GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 40 – CITY HALL
SAINT PAUL, MINNESOTA
MAY 27, 2025

BOARD MEMBERS PRESENT	STAFF PRESENT	
Daniel Miller	David Eide	DSI
Megan Dayton	Yaya Diatta	DSI
Brian Martinson	Maxine Linston	DSI
Marilyn Porter	Josh Ladd	City Attorney
Chris Schweitzer		

ABSENT BOARD MEMBERS: Jerome Benner II, Robert Clarksen

APPROVAL OF MINUTES: March 31, 2025

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

APPROVAL OF RESOLUTIONS: None

***Old Business*:**

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
25-020223	889 Iglehart Avenue – 889 Iglehart LLC	Dayton	Martinson	5-0	Denied
25-020339	438 Daly Street – Mark Schwartz	Dayton	Martinson	5-0	Denied

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
25-028645	1223 Van Buren Avenue – Jon Frost	Martinson	Schweitzer	4-0	Approved with condition
25-030427	385 Lexington Pkwy. N. – Four Boys, LLC (James Lohr)	Schweitzer	Dayton	5-0	Approved
25-019767	764 Lincoln Ave. – 764 Lincoln, LLC	Porter	Dayton	5-0	Denied
25-019012	709 University Ave. W. – Lutheran Social Service of MN	Porter	Dayton	4-1	Approved
25-028644	418 Sherburne Ave. – Dominic Carchedi	Dayton	Martinson	5-0	Denied

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Jun 11, 2025 08:13 CDT)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Jun 11, 2025 06:33 CDT)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 40 – CITY HALL
SAINT PAUL, MINNESOTA
MAY 27, 2025

The Board of Zoning Appeals recording is available on the Board of Zoning Appeals website: https://www.stpaul.gov/bza

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

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

Legal: City Attorney Dan Stahley

ABSENT: Mr. Benner II, Mr. Clarksen, Ms. Porter

This meeting was chaired by Daniel Miller and began at 3:09 p.m.

Chair Miller called the meeting to order and noted that David Eide and Yaya Diatta were present from the Department of Safety and Inspections, Josh Ladd was the legal counsel, and Maxine Linston was the secretary. He requested that Maxine Linston conduct a roll call of those in attendance. Board members Martinson, Dayton, Miller, and Schweitzer were in attendance. *Board Member Porter arrived at 3:19 p.m., joining the board for 385 Lexington Parkway North.* Chair Miller announced that he would place the supportive housing items together.

Approval of Minutes: March 31, 2025

Chair Miller announced that the approval of the March 31, 2025 meeting minutes were in front of the Board for approval. Schweitzer moved approval and Dayton seconded. Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Martinson, Dayton, Miller, and Schweitzer voting to approve. The motion passed.

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

1223 Van Buren Avenue:

Chair Miller read the purpose statement. David Eide presented the staff report recommending approval of the requested variance based upon findings one through six with a condition that gutters and

downspouts are installed and the stormwater runoff away from the adjacent property to the West. No correspondence was received, and no recommendation was received from District 11 - Hamline Midway Coalition.

Chair Miller called up the applicant, Jon Frost, 1223 Van Buren Avenue, Saint Paul, MN, who spoke briefly about the request. The board did not have any questions. Chair Miller asked if anyone was present to speak for or against the request. Nobody stepped forward and Chair Miller closed the public hearing.

Martinson moved approval of the staff recommendation along with the condition. Schweitzer seconded. Maxine Linston conducted a roll call vote with Dayton, Schweitzer, Martinson, and Miller voting to approve. The motion passed.

Moved by: Martinson / Second by: Schweitzer **Approved 4-0, with condition**

385 Lexington Parkway North:

Chair Miller read the purpose statement. David Eide presented a staff report with a recommendation for approval based upon findings one through six. Staff did not receive any correspondence, and no recommendation was received from District 13 - Union Park District Council. The Board did not have questions for staff.

The applicant, Jim Lohr, 385 Lexington Parkway North, the president of Four Boys LLC and the Architect John Gaspar, 1594 Mary Street, Maplewood, MN stepped forward. John explained the rationale for the request. The board asked questions, and the applicant and representative addressed their questions.

Chair Miller asked if anyone from the public was present to speak for or against the request. Nobody stepped forward. Chair Miller closed the public hearing.

