GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
OCTOBER 28, 2024

BOARD MEMBERS PRESENT	STAFF PRESENT	
Daniel Miller	David Eide	DSI
Megan Dayton	Yaya Diatta	DSI (Via tel.)
Brian Martinson	Maxine Linston	DSI
Marilyn Porter	Ayesha Khan	City Attorney
Chris Schweitzer		

ABSENT BOARD MEMBERS: Jerome Benner II, Robert Clarksen

APPROVAL OF MINUTES for September 30, 2024:

Moved By: Martinson / Second By: Schweitzer, Approved 4-0

APPROVAL OF RESOLUTIONS: 1403 Montreal Avenue (24-077373)

Moved By: Dayton / Second By: Martinson, Approved 4-0

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
24-087265	597 Summit Avenue – Thomas Knoll	Dayton	Schweitzer	4-0	Approved
24-086468	1022 Orchard Avenue – Kevin Dahm	Schweitzer	Martinson	4-1	Denied
24-083786	530 Wheeler Street North- YMCA of the North c/o Brian Kirk	Martinson	Schweitzer	5-0	Approved with conditions
24-086457	1963 Grand Ave – Benegas Properties, LLC (Ruben A Benegas)	Porter	Dayton	4-1	Denied

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Dec 10, 2024 14:04 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Dec 10, 2024 12:20 CST)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
OCTOBER 28, 2024

***PRESENT*:** Members of Board of Zoning Appeals: Mr. Miller, Ms. Dayton, Ms. Porter, Mr. Martinson, Mr. Schweitzer

Department of Safety and Inspections: Mr. Eide, Mr. Diatta, Ms. Linston

Legal: City Attorney Ayesha Khan

***ABSENT*:** Mr. Benner II, Mr. Clarksen

The meeting was chaired by Daniel Miller and began at 3:00 p.m.

Mr. Miller- Good afternoon and welcome to the Board of Zoning Appeals. Our purpose is to review and decide upon request for zoning code variances, administrative reviews, and requests to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we ask that you start your remarks by giving your name and address. Staff will first show slides of the site, a presentation of findings and discussion will follow. I will then call on the applicant, then those in favor, and then those opposed. At that point, the board may call back the applicant in case we have additional questions. I will then close the public portion of the hearing and the board will vote to approve or deny the request. The board's vote is final unless appealed to the city council within 10 days. We will take the cases in the order they appear on the agenda. 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 three minutes each. Please be mindful of this. If you have submitted a letter or email, a reminder that there is no need to read those documents as they are already part of the public record. Please provide your key points without repeating ideas presented by previous speakers. Present today from the Department of Safety and Inspections are David Eide, joining remotely Yaya Diatta, our legal counsel is Ayesha Khan and our secretary is Maxine Linston. My name is Daniel Miller. I'm chair of the board. Before moving on to our first order of business I'll ask the secretary to call role of those board members in attendance for today's hearing.

Ms. Linston- Martinson- (Here.) Schweitzer- (Here.) Dayton- (Here.) Miller- (Here.)

Board member Porter arrived at 3:13pm, joining the board for the 1022 Orchard Avenue (24-086468) case.

Approval of Minutes for SEPTEMBER 30, 2024

Mr. Miller- Our first order of business is the approval of the minutes for September 30, 2024, so a discussion or motion?

Mr. Martinson- So moved.

Mr. Schweitzer- Second.

Mr. Miller- Ms. Linston?

Ms. Linston- Dayton- (Yes.) Schweitzer- (Yes.) Martinson- (Yes.) Miller- (Yes.)

Moved By: Martinson / Second By: Schweitzer **Approved 4-0**

Approval of Resolutions – 1403 Montreal Avenue (24-077373)

Mr. Miller- Next order of business is the approval of the resolution for 1403 Montreal Avenue. This is the one where we just added a condition that the lights will be turned off at 9:30 p.m. and we added a condition that they would not use it for golf purposes. So staff amended that, is there a discussion or motion on that?

Ms. Dayton- Motion to approve.

Mr. Martinson- Second.

Mr. Miller- Ms. Linston?

Ms. Linston- Schweitzer- (Yes.) Martinson- (Yes.) Dayton- (Yes.) Miller- (Yes.)

Moved By: Dayton / Second By: Martinson **Approved 4-0**

Old Business: None

New Business:

597 Summit Avenue: Mr. Miller- The applicant is proposing to remove and replace stairs and a landing between the existing dwelling and the detached garage. The existing lot coverage is 64.3% and the zoning code allows a maximum of 50%; a 65.6% lot coverage is proposed, for a zoning variance of 1.3%. A side yard setback of 5' is required, a zero-foot setback is proposed from the eastern property line, for a zoning variance of 5’.

Mr. Eide- Thank you, chair Miller and board members. David Eide with the Department of Safety and Inspections. I have the property up on my screen here. This is an 18.37 foot by 141 foot 0.05-acre parcel on the north side of Summit Avenue between Dale Street North and Kent Street with alley access along the north side of the property. The property is a middle unit townhome structure. It currently has a two-car detached garage that's accessed off the alley on the north side. The surrounding land uses are a variety of housing types ranging from single family to medium density multiple-family dwellings. I put the code reference in the packet, which is our table, 66.231. This property is zoned H2. So the lot coverage maximum is 50% and then the side yard setback is 5 feet and the applicant, it's quite a tight space that they're working with, this kind of, it took me a little bit to get my head around it, but essentially this is the garage on the north side. They're creating a new stairway to get up onto the, like they call it the first level but it's elevated like this to get into the townhome and then they're also creating a new door off the rear on that first level to be able to leave the townhome, walk out and then go upstairs here to a new landing that is at the garage level because there's a rooftop deck to get onto the rooftop deck. So it's like, yeah, it's an elevated platform. And then this wall is right next to the property line, so it's 0 feet here and because it's over 24 inches in height, it's subject to the lot coverage maximum. They're already over that, so that's why they're requesting a variance for the side setback and the overall lot coverage percentage. You may have seen in the code that there is a section that says side yards are only required for your dwelling units on the ends of townhomes. And there's also a way to waive that with an easement or common wall agreement. You'll notice that the applicant did submit a common wall agreement but just to cover the bases, we had them submit a variance because I, it's hard to tell if this old agreement covers expansion rearward, so this seemed the cleanest way to move forward. So they have photos of the old steps that used to come out from the townhome and go up to the deck and now this will become a landing and stairs to go down. And then next to the property line it'll be a platform straight out and then stairs up towards this photo here and then another platform. Let's see, the previous way to get into the townhome on the ground level was a side door right here. I believe like a set of stairs on the inside, they're removing. So that's how you used to be able to get out, and then you'd go up into the unit, go out here and walk

up to get into the garage rooftop deck. So, now to get in the findings, that the variance is in harmony of the general purposes and intent of the zoning code and the comp plan. Overall, the H2 residential zoning district provides for a variety of housing options. This is an alignment with the purpose of the code to promote and protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community, to conserve and improve property values. It also aligns with the comp plan LU-5, which encourages flexible building design to ensure ongoing functionality and viability and H1 which pertains to maintaining existing housing stock. Regarding findings three and four regarding their practical difficulties and the plight of the landowner, the applicant is proposing to remodel the interior of the townhome and remove an existing stairway. They are proposing to construct a new exterior stairway to provide access between the first floor and create a new doorway and landing and stairs to create access between the first floor and the roof top deck. The proposed exterior landing would be directly next to the property line and increases the lot coverage on the property. The townhome is part of Summit Terrace, which is a group of townhomes which is in the Historic Hill national, state, and local historic districts. The structure itself is in a is a National Historic Landmark and a contributing structure to all three districts. The existing narrow lot and location of the detached garage and interior layout create practical difficulties in complying with the provisions and the existing location of the garage and the historic nature of the property are circumstances unique to the property that were not created by the landowner, so those findings are met. Regarding uses and altering the essential character, the property will remain a townhome and the essential character will not be changed. This is all interior, it's like an interior courtyard that's blocked off between the detached garage and the townhome. Here's a view from the top showing how it exists currently.

Correspondence- Staff didn't receive a letter from District 8 - Summit University Planning Council. And then staff did receive a letter from the property owner at 589 Summit which is I think three units or four units away supporting the request. And then based upon findings 1 through 6, staff recommend approval of the requested variances. And if you have any questions, I'm happy to respond.

Mr. Miller- Questions for staff? Not seeing any. If the applicant is present, you can step forward, or applicant's representative, and then once seated just state your name and address and sign into that red book at some point.

Jim Wilson- My name is Jim Wilson. I represent the homeowner Tom Knoll. I'm an employee of TreHus Architects Interior Designers and Builders, 4725 Olson Memorial Highway, Golden Valley.

Mr. Miller- Thank you. Anything you'd like to add to what David has presented here for us?

