GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
JUNE 9, 2025

BOARD MEMBERS PRESENT	STAFF PRESENT	
Daniel Miller	David Eide	DSI
Jerome Benner II	Yaya Diatta	DSI
Robert Clarksen	Maxine Linston	DSI
Megan Dayton	Josh Ladd	City Attorney
Brian Martinson		

ABSENT BOARD MEMBERS: Marilyn Porter, Chris Schweitzer

APPROVAL OF MINUTES:

April 14, 2025 – Moved By: Benner II / Second By: Martinson, Approved 5-0

April 28, 2025 – Moved By: Dayton / Second By: Martinson, Approved 5-0

May 27, 2025 – Moved BY: Dayton / Second By: Martinson, Approved 4-0 with 1 Abstention (Benner II)

APPROVAL OF RESOLUTION: 709 University Avenue West (25-019012)

Moved By: Martinson, Second By: Dayton, Approved 4-0 with 1 Abstention (Benner II)

***Old Business*:** None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
25-029918	315 Morton Street West – Lobsang Yeshi	Benner II	Dayton	5-0	Approved
25-031469	380 Victoria Street North – Independent School District 625	Dayton	Benner II	5-0	Approved
25-033875	519 Farrington Street – Stronger Sober House	Benner II	Dayton	5-0	Denied
25-033888	269 Harrison Avenue – Stronger Sober House	Martinson	Benner II	5-0	Denied

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Jul 22, 2025 10:34 CDT)

David Eide

David Eide
David Eide (Jul 22, 2025 10:23 CDT)

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Jul 22, 2025 10:24 CDT)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 330 – CITY HALL
SAINT PAUL, MINNESOTA
JUNE 9, 2025

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

PRESENT: Members of Board of Zoning Appeals: Mr. Miller, Mr. Benner II, Mr. Clarksen, Ms. Dayton, Mr. Martinson

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

Legal: City Attorney Josh Ladd

ABSENT: Ms. Porter, Mr. Schweitzer

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

Chair Miller called the meeting to order and noted that David Eide was present in-person with Yaya Diatta attending remotely 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 Clarksen, Dayton, Martinson, Benner II, and Miller were in attendance. Chair Miller announced that the first order of business was the approval of the minutes from three meetings and asked if they could be batched together. Board member Benner noted that if members wanted to abstain from certain meeting minutes, batching should be reconsidered. Chair Miller proceeded with the approval of each set of minutes individually.

Approval of Minutes: April 14, 2025

Chair Miller asked for discussion or a motion regarding the April 14, 2025 meeting minutes. Mr. Benner moved approval and Martinson seconded. Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Clarksen, Benner II, Dayton, Martinson, and Miller voting to approve. The motion passed.

Move by: Benner II / Second by: Martinson **Approved 5-0**

Approval of Minutes: April 28, 2025

Chair Miller asked for discussion or a motion regarding the April 28, 2025 meeting minutes. Dayton moved approval and Martinson seconded. Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Clarksen, Benner II, Dayton, Martinson, and Miller voting to approve. The motion passed

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

Approval of Minutes: May 27, 2025

Chair Miller asked for discussion or a motion regarding the May 27, 2025 meeting minutes. Dayton moved approval and Martinson seconded. Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with

Martinson, Dayton, Clarksen and Miller voting to approve with Benner abstaining. The motion passed in a 4-0 vote with Benner abstaining.

Move by: Dayton / Second by: Martinson **Approved 4-0, 1 abstention**

Approval of Resolution: 709 University Avenue West (25-019012)

Chair Miller asked for discussion or a motion pertaining to the resolution for 709 University Avenue West. Martinson moved approval and Dayton seconded. Miller asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Clarksen, Martinson, Dayton, and Miller voting to approve with Benner II abstaining.

