

Summit Hill Association

District 16 Planning Council
860 Saint Clair Avenue
Saint Paul, Minnesota 55105
Telephone 651-222-1222
www.summithillassociation.org
info@summithillassociation.org

May 2, 2016

City of Saint Paul
Board of Zoning Appeals
375 Jackson Street
St. Paul, MN 55101
Sent via email to Yaya Diatta for distribution to BZA Board

Attn: Yaya Diatta & BZA Board Members

Re: 1174 Grand Avenue Development Proposal- File 16-012819

The Summit Hill Association/District 16 Council (SHA) supports the neighbors' appeal of the BZA's decision to grant the applicant's variance requests for the referenced property. The accompanying letter to the BZA dated March 12, 2016, sets forth the basis for the SHA's support of the appeal.

Sincerely,

Mark Peschel
SHA President

Cc: Ward 2 Council Member, Rebecca Noecker

9

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Attn: Yaya Diatta & BZA Board Members

Re: 1174 Grand Avenue Development Proposal- File 16-012819

On March 10, 2016 the Summit Hill Association/District 16 Council ("the District Council") considered requests for a Major Variances submitted by the applicant BleuAnt Design, LLC ("the Applicant"). The proposal is for multi-family housing, and the Applicant is requesting a number of variances. These include:

- a lot coverage variance to allow for 47.5% coverage or 4,528 square feet (35% or 3,339 square feet allowed)
- front yard setback of 22 feet (23.4 feet required)
- east and west side yard setbacks on of 7.5 feet on each side (9 feet required)
- rear yard setback of 22 feet (25 feet required).

The District Council recommended approval of the front yard setback by a vote of 13 in favor, 0 opposed and 4 abstentions. However, we recommend denial of the Applicant's requested lot coverage variance, the east and west side yard setback variances and the rear yard setback variances. There were motions to approve each of those variances which all failed by a vote of 6 in favor, 7 opposed and 4 abstentions. We ask that this Board adopt the District Council's recommendations. The reasons supporting our position are based on the Applicant's failure to satisfy the following requirements:

10

Requirement: *The Applicant has established that there are practical difficulties in complying with the zoning provision: Economic considerations alone do not constitute practical difficulties.*

This is not the only option for a multi-family building on this site. The City Planning office has illustrated for example, that a building with a footprint of 3,150 square feet and 10 above-ground parking spaces could be built without any required variances. The proposed project however, is the option that maximizes density and therefore increases the Applicant's profit and presumably the City's tax base. However, the City may not consider the Applicant's or the City's own economic motivations when evaluating a practical difficulty. The Applicant has not demonstrated that a smaller building is not practical. **This requirement is not met.**

Requirement: *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The Applicant purchased this property while it was classified for BC zoning. The property has since been rezoned to RM-2 at the Applicant's request. Rather than build within the dimensions for RM-2, the applicant has created the circumstances prompting the requested variances by now seeking to build a multi-family building even beyond the scope of RM-2 allowances by pushing the dimensions on all sides of the building and the overall lot coverage. This not the only option for a multi-family building on this site. **This finding is not met.**

Requirement: *The variances are in harmony with the general purposes and intent of the zoning code*

The Applicant has provided a rendering of the project which may appear to support a finding of harmony with the purposes and intent of the code. However, the Applicant—who has the responsibility of demonstrating the elements for a variance are necessary—has not shown that its rendering is actually to scale. Instead, measurements submitted to the District Council from the Applicant's architect, clearly show that the building is not appropriately sized for the lot and is out of context when compared to adjacent properties. The proposed building is to be 22.5% taller than the two existing 30'6" tall buildings to the West and 31.5% taller than the two existing buildings to the East. The existing buildings are 2.5 stories above grade and the proposed building is 3.5 stories above grade. This is significant when considering overall mass. Here applicant is requesting to build a 37'4" building with a 4528 square foot footprint. Based on square footage estimates provided by the City and height information from the Applicant's architect (28'6" ft x 4028 sq ft), the Applicant's project will be 47% larger in mass than the adjacent building to East. It will also be 24% larger in mass than the adjacent building to the west (4,469 sq ft x 30'6").

We also note that this building is in the East Grand Overlay District. (See St. Paul City Ordinance 67.602.) Accordingly the design standards set forth in Saint Paul Ordinance 66.343 apply, including the provision that provides that "transitions in density or intensity shall be managed through careful attention to building height, scale..."