Jim Wilson- No, I think actually this plan would clarify things a little bit better for the board. Where you see that room with the bench and the tall cabinet; that's the existing mud room. That wood frame structure you saw from the photo above shows the existing roof top deck and so we're changing a current window into a door to go out from that first floor onto that landing that exists in the space between the mud room and the garage and then go up those four stairs to the landing that we saw in the other drawing to the garage roof top deck. That is essentially all of the added coverage area is that deck because of the nature of the stairs, how we're replacing them, and they stacked over one another on that landing.

Mr. Miller- And this allows then, are you kind of repurposing the area of the stairs that were interior?

Jim Wilson- We are, the existing stair is the original servant's stair so it's sort of kind of bisects the house, including the existing kitchen which is on that mudroom side. And it's, you know, as you can imagine, a hundred-year-old stair. Building methods at the time, the railings are too low, it's a winder stair that doesn't conform to any of the stair codes that exist and it is kind of pitchy at this point, so it's kind of a dangerous stair and we decided, we had tried to a few different ways to replace the stair without very much luck. Because of the condition of it, we felt like abandoning that stair and finding a different way, more convenient way in from the garage was the best solution.

Mr. Miller- You had to get a little creative, it looks like. Any other questions for the applicant? Not seeing any. You can go ahead and take a seat. If we have more questions, we will call you back up. Is there anyone here from the public to speak in favor of this variance request? Anyone want to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? Anyone want to speak in opposition? Seeing none, I will close the public portion of the hearing and open this up for discussion or motion.

Ms. Dayton- I make a motion to approve.

Mr. Schweitzer- Second.

Mr. Miller- Moved and seconded. Maxine?

Ms. Linston- Martinson- (Yes.) Dayton- (Yes.) Schweitzer- (Yes.) Miller- (Yes.)

Mr. Miller- Your variance request has been approved and that decision is final unless appealed to the city council within 10 days. Good luck with that project, and you guys don't need to stick around for the rest of the hearing. Thank you.

Moved by: Dayton / Second by: Schweitzer **Approved 4-0**

1022 Orchard Avenue:

Chair Miller- The applicant is proposing to construct an addition onto the front of this single-family dwelling. The zoning code requires a front yard setback of 10’; 7.9’ is proposed, for a variance request of 2.1’. Go ahead, Mr. Eide.

Mr. Eide- Thank you. Chair Miller board members. David Eide with the Department of Safety and Inspections again. I have the property up on my screen. This is a 90-foot-wide by 175-foot 0.37-acre property on the south side of Orchard Avenue between Oxford Street North and Argyle Street. The surrounding land use is primarily single-family dwellings. I put 66.231 in the packet. This property is zoned H1 and for the front setback, I apologize that those are split up, there's that sub note D, however, there are no front yards that adjoin this property because this is a side yard here at 1040 Oxford and this is the side yard at 1039 Argyle. So, in this case we would just take the district requirement which is 10 feet. So the applicant is proposing to put an addition onto the front of this house and I can bring up the plan.

Mr. Miller- This lot orientation has a name; I think we learned a couple hearings ago. What was that again?

Mr. Eide- So this one, I don't know that it was carved out of other lots because it's quite large, but I think you’re thinking of an alley lot or what was that?

Mr. Miller- Like an interior corner, something like that. Right?

Mr. Eide- Not like a reverse frontage lot or something?

Mr. Miller- I don't know.

Mr. Eide- So here's the survey that was submitted with the red outline showing what's proposed. The steps from the old porch that were on the front are shown on the survey. And then the plan is next to, this is kind of what's proposed. And there's a disclaimer that the zoning code requires 15% window door openings on the front and the applicant has stated that he will revise the plan to meet that minimum. So, it's a little bit below right now, but if approved, he stated that he would meet the 15%. So regarding the variance being in harmony with the general purpose and intent of the zoning code, the H1 residential district provides a variety of housing options. The requested variance would allow construction of a new front addition with entry, which aligns with 60.103 of the zoning code. So that finding was met. Regarding the comprehensive plan. The comprehensive plan is supportive of flexible building design and upkeep of properties. So that was finding was met. Practical difficulties. So, it's, the proposal is slightly into the front yard, into the required front yard,

which is 10 feet. According to location of the steps on the provided survey and based upon measurements of the outline of the old porch on MapRamsey, the prior enclosed porch was set back 10 feet from Orchard Avenue. The property owner removed that enclosed porch and is proposing to construct this front entry and closet onto the front of the home. The home is set back in nineteen point nine feet from the property line and applicant could construct a nine point nine foot addition along with a 5-foot open covered porch in front of that. The applicant contends that the expansion will not be as close to the sidewalk and street as other existing homes and if I bring up the map, that is true. However, the homes to the east and west front Oxford Street North and Argyle Street. Their side yards are along Orchard Avenue rather than their front yards, meaning that their setback requirement would be 5 feet. The home across the street at 1023 Orchard here conforms to the front yard setback requirement of 10 feet and its enclosed porch, it's about 13.5 feet from the front property line. 1013 Orchard Avenue, also cross the street, is about fifteen point six feet from the front property line. The applicant could widen, let me go back to the plan, applicant could widen the addition to match the width of the home. You can see it's about four feet shorter than the width of the home and shorten it to comply with the front yard setback, which would provide a similar amount of space compared to the proposed addition. It's not clear why the additional 2.1 feet into the required setback is necessary. Given that the prior enclosed porch was complying with the front yard setback and the front addition is for7 an entry and closet, a 10-foot front yard setback is reasonable for this hundred seventy-five foot deep over 1/3 acre property, so that finding was not met. Regarding the plight of the landowner, the plight seems to be self-created as they could construct a 9.9-foot-deep front addition to comply with the front yard setback requirement. A front addition nine point nine feet wide and the width of the house would cover 240.8 square feet, which is similar in size to the proposed addition, which would be 243.9 feet square feet. If the extra space is necessary, they could widen it to match the width of the home or find an alternate location expand on this large parcel, so that finding was not met. Regarding uses, the use would remain a single-family dwelling, which is permitted in the H1 zone, so that would not be an issue if the variance was granted, and then essential character, the single-story addition would not alter the essential character. That finding was met.

Correspondence- Staff did receive a letter from District 10 - Como Community Council supporting the requested variance, and then staff did not receive any correspondence regarding the request. And then based on findings three and four, staff recommend denial of the requested variance. If you have any questions, I'm happy to respond.

Mr. Miller- Questions for staff? I don't see any. If the applicant is present, you can step forward and once seated, start with your name and address and sign into that red book at some point.

Kevin Dahm- Good afternoon. My name is Kevin Dahm. I live at 1022 Orchard Avenue in St. Paul. I guess I'll just give you the short version as I can. I bought the home in 2013. The front porch has been coming off for a couple of years. I was going to pay to put a steel beam underneath it and then jack it up and level it. Unfortunately there wasn't anything for the front porch to hold onto for the steel beam to be supported by so I had removed the porch. And so now I'm trying to reinvest in the house in a reasonable manner to replace the front porch that was there. The reason that I didn't want to go all the way to the full sides of the house was when I was speaking with my architect designer this summer and we were looking for options, he said it would be more costly to build the front porch off of the edges rather than the indented one and so that's why we made that decision. In an earlier design that I had with a different builder, we did have a side entrance design so that it would, it would be that 9.9 feet and then an entrance on the side. But that would mess up a bit of the livable space and that would be a like an east side entry, and it just didn't seem very efficient as far as a usable space for the entryway. Because then I'll be coming in at an angle and it would be more walkway than actual livable space. But I wanted to create a four-season extension as opposed to a three-season porch so that half of it is a mudroom and coat closet. And then the other half is an extension of the main floor bedroom. That wouldn't necessarily be a closet but would be fully widened so that it would be a larger main floor bedroom space for this day and age. It's a hundred-year-old house so the one main floor bedroom that's there is kind of small by today's standards. Let's see, what else can I tell you? Yeah, that's mostly it. On the west side of the house, as far as expanding in that direction. There's the

driveway so that kind of locks that off. Expanding the house to the east side, there is a legal egress that I rebuilt as well as an air conditioner that is stationed there, so building an expansion on to the east has never made a lot of sense. If you look at the size of the lot itself, it's a very large lot and so the ability to subdivide that in the future, if a future owner wanted to put another house there and subdivide or put on an ADU it has always made more sense to me than building an expansion to the east.

Mr. Miller- Any questions for the applicant? Because if you have any comments on how, it's the 2.1 feet, moving forward that is going to be the hard part for us to approve. So anything that you could say specifically to that, is probably the most—

Kevin Dahm- Sure. My apologies. We came up with a 2.1-foot number because that's kind of where the existing concrete stair extends to, that was part of the old porch. So that's that distance and so I was just going up to that space, made it seem like it would be a room that would be a useful size instead of something that would be a little bit narrower and smaller and it would still be set back further than the homes on either side of me. So that's where we came up with that distance.

