

GENERAL MINUTES
 SKYPE VIRTUAL HEARING
 THE BOARD OF ZONING APPEALS
 SAINT PAUL, MINNESOTA
 April 27, 2020

MEMBERS PRESENT

Luis Rangel Morales
 Danielle Swift
 Thomas Saylor
 Daniel Miller
 Robert Clarksen
 Diane Trout-Oertel
 Joyce Maddox

Legal: Peter Warner, City Attorney

MEMBER(S) ABSENT

None

APPROVAL OF MINUTES for April 13, 2020

Moved By: Miller / Second By: Maddox

APPROVAL OF RESOLUTIONS - None

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
20-021334	656 Desoto St. - Oladimeji Iselewa	Morales	Clarksen	7-0	Approved
20-024086	1769 Grand Ave – Good Timing LLC – Lucas Wiborg	Morales	Maddox	6-1	Denied

Submitted by: Maxine Linston
 Matthew Graybar

Approved by:
 Daniel Miller, Secretary

BOARD OF ZONING APPEALS HEARING MINUTES

375 Jackson Street – Skype Virtual Meeting

St. Paul, MN, April 27, 2020

PRESENT: Members of Board of Zoning Appeals: Mr. Clarksen, Mr. Miller, Mr. Morales, Mr. Saylor, Ms. Swift, Ms. Trout-Oertel, Ms. Maddox

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

Legal: City Attorney Peter Warner

ABSENT: None

The meeting was chaired by Thomas Saylor.

Approval of Minutes for April 13, 2020

Mr. Saylor- So, our first order of business today is the approval of the minutes for April 13, 2020. Is there a discussion or a motion on those minutes?

Moved By: Miller/Second By: Maddox

Mr. Saylor- Our April 13, 2020 minutes have been moved and seconded. All those in favor of approving the minutes from April 13, 2020, say "I"; opposed like sign. All in favor. Minutes for April 13, 2020 have been approved.

Old Business:

None

New Business:

Mr. Saylor- Maxine/Kelly please take attendance, so people can verbally indicate that they're present and then we'll be set.

Ms. Kelly/ Roll Call- Miller-Here; Swift-Here; Clarksen-Here; Trout-Oertel-Here; Morales-Here; Maddox-Here; Saylor-Here.

Mr. Saylor- Thank you. So, we have seven Commissioners present today. Also present today, from the Department of Safety and Inspections Yaya Diatta and Matthew Graybar. Our board members are Robert Clarksen, Daniel Miller, Luis Rangel Morales, Danielle Swift, Diane Trout-Oertel, Joyce Maddox and me Thomas Saylor-Chair. Legal counsel here is Peter Warner our secretaries from the Department of Safety and Inspections are Maxine & Kelly.

Mr. Saylor- Good afternoon and welcome to the board of zoning appeals. Our purpose is to review and decide requests for zoning code variances administrative reviews and requests to modify the home occupation requirements for handicapped individuals. If you intend to testify today, we do ask that you say your name and address.

Staff will first show some slides of the property, then followed by staff findings and discussion. I will then call on the applicant, then those in favor and then those opposed. The board does reserve the right to call back the applicant in case we have any additional questions which may arise over today's testimony. I will then close the public portion of the hearing and the board will vote to approve or deny the request. Please note that our vote is final unless appealed to the city council within 10 days.

We will take the cases in the order that they appear on the agenda. Those cases with any opposition present will be moved to the bottom of the agenda. The board does reserve the right to limit speaker time.

656 Desoto Street

Mr. Saylor- the applicant is proposing to construct a duplex on this vacant lot. Duplexes in the RT1 zoning district are required to have 50 feet of lot width, 45 feet is proposed, for a variance of 5 feet of lot width.

Mr. Graybar- So the thick black outline is 656 Desoto Street. This is a .17acre lot with alley access from Desoto Street. The surrounding land uses are single and two-family dwellings and are located to the west north and east and as you see this big park here down to the south that's Weida Park. This is 656 Desoto Street. This is the survey and site plan. This proposal meets all the required setbacks, lot coverage, building design requirements and off-street parking requirements.

Side note: (Mr. Diatta- Peter Warner said you need to do a roll call. I think you already did that, right?)

Mr. Saylor-Yes, we did. Mr. Diatta-Okay, I'll confirm with him.

Mr. Graybar- So this is the project. I just want to reiterate they met all the setbacks all the lot coverage the building design requirements and parking requirements. This is how much of the lot they're looking to take up. This is a perspective from the front and side of the building as you can see it's has a nice little covered entry and nice little deck on the back.

As you can see there are two parking stalls inside the rear of the building with a parking pad over here. You can see where my mouse is circling.

So the applicant is proposing to construct a duplex on this vacant lot which aligns with the general purposes and intent of the zoning code to provide housing and to conserve and improve property values, which meets Finding 1.

This project along with a lot width variance requested also meets the intent to policy 1.40 of the 2030 comprehensive plan, which aims to promote the development of housing that provides choices for people of all ages including singles, young couples, families, empty nesters and seniors. Also consistent with the 2030 comprehensive plans policy 3.4 which supports infill housing that fit with the context of existing neighborhoods and with the prevailing pattern of development. Finding 2 is also met. So we look at this house here in the orange box. We have unit 1, unit 2, my apologies, and the green on the bottom is unit 1. This is the basement floor plan as you can see it's a left-right set up in the basement and then once we go to the next slide, this is for the first floor. This is the front door. This is the front entrance for unit 2 this is the front door for unit 1 and as you can see the stairwell in the back. This leads from the basement. This little area here I'm encircling that leads up to its own separate entrance to the garage from the downstairs to the first floor and all the way to the second floor as this landing here.

In the basement, is left-right and changes and the first floor is primarily unit 1 and unit 2 has access to the basement and floor to its unit. As you see here in the orange boxes.

This property is also located in the RT1 zoning district where duplexes can be constructed. However, the applicant can construct a single-family dwelling on the lot with no variances and does not have to build a duplex.

There is no practical difficulty in complying with the zoning code and the plight of the landowner is self-created. So Finding 3 and 4 are not met. Since duplexes are permitted in the zoning district and the proposed use will meet all the zoning requirements the project and the requested variances will meet findings 5 & 6.

Correspondence- Staff received a statement of support from District 5. Regarding correspondence from the neighbors, we received one letter in support and two letters in opposition.

The staff recommendation, the staff report again is on pages 1 through 3 and the resolution is on pages 18 through 20, staff recommends denial of the variance request based on findings 3 and 4 as mentioned earlier.

Mr. Saylor- Commissioners what questions do you have today for Mr. Graybar?

Mr. Miller- I have a question. A lot of the times one of the findings does not include not doing the project as an option. Usually there's a better, you know kind of a, I don't know how to say it. Usually that's not one of staff descriptions, I guess.

Mr. Saylor- Is that a question or statements?

Mr. Miller- Why did you choose to use that I guess this time?

Mr. Graybar-Mr. Chair & Mr. Commissioner, I'm sorry, are you referring to why did I describe the project as in how it meets the different findings?

Ms. Trout-Oertel- I think I know what Commissioner Miller is getting at. It's he can construct, or the applicant can construct a single-family dwelling and yet the project meets all the requirements except one. Yeah, the reason that you are given in the staff report he could do something else, Mr. Miller is that what you're saying?

Mr. Miller- Yeah, that is kind of what I was trying to get at. For finding not to be met I don't know. I was just kind of surprised that this was the answer. You could not just build a duplex as an alternative to seeking a variance.

Mr. Graybar- Right, I understand. Mr. Chair and Commissioners. I wanted to point out we do try to find out if the project can meet the current zoning standards as other past hearings. We've recommended maybe like a lower amount of multi-family dwelling units in a building just because it can be met through the current zoning code without any variances. So we just wanted to put forward that you could make use of this property with the single-family dwelling without having to get a variance.

Ms. Trout-Oertel- But isn't that always true of every application that the property? We have had a few properties where nothing could be done with the property, but it's very seldom that is the case.

Mr. Graybar- Mr. Chair, Commissioners, Ms. Trout-Oertel yes, that is correct.

Mr. Miller- again with the follow-up question. I know we're not to the next case yet, but isn't that also the case for the next one? You could build a single-family home instead of a 12-unit apartment building and you wouldn't need any variances.

Mr. Graybar- Mr. Chair, Commissioners and Mr. Miller. Yes. That is correct.

Mr. Diatta- So Matt, on the example that Mr. Miller gave about the apartment. You also got a look at what's appropriate in that case is that particular property towered by apartment buildings on at least a couple of sides, so argument can be made because this high-density multi-family. In medium density housing in the area and the area was under the comp plan. It makes sense to have an apartment building there because it will fit in better with the zoning classification the color and also the building are to have a multi building there than have a single-family dwelling or duplex.

Ms. Trout-Oertel- Well the same thing can be said for the duplex, right? the duplex fits into the neighborhood. It is not, incompatible with the neighborhood.

Mr. Diatta- It can fit into the neighborhood? Is the neighborhood built up with duplexes? And is the neighborhood slated for duplexes? Probably not. I mean maybe slightly for duplexes but is it surrounded by duplexes like the apartment building we are talking about on Grand Avenue. Again, we look at what the reasonable use of the property, can it be used as a single-family dwelling, yes, can it be used as a duplex yes. Is it a practical difficulty that preventing the building of the family probably not. He doesn't have to build a duplex just like a single family can fit in nicely with surrounding area probably fit in nicely if there were duplexes to, but if we put a single-family dwelling on the Grand Avenue case surrounded by apartment buildings, when the area that is slotted for medium density and also for the zoning. I think the case probably can be made before the Grand Avenue case than this case. But again, that's staff recommendation to the board. The board has the power to overrule staff. You just got to say why you think staff erred. That will be fine.

Mr. Miller- I have a comment. I think Finding 3 can easily be justified. The practical difficulty is the lot, of slightly undersized but a duplex is not an inappropriate use.