Move by: Martinson / Second by: Dayton **Approved 4-0, 1 abstention**

Old Business: None

New Business:

315 Morton Street West:

Chair Miller read the purpose statement. The variance request pertains to a side yard setback to convert this single-family dwelling into a religious institution. David Eide presented the staff report recommending approval of the requested side yard setback variance based upon findings one through six. He noted that no recommendation was received from the District Council and one letter was received speaking against the request and one with concerns.

Chair Miller called up the applicant, Lobsang Yeshi, 3039 Hemlock Street, Little Canada, MN who spoke about the request. Charlie Berg with Busch Architects, 310 4th Avenue South, Minneapolis, MN, introduced himself as the designer for the project. Christopher Huntley, 401 Groveland Avenue, Minneapolis, MN introduced himself as the attorney representing the applicant. The Board did not have any questions for the applicant.

Chair Miller asked if anyone was present to speak in favor of the request. Howard Winters, 310 Morton Street West, Saint Paul, MN, asked for clarification about the request was about. David Eide responded that the request was for the setback between the eastern wall of the building and the property line. Winters spoke about a fence line. Benner asked if the individual was supportive of the request. Winters responded that he was not objecting to what was proposed and was explaining the history.

Chair Miller asked if anyone was present to speak in favor of the request. Nobody approached. Chair Miller asked if anyone was present to speak in opposition to the request. Nobody approached. Benner made a motion to approve the request, in alignment with the staff recommendation. Dayton seconded. Chair Miller requested that Maxine Linston conduct a roll call vote. A roll call vote was conducted with Martinson, Clarksen, Dayton, Benner II, and Miller voting in favor. The motion passed.

Moved by: Benner II / Second by: Dayton **Approved 5-0**

380 Victoria Street North:

Chair Miller read the purpose statement. The applicant was requesting two variances to reconstruct a loading area along St. Anthony Avenue at Maxfield Elementary School. One variance was pertaining to the required landscaping and setback, and the other was pertaining to required screening. David Eide presented the staff report recommending approval of the requested variances based upon findings one through six. He noted that no recommendation was received from District 8 – Summit University Planning Council and that no correspondence was received regarding the request.

Chair Miller asked what the fence on the roof was for. David Eide stated that the fence was likely to prevent persons from getting onto the roof.

Chair Miller called the applicant forward. The applicant, Griffin Dempsey, 2645 Glenbrook Avenue North, Oakdale, MN, introduced himself as a civil engineer with Design Tree Engineering and Land Surveying representing Saint Paul Public Schools for this project. Dempsey stated that the electrical transformer, new trash enclosure, and necessary maneuvering space for a box truck create difficulties to comply with the ordinance. Miller and Clarksen asked clarifying questions about the layout. Benner asked if a gate would be in front of the driveway. Dempsey responded that there would not be a gate.

Miller asked if anyone was present to speak in favor or against the request. Nobody stepped forward. Dayton moved approval of the requests, in alignment with the staff recommendation. Benner seconded. Chair Miller requested that Maxine Linston conduct a roll call vote. A roll call vote was conducted with Martinson, Clarksen, Benner II, Dayton, and Miller voting to approve the requests. The motion passed.

Moved by: Dayton / Second by: Benner II **Approved 5-0**

519 Farrington Street:

Chair Miller read the purpose statement for the request, which is to establish an 11 resident supportive housing facility within 1,320 feet of three other supportive housing facilities, the closest of which his 736 feet away. David Eide presented the staff report recommending denial of the requested variance based upon findings 1, 3, 4, and 6. No recommendation was received from District 7 - Frogtown Neighborhood Association. Two letters were received supporting the request from residents of the property and a transcribed voicemail was received speaking against from a nearby property owner. The Board did not have any questions.

Chair Miller called up the applicant. Chad Unger, 1790 Spinaker Drive, Woodbury, MN 55125, spoke about the request. Chum Struve, 1790 Spinaker Drive, Woodbury, MN 55125, added additional information. Benner asked a question if fewer residents would mean lower costs in running the facility. Chad Unger explained that the proposed meals and staffing proposed would add costs and reducing the number of individuals would make it more difficult financially. Chad Unger explained that fewer people would mean less meal costs, however, the other fixed costs would remain flat, including the staffing. Chum Struve explained that the food provider requires a minimum number of people to provide the food to.