Mr. Miller- Any other questions for the applicant? I'm not seeing any, you can have a seat and we may call you back up if we have additional questions.

Kevin Dahm- Thank you for time.

Mr. Miller- Is there anyone here from the public to speak in favor of this variance request? Anyone to speak in favor? Anyone here from the public to speak in opposition to this variance request? Anyone to speak in opposition? Seeing none, I will close the public portion of the hearing and open this up for a discussion or motion.

Mr. Schweitzer- Mr. Chair, I move denial of the request.

Mr. Miller- Based on staff's recommendation?

Mr. Schweitzer- That's correct.

Mr. Martinson- I'll second that based on the fact that there is an option here to make it wider and the cost is not something that in of itself we can make the variance based on, that's not enough for us to make that.

Mr. Miller- All right, moved and seconded. Ms. Linston?

Ms. Linston- Dayton- (Yes.) For denial? (Correct.) Porter- (Yes.) For denial. (Yes.) Schweitzer- (Yes.) Martinson- (Yes.) Miller- (No.)

Mr. Miller- Your variance request has been denied and that decision is final unless appealed to the City Council within 10 days.

Moved by: Schweitzer / Second by: Martinson **Denied 4-1**

530 Wheeler Street North:

Chair Miller- Our next order of business is YMCA, 530 Wheeler Street North. The applicant is proposing to demolish the existing building on the lot and construct a new day care facility. Three zoning variances are requested: 1.) A minimum floor area ratio of 0.855 is required; .36 is proposed, for a variance of 0.495. 2.) Surface parking areas and entrance drives accessory to a principal building or use may occupy no more than 60' feet of the total lot frontage; 110' is proposed, for a variance of 50'. Mr. Eide, go ahead.

Mr. Eide- Thank you, chair Miller, board members. David Eide with the Department of Safety Inspections again. Just bringing up the packet. It's quite a large file due to the drawings in it. Then I can bring up the satellite image. This is a 269-foot wide with these two white bars on the roof, 269 foot wide by, two hundred sixty four foot deep 1.63 acre lot on the east side of Wheeler Street North between University Avenue West and Thomas Avenue. A building constructed 1949 occupies the site. Maybe I can bring in Streetview. I put in some citations of what is the light rail station area and then our table that explains what the minimum floor area ratio requirement is for this T4 zoning district. And then also put in the section that speaks about the parking requirements in the T3 and T4 zoning districts and the maximum amount of frontage that can be occupied with drive aisles and parking. So here's what's there currently. And then as far as the plan goes, now they said, applicant submitted a survey and this is pretty useful because you can see the easements that cover the property. So I guess I could touch on those first. There is an easement on the north side of the property that is for sewer utility and then there's an easement on the south side of the property which is an access easement and that provides access so that the property down here at 1731 University can drive through here to get to their own property because they don't have driveway access off University. And the proposal is to demolish the existing building and construct a new daycare facility. As you heard in the purpose statement, the light rail station area, the applicant provided this diagram so a quarter mile from the center of those stations out. There's this sub note in 66.331 in the table, and normally the floor area ratio which is the proportion of the building to the lot size is 0.5, but in this instance, it goes up to 1 when you're within a quarter-mile, when your lot is 25,000 square feet or larger. So that is the issue that this applicant is working with. 71% of the lot is within that distance so in that instance, it's prorated. So we did 71% of the extra 0.5 over one. And that's why we got to the number that we did in the staff report. So they have their existing and what is proposed. You can see that they're proposing the building kind of on the north side of the site with the main doors on the left towards Wheeler. And then parking spaces off the neighbor's property. And I did put some conditions in here because it's, you know, the this would be contingent on this applicant getting permission from the neighbors to back in to and access their property through the neighbor's property. If you look at street view, you can see that the neighbor, they use that area for deliveries, and it looks like it partially might be crossing over the YMCA property so they might have a reason to grant an easement so that they can continue using that area. Let's see, so I can pull up what's actually you can see that they're proposing parking on the north and south sides. And then this south side would use the shared access easement to drive in and partially the reason for this is that they anticipate a lot of pickup and drop off so they wanted to create a way to circle around and have those turning movements to be able to drop off and pick up. And then there is a proposed playground that would be walled, but that does not count towards the floor area ratio. You can see that the applicant currently has a plan that complies with the minimum 25-foot height limit, and they made it so that the tallest part of the building faces Wheeler. The code kind of encourages buildings of greater height or that portray a greater height than they actually are, and in this case it’s a shed-style roof, so we measure to the top of this roof here so now to get into the findings and maybe I'll bring up the site plan while I do this. The first finding that the variance is in harmony of the general purposes and intent of the zoning code. Provided that the site plan is modified if the applicant is not able to make obtain a maneuvering lane easement and allow access to the proposed parking spaces along the northern property line and shall be modified if it is determined that the parking spaces in the access easement, because there's some spaces currently, it is this way but they're showing spaces in that easement. It's not clear if that would be allowed or not. So the condition that I'm proposing is that the plan should be modified if it's determined that those spaces can't be in that easement area, per that easement language. The proposal to construct a new daycare facility is in harmony of the purpose and intent of the zoning code. So that finding was met. Regarding the comprehensive plan, LU-5 in the 2040 plan encourages flexible building design, LU-7 encourages land use and zoning flexibility. So that finding is met. Finding number three, regarding practical difficulties. 71% of the property is within the METRO or Fairview Avenue METRO Green Line Light Rail station area, which is an area quarter mile radius from the center point. I went over why this applies, however, the property is not located directly on University Avenue, it’s 1,500 feet walking distance which is slightly over quarter mile from the University Avenue Station, and they did submit a diagram that shows, you know, the radius measurement and then if you were to walk there, see, they put this yellow

line, you can see that it is further. The intent of this ordinance is to require greater density within close proximity to transit investments. However, it is reasonable to permit a lower density, given that the walking distance is greater than a quarter mile. In addition, the state licensing requirements require an outdoor activity area. This area does not count towards the floor area ratio for our purposes. However, it will be walled and utilized by the applicants often. Given its walled nature and utilization, it is reasonable to examine it similarly, to being part of the floor area of the building. Additionally, 92,508 square feet of the property is subject to the sewer access easement in which a building cannot be built upon. If the easement area is excluded from the lot size, then the proposed building with the play area would comply with the typical FAR (Floor Area Ratio) requirement of 0.5 in the T4 zoning district. It's reasonable to permit the floor area ratio of 0.366 given these circumstances and then regarding the parking frontage, the access easement across the southern side of the property and the sewer easement across the northern side cover 35 feet of frontage. The applicant is proposing an efficient layout that will accommodate turning movements and a drop-off along with taking advantage of the space covered by the easement area for this purpose. Were they to place parking in the rear, more pavement would likely be necessary to achieve the same result. It's reasonable to permit a greater amount of frontage to be parking and driveways given the sewer easement and the access easements, so that finding is met for all of the requested variances and then the plight is largely the same, that the property is further than the requirement that creates a greater FAR minimum when you, if you were to walk to it. In addition, the sewer easement on the northern 15 feet and the access easement on the southern 20 feet were not created by the landowners. That finding is met. Regarding uses, a daycare is permitted in the T4 zone, so granting the variance would not permit a use that's not allowed. And then regarding the essential character, the proposed single-story building would replace the one-story building that's currently on the site, so the variance will not alter the essential character.

Correspondence- The district council, staff did not receive recommendation from Hamline Midway Coalition. Staff did not receive any correspondence and then based upon findings one through six, staff recommend approval of the requested variances subject to the conditions that the applicant modifies the site plan should they not be able to maintain or obtain the easement on the northern side of the, you know, onto the neighbor's property. And then there's also a condition that I'm recommending that the site plan shall be modifiedif they're not able to place the parking spaces in the easement on the south side. Otherwise, the recommendation is for approval with those conditions. If you have any questions, I'm happy to respond.

Mr. Miller- Questions for staff? I'm not seeing any. Is the applicant present? You can step forward. Once seated, state your name and address, business address is fine, and sign into the red book at some point.

Brian Kirk- Chair and board, my name is Brian Kirk. I'm the director of design and construction for the YMCA and the address of 651 Nicollet Mall, Minneapolis. First, I'd like to thank the zoning staff and the planning staff that have helped guide us through this process of figuring out what to do with the old Western Graphics building. We had at first intended to try to reuse it, the existing building, and even did some remodeling about 6 to 7 years ago to try to make it a child care. It does have the school age childcare program operating right now. Really, when we engaged our architects, which are also here this afternoon, it became nearly impossible to try to get updated ADA compliance and energy efficiency, it made more sense to take the building down. The site is also contaminated, so in taking the building down, we are able to clean the site and we're working on getting some grants to cover that. With me this afternoon is David Dominick, who's the executive director of the Midway YMCA. And if we could take just a few minutes to talk about the program.