Mr. Clarksen- I agree with what I think Commissioners Miller and Trout-Oertel are total suggesting that the property owner is proposing to use the property in a reasonable manner whether the area is singles or duplex, and I think that with that logic you can make the finding in favor of item number 3 and I would say that the circumstances are unique to the property and not created by the land owner of the lot was slightly larger we wouldn't be having this conversation. So those are the two that you've suggested in the staff report where the finding is not met, and I think they could easily go the other way.

Mr. Morales- Mr. Graybar, can you comment on those two issues, one whether this lot is under sized and then two, I guess compared to other lots of that area and then to without. If they were to build the extra 5 feet would they cut what they need a variance on the side yard setback, or would they be okay on that as well?

Mr. Graybar- So the size here, I'm pulling up the parcel in question. So here in blue is the parcel in question as you can see, it's similar in size to the other. So this is one is .13, .19,.12, so it's similar in size. It meets the size requirements for 66.231 in the zoning code for a lot for a duplex in the zoning district. However, it's just five feet short. It still meets the side yard setback of the nine feet for a duplex if that answers your question.

Mr. Morales- Can you repeat that again about the side yard setback.

Mr. Graybar- Absolutely, so they do meet the current side yard setback and I can pull up the survey for you. So we got the nine feet here which is required and you got the nine feet here. So if we had five extra feet they would have even more room to expand the house and make more use of it.

Mr. Morales- Right but what's the side yard setback?

Mr. Graybar- 9 feet. I'll pull it up here.

Mr. Morales- Right but I'm saying if they were to go two feet or two and a half feet farther on each side or five feet more on one side, they would need a variance because then they are going to be closer out there.

Mr. Graybar- Right. That's Mr. Morales. So your question is if they built the property should the house be closer to the property lines, then they wouldn't be able to meet that require setback. Correct?

Mr. Morales- No, what I'm saying is right now the variance request that they're asking for is 5 feet because they're asking to build the lot, but it's supposed to be 50 feet. Oh, I see, I see never mind.

Mr. Saylor- Additional questions for Mr. Graybar or Mr. Diatta?

Mr. Saylor- Okay is the applicant here today?

Applicant- Yes. I'm here. This is the Oladimeji Iselewa.

Mr. Saylor- And can you give us your address because this is a public hearing and it's being recorded, please.

Applicant- Oladimeji Iselewa, For the Desoto property or my personal? My current address is 8414 Savannah Oaks Lane Woodbury, Minnesota by 55125.

Mr. Saylor- Okay, thank you. And what would you like to add to the presentation to? Mr. Graybar provided today?

Applicant Oladimeji Iselewa – First let me thank you guys for hearing this variance request. Thank you, Mr. Graybar, for presenting our application. We think this is a great opportunity to build a quality duplex in the area that is kind of lacking more and it's up and coming so just think it's a great opportunity and hopefully you guys approve.

Mr. Saylor- Okay. Thank you. Any questions for our applicant? Again, remember to identify yourself board members if and when you do speak.

Mr. Miller- Do you intend to; I don't remember if I read it in the application or not. Do you intend to use this as your residence? Is this going to be an owner occupied?

Applicant Oladimeji Iselewa -Yep, the top-level I plan on living in.

Mr. Miller- Okay.

Mr. Saylor- Other questions here for the applicant.

Mr. Saylor- Thank you, Mr. Oladimeji Iselewa. If we have any additional questions, we may call you back up here. Thank you very much for now.

Applicant- Oladimeji Iselewa Thanks. Yep. Okay.

Mr. Saylor- Do we have anybody here present on the call who wishes to speak in *favor* of this variance request? Okay, I'm not seeing or hearing anyone.

Mr. Saylor- Do we have anybody here present today with us on the call who would like to speak in *opposition* to this variance request?

Yes.

Mr. Saylor- Okay, please identify yourself name and address please. –

Mr. Keith Little- address is 660 Soto St. Paul Minnesota 55130.

Mr. Saylor- Thanks, Mr. Little and what would you like to say today?

Mr. Little- I would like to say the variances on that lot is “pretty damn” close to my home. It would be very close, it’s like in arm's reach of my property, from where the previous homeowner property was. If it was a single-family home, I would be all for it.

Mr. Saylor- And you are at 660 is that correct?

Mr. Little- That is correct.

Mr. Saylor- Mr. Graybar. See if you can have the images back up there for us.

Mr. Graybar- Yes, Mr. Chair.

Mr. Morales- First question for staff. So the house is going to be built within those it's going to have the appropriate side yard setback?

Mr. Graybar- Mr. Chair and Commissioner. Yes, that is correct, they would have a 9-foot side yard setback from Mr. Little's property line, the one that they share in common.

Mr. Morales- A question for Mr. Little.

Mr. Saylor- Please

Mr. Morales- Mr. Little, are you aware if the house was approved it would be leaving you 9 feet from the property line and setback between your house and the property line as well.

Mr. Little- Yes, I'm looking at the markers out here and it doesn't appear to be 9 feet.

Mr. Saylor- Mr. Graybar or Mr. Diatta, can you comment on that?

Mr. Graybar- Mr. Chair and Commissioners, I believe they might be staking the property for the survey. And as far as identifying where the property lines are instead of where the building is actually going to be placed. Perhaps the applicant can provide more information on that.

Mr. Saylor- Hang on we still have Mr. Little speaking or being recognized. Mr. Little, do you have anything to add?

Mr. Little, I do not have anything to add at this time.

Mr. Saylor- Thank you, hold for us please. And so anyone else to speak? following protocol here anyone else to speak in *opposition* to this variance request. I think I believe I heard somebody.

Mr. Saylor- No.?? Okay, I didn't hear anyone else in opposition to the variance request for 656 Desoto Street is that correct.

Mr. Saylor- Okay. Mr. Diatta or Mr. Graybar anything else to add or help answer Mr. Littles question from a few minutes ago.

Mr. Graybar- I think they're just identifying where the property lines are and not actually where the building is going to be placed. But I would like to defer to the applicant to identify. What is actually maybe perhaps what they're referring to.

Mr. Saylor- Okay, let me recognize Mr. Oladimeji Iselewa again. Can you help us with the question that Mr. Little has proposed?

Mr. Oladimeji Iselewa- All right Yep. I actually have my contractor with me Benjamin and he'd like to answer that question. He can provide greater detail.

Mr. Saylor- Thank you. The speaker would just need to provide his name and business address for us.

Contacto- Benjamin Akhigbe, address 605 Linwood Lane, Plymouth MN 55447.

Mr. Saylor- Okay, thank you Benjamin. And what would you like to add and to help answer this question.

Contractor Benjamin Akhigbe- during the process of getting documents to Matthew we had to do a site survey to undo those property lines and not doing stakes. So I'm sure they are property line stakes Mr. Little is looking at.

Mr. Saylor- Okay. Thank you for that clarification.

Mr. Saylor- Okay, there's no one else? No one else spoke up that is here to speak in opposition to this variance request. So any board members wish to follow up with the comments they heard from Mr. Benjamin or from Mr. Oladimeji Iselewa the applicant about this property before I close the public portion of the hearing.

Mr. Saylor- Okay, I'm not hearing or seeing anyone. So I will close the public portion of the hearing and at this point we can entertain discussion or motion on the variance request 656 Desoto Street.

Ms. Maddox- I would just like to make a comment Jimmy Morelli and I were on the Railroad Island small area plan and I think there was a lot of concern about rental housing. I think maybe if the owner is going to be living there that would really kind of help that whole situation in that area. I did go over and look at the property and I think good support of a duplex, but I would also be in favor of supporting the staff report also.

Mr. Saylor- Thank you Ms. Maddox.

Mr. Saylor- So Commissioners anyone wish to make a motion or add a comment on 656 Desoto Street.

Ms. Swift- So I want to just be sure so all of the measurements make sense, right as if it were a single-family home the size of it would be fine, right? It's just the fact that it's a duplex that is needing this 5-foot variance. Am I understanding that correctly?

Mr. Graybar- Mr. Chair Commissioners commissioner Swift. Yes. That is correct. There just short the five feet of lot width

Ms. Swift- Okay, so like theoretically they could make just a one family residence with the same size building up to the same points and all of that right commissioner.

Mr. Graybar- Yes. That is correct. Ms. Swift- Okay, cool. Thank you.

Mr. Saylor- I believe Mr. Clarksen has a question.

Mr. Clarkson- Well, it says looking at this issue of what Railroad Island and Payne-Phalen had preferred and in the attachment on page 16, it's from the Railroad Island Neighborhood Group or (RING) and they make a comment in there about the fact that the proposed duplex would be a non-conforming duplex which would seem to be inconsistent with all of the findings in the staff report. So I just wanted to point that out. I don't think that's correct. If it is conforming as a duplex with respect everything except for the request variance then I think that's just important to have clarity. I do understand and looking through their letter and then the other letter of against the application as proposed from Mr. Palente talking about adding to the current density of housing stock in the community and there are too many rental units. I guess there's two ways to look at this since if it is proposed as an owner-occupied rental unit and that in fact what it wouldn't seem to necessarily increase the burden of rental housing that is described by both this particular neighbor and the neighborhood association. And so I don't know if anybody from the neighborhood association is here to speak further to that, but I sort of put that out there. I guess having said that is there anyway perhaps this is a question for Mr. Warner. If there's a way, we can somehow put a condition of approval that this is in fact an owner-occupied project or some way to ensure that moving forward to alleviate that concern.

Mr. Warner- The type of ownership occupancy is not a basis on which to conditional an approval. We don't under the zoning code distinguish between rentals and non-rentals. It's the use that's the distinguishing point.

Ms. Swift- I really think that District 5 sent their approval for this, the size of the structure is not the issue. We're talking about density again, and I believe that it fits in with the 2040 comp plan. I live in District 5 and I'm familiar with the railroad Island task force, which is a very exclusive small group of homeowners. And you know, I'm not sure when District 5 has put out a small area plan. I was on the board for a while. And as far as I knew they hadn't come out with a small area plan since the 70's so whatever information is there is extremely outdated, and I mean the fact of the matter is that we need more housing and we're talking about 5 feet. Also requiring someone to maintain or be an owner there would limit someone's opportunity to grow buy another property and live somewhere else and to start creating generational wealth. I will say on the record. I feel like this is one of those areas where we can kind of be in our way without recognizing it, we have someone who's going to be building and providing housing for himself and someone else a (black man) I'll say that. The Railroad Island task force is majority of white homeowners. And I think that this the nuanced conversation around having renters and tenants and density. I've said before is dog whistle politics and I would hate to see five feet get in the way of someone building a residence for themselves and someone else I think it would be an asset to the neighborhood.