If the setback and coverage variances are granted, the proposed project will not be consistent in scale with adjacent projects and will instead be significantly larger in mass. **This requirement is not met.**

Requirement : *The variances are consistent with the comprehensive plan*

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Policy 1.2 of the Housing Chapter of the Comprehensive Plan, Strategy 3.4, which states: [Infill housing should meet] “....design standards so that infill housing fits within the context of the existing neighborhood and is compatible with the prevailing pattern on development.” As explained above, it is clear that allowing the requested variances would not bring the scale of the building in line with adjacent properties, but would instead make this building considerably larger in terms of mass and would therefore be inconsistent. **This requirement is not met.**

Requirement: *The variances will not alter the essential character of the surrounding area.*

Again the Applicant would have you believe that the proposed building is similar in scale and massing to the existing immediately adjacent properties and will not change the character of the existing area. The building is not comparable in scale and massing to the adjacent properties. It will be, for example, approximately 47% larger in volume/mass than the adjacent property to the East. **This finding is not met.**

The District Council has been following the matter very closely for more than a year and has carefully considered the project. We have had a number of formal meetings with the Applicant and neighbors. Numerous neighbors have spoken against the project. Some of the key concerns they have addressed with respect to the current application are as follows:

- The overall scale/mass of the building and how this would be the largest in mass of the group of what would be five tallest buildings on the block.
- The additional traffic on a dead end alley that is already accommodating numerous businesses and multi-family dwellings to the north as well as mainly single-family homes to the south.
- The possibility that there are elements of the building that are undefined (stairwells, balconies, etc.) that could extend beyond the stated dimensions of the project and possibly beyond height amounts allowable by code.
- The possibility that once variances for setbacks and coverage are granted the building roofline might also extend to a full 40 feet, making the mass of the building even further out of scale.
- Privacy concerns regarding south facing balconies above the second floor level.

Significantly the neighbors are not opposed to a multi-family building. They have however expressed that a new building should be comparable in proportion to the existing adjacent buildings in terms of overall mass.

The overall sentiment of the District Council was that, although a multi-family building may be the most appropriate use of the site, the number and size of the variance requests were too great for the development as proposed. The Applicant is not requesting one or two small variances, but rather to push the property beyond the limits on all four sides, as well as to ask for a very considerable coverage variance. The District Council, and neighbors, are however in favor of granting the front yard setback variance, as doing so will bring the front elevation of the project in line with adjacent properties.

In summary, the Summit Hill Association/District 16 Council does not feel that the required conditions have been met in order to allow for the numerous variances requested for this proposal. We ask the Board of Zoning Appeals deny the Applicant's requests for all variances with the exception of the front yard setback.

Sincerely,

12

Mark Peschel

SHA President

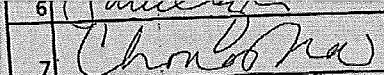

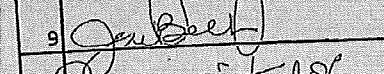
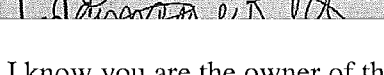
Cc: Ward 2 Council Member, Rebecca Noecker

Project at 1174 Grand Ave

Amanda Karls <amandajgkarls@gmail.com> Mon, May 2, 2016 at 3:13 PM
To: Amanda Ficek <amanda@mamashappy.com>

Hello Amanda,

I am writing to let you know that the developers of a project at 1174 Grand Ave in Saint Paul have represented to the City of Saint Paul that your business is in favor of their development. Here is a photo of the signature they have included to demonstrate support:

6		1106 Grand	Braw Bakery
7			
8		1128 GRAND	MAMA'S Happy
9		1132 Grand Ave	St Paul Paint Your Place
		1136 GRAND AVE	MY SISTERS' CLOSET


I know you are the owner of the business so wanted to check in with you regarding whether you are actually in support of the project, which will be large condo building that will be the largest in the block and will require several variances. The project is opposed by at least 24 neighbors on Lincoln Avenue. Please let me know if you have taken a position in support of the project.

Thank you,

Amanda Karls
1171 Lincoln Ave

Sent from my iPhone

Amanda Ficek <amanda@mamashappy.com> Mon, May 2, 2016 at 3:26 PM
To: Amanda Karls <amandajgkarls@gmail.com>

 That isn't even close to my signature, nor anyone that works at that store (there aren't very many of us). What project is this, may I ask?