David Dominick- Sure, I'm David Dominick, thank you for allowing me to present today. I've been over at the Midway Y now for almost 22 years as the Executive Director. When we built the new Midway Y, we've been on the Avenue since the 1907 in various locations for over the years. When we tore down the old Y at 1761, we purchased the parking lot and Western Graphics to build a new Y, and then when the company decided to go out of the printing business, we flipped it pretty quick and brought our school age care over there. We do run school age care there during the school year with

Saint Paul Schools, bringing kids over and then parents picking them up at the end of the school day. During the summer we had 188 kids in our summer power program there this summer. About a third of the building is currently being used, we took the admin area of the building and flipped it into classrooms. We want to provide a better or more higher quality experience for families and kids. We will serve more families and kids with this new facility. Some of the numbers that were looking at, our infant care will expand to 24 kids, toddler program will be 42, preschool will be 60, and then this past August we invited Head Start to come in and they've taken over one of our daycares our childcare centers. Our goal is to give them a couple more classrooms when we move, hopefully move into the new building. Then our summer power and our school age care will be around 120. We have around 30 full-time staff right now in various roles. We anticipate that to double, and we really. And then the other thing is we opened up our 16 million dollar YMCA on 1761 University in 2016. The kids have been coming over for school release days. They also come over for swimming and some gym space. We really want to give them greater opportunities in this new facility. The YMCA has one of the largest childcare providers in the state of Minnesota. And we really want to invest more into Saint Paul and serve more families and kids.

Brian Kirk- We're open for any other for questions if you have any about the design or the program.

Mr. Miller- Questions for the applicants? It sounds like a great program. I don't think we have any questions. You guys can take a seat. We may call you back. Is there anyone here from the public to speak in favor of this variance request? Anyone to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? Anyone to speak in opposition? Seeing none, I will close the public portion of the hearing and open this up for discussion or motion.

Mr. Martinson- Chair, so since I sit on the Planning Commission I think it's fair for me to note that the intent of the, of the FAR requirement is to drive somewhat higher intensity of land use close to transit nodes, right. So, and normally when I had in mind when I was building on that Planning Commission, I had in mind residential uses, but I look at this and I say this is a pretty high intensity of land use on this piece of land, even though it doesn't, you know, the FAR may be technically below what it what it would need to be, but I still feel like the purpose to which the building is being put here is consistent with the logic that was at play when that FAR requirement got put in place. So, I don't see a conflict there and I'm willing to accept staff findings about this. Therefore, I will move approval.

Mr. Schweitzer- Second.

Ms. Dayton- Based on the conditions?

Mr. Martinson- Yeah, based on the findings and with the conditions. That's correct.

Mr. Miller- And so we have a second.

Mr. Schweitzer- Yes.

Ms. Linston- Porter- (Yes.) Dayton- (Yes.) Schweitzer- (Yes.) Martinson- (Yes.) Miller- (Yes.)

Mr. Miller- Your variance request has been approved and that decision is final unless appealed to the city council within 10 days. Good luck with that project.

Moved by: Martinson / Second by: Schweitzer **Approved with conditions 5-0**

1963 Grand Avenue:

Chair Miller- The applicant is proposing to demolish the structures on this lot and construct a new multiple-family dwelling. Two zoning variances are requested: 1.) The zoning code limits the height to 40'; 50' is proposed, for a variance of 10'. 2.) The zoning code limits the floor area ratio to 2.25; 2.27 is proposed, for a variance of 0.02'. Mr. Eide go ahead.

Mr. Eide- Thank you, chair Miller and board members. David Eide again with the Department of Safety Inspections. This is the Streetview of the subject property. It is three structures and I believe that they combined the lots and now they're under one PIN. So, this is a 149.56 wide by a 159.58 foot deep over half acre property on the north side of Grand Avenue between Cleveland and Prior Avenue South. An alley provides vehicular access along the northern side of the property. Like I said, it contains three buildings with the addresses of 1951, 1957, and 1963 Grand Avenue. The West Summit National and Local Historic Districts are located to the north of the property, across the alley. I put the zoning code citation which is 66.231 again. Except this is the RM2 section. So we have the floor area ratio maximum of 2.25 with structured parking, and this building is proposed to have structured parking. So that one is the one that would apply and then the rear setback requirement of 9 feet. And then I can bring up the plans that the applicant submitted, if it loads. So the applicant did submit a survey site plan so you can see their analysis of the lot and what they're proposing, elevations, which is good because it shows the, we measured from the average existing grade to the roof height for the height maximum. So you can see that they're showing the 40 feet and then there is a, this is, I guess, the one thing for the height requirement. They're complying with the rear setback. That's one thing I forgot about the height. There's a special sub note subnote k, if you look at the height and it states that for property along Grand Avenue between Fairview and Cretin between the alleys north and south, building height is limited to four stories and 40 feet. So that is why they're showing the 40 feet and they're showing the additional 10 that they're requesting. So that's where we're getting into that. So I will get into the findings here, you can see the height and then it's a very small FAR request and then you can see the survey that the applicant submitted. So this is a public alley. An alley is a type of a very permanent easement so they are showing that on here. Typically, applicants measure from the edge of the easement and consider that to be the back. This applicant chose to measure from the rear. So, from the rear of the property, but there is still that permanent public alley easement there. So, regarding the variance being in harmony with the general purposes and intent of the zoning code. The applicant is proposing to demolish three buildings and construct a new multiple family dwelling. Two variances; the height of 10 feet over the requirement, and then a FAR they are of .02 over the limit of 2.25. The proposed multi-family dwelling would provide additional housing, which is consistent with the purpose and intent of the zoning code. And it also aligns with the intent and purpose of the RM2 zoning district to foster and support pedestrian and transit oriented residential development, provide for infill housing. So that finding was met. Regarding the comprehensive plan, the plan is overall supportive of new housing, particularly in urban neighborhoods, which this is considered to be an urban neighborhood in the comp plan. The proposed multi-family dwelling would provide additional units in the neighborhood which aligns with LU-34 and H-15. That finding was met. Regarding practical difficulties, the applicant states the property line is in the middle of the alley and that the alley creates practical difficulties in complying with both the height and FAR (Floor Area Ratio) requirements because it reduces the usable portion of the property. However, public alleyways and streets are type of permanent easement and the setback is always taken from the edge of the dedicated alley. Zoning code section 63.101 states that half of the alley is included as part of the lot for density purposes. So there's not a plight for the FAR requirement, as the lot size that we would use includes half of the alley. The public alley easement is not a new condition, and it was opened in 1888. There are no practical difficulties in complying with the FAR and height provisions. That finding was not met. Regarding the plight. The dedicated alley was opened in 1888 and was present when the applicant purchased most of the property in 2022. So the middle lot, they've owned for a while, but the two outer lots, they have only owned since 2022. It does not create a unique circumstance that would warrant granting variances of the height and FAR requirements. This finding is not met for all of the requested variances. Regarding uses, a multi-family dwelling is permitted so granting the variances would not allow an unpermitted use. Regarding the essential character, multifamily dwellings are located to the east, west, and south. Granting the variance requests would not alter the essential character. That finding was met.

Correspondence- Staff did receive a letter from District 14, Macalester-Groveland Community Council supporting the requested variances, and that's in your packet, you can see that basically, they have their committee meeting and they voted, and it passed, so then they voted to write a letter in support. Staff did receive nine (9) letters in opposition. Four of the letters were from property owners across the alley to the north. So some of the folks up here. And then one was from the owner of the commercial business on the corner of Grand and Prior. Staff overall recommendation based upon findings 3 and 4, we recommend denial of the requested variances and if you have any questions, I'm happy to respond.

Mr. Martinson- Thank you chair. So David, I, just the only question I have is the… So, but for clause K, the height, the height would not need a variance for this, it would still fit within the height. So that item K is oddly specific and oddly local to this one particular stretch of one particular roadway in the city, and David, do you know the history of how that clause came about in the zoning code, could you speak to that just so we have it on the record?

Mr. Eide- Yes, sure chair Miller and board member Martinson. I queried some of my planning colleagues today and there is a provision in the Mac Groveland neighborhood plan that states that they are trying to encourage density on the corners and have lower density on the inside of the blocks, so I believe that's what that stems from in my review. That's what one of the planners pointed to.

Mr. Martinson- So had it… Well, but the way it's written, it doesn't distinguish a corner lot from a non-corner lot, right?

Mr. Eide- You're correct.

Mr. Martinson- Okay. Thanks.

Mr. Miller- Questions for staff?

Ms. Porter- David, if you had to summarize the letters of opposition, was it because of continuity? Was it? What was sort of the underlying thing?

Mr. Eide- Chair Miller and board member Porter. Most of the letters that came from property owners on the north were concerned about shade impacting their properties and additional traffic on the alley. And then I believe that the corner property was concerned about traffic and whatnot. Yeah, that was essentially what most of the concerns are about, shade and traffic in the alley, traffic on the corner.