Mr. Saylor- Thank you Ms. Swift.

Mr. Saylor- We have closed the public portion of the hearing any more discussion/comments.

Mr. Morales- I have a question for Mr. Warner. Is the fact that this has been zoned and approved by City Council to allow duplexes on this property does the zoning itself could that be a basis for a practical difficulty, or would there be a petition for a rezoning that would allow them to build this particular building under a different like, you know, it was rezoned differently. I'm just wondering if the rezoning itself can serve as if the zoning itself could serve as practical.

Mr. Warner- Commissioner Morales, perhaps the zoning classification, you know that's arrived at when they do re-zoning studies. They look at the current occupancy. They look at any number of things when they make the legislative decision as to how does owner of property in this particular instance since it's zoned RT1 and a duplex use permitted. The only thing that really is preventing that it is the width of the lot. And here you have an applicant that's proposing a structure that's going to meet the side yard setbacks. So whether it's a single-family home or a duplex, the structure itself will meet the side yard setbacks. So it really just boils down to the issue of the width of the lot and that lot I'm sure was platted long before the most recent zoning code determinations were made. So in this limited sense you could perhaps make a finding that in this particular situation given the width of the lot as it was platted given what the

applicant is proposing to do as a permitted use you can argue that's a form of circumstance that's unique to the property.

Mr. Morales- With that being said I would make a motion to approve the variance request to build a duplex on the lot for a variance of 5 feet. The two findings that were not found by staff that Commissioner Clarksen, noted earlier were are practically difficulty in complying with this provision the land has been platted at 45 feet. They cannot do anything with the building itself but try to put more land there. It's a reasonable manner the way they are trying to use it as a duplex which is a permitted use in a RT1 area. The plight of the landowner is due to circumstances unique to this particular property as it appears that it has. With that said I would go ahead and make a *motion to approve* the variance request.

I'm compelled to flip the RT1 lot findings that were not found by staff as commissioner noted earlier. There are practical difficulties and combined with this provision it specifically there's a lot of land have been platted at 45 feet. They can do anything with the building itself to put more like on there and the reason it's a reasonable manner in the way that they're trying to use it that being a duplex which is a permitted use in an RT1 area then to my question that I had just asked Peter Warner. The plight of the landowner is due to circumstances to unique to this particular property as it appears that it has been platted and way before it even after it would be zoned and actually it would be the only was considered to be a place where a duplex could be built. So it would be incongruent to allow a duplex to be built in this lot if by feet were going to get in the way of that so based on those two clarifications, I would move to approve.

Mr. Clarkson- I would **second** that.

Mr. Saylor- We have a motion. It's been moved and seconded. Any additional discussion on the motion to approve the variance request with the language modifying findings, 3 and 4.

Mr. Saylor- I'll call for a roll call here. And again remember Commissioners that if you are voting to approve which is going against the findings from The Department of Safety Inspections (DSI). You will need to provide your rationale for findings 3 and 4 as you give your vote. If you vote No on the motion you're voting to remember to agree with the findings the decision made by staff. So who's doing the roll call? Kelly or Maxine.

Ms. Kelly- I will be doing it.

Mr. Saylor- Okay. Thanks Kelly roll call please:

Miller-Yes, based on the articulation provided by board member Morales. Swift-Yes, based upon the articulation of Commissioner Rangel Morales. Clarkson-Yes, in accordance with what Commissioner Morales said. Trout-Oertel-Yes, based on the revised findings by Commissioner Morales. Mr. Morales-Yes, based on my motion. Maddox- Yes, based on the modification of Commissioner Morales. Saylor-Yes, also based on the articulated points made by Commissioner Rangel Morales.

Mr. Saylor- The vote is 7 to 0 and the variance request proposed by the applicant has been approved.

Mr. Graybar- Excuse me Mr. Chair looks like Mr. Warner has a comment.

Mr. Warner- Chair, I was just going to comment that because you are moving to approve. You don't have to articulate the reasons. It's only when you move to deny when the staff has recommended approval. Do you have to articulate your reasons but nevertheless it was good that you did that, and staff and I will work to put together a new findings for three and four so that you can adopt them at the next meeting.

Mr. Saylor- Thank you. Once again, this board has gone one step beyond what is required. So that's fantastic.

Moved by: Morales / Second by: Clarksen

Approved 7-0

1769 GRAND AVENUE

Mr. Saylor-Applicant is proposing to demolish an existing duplex to construct a five-story 12-unit multifamily building, three variances are requested. Number 1), a lot size of 1500 square feet per unit is required. The applicant is proposing 866 square feet per unit for a variance request of 634 square feet per unit. Number 2), a side yard setback up nine feet is required per side; six feet is proposed for side for a variance request of 3 feet per side. Number 3), nineteen off-street parking spaces are required 12 are proposed for a variance request of seven parking spaces.

Mr. Graybar-Mr. Chair, Commissioners, thank you very much. This is a 0.23-acre lot with alley access in the rear. The property was built in 1916 as a two-family dwelling; as an up-down, two-family dwelling. For the site and area conditions, see blue arrow that is pointing to this, is a dedicated bike route on Summit Avenue, and we have two bus stops here at Grand Avenue and Fairview Avenue South. We also have another two bus stops at Grand Avenue and Wheeler Street South. As you can see there are a multitude of different uses. It's surrounded by multifamily dwellings and mixed commercial and some residential. This is a picture of the dedicated bike path that I was talking about on Summit Avenue. While the painting or the designation for the bike symbol is somewhat faded, nonetheless it is still the bike route. These are the bus stops, as I mentioned earlier, at Grand Avenue and Wheeler and two more bus stops over at Grand and Fairview Avenue; which is on both ends of the block from this property. There's a total of four bus stops. This is a picture of the front of the current duplex, as you can see, it's further back into the lot; it almost aligns with the side of the building to the right. That would be 1759 and 1775. It's a little bit more towards the rear and I'll show you a better picture of it later. This is a picture from the side of the streets. So, this is 1779, this is 1759; the 1769 is the duplex right in between that you can't see it; and what the applicant is proposing is to build a little bit further forward to help align that more with the character and the alignment for the rest of the block. This project is proposing along the variances requested meet the general intent of the RM2 Zoning District, which is intended to provide for more extensive areas of multiple family residential development as well. As well as uses that serve the need of the multiple family residential districts provided the applicant does the following:

1. Bike racks that can support 12 bicycles are installed and maintained so they're accessible especially in winter months now because of that dedicated bike that that's behind the property.
2. Snow removal plan is a developed that will not adversely affect the adjoining properties or impede the flow of traffic in the alley.
3. The parking lot will be striped according to the site plan submitted with this variance application, which I will show you later. It is intended to provide for more comprehensive development of multi-family uses and the balance of population concentration near major thoroughfares, transit and related to facilities.

The project and requested variances also provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian, bicycle traffic and a promote and protect public health, safety, morals, esthetics, economic viability and general welfare of the community. So, finding one is met. According to the applicant the development is intended for people of all ages and provides an option for affordable living for those who are willing to share a flat and or desire to live adjacent to neighborhood amenities and service providers. As described, this project and requested variances on page two of the Mac-Groveland Community Plan to preserve Macalester-Groveland's peaceful community while promoting a range of housing types and affordability to meet the needs of all people throughout their life and changing lifestyles. In addition, the project is supported by policy LU42 of the land use chapter of the comprehensive plan to promote the development of housing in mixed-use commercial neighborhoods; and supports walking and the use of public transportation.

Furthermore, the applicants request is consistent with policy LU121 of the land use plan, to balance the following objectives for a mixed-use corridor through the density and scale of development. Accommodating growth, supporting transit use and walking; as we mentioned, it's close to the four bus stops and the bicycle dedicated biking path to the rear areas, highly walkable. We believe that this project and variance requested meet finding two of the comprehensive plan. Then I have up here is a plat map. So here in Black we have 1769 Grand Avenue. So, it's only has 50 feet of lot with I multi use multi different colors for the different properties such as this one in green as you can see, it's platted to have 90 feet of lot frontage, which is a multi-family

dwelling; 1787 Grand Avenue is platted to have 80 feet; that is also a multi-family dwelling along with 1759 looks that has about a hundred feet of lot width. Across the street, 1788 Grand has about a 150 feet of lot width, 1770 Grand Avenue has a 100 feet of lot width, 1754 has 50 feet and 1756 also has 50 feet. All the other multifamily buildings within the neighborhood are legally non-conforming because they were built before October 25, 1975. 1787 was built in 1960, 1775 Grand was built in 1965, 1759 Grand was built in 1966, 25 Wheeler St was built in 1966 as well, and 1788 Grand Avenue is 1963. 1764 Grand Avenue was built in 1936 and 1756 Grand Avenue was built in 1924. Here's a better breakdown of the different apartment buildings: as I've mentioned before they all have multifamily units in them that range from 11 units, 10 units, up to 23 units. The applicant is proposing 12-unit apartment building on a substantially narrow piece of land and still provide 12 parking spots. Here's a quick little break down on the analysis the applicant completed regarding the other multifamily dwellings with lots that are less than 10,000 square feet in size. As you can see, they're proposing 12 units compared to the others, which is similar in density, their lot square feet. So here, you can see, they're promoting/trying to install 12 parking spots compared to the other multifamily dwellings on the block that have less than, so they are actually going above and trying to provide as many as possible and they're aiming for one parking space per unit. And as well, as I was talking about the lot width as being substantially difficulty, that lot is narrow, as I said it is only a 50 feet lot width; it makes it difficult to construct a functional multifamily building with a minimum width of 32 feet in order to meet the required 9-foot side yard setbacks because it would result in a narrow looking structure which could detract from the character of Grand Avenue, and the affect the functionality of the building interior. A higher density building could be constructed on this lot without a density variance. If the applicant gets the density bonus allowed in the code under 66 231 which is, I believe, it's on page 2 of the staff report. However, in this case underground parking cannot be provided due to the narrowness of the lot and the required dimensional standards for parking spaces and maneuvering lanes. This is a practical difficulty and the project and requested variances meets finding 3.