Schweitzer moved approved approval of the request. Dayton seconded. Chair Miller asked Maxine Linston. Maxine Linston conducted a roll call vote with Martinson, Porter, Dayton, Schweitzer, and Miller voting to approve. The motion passed.

Move by: Schweitzer / Second by: Dayton **Approved 5-0**

<u>Old Business:</u>

889 Iglehart Avenue-

Chair Miller announced that the Board would now move to the old business portion of the agenda and asked Josh Ladd to give an overview of where the supportive housing requests were at. Josh Ladd informed the Board that Minnesota statute 462.357 and Saint Paul's ordinance section 61.601 require

that all findings be met in order to grant a variance and that the board cannot grant a variance without all findings being met. He mentioned that variances are granted with respect to a piece of property and not with respect to the personal needs, preferences, circumstances of the property owner. He mentioned that the separation requirement applies to all parcels within 1,320 feet from the congregate living facility, and the burden is common to the surrounding area. He mentioned that a legislative change would be necessary, rather than a variance. He mentioned Familystyle of St. Paul v. City of St. Paul, which explained the policies behind the distance requirement that came from the state. He stated that the goal is to integrate the mentally ill into mainstream society and that granting these requests could create clusters or pockets where people are living with disabilities are separate and segregated from their mainline disabled peers. He stated that each application was a case-by-case basis.

Josh Ladd was interrupted when a member of the public began speaking. Josh Ladd explained that each case is evaluated individually, and each applicant is able to speak when their case is called.

Schweitzer asked what occurs if the board fails to act upon the case. Josh Ladd stated that if the resolution fails, it is a denial, per MN Statutes 15.99.

Josh Ladd stated that it would be best to give a definitive answer which would give an opportunity to appeal.

The meeting was interrupted by a member of the public, Mark Schwartz, applicant for 438 Daly Street. Josh Ladd stated that he was laying the legal groundwork and that there would be an opportunity for the applicant to plead their case. Josh stated that the variance must meet the six findings

Schweitzer asked how much the fee is to appeal and how long that would take.

Eide explained that the appeal fee is $462.00 and the decision can be appealed within ten days.

Schweitzer asked how much time City Council had to make a decision. Eide responded that July 9th is the deadline for most of the cases.

Schweitzer clarified that if the board chooses to approve, then it could cause potential legal issues, lawsuits, bad prescient, however, if choosing to deny, it would create expenses for the applicant, stress, and would be reliant upon the City Council. Schweitzer asked what occurs if Council does not act within the deadline.

Josh Ladd responded that if they do not make a decision within 60 days or 120 if extended, then it is approved by a matter of law.

Schwartz noted the loss of beds in the community. Schweitzer stated that the board members are volunteers and did not sign up to be in this difficult situation.

Josh Ladd stated that this was not a denial and that each case would be heard separately. He also noted that this meeting was being recorded.

889 Iglehart Avenue (25-020223) – Old Business

David Eide noted that this case already had a public hearing in front of the Board and is back because it was laid over. He noted that the staff recommendation was denial based upon findings 3, 4, and 6. Two letters were received opposing the request and no recommendation was received from District 8 – Summit-University Planning Council.

Chair Miller asked for discussion or a motion. Martinson asked a question. David Eide addressed the question. Chair Miller asked David to project the staff findings for the case.

Chair Miller asked for a motion.

Schweitzer moved to lay over the matter indefinitely. Josh Ladd stated that this cannot happen.

Martinson compared sober homes and supportive housing. Josh Ladd stated that the board cannot act upon will alone. Miller stated that the owner did not bring on this situation themselves.

Josh Ladd stated that the decision must be based upon facts and findings and not will alone. Chair Miller noted that the decision would likely be appealed. He stated that food service would likely not alter the essential character.

Porter asked if any correspondence was received from the neighborhood. David Eide stated that he spoke to the executive director of the District Council and that they elected not to comment.

Dayton stated that she had a different recollection of this case that there was a motion that failed.

There was discussion about action at the last meeting for this case.

David Eide examined the transcript from the April 14th meeting and found the portion where Schweitzer had moved approval of the variance request. On April 14th, Schweitzer had stated that staff had erred in findings 3, 4, and 6. That motion was seconded by Dayton and had failed in a 3-2 vote. There was then a separate motion by Dayton to move denial, in alignment with the staff recommendation. There was not a second, so that motion had failed.