Mr. Miller- Without seeing any floor plans, do we know what kind of the target market is for these types of apartments?

Mr. Eide- Chair Miller, I am not sure because the density is regulated with floor area ratio, so technically, whatever meets building code, if you had small bedrooms or small apartments, you could fit as many as the building code would allow as long as you're not over the FAR.

Mr. Miller- And then if we were to translate 0.02 percent of that ratio into feet, what are we kind of talking about?

Mr. Eide- Chair Miller, I would have to figure that out. It's a very small FAR request.

Mr. Miller- Any other questions for staff? Not seeing any. Okay, If the applicants present you can step forward. Then once seated just state your name and address and sign into that red book at some point.

Dr. Michelle Benegas- Mr. Eide, I sent you some slides. Hello, thank you so much for hearing our proposal. My name is Dr. Michelle Benegas and I live at 1728 Ashland Avenue in St. Paul.

Ruben Benegas- I am Ruben Benegas, I also live at 1728 Ashland Avenue in St. Paul.

Scott Hayes- I'm Scott Hayes with Mohagen Hansen Architects, 1000 Twelve Oaks Center Drive, Wayzata, Minnesota.

Mr. Miller- Thank you. Anything you'd like to add?

Scott Hayes- I'm going to the floor plan and, I guess, I don't know if you want to start, or I can wait.

Dr. Michelle Benegas- Go ahead. That's fine.

Scott Hayes- The building, we can go through this, but I would say the building is L shaped, the mass of the building is towards Grand Avenue. On the site plan, we can when we get back to that we can show that, and then on the back of the building where it does get close to alley, that's the stair exit wall. So there is no units overlooking the residents to the north. So, the FAR we can work with that, there's some tweaks to the plan that can take space, you know, get that back down to 2.25. I'll let Michelle go.

Dr. Michelle Benegas- So we just wanted you to give you a little bit of background. This is our family. My name is Michelle. This is Ruben. We've lived in the Mac Groveland neighborhood for 25 years, raised our kids there, and I'm a professor at Hamline University.

Ruben Benegas- I am in cyber security engineer. So I also, you know, work as my primary occupation.

Dr. Michelle Benegas- So we are not real estate developers, I just wanted to make that clear. We don't know what we're doing. We have hired professionals to help us figure this out. But really, our objective is twofold. One is to invest in our community. We love this neighborhood. I went to college in Saint Paul and ended up staying and Ruben moved from Argentina and has been in Saint Paul ever since. So, we want to invest in our community, we also want to nest egg for our children, we have three children, one of which will be a vulnerable adult. And so, we're thinking about this as a nest egg for her. So, the grand row development project site plan, looks kind of like this, Mr. Eide, shared a lot more details that we could provide if you were interested in taking a look at them. We purchased this, well my husband purchased this property before I met him, the house in the middle, and we more recently purchased the homes on either side. We've hired a designer as well to take a look at the neighborhood of what sort of themes are coming up in the neighborhood and that person took pictures of what they were seeing as far as details, colors, windows, styles, that sort of thing and so we are definitely taking that into account. We love the aesthetic of Saint Paul and Grand Avenue and don't want to build a sheetrock box that would stand out in that space. So if you take a look at the site plan and the height is what we have spent a lot of time talking about, there is a 50 foot or five story height requirement or limit across Grand Avenue but just this slice of Grand Avenue says, nope, you can only have 40 feet or four stories. If you take a look at the building next door, and I'm going to be showing you a picture of this shortly, you'll see that we will align with the chimney of that building there if we're at the five feet or the 50 feet. We were really thrilled that Mac Groveland Council approved. There were some concerns that were important for us to hear and that we will take into account with this project, but we were really glad that people are excited about it. Excited about bringing more people into the community and increasing housing. I wanted to share too that we are part of a Union Park. I'm probably speaking to the choir here that you know, Union Park is this geographic area made up of other communities Merriam Park, etc. They boast having a strong regiment residential neighborhood with a 50/50 mix of owner-occupied and residential and rental properties. So this space is not foreign to having rentals, right? We've got apartment buildings up and down. In fact, right across the street there, all apartment buildings and flanking our property is two apartment buildings and we've got a great bus that goes up and down Grand Avenue. I wanted to cite the Union Park 2040 comprehensive plan in this presentation and so a lot of the text I'm going to be pulling is from that. So the Union Park District Council is the product of the merger of the Merriam Park, Snelling Hamline and Lexington Hamline Community Councils and the purpose of their plan was to consolidate an updated vision for Union Park and to set forth the objectives and strategies to achieve this vision. One of the commitments that they present here is a commitment to diversity, and they said as Union Park rapidly becomes more diverse, it will be important to welcome new immigrants and entrepreneurs to live and establish businesses in Union Park. I do want to mention that we are, you know, an

immigrant family, that I am an Minnesotan, my husband South American, and so, this would be investing in an immigrant family. This is directly from that document as well. The first one and this is as far as the comprehensive plan. The goal setting. It said there's an increased market interest in mixed-use high-density housing convenient to transit and commercial areas, creating some resident concern about preserving their neighborhood character. And we hear that, they next say aging housing stock is creating concerns about home maintenance, energy efficiency, and affordability, we have definitely seen a shift in folks who are interested in renting our hundred-year-old homes, fewer people are. More people are wanting to be in kind of locked, more modern facilities. And they're also concerned about sustainability and impact on the environment. Number three, an increase in populations of students from St. Thomas, Macalester, and Concordia living within the neighborhoods has increased concerns about student housing encroaching on a single-family neighborhood. So we've seen a lot of that, particularly around St. Thomas, you know, stop the sprawl, that sort of movement and so how can we, you know, build housing that has multiple uses. If students want to live there, that's fine, but this would not be a giant dorm down the street. This would be a multifamily multipurpose building. So I wanted to show some comps. So, first of all, I'll show within that Fairview Cretin section of Grand Avenue. This is right next door to us. So when I said our chimneys would meet, this is the property that I'm talking about and one of the neighbors actually approached me with this photo. This is their photo right here and said, look, it already is five stories, because we've got the garage, the deck, and then the three stories on top. So this one has five stories visible from the alley, and there's another property down the street. This one is at Finn and Grand and this building has five floors. So I wanted to point out two properties within that area that have five floors. Some comps that are outside of the area but quite nearby include 745 Grand Avenue. That one has six floors, and 1975 Marshall Avenue, that's one mile north and has five floors. So these are all responses to the request for more density in the community. So, why is this restriction in place? I appreciate Mr. Martinson, that you brought up that question. The same question came up at the Mac Groveland Community Council meeting and nobody could answer it. So when it was asked, why is this height restriction there? Nobody knew, nobody could respond to why it was just on this part of Grand Avenue. Union Park's 2040 comprehensive plan to increase development and population density is not aligned with discriminating against this section of the corridor and given that two buildings in the corridor already exceed the suggested height, we request permission to comply with the height restriction of the rest of Grand Avenue. All right, so I want to have a closing statement here and then I'll give a moment to anyone else that wants to say something. That this 10-foot restriction was put in place when Saint Paul was governed by the 2020 Comprehensive Plan. It restricts building height on Grand Avenue between Fairview and Cretin Avenues. This prevents this desirable segment of Mac Groveland from full participation in St. Paul's 2040 Comprehensive Plan. Macalester – Groveland Community Council approved this variance for just that reason. We are proud to live and provide housing for others in the city of St. Paul. We work to honor the 2040 Comprehensive Plan's promises. Growth and prosperity through density. We are a city that supports sustainable locally owned well-designed development that responds to its neighborhood context, foster's diversity and prosperity and brings economic opportunities to all residents. We respectfully ask you to approve this variance so we can provide the density called for by Mayor Carter, the Saint Paul city council and promised in the 2040 plan. We live on Ashland Avenue just blocks away from our Grand Avenue rental property. Union Park's openness to development made us unprepared for the neighbors' vilification of our intent to use our properties to house the maximum number of people, we empathize with the three homeowners across our alley. We pledge to do our best to minimize disruption. Is there anything that you all would like to add?

Ruben Benegas- Yeah, I mean I want to add that one of the primary drivers for the use of the land was efficiency and we also need to use the space in the backyard for geothermal wells because we want to provide geothermal energy and make the building green, energy efficient and so this would help us in that regards as well as we need the space for the geothermal wells in the backyard. So far, we identified space for one of the geothermal wells in the back. Potentially found another place in front. You know, so we're still wrestling with the second well, but you know, having that

additional setback in the back is helping us, you know, for the geothermal energy that we're planning to implement and I just want to bring that up.

Mr. Miller- Any questions for the applicants? Any other question?

Ms. Dayton- Some of the letters in opposition of your project expressed concerns about parking. One of them specifically mentioned having to pay for a permit to park in front of their own home. How do you respond to those concerns?