Amanda Karls <amandajgkarls@gmail.com> Mon, May 2, 2016 at 3:42 PM
To: Amanda Ficek <amanda@mamashappy.com>

14
P 1/2

Thanks for getting back to me. It is a proposed condo development at 1174 Grand (which is about a block and a half west of your store). There was a small house there which has been torn down.

Sent from my iPhone

Amanda Ficek <amanda@mamashappy.com> Mon, May 2, 2016 at 3:50 PM
To: Amanda Karls <amandajgkarls@gmail.com>

So they forged my signature?

Amanda Karls <amandajgkarls@gmail.com> Mon, May 2, 2016 at 5:01 PM
To: Amanda Ficek <amanda@mamashappy.com>

I have no idea. We are going to try check with with some of the other business owners too. I thought perhaps they just got store clerks (without corporate authority) to sign, but I really don't know what their method was.

Here's the full signature sheet that is included in the City's file, if you want to see it:

Signature	Name	Date
Amanda Ficek	Amanda Ficek	5/2/16
Amanda Karls	Amanda Karls	5/2/16
Amanda Karls	Amanda Karls	5/2/16
Amanda Karls	Amanda Karls	5/2/16
Amanda Karls	Amanda Karls	5/2/16
Amanda Karls	Amanda Karls	5/2/16
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Amanda Karls	Amanda Karls	5/2/16
Amanda Karls	Amanda Karls	5/2/16

If you have contacts for the owners of any of these businesses, I would be very grateful. We have just a couple days to appeal the zoning variances they were granted last week.

Sent from my iPhone

15





p 2/2

Amanda Karls <amandajgkarls@gmail.com> Mon, May 2, 2016 at 5:13 PM
To: katie@babyongrand.com
Cc: Andrew Rorvig <arorvig@mcfarg.com>

Hi Katie,

We are writing to let you know that the developers of a project at 1174 Grand Ave in Saint Paul have represented to the City of Saint Paul that Baby Grand is in favor of their development. We have only checked with one other business owner so far (Mama's Happy) but have learned that their signature was not given with consent.

Here is a photo of the signature they have included to demonstrate Baby Grand's support:

	1261 Grand	Koualokpa
	1262 GRAND	CHARLEMAGNE
	1131 Grand	Baby Grand
	1174 Grand	Mama's Happy

We know your family owns the business so wanted to check in with you regarding whether the owners are actually in support of the project, which will be large condo building that will be the largest in the block and will require several variances. The project is opposed by at least 24 neighbors on Lincoln Avenue. Please let me know if your company has taken a position in support of the project.

Thank you,

Amanda Karls & Andy Rorvig

1171 Lincoln Ave

Sent from my iPhone

Katie <katie@babyongrand.com> Mon, May 2, 2016 at 5:29 PM
To: Amanda Karls <amandajgkarls@gmail.com>
Cc: Andrew Rorvig <arorvig@mcfarg.com>

Hello Amanda,

Thanks for your email! That is definitely not a recognizable signature from our business owners.




16

P 1/2

Sent from my iPhone

Katie <katie@babyongrand.com> Mon, May 2, 2016 at 5:33 PM
To: Amanda Karls <amandajgkarls@gmail.com>
Cc: Andrew Rorvig <arorvig@mcfarg.com>

Sorry I'm traveling and my email sent before I finished!

 Like I said, that is not a recognizable signature from any of our four business owners and I know we have not taken a stance on the project. I am completely appalled they would give signatures without consent from neighboring businesses concerning their development. Please let me know if you need any additional help on this.

Katie Roedler

651-785-6871

babyongrand.com

Sent from my iPhone

17

8 2/2

From: rkowalski@comcast.net

To: <arorvig@mcfarg.com>

Sent: Wednesday, May 4, 2016 6:55:44 AM

Subject: 1174 Grand ave

To who it may concern .

We, Kowalskis Markets are in favor of well thought out new and redevelopment and understand that it is up to the developer and the surrounding impacted neighborhood to work threw any and all issue that may arise in a open , fair and transparent process .

We are choosing to remain neutral as it relates the discussion of the 1174 Grand remodel.

Thank you Bob Kowalski

Robert Kowalski

Real Estate Development

Kowalski Markets

612-363-8888

18

84/1