Schweizer stated that he would repeat that motion to approve the request, with the same rationale as the April 14th motion. Dayton seconded. Josh Ladd stated that the motion was not supported by case law. Chair Miller asked Maxine Linston to conduct a roll call vote. Dayton, Porter, Martinson, and Miller voted against, and Schweitzer voted for the motion. The motion to approve the variance request failed.

Dayton moved the staff recommendation, for denial. Martinson seconded that motion. Chair Miller requested that Maxine Linston conduct a roll call vote. Dayton, Porter, Schweitzer, Martinson, and Miller voted to deny the request

Move by: Dayton / Second by: Martinson **Denied 5-0**

438 Daly Street (25-020339) – Old Business

David Eide gave a brief overview of this case, noting that staff recommended denial of both variance requests based upon findings 3, 4, and 6. Staff had not received a recommendation from District 9 – West 7th/Fort Road and one letter was received speaking against the request. The public hearing was conducted at the April 14th meeting.

Chair Miller asked for a motion or discussion. Dayton moved the staff recommendation for denial based upon findings 3, 4, and 6. Martinson seconded. Chair Miller asked for a roll call vote from Maxine Linston. Maxine Linston conducted a roll call vote with Porter, Martinson, Schweitzer, Dayton, and Miller voting to deny the requests based upon findings 3, 4, and 6. The motion passed.

Moved by: Dayton / Second by: Martinson **Denied 5-0**

764 Lincoln Avenue:

Chair Miller read the purpose statement. David Eide gave a staff report, with a recommendation to deny the request based upon findings 3, 4, and 6. He mentioned that the District Council had quested that the applicant delay this public hearing to provide time for comment. Staff received a letter supporting the request from District 16-Summit Hill Association. Staff received seventeen letters opposing the request.

Schweitzer asked if this was a new facility. David Eide responded that this property is operating as a 13 resident sober house and if approved, the new proposal is for an eight-resident supportive housing facility.

Chair Miller called the applicant forward. Drew Horowitz, 764 Lincoln Avenue, stepped forward and spoke about the request. Martinson asked a question of the applicant, and the applicant addressed it.

Chair Miller asked if anyone was present to speak against the request. Danette Andley, 761 Lincoln Avenue, Saint Paul, MN, spoke against the request. Tonya Rosso, 750 Lincoln Avenue, Saint Paul, MN, spoke against the request.

Chair Miller asked if anyone was present to speak in favor. Nobody stepped forward. Chair Miller asked if the applicant or representative would like to step forward to respond to any of the comments. Stephanie Good, 87 Kent Street, Saint Paul, MN, a representative with the applicant, moved forward and responded.

Chair Miller closed the public portion of the hearing and asked for a motion or discussion. Porter moved the staff recommendation for denial based upon findings 3, 4 and 6. Dayton Seconded. Chair Miller requested that Maxine Linston conduct a roll call vote and Schweitzer, Martinson, Porter, Dayton, and Miller voted to deny the request. The motion passed.

Moved by: Porter / Second by: Dayton **Denied 5-0**

709 University Ave West:

Chair Miller read the purpose statement. David Eide presented a staff report with a recommendation to deny the request based upon findings 3, 4 and 6. He noted that staff received a letter supporting the request from District 7 – Frogtown Neighborhood Association and three letters supporting the request.

Chair Miller called the applicant forward. Alexis Oberdorfer, 709 University Avenue West, Senior Vice President of Services for Lutheran Social Service of Minnesota, spoke about the request.

Bill Griffith, 8300 Norman Center Drive, Bloomington, MN, the applicant's attorney, addressed the board.

Chair Miller asked the Board if there were any questions for the applicant. Martinson asked a question, and the applicant addressed the question. Chair Miller noted that the applicant could take a seat and asked if anyone was present to speak to support or in opposition to the request. Nobody stepped forward. Chair Miller closed the public portion of the hearing.

Schweizer asked to see the properties that were within the distance requirement. David Eide showed the properties on the screen.

Schweitzer moved the staff recommendation to deny the request based upon findings 3, 4, and 6. Dayton seconded.

Porter stated that she would vote no on this motion. Dayton asked Porter how the findings would be met. Porter responded that the unique circumstance is that the building was inherited. Dayton asked about the justification for meeting the findings. Josh Ladd stated that the requirement is that it is unique to this parcel and not necessarily the surrounding parcels.