Ruben Benegas- So we are building two underground parking levels so at least, you know, we will have 64 parking spots underground. A lot of studios are all lower units are studios and one-bedroom apartments. There are very, very few two-bedroom apartments with potentially more than one car and also we are close to like the city and the bike lanes and, you know, we don't expect everyone to have a car and also there is a grocery a couple of blocks away where people can buy groceries without, you know, driving. It's a, you know, it's a city that's friendly to people that don't have a car. So, we believe the spaces that we are providing will be sufficient for the tenants in the building.

Ms. Dayton- How many units will you have?

Scott Hayes- 72.

Ms. Dayton- Okay. Thank you.

Mr. Miller- Any questions for the applicants? You guys can go ahead and take a seat. We will probably call you back up for additional questions. Is there anyone here from the public to speak in favor of this variance request? Anyone to speak in favor? Same rules, start with your name and address.

Patty Born- Sure, good afternoon, thanks. My name is Patty Born I live at 1600 Portland Avenue, and I'm here speaking in support of this variance request. I know the family really well. Michelle is a colleague of mine I work with at Hamline University. Also, I am former member of the St. Paul Climate Justice Advisory Board. I'm not here in that capacity. I'm no longer on that board, but I have a real interest in all things development, especially when it's local in my neighborhood. And I wanted to come and speak on behalf of this project, again I just want to thank you for taking the time to consider this request. This is a multi-unit development that we as a city really need. I believe that the applicants have really taken a lot of things into account, in terms of keeping this development and character of the neighborhood. And also thinking a lot about their commitment to the community. This is their neighborhood too and they’re clearly very committed to being here and to supporting the community in a lot of different ways. When they've told me about the project, they've talked a lot about incentivizing bikes through bike lockers and bike parking in the garages and fix-it stations. They've talked to me about developing the project in some environmentally sound ways. I've spoken with them a lot about that. I'm a professor of environment and climate education at Hamline and so I get pretty jazzed talking about stuff like that. And as I understand, they're talking about not just geothermal, but solar as well. And from what I understand of the plans currently, they're pretty energy efficient, more so than the current existing energy code. Also, I know that they are talking about partnering with local vendors and seeking out partnerships and working with minority owned locally owned companies, and utilizing Green Technology, sustainable practices and materials and I think that not only would this be a good investment in the neighborhood, but I think it could be a real a project that's a real flagship for the neighborhood, that could be a leader for other developers that are interested in sustainable development with the community-oriented framework. So thank you very much. I'll sign my name here.

Mr. Miller- Is there anyone here from the public to speak in favor of this variance request? Anyone else from the public to speak in favor? Is there anyone here from the public to speak in opposition to this variance request? You guys, just go ahead and take turns. Same rules apply. Just once you're seated state your name and address. Okay, so the microphone will pick it up.

Larry Starns- Thank you. My name is Larry Starns. I live directly behind what was 1941 Grand and I've lived there for 34 years. I am a resident of St. Paul, a 45-year resident, and I initially lived at 869 Cleveland at, pardon me. My throat's a little dry here, Cleveland Avenue at Highland Village Apartments in 10 years. And after that, it's 1716 Bayard, my wife had a house there. I married her, lived there for a year, then we bought the house on Summit. We are the third owners of this 2,000-foot arts and crafts home, 113 years and was built in 1911. Love the place, love the neighborhood, the neighborhood historically has included the three structures. Single-family dwellings there. Directly behind us. We knew all the families when we moved in. They were there, filled with families. Ever since then, these houses have been purchased primarily by people who had students at St. Thomas or other colleges and wanting to avoid losing money on their investment in housing in those students. So they bought the houses and rented to 4 to 5 students. Over these years, these houses have deteriorated terribly. The properties have not been maintained. We have had to contact the owners including Ruben here several times about the conditions. We don't deem him to be responsible landlord and are very concerned that, given a larger structure, given the problems we had with these structures, it's going to be even worse and there are many issues here. I've drawn them into your attention in my comments. I won't detail them all but starting out, I think the procedure here, pardon me, is very unfair to us because I feel like we're a victim of the element of surprise. Today is one week since we got direct notice of what was going on here. Now a year ago, they were drilling core samples behind our property on the 1941 site. We never got a communication from Ruben. Even though we've been in contact with him many times, they've never given us advance notice what they're thinking about, asking what we thought about it. So I'm not happy with his approach to the project. They say they're not developers, they are developers de facto, okay? This is not a community friendly project; this is 72 units. Now, how are you going to fit 72 families in the structure of this size? These will be student houses. We know that. These will be student units, that's what history has been. The campus is nearby. It's your perfect market for these properties. We have had terrible times with the alleys behind these homes. The alley behind these homes. I've literally had to blow the snow out of the alley myself prevent ruts from forming because we have two very large apartment buildings. You saw them on the map. Their roof drainage is enough to create a rut 12 inches deep in our alley when we have a serious winter. You can't even back out of a garage, excuse me, perpendicular to this alley, because your tires get stuck in a rut and you can't move, they spin. We've had several cars blocking the alley several times, the alley itself is a severe problem as it is now it will only get worse, and we bring in 64 cars. I don't know the details of how they're going to enter or exit this property, but it will at some point effect that alley. Thomas Liquors is on the corner. They have an exception to the code to gain entrance to their store and parking behind it on the alley. On a Friday night they have tremendous traffic coming in there. That's only to be exacerbated by having that many more vehicles trying to gain access to this parcel. So the process has been terrible. Here we are one week out. We have no information except what we just saw here, and it doesn't have complete information. There are impacts that are going to occur. They are obvious, and they have not been assessed. I don't know the code, I would have to find somebody to help me figure this out, figure out what the technical arguments are against the variance. But just from a conceptual standpoint, we've got a very deteriorating neighborhood on Grand Avenue. Now, it used to be an historic district. It was historic Grand Avenue West of Fairview. There were signs posted to that effect. But what has happened? Several single-family homes on Grand have been destroyed and new structures that had built. Some of them apartment buildings, as they pointed out, larger apartment buildings, some of them fourplexes, sixplexes, all of this high-density housing. Now, what constitutes a neighborhood? It's knowing your neighbors. I don't know anyone behind me on Grand entirely. I see cars come by. I don't know who they are. I know one lady in the apartment building to the east of us because she's been there since we moved in, Lavonne. It's only because I've seen her so many times and introduced myself to help to shovel snow one time that we've gotten to know each other, but that's what a neighborhood is, knowing people around you. Having him to trust in their behavior, their behavior on their property and well as well as well, as well as whether they respect you or not, and I need that respect. Now this project to me, and not to be too negative, is basically trying to construct a wedding gown around a pig. This is going to be an eyesore, it's going to tower above us behind our house, we don't know what the shade effect is going to be. We have vegetation we planted for privacy, which provides us just enough privacy because the houses that here on

the hill behind us, this is going to be a tremendous privacy invasion for us, plus the shadow effect. We don't know. And it could kill our vegetation and destroy what privacy vegetation we have right now. There's so many questions here that need to be looked at from an environmental and sociological standpoint. You know, all of these arguments that are made are trying to create a tautology of foundation for this project when in fact you just look at it and know it doesn't fit. It's too many units. It's too small of space. Too many impacts are going to flow from this, no matter what the zoning code says, this is not a good idea. It is destroying the little bit of residential development we have behind us that makes us feel like a neighborhood. This will now put a wall of apartments all the way down the alley for myself, my neighbor Terry here, and my neighbor Craig who can't make it, he filed some comments too, he has more technical details, he's an engineer and has more technical details than I do. I'm sorry if I'm a little nervous about this, this project is driving me crazy because we've lived here so long, and we've had no notice. This man has known us for years, he's never told us, he's never maintained this property. We had to suffer through three weekends of logging between 8:00 in the morning. 8:00 at night, when they were cutting trees out of the third lot over from where we live. Why were they doing that one the weekends? Why did they not hire a service to come in and take those trees down like we did when we had a problem during the week, so we don't disturb your neighbors. That's unneighborly conduct. That's exactly what we're going to experience with this, especially with this owner and I don't want to be unkind but I have justification and you've got to consider the character and the moral hazard of these behaviors and what you're enabling when you approve something like this, and give us some respect for being in the community and having a upheld our property maintenance, and our behavior, we haven't had police calls, we haven't had problems with city complaints. This property owner has. So give us some credit and give us some peace and quiet and give us the enjoyment of our property. And by the way, it is our nest egg too, except we only own one house. We don't own four and this apartment is not going up next door to them, it's going up next door to us. This is a bad idea, no matter what process you want to use to justify it, it is a terrible idea. It will destroy our enjoyment of our property where we are, and it is already been bad enough with the student houses here. What I would like to see happen to these houses is to put them back on the market. So families, who would then have enough space, and they are not big houses. They would have the opportunity to have a home, a real home and a neighborhood, which is what we're all after. All these grand plans are great, but if we start destroying our neighborhoods in Saint Paul, we are in real trouble. I've been here a long time and watched the downtown deteriorate. I've watched all these tear downs and rebuilds, we're going the wrong way. If you want to take the Ford plant and redevelop it, that's one thing. That's a site that's open. But when you're taking away individual, housing units that house families with kids who go to school at Groveland and ride their bikes down the sidewalks. This is a big mistake, this is nothing but a big student housing project that will benefit St. Thomas as well as these owners. And I'm sorry, I'm not a landed aristocrat, they are, and look at the equities here too, while you're at it. So I oppose this project, I appreciate your taking the time to listen to me and I'll follow up with any questions you may have. And we have not had time to submit any pictures or anything like that. We have them, we just been surprised here and the element of surprise is wrong and I will also point out Mac Groveland Council, when they gave you a recommendation, they had no discussion of the comments we all made at that meeting, none. I have chaired the board of directors before. We always discussed items and we discussed comments that were made. Why? Because persons who participated deserve to be heard, they deserve understand our reasoning for why we were either going to approve or deny what they asked for. And I'd ask you to do that here too.

