units that could be built, in addition to having 2 levels of parking. During the Board of Zoning Appeals meeting, Benegas Properties stated that they had started the project with a 40 foot design. This building could be built under current zoning regulations. If approved, this variance will create a practical difficulty for my family as we will see significantly less sunlight on our property as a result of the building height and the shadow that it will cast. I will not have the ability to put solar panels on my garage roof as it will be in perpetual shade.

3. • *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This property is not unique. The choice to go to a 50 foot high building was made by Benegas Properties LLC and they did not state any practical difficulties that require a building height of 50 feet.

4. • The variance will not alter the essential character of the surrounding area. In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in the third bullet point above. I feel that this structure will significantly alter the charter of the surrounding area.
There are approximately 67 apartment buildings between Snelling Avenue and Cretin Avenue (my best count walking the street).
24- 2 story buildings
28- 2 1/2 Story buildings
3- 3 story buildings
9- 3 1/2 story buildings
2- 4 story buildings
1 -5 story building (2124 Grand Ave).
I was actually surprised by the number as most of the buildings do blend into the character of Grand Avenue. The 4 buildings are much more prominent and the 5 story building dominates the block visually. I understand the need for more housing in St. Paul. Four story structures are not outside the character of West Grand Avenue, however, 5 story buildings do not fit into the character at all given the mass and height of the structure.

I have attached photos of 3 properties:

1. 2124 Grand Avenue: This is a 5 story structure from front to back and is visually massive. This building is mentioned in the West Grand Avenue Zoning Study and I assume was under construction when the study was done. I am also assuming that the Zoning height reduction (to 40 feet), was put in place after this structure was completed. The building was completed in 2013.
One important note, this structure is actually set back from the alley about 32.5 feet (I measured this with a tape measure). This setback made a big difference in the rear of the building. Also it is on a flat lot. The proposed building at 1963 Grand will only have a 10 foot setback and will slop down from Grand Avenue. The rear of the building will be well over 5 1/2 stories high and in very close proximity to the alley. I walked behind many of the new 4 story buildings and every building I walked behind had very large setbacks. This makes a huge difference to those property owners on the alley side of the structure. A good example of this is 2094 Grand Ave (I added a photo of the rear-Gray and white building.



2. 1967 Grand Avenue: This building is to the West of the proposed building site at 1963 Grand. It is a 3 1/2 story building on Grand Avenue. It is almost 5 stories high in the alley. This building is much narrower than the proposed building (less mass) and it is also set back by a full garage depth. I was unable to measure this setback, however, it appeared to have a setback from the alley of approximately 20 feet.

3. The last photo is the back of 2094 Grand Avenue. A very large setback makes the building less imposing.

The mass, height, and close proximity to they alley of the proposed building at 1963 Grand will:

1. Dominate the landscape. A 10 foot setback for this structure is not enough.
2. Create a hardship for me as a property owner as I will likely not spend time in my backyard. I also feel a 50 foot structure (much higher at the alley), will impact my properties value in a negative manner.
3. Significantly alter the character of Grand Avenue in my opinion.

In summary, I am writing in strong opposition to the appeal of the decision by the Board of Zoning Appeals to deny the 2 variances requested by Benegas Properties LLC. File #24-092718

As a long time and proud citizen of St. Paul, I have always adhered to the St. Paul Zoning regulations. I am hopeful that the Zoning regulations will also protect my

interests as a property owner in St. Paul.

Thank you for your time and consideration,

Terry Fisher
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