Porter stated that the plight is due to their new entity. Josh Ladd asked how it is unique if other properties are subject to the same plight. Porter stated that the applicant did not seek this location. Dayton asked if the motion maker could withdraw their motion, and the applicant could come forward to reiterate how they view the findings as met.

Bill Griffith, the attorney for the applicant, stepped forward, and began speaking, and was asked to follow the rules by Josh Ladd, as the public hearing was not open.

Schweitzer explained why he moved to deny, as this is a net new use on this site. Schweitzer spoke in support of the distance requirement.

Miller asked Maxine Linston to conduct a roll call vote. Schweitzer, Martinson, and Miller voted yes. Dayton and Porter voted no. The motion to deny the request based upon findings 3, 4, and 6 in alignment with the staff recommendation did not pass.

Dayton made a motion to re-open the public portion of the hearing. Porter seconded. Miller asked Maxine Linston to conduct a roll call vote. Martinson, Porter, Dayton, Schweitzer, and Miller voted yes to re-open the public hearing. The motion passed.

Bill Griffith, the attorney for the applicant, stepped forward and addressed the findings that staff had found not met. Miller asked a question about the adult resident language in the staff report.

Alexis Oberdorfer of Lutheran Social Services of MN stepped forward to explain the type of clientele that would be served.

Chair Miller asked if Lutheran Social Services works with the nearby locations. Alexis Oberdorfer stated that they work with Ain Dah Yung and do have a history with the Aurora property.

Jaime Wilkins, 709 University Avenue West, Associate Vice President of Youth Services and Housing, with Lutheran Social Services stated that they collaborate with the nearby facilities but do not have control over them.

Chair Miller closed the public hearing. Porter made a motion to approve the request based upon the following language. Finding three: Lutheran Social Services partners officially or unofficially with Ain Dah Yung to provide youth services or similar like services. For finding four: The plight of the landowner is due to circumstances unique to the property. The owner inherited the property and is seeking a reasonable use to complement the existing services provided on the first level. Finding 6: This is an existing location of supportive services. One floor in the existing location is being repurposed to offer additional supportive services.

Miller asked if Dayton would add anything to the motion. Dayton responded that finding three for practical difficulties that there is a vacancy of support services such as this in this part of town. She stated that not moving forward with this plan would create a wider hole in these services. Porter accepted the addition.

Miller, Schweitzer, Dayton and Martinson discussed the proposed facility. Porter reiterated her language for findings 3, 4, and 6 to approve the requested variance. Dayton seconded.

Chair Miller requested that Maxine Linston conduct a roll call vote. Schweitzer voted no and Martinson, Porter, Dayton, and Miller voted yes. The motion passed to approve the requested variance based upon findings one through six, with the language provided by Porter for findings 3, 4, and 6.

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

418 Sherburn Avenue:

Chair Miller read the purpose statement. David Eide gave a staff report with a recommendation to deny the request based upon findings 3, 4, and 6. He stated that staff did not receive a recommendation from

District 7 – Frogtown Neighborhood Association and one letter was received with concerns about the request. One letter was received opposing the requests. Chair Miller called the applicant forward.

The applicant, Dominic Carchedi, 418 Sherburne Avenue, stepped forward and explained the request. The Board did not have questions for the applicant.

Chair Miller asked if anyone was present from the public to speak in favor. Nobody stepped forward. He asked if anyone form the public was present to speak in opposition to the request.

Jackie Burgoon, 432 Sherburne Avenue, spoke in opposition to the request. Robert McClain, 437 Sherburne Avenue spoke in opposition to the request.

The applicant, Dominic Carchedi, stepped forward and responded. The Board asked questions of the applicant, and the applicant responded.

Robert McClain asked a question about the use at the property. David Eide responded to the question, stating that the building was constructed as a four-unit multiple family dwelling. Chair Miller closed the public hearing.

Dayton moved denial of the requested variance based upon findings 3, 4, and 6, in alignment with the staff recommendation. Martinson seconded. Chair Miller asked Maxine Linston to conduct a roll call vote. Maxine Linston conducted a roll call vote with Schweitzer, Porter, Martinson, Dayton, and Miller voting to deny the rest. The motion passed, and the variance request was denied.

Moved by: Dayton / Second by: Martinson **Denied 5-0**

The meeting was adjourned at 6:08 p.m.

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Jun 11, 2025 08:13 CDT)

David Eide

David Eide

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Jun 11, 2025 06:33 CDT)