Mr. Miller- Thank you for your comments. We did go a little long on individual speaker time. I would like to point out though, that… Ms. Khan, go ahead.

Ayesha Khan, City Attorney - I was just going to say, could you state your address? I didn't catch it. I heard you say, you lived on Summit and the history of where you live and you live behind this project, but I don't think it's ever on the record.

Larry Starns- It is 1950 Summit, it's a 2,000-foot arts and crafts house.

Ayesha Khan, City Attorney - Thank you.

Mr. Miller- And we do get complaints a lot about notification when it comes to these things and I do find that its, notification was complied with on this one. I know a lot of people don't like it necessarily, but that is something that I thought I'd point out that nothing was done incorrectly or inappropriately.

Larry Starns- No, but it sure. Let's realistically here. This is substantly wrong. If people don't have a chance to get information and have that provided to them far enough in advance that they can actually look at it and say, what is the impact going to be on me? Then how do I respond to the authorities? That's wrong, that's not due process and you're not getting full information as a result of that. Thank you.

Mr. Miller- Is there anyone here from the public to speak in opposition to this variance request?

Terry Fisher- I'll try to be a little brief. My name is Terry Fisher. I live at 1954 Summit Avenue, and I live, again, directly behind this property. If you look at the upper right slide, that's the rear elevation. So, on the front of the building, this is a 5-story building. On the back of the building for where I am, it's a six-story building and again, they pointed out the chimney on the one building gets to 50, again a chimney is not a building and the architect also mentioned that the mass of the building is actually on the front. Well, it's L-shaped. So the mass of that L on the rear of the building, that's my driveway. So this is going to, from my vantage point appear to be a six-story building, not a five-story building because of the elevation from Grand goes down to the alley. So this is, when I attended the meeting on or it was a week ago, I saw this drawing and I was jaw-dropped at the at the mass of the structure. I'm not opposed to housing. I think it's a good thing for St. Paul, I think it's necessary. But this is, and I have no animosity toward Ruben and Michelle. Again, they're landowners, they own properties. But I also think, I mean part of the zoning in my opinion is protect me as a property behind them, putting up what will be on my end, not 50 feet. It's going to be more than 50, and during that meeting again, you David, awesome. I mean, I did again, I had never been to one of these, so I didn't really know how the process worked, but he of course cuts through all the, you know, reasons for a variance being approved, talked about practical difficulties. During the meeting last week or the Mac Groveland Community Council meeting, one individual spoke. His name was Marc Manderscheid. He's a land use attorney. I looked up. I went back to that meeting, I watched it again because I was like, I was so confused after my, you know, again, seeing this project, I thought, I've got to listen to this thing again, listen to all the comments. Again, most of which frankly were opposed, a lot of the public. His comments, he said the developer did not identify why they couldn't build a four-story building. I agree, build a four-story, cut one level of parking out. That's all you got to do. He said that this location is great for a four-story building. He also cited a West Grand Avenue housing study from he thought 10 to 12 years ago, that concluded that four story is the height that a building ought to be. In addition, he said there must be practical difficulty, again, David already agreed to, said this, but as to why the developer cannot build a project which complies with the city's requirements. Variances ought not to be handed out like Halloween candy, in his words. He also said the developer has shown no particular reason why they must go to five stories, economic considerations alone do not justify a variance. Practical difficulties, that is the burden of the developer. That is what they have to prove. And this developer did not even mention practical difficulties during the presentation they made during the Mac Groveland Council. I don't have any qualms with that. They have the right to build a four-story building, 40-foot. That's it. They do. So I'm not opposed to that. I am opposed to the mass on the rear of this building, it would be great if they move the you know. Again, don't make it an L shape where there's still a big mass but again, they have every right to build this property the way they want. I just feel like the zoning code is not only to protect them as builders, make sure they're complying, but me has a property owner behind them. Shade, privacy all of these things, I feel like I'm, in all frankness, I can't see how the value of my home is not going to drop, even if it's a 40-foot building, it's going to drop, but I understand I bought the property in a zone, and it is zoned for 40 feet. So I can't argue that. One additional comment. After the meeting, and again, you said that it complies with kind of the neighborhood itself. Michelle showed those two photos of those buildings. I walked from Snelling to Cretin on Grand

yesterday, because I was curious, like, what is this neighborhood like. I counted the apartment buildings. I didn't count single-family homes that might be used for, you know, rentals. There were 67, which blew my mind. 24 of those buildings were two story. If it was like, if it was like an egress window where you had like a half story, I counted that as a two-and-a-half. 28 were two and a half. Three were three story, just a true three-story. Nine were three and a half story, which is the building that they're referring to, kind of the land, the topography of the land, they're going to cut, they're basically going to cut from Grand back. The other buildings are set up on a little slope. So it hides the mass of the structure. So nine were three and a half. There were two four story, true four story and one five story, of which one Michelle depicted and it stuck out like a sore thumb. It looks it to me, again, I don't know what the overall big plan is, but I agree, four story is the number. It shouldn't be five, it just shouldn't. They don't, they stick out like a sore thumb on Grand Avenue. So I would, I would encourage you to, if you ever have an opportunity to drive from Snelling to Cretin, and I didn't even notice the two story or the two and a half. They're not even noticeable. Now, I like the three and a half's, the ones that are a little bit be buried because then the mass is much smaller. Those are my observations. Again, I'm opposed to the project. I'm not opposed to, I'm opposed to the 50-foot. I'm not opposed to them building a building. I'm all for green energy. Great. If they can build something that's going to melt the snow that we're dealing with and not have it such that when the snow plow comes through, Larry has to snow blow up on somebody else's property, that'd be great, but for me, I see this. I see this zone as something to protect me as a property owner and my rights as well. So, for that reason, I opposed the variance request. It's not a variance request, it's a rezone request. If you want to rezone the entire stretch to the Grand to fifty, I'd have to comply to that, but this is a rezoning request under the guise of a variance. Thank you for your time. I apologize for my being, you know, animated, but it is very emotional for me because I do see honestly the value of my property going down either way, more so with a structure that's 50 on the front end and probably more like 60 where I'm where I'm, from my vantage point.

Mr. Miller- Thank you. Is there anyone else here from the public to speak in opposition to this variance request? Anyone want to speak in opposition? Not seeing any. At this point, we usually invite the applicants back up if you'd like to make any comments to any of the comments that have been made so far.

Dr. Michelle Benegas- Thank you. Thank you to the two of you. I appreciated hearing what you had to say, and your comments hit hard, particularly in relationship to the condition of the home. So, the community has experienced a huge shift in the last five years and the way that you described, I wish there were families there. We wish there were families, there too. Families are choosing not to live on the Grand Avenue corridor. What we're finding is that young professionals want to live there, people are reluctant to raise children on Grand Avenue so we're finding that it's more and more, you know, young couples, college students, young professionals, kind of that community. And we had been renting the homes quite well until around 2000, when the market changed. We then found at the time, St. Thomas families coming and saying we don't feel comfortable with our child, not in a locked building. A lot of folks who live outside of the city have perceptions about the city that we don't necessarily agree with. We live in the city, and we think it's great. But we did have a lot of parents saying we're not comfortable with our child living in an unlocked facility or in a home for that matter. So, we went from renting our properties, we have three of them, as was mentioned. One of them was twenty-six hundred a month. We're now charging 1800 a month in rent and we're in the red, so it's changed dramatically, right? And so, what we would have been more than happy to continue to rent to students but that has changed so much. So that is kind of pushed us in this direction. We have thought about the sociological impact, we've been hearing about you know the arena that will be, what, two, three, four blocks away at St. Thomas, thinking about young people wanting to be in that space, they can walk to the movie theater etcetera. I wanted to comment to about the cutting down trees. That was my husband cutting down the trees. We would definitely not manage a property of this size. We would have a property management company, but that was my husband and his brothers with a chainsaw cutting down trees on our properties because as long as… Because we have maintained these homes. We've done the tiling in the kitchen. We've, you know, we've done the work and having student rentals is hard. I mean, some of the complaints, the sort of parties

and drinking, and that's really not our scene. So there are many benefits to shifting this from, you know, college homes that now, we are struggling to keep up due to demand to kind of a nicer, a more modern facility. I think that more families will strengthen our neighborhood, not hurt our neighborhood. And if we remove this level from the top, we're also removing a level from the bottom, so now we have less parking. So in effect, yes, we can build a four-story building and in doing so, then we have even less parking which is which is a challenge, and Saint Paul doesn't demand that we have any parking, which is wrong. We will have parking, but it puts us in a tough spot.