The narrowness of the lot is the circumstance unique to the property not created by the applicant and meets finding for multifamily buildings and off-street parking are permitted in the Zoning District. That meets finding 4.

Multifamily building and off-street parking are permitted in the Zoning District, that meets finding 5. The proposed building is similar to the character in density of the surrounding structures as there are several other multifamily buildings on the block and in this area with a similar number of units, as I've stated earlier, that have non-conforming side yard setbacks and do not provide the required amount of parking spaces because they are all legally non-conforming. As I mention this project and requested variances will allow a duplex that is out of scale with the rest of the properties on the block to be demolished and a new multi-family dwelling constructed will have a similar density level, setbacks, and off-street parking as the other multifamily dwellings on the block. It will not alter the character of the area and that meets finding 6.

I just wanted to go over the plans with you just because I know sometimes it's hard to read the plans on a small eight and a half by eleven page, especially if they've been scanned in and emailed out. I'm not sure if the quality is as good as looking at it firsthand. So these are the perspectives compared to where the buildings are in relation to the project and 1769 Grand as you can see the two buildings and this is where they're planning on placing it which will bring it further forward which more aligns with the character of the block and of the neighborhood. This is the elevation, the east and west of the building, lots of windows. This is the basement floor plan. First floor, second and third floor plan; as you can see the stairwell. Where my cursor is, is where they'll be getting access to the different levels; the fourth-floor plan and the fifth-floor plan.

Correspondence - Staff received a letter of support from District 14. You'll find on page 31 in your correspondence from the neighbors. Staff received three letters of *opposition* and two letters of concern; you can find those on pages 31 through 46.

For the staff recommendation, staff recommends approval of the requested variances based on findings 1 through 6 subject to the following conditions:

1. The bike racks that can support 12 bicycles are installed and maintained so that they are accessible especially in winter months.

2. A snow removal plan is developed that will not have it adversely affect the adjoining properties or impede the flow of traffic in the alley.
3. The parking lot be striped according to the site plan that was submitted with this variance application.

Staff report is on pages 1 through 7, and the resolution is on pages 47 through 52. Subject to your questions, that's all I have.

Mr. Saylor- Thank you Mr. Graybar. Questions from the board for Mr. Graybar? Looks like board member Miller you do have a question?

Mr. Miller- Yes, thank you. I am reading through some of the concerns about the property is the fact that it's higher; it's going to be much taller than other buildings just to be clear. There is no height variance required here, right?

Mr. Graybar- Mr. Chair, Commissioners Commissioner Miller, correct; there's no height variance as they will meet the requirement.

Mr. Saylor- Other questions for Mr. Graybar?

Ms. Trout-Oertel- Am I correct in understanding that the transit incentive bonus to reduce parking just is not allowed in RM Zone Parcels at that this time?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Trout-Oertel. Are you referring to the bicycle parking reduction?

Ms. Trout-Oertel- No, the transit incentive reductions that reduce parking requirements. I mean, I think that the bicycle rack is part of it, but I think also proximity to buses is part of it too. I'm not sure, you're the expert there.

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Trout-Oertel. I could look into that, I believe that it was one of the studies that was being conducted by PED. Was that they are looking at reducing the amount of parking and making it so it's one parking space per unit instead of basing it off of the number of rooms in a unit which it's currently based on.

Ms. Trout-Oertel- But that reduction is not in place right now. That's future possibility.

Mr. Diatta- So there's a study going on right now. That would give them incentive for Transit oriented uses neighborhoods in order to alleviate their requirement for parking. But that's in the works. There hasn't been anything finalized yet.

Ms. Trout-Oertel- Thank you. I have another question. There's language in RT1 that promotes housing choices for all ages; and also, promotes infill housing that fits with the current development with the context of current development. Is that language also in the RT2?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Trou-Oerte are you referring to the RM2 zone that this property is located in?

Ms. Trout-Oertel- Yes, in other words is there any language that encourages housing for all ages; that applies to this the Zoning for this property.

Mr. Graybar- Mr. Chairs, Commissioners Commissioner Trout-Oertel, you can see that on my website or on my presentation. This is the intent of the RM2 medium density multi-family residential district. I'll read it just in case people are joining in who don't have access to a computer and are just joining us by phone. It says the RM2 medium density multi multiple family residential district is intended to provide for more extensive areas of multiple family residential development and a variety of congregate living arrangements as well as uses that serve the needs of the multiple family residential districts is intended to provide for a comprehensive development of multiple family uses and a balance of population can concentration near major thoroughfares transit and related facilities. So while it does call out the different levels of multiple development of multiple family uses. It doesn't inherently say what you're specifically looking for, but I believe that it does meet the intent.

Ms. Trout-Oertel- Yes. Thank you. Mr. Graybar.

Mr. Saylor- Commissioner Clarkson you had a comment.

Mr. Clarksen- I just wanted to say in response to previous comments that while there is no height variance requested here and the height would conform to height requirements in the RM2 District; I do think that the character of the neighborhood will be significantly changed by this project if it's constructed as it is. I think the developer did a really good job of laying out the information in there and their project and it was pretty convincing I have to say, but I still think that this is overbuilt. There's some language, on the bottom of chapter 35, or I'm sorry page 35 of the of the report. It is a letter. I don't know who it's from, maybe a handful of neighbors. But anyway, it's proposed development 1769 Grand and it's on the bottom of page 35, we view this as infill housing. The objective is to fit into the block not disrupt it. The proposed building is not consistent with this block. It is clear that the district's own plans for new development require that it should conform and fit into the character and this building will drastically change the look and feel Grand Avenue and not in a good way and I agree with that. I live across the street from the atrocity on Marshall Avenue that changed the look and feel of Marshall Avenue. And now we have two more projects down the street that are going to within two blocks that are going to do the exact same thing. I don't really have a problem with the project to say, maybe three and a half or four stories. I think it would it would fit in a lot better. It would allow them something like 8 or maybe 10 units, but this is overbuilt and I think that's causing part of the need for some of the parking and other issues that are being raised.

Mr. Saylor- Thank you Commissioner Clarkson. Commissioner Rangel-Morales, you have a question, too?

Mr. Morales- Mr. Graybar, can you tell us what the height requirements are, and limitations RM2 and then an additional whether any CUP's apply so they can go bigger?

Mr. Graybar- Mr. Chair, Commissioners, Commissioner Rangel-Morales. This is Mr. Graybar again. I have the residential district dimensional standards for this zoning District up. We have the height maximum here in the middle column and when I scroll down to the RM2 it looks like we're at about 50 feet and five stories, and we can reach down to letter K because there's that little K sub paragraph or footnote. For properties along Grand Avenue between Fairview and Cretin Ave. So this property is outside of that area between lines defined by the parallel immediately north and south of Grand Avenue. There is a Grand Avenue overlay District, however, this is one block away from that and is not subject to this K provision.

Mr. Morales- So how tall is it going to be?

Mr. Graybar- It's going to be 50 feet or five stories.

Mr. Morales- Does this particular project have to be 50 feet?

Mr. Graybar- I can pull out the in the application packet that I sent. I believe we have elevations we can point to.

Mr. Graybar- Perhaps the applicant could be called on to speak more about their project.

Mr. Saylor- Thank you. Other questions, Commissioners, before we move to the applicant.

Mr. Graybar- I found the page that I was looking for. It's on page 11 in your handouts. Even though it says page 2 of 8. I panned in page 11 it's under facts and figures for the height that their looks and they're going to be so it's like it is going to be 50 feet.

Ms. Maddox -I do have a question for staff on the solar panel; putting solar panels on the roof top would that be included in the 50 feet? They could be a lot higher, I guess maybe that's a question for the applicant.

Mr. Graybar- Mr. Chair, Commissioners Commissioner Maddox. I review solar energy panels here for the city and there is different height requirements for example, so if this is a residential building, which it will be, if it's flush mounted it can go three feet higher than what's permitted. Building mounted system shall be subject to dimensional standards that apply to the building provided that the height standards and building mounted

system is written residential district shall be as follows: The system shall extend to no more than 3 feet above the surface of a roof at its exterior perimeter and shall be set back at least one foot from the exterior perimeter for every additional foot that the system extends above the height of the roof at its exterior perimeter. So this could go up to three feet above the surface of the roof at its exterior perimeter and there's also systems like flush-mounted. Those are usually maybe like a foot or two high above the roof to the top of the solar panel and there's also ballasted mounted systems which adhere to different requirements, but we would need to see the plans for the solar panels before I would be able to go further into analysis of this.

Mr. Saylor-Commissioners, other questions for Mr. Graybar before we move on to the applicant? Thank you.

Mr. Graybar. Is the applicant on the call today?

Mr. Wiborg- Yes, this is Lucas Wiborg, my business address is 202 North Cedar Avenue Suite 1 Owatonna, Minnesota.

Mr. Saylor- What would you like to add to the presentation that Mr. Graybar provided for us today?

Mr. Wiborg- Before I get started how many minutes will I be limited to?

Mr. Saylor- We don't have a specific limitation, but again you don't need to repeat what has already been provided for the Commissioners in the report. You are here to elaborate on or to add additional information.