Josh Ladd, City Attorney, stated that state law and the City ordinance does not allow variances to be granted based upon finances. Chum Struve asked about prior variances. Josh Ladd responded that each request is examined separately, and other requests were not necessarily supported by the City Attorney's Office. Board member Benner noted the multiple supportive housing facilities in the same area and noted that financial considerations cannot be the primary driver when approving a variance. Chad Unger noted that the spirit of the use was not changing besides the adding of meals.

Chum Struve added that the property is currently operating as a sober house and that a different property would be chosen if it were not already operating as a sober house. Josh Ladd, City Attorney, noted that sober homes are supposed to be financially self sufficient and not receiving money from the federal or state government. They were supposed to be self-supporting homes for persons in recovery from substance use to live together for more than six months. He stated that the sober home ordinance was not being followed the way that it was intended.

Clarksen asked what event caused this request. Chair Miller stated that it was regarding funding. Josh Ladd, City Attorney, noted that Evergreen and NUWAY were being investigated for violating the anti-kickback statute which prompted a lot of applications to switch to supportive housing in the sober house community. He stated that their office has been in communication with DHS as they consider their proposals. David Eide stated that the use was changing from a sober house to supportive housing, which is what triggered the different requirements. Benner reiterated that the new use has different standards.

Chair Miller noted that all decisions can be appealed. Chad Unger stated that the use changes but practically, the impact would not be different. Chum Struve noted the residents' letters speaking in support and that the sober house was financially stable prior to the recent changes. Chair Miller noted that the findings do not seem to be met. Martinson noted that variances are intended as a deviation from the rules based upon something unique to the property, for example a uniquely shaped piece of land, rather than a class of property owners.

Martinson noted that the legislature changed the name from sober house to recovery residence and otherwise, there are not changes at the state level at this time. He stated that a denial would allow the applicant to take their case to the City Council. Chair Miller asked if anyone was present to speak in favor of the request. Nobody approached. Chair Miller asked if anyone was present to speak in opposition. William Hanson, 515 Farrington Street, Saint Paul, MN spoke against the requested variance. Chair Miller asked if anyone else wanted to speak against the request. Nobody else approached.

Chum Struve approached and responded to the public comment stating that Chad Unger no longer is the manager at the property, and they have a different manager currently.

Board member Benner made a motion moving denial of the request based upon findings 1, 3, 4, and 6, in alignment with the staff recommendation. Dayton seconded. Chair Miller requested that Maxine Linston conduct a roll call vote. A roll call vote was conducted with Martinson, Clarksen, Benner II, Dayton, and Miller voting to approve the motion to deny the requested variance. The motion passed to deny the request.

Moved by: Benner II / Second by: Dayton **Denied 5-0**

269 Harrison Avenue:

Chair Miller read the purpose statement for the request, which was to vary the distance requirement, typically 1,320 feet, associated with establishing a 12-resident supportive housing facility. The proposed facility is 804 feet from a specified congregate living facility with more than six (6) adult residents, for a variance of 516 feet. David Eide presented the staff report recommending denial of the requested variance based upon findings 1, 3, 4, and 6. No recommendation was received from District 9 – West 7th/Fort Road Federation. Four letters were received supporting the request from residents of the property itself.

Board member Benner asked if the other facility was a shelter for battered persons. David Eide answered that it indeed was. Benner asked how many persons were at the shelter for battered persons and how it functions compared to this proposed facility. David Eide stated that it is a 52-resident shelter for battered persons that is 804 feet away. Chair Miller called the applicants forward. Chad Unger, 1790 Spinaker Drive, Woodbury, MN 55125 and Chum Struve, 1790 Spinaker

Drive, Woodbury, MN 55125, introduced themselves as the applicants. Chad Unger asked if they needed to repeat their statement, as he felt that the prior conversation about the previous application was relevant to this application. Clarksen asked if it was the same statement. Josh Ladd, City Attorney, stated that would be sufficient if the applicant stated that they wanted the board to remember the prior conversation about the other similar request. Clarksen stated that they do not need to reread the statement, however, they should read new information into the record.