Ruben Benegas- I think we're also do need the space for geothermal and you know, we will use our space in the back here for that to put the wells. And yeah, you know, I don't know, I guess for us it is like, I just want to address some of the comments from before, you know, like, you know. Yeah. You know, I cut some trees on the weekend. There was a storm that knocked down one of the huge trees in the property and that kind of like cutting. Let me to cut that and then additional trees or whatever. And, you know, the houses are student rental houses, there are like, the permits from the city of Saint Paul, a license to rent to students they are inspected by the city every three years and everything they require has been fixed. However, the houses are not maintainable or sustainable in the long term, they are really old. They're really like, like, Michelle will say, no one wants to live in those houses anymore. There are so old and there are cracks. It is not something we want to keep in the neighborhood. I mean, we need to demolish them and we have to, you know, build a new structure that makes sense for that part of the city. Yeah. I mean, I think, I don't know if I'm missing anything else or if there are any questions I haven't answered, but, or anything.

Scott Hayes- We have, our team has a full civil engineer, so any stormwater or roof, that's going to be maintained on our property. It won't go off property lines. We've got underground storage, per city, you know, we've gone through, started the SPR process and they've, you know, are submitting all those civil drawings per the city and all the department requests. So we've met that. So, it's, we're not going to create an additional water or anything going down the alley. It's like it will be maintained on our property or the property.

Ruben Benegas- We also spent like one year designing different shapes of the building to see, you know, what was the one that made the most sense. So we went for like doughnut shape, square shapes, you know, all kinds of shapes doing different analysis. And, you know, we picked the one that, after careful analysis, you know, that looked like the best efficiency, you know, from for all the shapes and, you know, sizes that we could come up with.

Mr. Miller- Any other questions for the applicants?

Ms. Dayton- I keep waiting for you to address the concern about the additional floor, and you haven't yet. So, can you help us understand why that's necessary?

Dr. Michelle Benegas- So, I'll share that the additional floor wasn't part of the original design. The original design had four stories and one level of parking and we sat and we looked at the number of parking spaces and the number of apartments and the architects were saying "this is fine, it meets Saint Paul code" and we said that, "but no, it's not fine, because we won't have enough parking spaces," and they said, "well, people can figure out parking," and, you know, we drive there frequently and it's hard to find a parking space there. So then we started talking about, well, if we dig another level down, well, it turns out that digging another level down is very expensive. So, now we dig another level down and we thought, well, now, we've got 64 parking spaces. This is how the thought evolved, right? And this is how we decided maybe we want to put a fifth story on top because now we've got more than enough parking spaces if we have two floors underground. So that was the thinking. I recognize that decisions made here are not with our financial interest at heart and I understand that, it should be that way, but I just wanted to explain how that decision was made.

Ruben Benegas- But there were also tradeoffs because that plan involved having one geothermal well and then one standard MagicPak heating system which will create carbon emissions. So whereas this plan will allow us to be 100% geothermal because we have, we can use the extra space and the extra setback, the extra nine foot setback in the back.

Mr. Miller- So, I just want to be sure that I've got this perfectly clear. If you do. The initial plans were potentially for a four story with one level of parking, and that was still the 72 units?

Dr. Michelle Benegas- No.

Ruben Benegas- I think it was 66 or something like that. It's hard to remember the exact number, but it was in the high 60s.

Dr. Michelle Benegas- It would be thirty something parking spaces. We would have to go back to the old drawings, but yeah.

Mr. Miller- So for the most part, the additional height is driven by parking, not necessarily another floor of rental.

Dr. Michelle Benegas- That's what drove the decision.

Mr. Miller- Because I did the quick math. It was like 18 units per floor or something like that, but it's, but if you went down a floor, it's not like you'd be eliminating 18, you'd still have most of those units there.

Dr. Michelle Benegas- Uh, huh.

Mr. Miller- Any other questions for the applicant?

Mr. Martinson- So, I want to make sure that you're not in the offing of if we, if you if we require you to build a four-story building here, are you walking away from doing geothermal as well? Because you made some comment that made it sound like that?

Ruben Benegas- The only thing is, like I mentioned in the original plan, there was one geothermal well, and then there was one MagicPak, which is a standard gas thing. That was the original plan, but then now we shifted that, you know, because we don't want to use the MagicPak at all to just geothermal.

Mr. Martinson- And you could do that with a four-story building as well as a five?

Ruben Benegas- No. That's not possible with a four-story building. It is only possible with the five-story building.

Mr. Martinson- Can you explain to me why that's the case, because that's lost on me.

Ruben Benegas- Because of two reasons. One is, you know, we need space for the two wells because it required two systems, two wells, which means more space. And then the other one is that the building is not buildable, you know, with that feature if we don't have four floors, five floors of revenue.

Mr. Martinson- I'm sorry. Say that again, the last statement.

Ruben Benegas- The first one it was, the geothermal 100 percent or 50 percent, right? And the second is for the additional investment in geothermal, you know, we would need the fifth floor.

Mr. Martinson- So it is a financial consideration, is what you're saying?

Ruben Benegas- Part of it, not all of it.

Ms. Porter- Along the same lines. So for the geothermal, you need the square footage? Is that what I'm hearing? Because, as opposed to the depth, right?

Ruben Benegas- The geothermal wells need space in the backyard, so we're going to need to dig the wells. And we need two systems for the whole, for 100%.

Ms. Porter- Square footage? You need additional square footage?

Ruben Benegas- Right? We need more space, more land.

Dr. Michelle Benegas- I'll sure too that, and I know we don't have time, but we have hired a green finance expert, Monte Hillman, who is, you know, helping us to figure out how we can maximize on sustainability and efficiency.

Mr. Miller- And just so we're all clear. I am just going to read quickly what number three says, economic considerations alone do not constitute practical difficulties. They can be factored in, most certainly, but not alone.

Dr. Michelle Benegas- That's fair.

Mr. Miller- Any other questions for the applicants? Not seeing any. You guys can go ahead and take a seat. I'll go ahead and close the public portion of the hearing and open this up for discussion or motion.

Ms. Porter- I move approval of staff recommendation for denial.

Mr. Miller- You move staff recommendation of denial based on findings three and four?

Ms. Dayton- Second.

Mr. Miller- Moved and seconded. Maxine?

Ms. Linston- Schweitzer- (No.) Dayton- (Yes.) Porter- (Yes.) Martinson- (Yes, for denial.) Miller- (Yes, for denial.)

Mr. Miller- Your variance requests have been denied and that decision is final unless appealed to the city council within 10 days.

Moved by: Porter / Second by: Dayton **Denied 4-1**

Mr. Miller- A couple comments too. When we run into some of these, I think that this board is going to have a much harder time finding in favor of something where it is as cut and dry as you can build a building with, a four story. I think the fact that the community council, who was probably the ones who initially initiated the changes of 40 feet, rather than 50 feet in this particular corridor on Grand. The fact that they've found in favor will speak to the city council's decision. I think this ultimately was going to end up at the city council, no matter what. But I do also think that essentially, this is, this is the model of what the 2040 plan is asking people to do. So, I know we can, we're not here to argue what's in the 2040 plan, whether we have houses, or buildings, that's kind of already been determined, and that's what we can go with. We're not here to argue against planning that happens well, well above our pay grade, so to speak and I guess that brings us to a close for today.

Mr. Diatta- I just wanted to thank you board members and also the applicant. It's a good project, but again, you as the board get put into a position where you sort of are put to task to make a tough decision. And I think, wrong or right, I think this is, based on information you have, and based on what staff have provided, this is a good decision. Again the applicant has the opportunity to file an appeal and take it to city council, which is the normal course of action on these, on these situations. This is just all normal government proceedings. I just want to thank you, thank the applicant, and for all the effort you have put in. We are pushing for housing, housing, housing, but again, within sort of the reasonableness clause. Yeah. I wanted to sort of let you guys know.

Mr. Miller- Thank you. That was Zoning Administrator Yaya Diatta, just for everybody sitting here. Okay, Mr. Eide, I think I'm going to go ahead and adjourn then for today.

The meeting adjourned at 4:41 p.m.

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Dec 10, 2024 14:04 CST)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Dec 10, 2024 12:20 CST)