Mr. Wiborg- Certainly, thank you. So, my partner and I, we purchased this property at 1769 Grand Avenue last October. We actually purchased the property hoping to renovate it. Like Mr. Graybar said it's an up-and-down duplex. We purchased it from a retiring landlord; the last tenant who occupied the top floor of this property had completely destroyed the unit leaving it in an uninhabitable condition. So our business plan was originally to go in and renovate the structure. Unfortunately, after buying the structure we determined that rehabilitating and saving this property was not feasible. We then looked to determine what the highest and best use of this project would be. We looked at the surrounding area and drew inspiration from what currently existed, this block is very mixed use. There is a built-up CVS on the west corner. There's a Sinclair Gas Station on the east corner. And there is the cluster of medium density multifamily apartment buildings in between. One thing that really stood out about this lot on Grand Avenue or this block from Fairview to Wheeler is that these lots are 200 feet deep; and a 200 foot deep residential lot is not common for the City of St. Paul. Typical residential lots are between a hundred a hundred fifty feet deep. So, what this told us is that this lot or this block was platted for more intense development than a typical section of Grand Avenue, and I think that's represented in what currently exists today. The surrounding land use their 17 lot on either side of Grand, 7 are commercial which is 41%, 7 are multifamily, which is also 41%, and then 3 lots, including the subject, are one and two family, which is representing 18% of the surrounding land use. I think it should be noted that this project is within the Grand/Fairview neighborhood node. As you guys probably understand neighborhood node or compact mixed-use areas providing shops and services, civic and institutional uses, recreational facilities and employment.

There are planned areas for higher density mixed use development and frequent public transit and the goal of development around neighborhood nodes is to improve livability and accommodate growth. Of note, within the 2040 comprehensive plan residential density on mixed-use corridors at neighborhood nodes is guided up to 200 units per acre. This property is proposing 52 units per acre. So substantially less than what the comp plan is guiding. I also think there's a number of 2040 comp plan goals and strategies that could be listed here aside from the 2030 comp plan, but I will not go into those. The lot is 9995 square feet, we are proposing to cover the lot or to have roughly at 28% lot coverage with our structure. RM2 provides for 35% lot coverage, and so covering the lot with a 2,900 square foot footprint is substantially less than what the zoning allows. We are proposing 1,2, 3- and 4-bedroom units. We are providing setbacks that match the existing and traditional nature of the block. We are providing landscaping that will be pollinator friendly and garden boxes for neighborhood enjoyment and we are providing a solar system that is roof mounted, flat panels flush that will not contribute to the height that has the potential to offset the electrical usage of this building by a 170%. Over the next 25 years the solar panel system will have saved 743 tons of coal 1.8 million miles of vehicle traffic and 877 Acres of forest. The aesthetics of the building; we had three goals, the first being using native materials and colors already found on Grand Avenue. We are centering or building a solid foundation with a masonry

product to really tie into the buildings next to it. We are using horizontal colors to draw away from the height and we have a range of window types and sizes, some of which are operable and some of which are fixed. The design of the floor plans are quite unique. There is I believe, seven different floor plans amongst 12 units. Those seven are multi-level floor plans. So they actually enter the unit staircases to access different levels of living. These three- and four-bedroom units that we're proposing are a new housing choice for Grand Avenue. Right now, primarily, there are studio and one-bedroom unit for rent on Grand. There are very few options for people looking to rent three- or four-bedroom layout in Macalester Groveland.

We think this multi-level floor plan really represents and is it mimics single family houses where you'll have living congregation eating on one level and then sleeping or studying or office or working out on another level and that's really the max flexibility found in a single-family house. And that's what we're looking to provide at this development. The project is aimed at populations native to Macalester-Groveland. Macalester-Groveland has a ton of beautiful single-family houses that are inhabited by a range of populations: from students to working professionals, to young families and up to empty-nesters all of which I would say live in single-family houses, and we believe would find the multi-level units of this project to be desirable. We find the rent levels that we are proposing of \$2550 a month to \$3400 a month per unit to be comparable to home ownership in the area. When considering a down payment and they're also very attractive relative to other new construction three-bedroom apartment buildings at Snelling and Selby and Snelling and St. Clair. Within the context of the neighborhood there are three variances here that are requested to match that existing traditional feel and scale.

The first one is lot size, as Mr. Graybar said, all of the existing multifamily buildings on the block have non-conforming lot size or non-conforming density. The average density of the seven surrounding multifamily buildings is 50 units per acre. The average density for surrounding multifamily lots or multifamily buildings on lots less than 10,000 square feet, which is comparable to the subject that average density is 73 units per acre. The proposed density of the subject at 52 units per acre is 4% more dense than the block average and 39.5% less dense than the peer average. Of note, we are proposing 52 units per acre and the 2040 comp plan guides density and neighborhood nodes up to 200 units per acre.

The second variance request is side yard setbacks again, all of the residential structures on the block have established non-conforming side yards including the subject today. The duplex that currently exists has a non-conforming side yard on the west side. Six feet of side yard that we are proposing is more than either neighboring apartment building provides. 1775 Grand which is the properties of the West has a 5'1" side yard setback and proper to the east at 1759 Grand Avenue has a 4'7" side yard setback. Again, our objective is to establish to six-foot side yard setbacks on either side of the proposed structure in order to reflect the existing streetscape. This spacing in between the proposed building and the existing Apartments, considering the combined setbacks of both structures, is 11 feet roughly on either side, which is more building spacing than any other building on this block. Other than the Sinclair gas station.

I'll say the parking variances that we are requesting is 12 stalls down from 19. Again, the subject is located at a neighborhood node on a mixed-use corridor. It is within steps to the neighborhood node. It is within a 10-minute walk to the Metro A-line arterial bus rapid transit system at Snelling, and Grand is within a 10-minute walk to Macalester and it is within a five-minute bike ride to the University of St. Thomas. We feel that this development will be attractive to those drawn to the neighborhood amenities and then therefore not needing a vehicle to enjoy those amenities. It is believed that all daily needs can be accomplished within a 20-minute walk and all other needs can be accomplished via biking transit or CarShare. We will be providing again secured bike storage on site. And I think it's important to note that the transportation Committee of Macalester-Groveland requested the removal of parking minimums within the zoning code last year. The key purposes and intentions of this project are to encourage a compatible mix of land uses at densities that support transit that reflects the scale, character and Urban Design of St. Paul's existing traditional neighborhoods. Again, our density that we are requesting is in line with the block average. Our setbacks are greater than was provided on the block and the parking that we are proposing is greater than the neighboring apartment buildings. Secondly, we're looking to provide a new housing choice that isn't currently available on Grand Avenue or found within Macalester-Groveland. And that is a multi-level for every product. We think this product is affordable relative to

home ownership in the area; affordable relative to comparable new construction. Buildings and certainly more affordable if people are looking to share room rather than rent a single bed unit in the surrounding area. The third purpose and intention here is to promote the conservation of energy and the utilization of renewable energy resources, which is a goal of MGCC as well as Saint Paul 2030 & 2040 comp plans. I'm happy to turn it back over and answer any questions.

Mr. Saylor- Thank you for that information. Commissioners, questions for the applicant? Anybody? Questions for our applicant?

Ms. Maddox- Can you talk a little bit about the bike racks and how you will keep them from sleet and snow; are they going to be inside the apartment? It looked like they were outside.

Mr. Wiborg- Sorry, was that referring to the bike racks or could you please repeat the question?

Ms. Maddox- Yes, the bike rack.

Mr. Wiborg- Yes. Thank you. The bike racks will be covered and outside of the elements. So, they'll be accessible all seasons.

Ms. Maddox- They'll be covered. How will how will it be covered?

Mr. Wiborg- With an enclosure; so likely a wooden closet or shed of sorts?

Ms. Maddox- Thank you.

Mr. Saylor- Commissioner Morales, you had a question?

Mr. Morales- I noticed you talked a lot about how it is going to save acreage and all this stuff. Is the parking separate than the unit?

Mr. Wiborg- That is correct. The parking is at grade and detached from the residential structure.

Mr. Morales- But would it be included in the fee of the apartment or will they have to pay separately for parking.

Mr. Wiborg- That is not determined at this point. I imagine that the way we will operate it is that one parking stall will be included with one unit since there are 12 units.

Ms. Maddox- I have another question. It looks like the student housing. So, it looks like it's set up for student housing. There is a little patio on the back, students can be very creative when they want to gather on a Friday night. Tell me about the access to the roof area.

Mr. Wiborg- Certainly, there will be roof access through one of the 4th/5th floor units and that access will be only allowed by necessary maintenance personnel. There will be no staircases up to the roof. I imagine it will have a pulldown ladder and that would be secured with a lock.

Ms. Maddox- And that's okay with the fire marshal?

Mr. Wiborg- I cannot, I don't know, I presume so, yeah. We're not going to do anything that is not okay with the fire marshal. We're looking to have the safest building. So, we're going to do everything we can to ensure that.

Ms. Maddox- Thank you.

Mr. Saylor- Additional questions for the applicant? Thank you, Mr. Wiborg. If we have additional questions, we may call you back or re-engage you in a few minutes. Okay? Thank you very much. Okay, is anyone here to speak in favor of this variance request? I'm not seeing or hearing anyone. Is anyone here to speak in opposition to this variance request?

Cathy Plessner- I would like to speak in favor of it.

Mr. Saylor- Okay, your name again, please?

Ms. Plessner- My name is Cathy Plessner, I live at 2038 Summit Ave, St. Paul, MN. My claim to fame on this issue is I am the alley plow coordinator for my alley. My long 2 block alley between Prior and Cleveland and I have to say that about the concern of changing the character of the neighborhood; I would like to read something from the Mac Weekly. The Macalester University has a Weekly Magazine produced by the students. I'd like to give you a quote "some students consider narrowing the scope of the college to the Macalester Groveland area detrimental to its reputation as an urban and diverse community. Sometimes students have jobs and internships in either downtown St. Paul or Minneapolis, but for the most part the community culture is here. I think it helps that the bus passes are subsidized by the college so you can go somewhere very easily that is not as gentrified as the motels their Groveland Community is, but it is not great." I think that I have served on the Macalester-Groveland District Council and was at the Summit Neighborhood Advisory Council and I've lived in the neighborhood for 46 years. Our first apartment was 1716 Grand and I have to say I treasure the diversity of our renters. I think that I am so privileged that I can look out my front window as I raise and lower my blinds and pray for the brave President of the University of St. Thomas; and when I'm doing my dishes I pray for the equally brave women in the sober house behind me. Our alley is such a life-giving source. And I think that this building will add to the density, bring different people St. Thomas is adding 570 beds. I am sure that this is a market for other people too. So, I think that this will bring vitality and I'd like to add that and at The District Council Housing and Land Use meeting and I will report that the vote was nine or twelve to four in favor of this project. So, I think we believe in it. Thank you for your time.