Josh Ladd, City Attorney, stated that applicants would also be able to speak to the City Council. Chad Unger stated that the facility is different than the nearby facility and is less of a residential neighborhood. Board member Clarksen asked the applicants about the unique circumstances regarding the property. Chad Unger answered that the facility is very different than the nearby shelter.

Chum Struve stated that the prior operator operated the sober home at this property for 10 years and they had operated it as a sober house for two years. Benner asked what services will be added. Chad Unger stated that they would add 24-hour staffing and three meals a day. Clarksen asked if the staff are also receiving the sober services. Chad Unger answered that, no, the staff would not be receiving services although they would be like mentors. Benner asked if they provide transportation to their clients. Chum Struve answered that they do not and the residents attend treatment elsewhere. Chum Struve stated that they try to connect their clients to resources but do not provide transportation themselves.

Board member Martinson stated that this was not the right route for establishing this use, as the variance would run with the property. Board member Benner questioned if the applicant would need to come in again to add additional residents over the twelve proposed. Josh Ladd, City Attorney stated that the shelter for battered persons has other requirements. Board member Martinson stated that a shelter for battered persons has other requirements. Six or fewer do not need to meet the distance requirement but more than six do. Chair Miller asked if the board had any other questions for the applicant. The board did not have any more questions. Chair Miller asked if anyone was present to speak for or against the request. Nobody came forward. Chair Miller closed the public hearing.

Martinson moved denial of the request based upon findings 1, 3, 4, and 6, in alignment with the staff recommendation. Dayton seconded. Chair Miller asked Maxine Linston to conduct a roll call vote. Maxine Linston conducted a roll call vote with Clarksen and Benner voting against the motion and Dayton, Martinson, and Miller voting for the motion. The motion failed. Chair Miller asked if there was discussion or a different motion. Josh Ladd, City Attorney stated that there was precedent that variances must meet all six standards in order to be granted.

Chair Miller stated that he appreciated that the case was unique, but it did not meet the findings. Board member Clarksen stated that he voted no because the neighborhood character would not be impacted establishing this facility when it is separated by 7th Street West. He stated that the argument was not effective for all of the findings and that additional support would be necessary for finding all of the findings to be met. Benner stated that staff made a stronger recommendation of denial, however, he stated that the facility would not change the essential character. West 7th has a mix of uses along the corridor and a 12-person facility would not change the character. Benner asked if the denial could be amended and stated that finding six should be met along with finding one. He stated that findings three and four are not met. Chair Miller stated that he disagreed with the staff finding six but not 1, 3, and 4.

Martinson stated that he agreed that findings three and four are the sticking points and finding six is open to question, along with finding one. Martinson made a motion to move denial of the request based upon findings three and four. Benner seconded the request. Chair Miller asked Maxine Linston to conduct a roll call vote. Dayton, Martinson, Clarksen, Benner II, and Miller voted to approve the motion. The motion passed to deny the variance request based upon findings three and four.

Moved by: Martinson / Second by: Benner II **Denied 5-0**

David Eide asked for clarification on the language for findings one and six. Josh Ladd stated that it would be figured out. Chair Miller confirmed that they denied based upon findings three and four.

The meeting was adjourned at 4:37 p.m.

Submitted by: Maxine Linston

Maxine Linston
Maxine Linston (Jul 22, 2025 10:34 CDT)

David Eide

David Eide
David Eide (Jul 22, 2025 10:23 CDT)

Approved by: Marilyn Porter, Secretary

Marilyn Porter
Marilyn Porter (Jul 22, 2025 10:24 CDT)