Mr. Saylor- Thank you, density and diversity were the key points I heard there. Thank you very much. Questions for this presenter? Anyone else here just be in favor of this variance request. Okay, I'm not seeing anyone on my screen anyone here to speak in opposition to this variance request.

Ms. Kim Scott- Yes chairman. My name is Susie Kim-Scott at 1740 Summit Ave.

Mr. Saylor- Thank you, Miss Scott. And what would you like to add today?

Ms. Kim Scott- Ok first I'd like to thank you Chairman and Commissioners for your time. I'd also like to say I'm speaking on behalf of both my husband and I we are both residents here. He, unfortunately, had to step off the call. I'm one of four residents who live within 350 feet of the proposed development on Summit Avenue. We as a group also submitted a letter in opposition of the development as it's currently being proposed; what I'd like to start off saying is, one: I want to welcome and commend the developer on investing in the community, specifically down our street commercial Corridor. I think I speak for all three other neighbors who signed this letter in opposition as it's being proposed currently. It is not that we are not welcoming people to come in and invest in the community. We think it's wonderful that this duplex is being reinvested and I'd also echo what Ms. Plessner noted, is that we welcome the diversity and more Community into the neighborhood. So, I want to preface that this opposition is in in respect to this variance, but also this proposal as it's currently being planned. There's really one major problem we have with this proposed development and the three variances they're requesting, and it has to do with size. It's too big. I think the first thing we'd like to note and we'd like for the Commissioners to take into consideration when they're looking at these three variances that are being requested, is that it's too big from both the practicality and a safety standpoint and you know in short, complying with the City plan and the general fabric of that street. If you look at two things, we'd like the Commissioners to consider is first that the developer are seeking three variances as noted previously; and I'd like to point out that those three variances are self-created plights to the project. There's nothing preventing the developer for scaling down the process.

He started out the presentation by noting that he purchased it with a partner to rehab the duplex and upon purchasing it and moving forward on the project realized, you know, it was really not in a point to be salvaged. It doesn't prevent the developer from building something smaller. There is nothing currently in the building that is requiring them to seek these variances to create a unit that is going to house at a minimum of 50 people but hypothetically up to a hundred. When you look at the three variances that they've requested obviously one being a side variance to the west side of the building, and then the other to the east side of the development. I'd like for the conditioners to consider, first of all, how do people move into this property without trespassing on other people's properties. If you look at the two variances that they're asking for on this to side entrances that

really isn't a reasonable amount of space for people to adequately and safely come in and out of those two entrances. In addition to that, I'd like the commissioner to consider what kind of safety hazards that could potentially be. Should there be a fire in the building or some sort of evacuation that needs to happen for the tenants. The second thing I'd like for the Commissioners to consider is the parking variance that this developer is asking for; they're seeking a variance to be requested for the amount of normal parking spaces that are mandatory. You know, I think the argument that there are many units that have to ask for this variance, you know really this doesn't work in this context here. I think that variance is set up for businesses and properties that they do they need help and the community is there to support unit that's reasonable in size to you know to wave maybe five six parking spaces. We are looking at again, residents of a minimum of 50, but up north of up to a hundred in that unit. We already have a parking problem in this area to overlook that and not consider that in the request of this variance, I think really could be irresponsible. The argument that we'd also like to make is you know, that isn't for us doesn't feel like a real viable argument is that we'd love to the developer to consider just the scale of what they're proposing. They've got a beautiful proposal. That just is too big, you know, there's other options like a four-plex or a duplex, but we're asking the developer to look at this plan a little more critically. The other thing I'd like to the Commissioners to consider is one thing that we always look at I think when we look at projects is that there needs to be a reasonable manner of the use being proposed; and economic considerations alone here do not constitute a practical development. You know again, we could consider a four-plex. We could work together to look at what could be another reasonable project that would fit into the fabric of that street and the neighborhood at large. We have to look at the circumstances in which the developers asking for the variances again; Is this a situation where we've got a property where without these variances, we can't create a property that you know is in harmony with the rest of the buildings. Both from the East and West and North and South of where it's going to be. You know, I think those are my main points. Again, we want to stress that we welcome this developer, we are excited that they are here. We feel proud that someone's investing in that piece of property. But these are some serious concerns that as residents of Summit Avenue we have and we'd ask the Commissioners to take into consideration.

Mr. Saylor- Thank you, Miss. Scott. Let's see if we have questions for what you have just shared with us. Looks like Commissioner Rangel-Morales wants to ask a question.

Mr. Morales- How are you arriving at the up to 100 residents living there? How do you arrive at that number?

Ms. Kim-Scott- We're saying that theoretically that could happen. What is stopping anyone that lived currently on either Summit or Grand Avenue. For example, we live in a single-family home here. If a certain room could accommodate up to four to six people, there could theoretically be more people living in each of those units. So again, while it's highly unlikely that we'll look at a hundred residents, it is it is theoretically possible.

Mr. Morales- I think they are only allowed to have four people per residence; unrelated adults. So okay, I see I hear your concern though.

Mr. Saylor- Additional questions for Miss Scott? Thank you, Miss Scott.

Ms. Kim Scott- Thank you.

Mr. Saylor- Do we have it? Is there anyone else here to speak in opposition to this variance request and let me just add we have had concerns expressed already about the size, the parking and economic considerations. So, I would ask any additional speakers in opposition not to repeat points that have already been made for the Commissioners. So, do we have additional people, anyone additionally, wishing to speak in opposition to this variance request. Once again, anyone here to speak in opposition to this variance request? Okay. Then I'll ask the applicant, Mr. Wiborg, if you'd like to respond to any of the oppositions that you've heard just a moment ago.

Unknown- Mr. Chair. Hello.

Mr. Saylor- Mr. Wiborg is that you?

Mr. Padratzik- No.

Mr. Saylor- Who is this please?

Mr. Padratzick- My name is Paul Padratzick, I live at 1760 Summit Avenue. Can you hear me?

Mr. Saylor- Yes. Are you wishing to speak in opposition or support? And again, once again, we have had a concern expressed about the size of the parking and economic considerations. If you'd like to add something in addition to that, please do so.

Mr. Padratzick- Opposition, Yes. I think one of the things that is challenging from my perspective is we keep referring to the number of units in correlation to the number of units in the similar buildings in the area. When you've got a building that has approximately 43-bedrooms replacing a building that had six bedrooms. That's one of my things that I just want to make sure that's clear is that when you talk number of units versus number of bedrooms there needs to be a distinction. Does that make sense?

Mr. Saylor- Do you wish to elaborate on that at all?

Mr. Padratzick- Well my concern is strictly density of that building. You're taking the smallest building, smallest lot and you are putting the most number of units in it on the block. That's where I'm just I'm having a really hard time understanding how that's a livability. How do I say this? It adds to the livability of the area by adding that many people onto the block.

Mr. Saylor- Due to the number of rooms that the larger number of rooms are replacing?

Mr. Padratzick- Correct.

Mr. Saylor-Okay, I understand.

Mr. Padratzick- Thank you.

Mr. Saylor- Thank you. Commissioners are there questions for this presenter?

Ms. Maddox- I just wanted to say that most of the units are like one two-bedroom unit along that area. And I think that's what they were getting at. Is that the bedrooms there might be 18 or 12: 18 units in an apartment. But usually there's only two bedrooms along that pole Avenue and this one has three and four and I think that is what the person was trying to bring out?

Mr. Saylor- Thank you. Thanks Joyce, and Commissioner Morales you had a comment as well.

Mr. Morales- Yeah, so just to page 14 and 15, they have provided a graph with the kind of detailing on that per unit. They have about same square foot of 832.9 where the average is 868.2 and I think it leads to what Ms. Maddox was commenting on and the person. This is a little bit, if not quite, misleading because those units could have two-bedroom apartments, or they could be studio apartments. So, you know you are cramming in a lot more people into a very narrow space even though these numbers make it look like it's on average the same. But if you're putting four people into a space as opposed to 2, it's not the same.

Ms. Geisser- Hello, is this hello? Can you hear me?

Mr. Saylor- Yes, who's this please?

Ms. Geisser- This is Ann Geisser. I've been screaming for you. I had to change phones. I've been on during the whole time. But I guess I was for some reason I kept saying my name but you didn't hear me.

Mr. Saylor- Would like to speak in support or opposition to this variance request.

Ms. Geisser- In opposition.

Mr. Saylor- And can you give us your last name and give us your address, please.

Ms. Geisser- Sure Geisser at 1770 Summit Avenue.

Mr. Saylor- Yes, ma'am. And what would you like to add today?

Ms. Geisser- Well, I know that you thought some or all of these things and you've heard most of this but what I would like to do in wrap up is for; so I have never met Mr. Wiborg and I do not know him, but I really wish he knew the area better than he's describing. All of you who are from the area know that there is so much multi-unit housing starting at Cretin and all of those new big buildings. Buildings are three- and four-bedroom apartments. So it's not like he's going to be the first one introducing that; and that is still Mac-Groveland. What I'd like to do. However, in terms of this is to use the comprehensive plan and the required findings for granting a variance and I think Mr. Graybar and I are probably going to disagree, but I would just like to do this very quickly. Number two asks if the proposed project is consistent with the comprehensive plan and I believe it does not. Because they say that any new construction is to preserve the traditional aesthetic appearance and appeal of the neighborhood with appropriate scale and mass to the surrounding buildings. It also says to preserve the well-kept traditional feel and scale of the neighborhood and while they entire density, taller development at the intersections of mixed used corridors; they support lower density shorter development at mid-block in these corridors and this is clearly at mid- block. I think when you use the scales that we are using, we need to look at conditions that are in comp plans. It's not just this basic statement. They also have provisions for how these things should be used.

Now I would like to talk about number 3, 4 and 5. Three is rather long applicant has established that the plight of the landowner is due to circumstances unique to the property and not created by the landowner and the variance will not alter the essential character of the surrounding area and I'm responding this with one response. It is very obvious that this variance will alter the character and feel of Grand Avenue and more specifically, that block and if anyone just looked at the picture in the packet that we receive from the developer where he shows a 50-foot building in between two buildings that are three stories high. You just can't say that's not going to change the character of Grand Avenue. It's just the wrong building in the wrong place. He could put this someplace else. I'm sure it would be fine, but that's not the place for it. Further, and I don't mean to be impolite saying this, but the plight of this landowner has been created by himself. He bought this property with a duplex on it and that has been there since 1916. I don't know if it's historic or not. Now he claims that it can't be repaired and this place, excuse me, he must have a 50-foot five-story building which is entirely too large for the space of the slot which was already been discussed is 50 feet wide, but this is a problem, excuse me of his own doing and he could fix the duplex or he could build something that would fit that lot without requiring a variance and finally, I just would like to conclude with a very important issue that is on the variance request and that regards parking. I think everybody that's on your committee, on your commission, knows the parking situation on Grand Avenue; my goodness. When I was on the Planning Commission, I actually chaired one of the parking studies that was done on Crescent Avenue and it's just gotten more flooded with cars. We do believe that with a smaller multifamily unit he would then have space. To offer on-site parking. We think that any owner of that site would want that feature to be available to potential tenants. We really do consider on-site parking a definite condition of any structure those proposed for this site and the statement, of course that we submitted does do this in great detail. So, I don't have to repeat it again and you won't your than on Grand Avenue so, you know. In closing, I will say all of us care very much about the look and feel of our neighborhood and that is why we oppose the granting of variances because this proposed building is not enhancing it and the owner does have other options that would fit into this block and not require any variances. Thank you again for the opportunity to speak with you as you know, we were unable to speak at the community meeting. And so therefore they never heard any of our positions at all, so thank you very much for the opportunity to do that today.

Mr. Saylor- Thank you Ms. Geisser. Do we have questions from the Commissioners for this presenter? Commissioners, questions for the presenter? Okay. Thank you, Ms. Geisser. Anyone else care to speak in opposition to this variance request?

Mr. Baker- This is Bartlett Baker. Can you hear me?

Mr. Saylor- Yes, sir. Can you spell your last name for me again?

Mr. Baker- Yes, it's Bartlett Baker.

Mr. Saylor- Okay, and your address?

Mr. Baker- Our family owns the 1775 Grand Avenue property immediately west of the proposed development.

Mr. Saylor-Thank you. Mr. Baker. And what in addition to what's already been said, what additional information would you like to present for us today?

Mr. Baker- All I want to do is clarify the density question if I may please; the density is indicated as 12 units. However, with the number of bedrooms I would just like to make a point. And that is that 12 units with 1- and 2-bedroom units each that is 35 bedrooms in 12 units. In doing research in the areas like downtown Denver and downtown Portland, Oregon the recommendation is that somewhere between .5 and .75 parking spaces were provided per bedroom. That would lead you to the lowest count of 17 parking spaces at a .5 ratio to bedrooms. My point being the probably grossly under parked and there will be a spillover effect in the neighborhood. Our family's owned 1775 Grand for many years and are supportive of the redevelopment. Would love to see it, our only concern is just the scale and the intensity of use. Thank you for listening.

Mr. Saylor-Thank you Mr. Baker. Commissioners, questions for Mr. Baker? Mr. Baker are you still there?

Mr. Baker- Yes, I am.

Mr. Saylor- Is that your home address as well?

Mr. Baker- No, it's not, PO Box 83, Aspen MN.

Mr. Saylor- thank you very much. Commissioners, additional questions for this presenter? Okay, do we have anyone else here to speak in opposition to this variance request? I'm not hearing or seeing anyone on my screen. So I'll turn back to Mr. Wiborg and ask if he wants to briefly respond to any of the comments that he's heard from these people in opposition today.

Mr. Wiborg- Great. Thank you, and I will definitely try to be brief. So, first of all regarding the life and safety issues that were noted we had brought this project to site plan review last Tuesday and site plan review committee, which is the Public Works Committee of the City of St. Paul found no life or safety issues with this proposal. The building will have the appropriate egress, will be fully sprinklered. So they'll be as little of a fire concern as possible. A lot of people are touching on the fact of large bedroom units. Again, within the City's code, we have to represent every room with a closet and a door as a bedroom. These units have maximum flexibility that mimic a single-family house. And in a single-family house many people use rooms with closets not necessarily for bedrooms. They use them for offices. They use them for hobby rooms children's play areas, whatever they choose. So ultimately these rooms offer the flexibility of a single-family house. As many singles or couples that occupy four or five- or six-bedroom single-family houses, so we can't control how, necessarily, people will use these extra rooms, but we want to offer flexibility and a new housing choice that is not currently found in Macalester-Groveland.

Moving into practical difficulties, you know practical difficulties, a legal set of standards. It's a three-factor test those factors are reasonableness, uniqueness, and essential character. As far as reasonableness for lot size minimum, the average density of the lot is 50 units per acre and we're proposing 52 units per acre. Strict enforcement of the RM2 zoning would allow for no more than a 6-unit structure, which is 26 units per acre. 26 units per acre does not match the existing scale of the surrounding multifamily buildings. It does not achieve goals outlined in the comprehensive plan such as promoting land efficient housing and it's not the desire of the Macalester-Groveland community at large. A 6-unit structure would be 48% less dense than the block average, which is not reasonable. As far as side yard setbacks, the request is to 2-six-foot side yard setbacks, which leaves us with 32 feet of buildable width. The existing duplex today is approximately 32 feet wide and at 32 feet wide any 5-story structure, which is within the zoning code, any five-story structure would appear more out of place than what we're proposing with the reduced setbacks because all of the structures today have non-conforming setbacks. So, we're just looking to match the precedent. We're looking to create a continuation of the pedestrian-oriented streetscape that's already been established by the two 18-unit apartment buildings.

As far as parking, the width of the lot only allows for 1 drive aisle and one parking aisle. It is not feasible to construct more than 12 parking stalls at grade due to the narrowness of the lot. It's also not feasible to

construct underground parking structure after factoring dimensions for stalls and turning maneuvers. The second factor of practical difficulty is uniqueness. The subject is a 10,000 square foot lot, which is slightly substandard at 50 feet wide. In addition, the size of the property is small relative to the neighboring properties and many RM2 parcels throughout the city. Typically there's an opportunity to assemble multiple lots to increase the amount of developable land but here there's no such opportunity for assemblage the presence of a single lot zoned medium density multi-family on a mixed-use corridor within a neighborhood node wedged between two existing 18-unit apartment buildings is unique within the City of St. Paul. As far as the third test for practical difficulty, essential character, as far as lot size the proposed density again is within 4% of the block average, the block is already built up. All of the existing multifamily properties, if built today, would require a lot size or density variance. As far as setbacks, again, all residential structures that currently exists have non-conforming backs, so every property if developed today would be requesting that variance and then as far as parking within a neighborhood node close to transit, close to Neighborhood amenities close to Dedicated bike Lanes access to educational institutions Commercial Services jobs via walking biking and Transit should result in the building having a substantially lower actual parking load than similar buildings and other areas of the city. So it's well to believe that the majority of daily services and amenities or within a 20-minute walk and all needs can be accomplished without a car. I think anecdotally, when discussing parking, you know, the footprint of this building is extremely efficient. Again, it's 28 % lot coverage when RM2 allows for 35% lot coverage. So, we would love to be covering more of the lot, the decision to develop this property today is a hundred and fifty year decision, and we'd prefer to house people over housing cars, but within the constraints of what we have today, this is our best proposal and we think it matches the existing scale and density of the neighborhood as built today.

Mr. Saylor-Thank you, and we have a question from board member Miller.

Mr. Miller- Thank you. It seems to me like a lot of the concerns and two of the variance requests would be a lot less severe if you did an eight-unit, three-story 32-bedroom building. It seems like you'd mention the size and scale of the neighborhood. It seems like that would match a lot more closely to what is existing in the neighborhood. Fewer parking spaces would be required and fewer square feet per unit would be that variance would be less. Have you considered something like that? Or why did you shy away from something like that?

Mr. Wiborg- Sure. Thank you. And yes, we arrived at the density we're requesting today based on the Macalester Groveland Community Plan which requests greater density in a mixed uses on mixed-use corridors over the expansion of single-family housing. We arrived at this density based on guidance from the 2030 and 2040 plans asking to add density to Neighborhood Nodes to support livability and increased transit options. So that is where we draw our inspiration.

Mr. Saylor: Thank you. Commissioner Clarksen, you wanted to make a comment?

Mr. Clarksen- Yeah, a few things. I guess it's similar to some of the things that have been said before actually; before commissioner Miller mentioned eight-units that's about where I was landing so I appreciate that. I just want to talk for a second about the notion that \$3,400 a month provides a new housing option for families in St. Paul. That's absolutely ridiculous. We have a mortgage for a four-bedroom home a mile north of this plot spot. There's absolutely no way we could afford \$3,400 as a family for our place. It would be asinine and that's the same kind of argument that was provided by the developer that built Marshall Suites across the alley from us. To even suggest that this might be an option for a new housing type besides student housing is just, it's absolutely disingenuous. And so I have a real problem with that despite a lot of really good analysis. You make really convincing arguments, Mr. Wiborg about the policy analysis that you provided. I just think it's too much and too big and too far. So I'd encourage you to look more closely at something that does better reflect the character of the neighborhood that shrinks this down. That takes the severity of sum of the variances, as Commissioner Miller said, and reduces them to something that's a little bit more palatable and then finally with respect to the density and the Mac-Grove's plan that you just mentioned. You're taking a duplex and replacing it with something above 7 or 8 maybe as many as 12 units; you can match the policy in the Mac-Groveland plan by not going as far and so I just I have real problems with this project for a variety of different reasons.

Mr. Wiborg- Sure, and you know that's policy analysis, but Macalester-Groveland voted 12-4, to approve this specific project as far as affordability. You looked at 100% AMI or area median income levels which units within this project meet and there are three-bedroom units at Snelling and St. Clair that are renting which made \$4400 and \$8100 a unit. The average housing price in Macalester-Groveland is \$500,000 which would require at least \$100,000 down payment which is not feasible for a lot of people in the population specifically debt burdened young professionals. And we think that this can utilize in a variety of ways if it's intergenerational living if it's a couple who wants to have an extra roommate to supplement come if it's two individuals who both work at home and they want bedrooms and dedicated offices. We think that this provides them. Maximum flexibility that is not seen with just one person per one room. And we hope that a lot of people find this attractive and certainly the Macalester-Groveland Community Council found it attractive.

Mr. Saylor- Commissioner Rangel-Morales, you wanted to make a comment?

Mr. Morales- Could you comment again on that AMI point again, I missed it?

Mr. Wiborg- Yes, there are units within this project that are within 100 percent of the area median income for a four-person family. So, we do think that this fits within the context of affordability in Macalester-Groveland.

Mr. Morales- What percentage?

Mr. Wiborg- 100%. Can You Hear Me?

Mr. Morales- Yeah, so 100% AMI?

Mr. Wiborg- Exactly. So, it does fit within the affordability of the fabric of this neighborhood.

Mr. Morales- Okay.

Mr. Saylor- Thank you, Mr. Wiborg, for your assistance in answering those questions. We have now asked for and heard from those in support of the variance request. I've asked for and heard from those in opposition and we've heard from Mr. Wiborg's response to those comments. So, at this point I will close the public portion of the hearing and Commissioners ask you to discuss or give us a resolution or a motion that we can vote on here.

Ms. Maddox- I agree with the Commissioner Clarksen about the character of the neighborhood. I live the within a mile of there for about 15 years and it is the building that being proposed is out of character with the other buildings on the block and across the street. Not only is it out of character, but I think the parking is going to be a real problem. It's always been a problem on Grand Avenue. So that and the height I realized that you can go up to 50' but it is going to change the look of that area, it's going to change the other houses. You will be looking down on the other apartments. So, I am in agreement with Mr. Clarksen. Thank you.

Mr. Saylor- Commissioner Rangel-Morales you wanted to comment here as well?

Mr. Morales- I will make a motion as well, but first I will make a comment: It appears to be too big for this specific space. It's not to say that there isn't a place for this type of building; just this particular site might not be it. So, with that said I would make a motion to deny the variance requests. We could do it one at a time. Chair, do you have any comments on how to handle this?

Mr. Saylor- Well, we have the staff recommendation is to approve based on findings 1 through 6. So if you wish to make a motion to deny, then you'd need to come up with the language to rationalize that that motion.

Mr. Warner am I missing something here?

Mr. Warner- No, that's correct in the circumstances where staff recommends denial in the motion is to deny you'll have to articulate reasons as to why the application doesn't meet it. Remember there are six standards to deny a variance. You only have to deny on one of those standards. So, if the maker of the motion articulates a reason that would be enough if it's just one or if it's all 6, that is up to the maker of the motion.

Ms. Maddox- Maybe Commissioner Rangel-Morales could go through finding 3, 4, 5 and 6 and just make a quick statement and have some of us might help him out.

Mr. Saylor- Commissioner Rangel-Morales the ball is in your court, so to speak. You have made a motion to deny but you have to provide rationale for doing so.

Mr. Morales- My concern was that there's three different variances and the one that I really have a problem with is the first variance; it's that the lot size of 1,500 square feet per unit is required and the applicant is proposing 865 square feet per unit. I don't necessarily have a problem with the side yard setback. I think they're going to meet that either way, and I also don't have a problem with them minimizing parking. So that's why I asked.

Mr. Saylor- Sure let me check with Mr. Warner. Mr. Warner, there are three variances being requested can these be split up and voted on individually?

Mr. Warner- Sorry chair. You could certainly take each variance individually if that would be your preference or you can vote on the whole thing as a package, but I think based on what Commissioner Rangel-Morales said perhaps it does make better sense to take each variance one at a time.

Mr. Saylor- So Commissioner Rangel-Morales would you like to do that and take 1, 2 or 3?

Mr. Morales- First, I'll do a motion to approve findings 2 and 3.....Here's what I'll do. I'll make a motion to deny the three variances based on the project that has been proposed based on finding 4, the plight of the landowner due to certain circumstances unique to the property. It appears that all of this is to try to make this particular building fit into this and that there are ways that this can be accomplished by just downsizing the project. It seems like all of this is not due to the property itself but for the project that's trying to be built.

Mr. Saylor- So you wish to deny, just to clarify you wish to deny the variance request it inclusive based on finding number 4.

Mr. Morales- Correct.

Mr. Saylor- Okay. Mr. Warner has he provided a legal perspective adequate language in order to move this forward.

Mr. Warner- Chair and Commissioner Rangel-Morales. I unfortunately I had a hard time hearing what you said with respect to your reasoning. I understood that you wanted to deny all three based on finding 4 but I did not catch the analysis.

Mr. Morales- Mr. Warner, what I am arguing is that this is not unique. That the applicant has this proposal and it is it is the actual size of the project that makes it a problem, not the not the property itself. Since the property lends itself to various different other things to be built here in a variety of ways and it's really just about downsizing more than the scope of this that the applicant is proposing.

Mr. Warner- Chair, I think that's fine and keep in mind that other Commissioners can add other reasons or you can simply if you're going to vote in favor just simply say that you're for the reasons stated by the maker of the motion. And if there are other Commissioners have other reasons they can augment that.

Mr. Saylor- Very good. So, we have a motion to deny based on finding number 4. Is there a second for that motion?

Maddox- I would second.

Mr. Saylor- Okay. We have a motion to deny based on finding number 4 and it's been seconded. Additional discussion on that motion?

Mr. Clarksen- I have a couple of comments.

Mr. Saylor- Commissioner Clarksen. Go ahead, please.

Mr. Clarksen- Yeah, it is. Sorry. I wasn't sure how to get in there. Okay, so I had regarding finding maybe I'm going to go backwards. So when I start with finding number six the variance does not alter the essential character of the surrounding areas. I think for reasons, we've discussed throughout.

Mr. Saylor- Mr. Clarksen, we have a motion to deny based on findings which has been seconded. So it sets the motion you'd need to specifically you need to address.

Mr. Clarksen- I was going to so yes, I mean, I understood that I was going to offer and it a friendly amendment to that or what I hope will be.

Mr. Saylor- Okay. Mr. Warner is that permitted in this case?

Mr. Warner- Yes, if the maker of the motion and the seconder to whether or not they wanted to accept any amendments to the motions.

Mr. Morales- Let's take a vote and if for whatever reason you want to articulate additional reasons for why to deny, I believe that you can do that.

Mr. Clarksen- That's fair. Let's go.

Mr. Saylor- Okay. So, Kelly, are you doing the roll call for us?

Ms. Kelly- Yes, I'm doing the roll call.

Mr. Saylor- Okay. So again Commissioners, we have the staff finding was to approve the variance request and this motion is to deny it. So again, if you vote Yes, you're voting to agree to deny rights. Oh, yes means to deny, to agree with Commissioner Rangel-Morales's motion. And if you say no then, disagreeing with the denial as proposed. Okay, we all clear on how to vote here.

Mr. Warner- Commissioners remember that you have to articulate a reason so you can simply say I'm joining the reasons offered by the maker of the motion.

Mr. Saylor- Are we all good everybody? Kelly roll call, please.

Ms. Kelly- Swift- Yes articulated by the maker of the motion with the finding; Clarksen -Yes, as articulated by the maker of the motion; Trout-Oertel- Yes, as articulated by Commissioner Rangel-Morales, and I would like to add that finding six. Mr. Saylor – You don't need to talk about finding 6 right now. Ms. Trout-Oertel: Oh, ok. I thought I could add additional reasons. Mr. Saylor- No, just a vote. Mr. Morales-Yes, for the reason that I articulated. Miller-Yes, for the reasons that are articulated by the maker of the motion. Ms. Maddox- Yes for the reasons stated by the maker of the motion by Rangel-Morales, but I also would like to add other... Mr. Saylor- Not right now though. Saylor- No

Mr. Saylor- The vote is *six to one* that agrees with the motion to **deny** the variance request based on finding number 4. Now, checking with Mr. Warner. Mr. Warner have we reached the conclusion of this with the denial of the variance request.

Mr. Warner- You have.

Mr. Saylor- First we have to remind the applicant that this decision of the Board is final unless appealed to the City Council within 10 days. Do we need anything else? Mr. Warner?

Mr. Warner- No, that's enough. Although it would probably be useful and perhaps helpful for the record on appeal if that's if there's going to be an appeal that if the other two Commissioners wanted to articulate briefly some additional reasons, those will go into the record. And in the event there's an appeal that could certainly be considered by the City council.

Mr. Saylor- Yes, and I believe that was Commissioner Maddox and Commissioner Trout-Oertel and Commission Clarksen. So, all three of you who wish to speak here Maddox, Trout-Oertel, Clarkson heard what Mr. Warner has just outlined for us, please go ahead.

Trout-Oertel- Finding six I would reword to say that the proposed variances to this will have a negative impact on the character of the area.

Mr. Saylor- Thank you. Commissioner Clarksen.

Mr. Clarksen- So for finding number 2 while this variance as proposed may be considered consistent with the comp plan. I'd I actually don't think it is. I think that there may be other opportunities to build a project that is also consistent with the comp plan that would, you know, it would achieve additional development above and beyond a duplex and therefore increase density but not go as far as this does. And that would be consistent with Mac-Groveland and also the comp plan. I think we spoke about practical difficulties, but I do think that there are economic considerations here that were spoken to by the applicant. Also the sixth one, as stated before, I think this will have a significant negative impact on the character of the surrounding area and that the variance is requested for this particular project as proposed are such that it is out of character with the community around it.

Mr. Saylor- Thank you Commissioner Clarkson. And once again, although I did state it, I will restate that the six to one vote based on finding 4 it does mean that the variance request has been denied and that Mr. Wiborg, you can appeal this decision to the City Council within 10 days.

Moved by: Morales / Second by: Maddox

Denied 6-1

Submitted by: Maxine Linston

Approved by:

Matthew Graybar

Daniel Miller, Secretary

Mr. Saylor- Okay. We had two cases. We have reached decisions on both of them on the agenda today. That was the last piece of information.

Mr. Saylor- I'm missing my handy little hammer and gavel this is the only time I use it. So we are officially adjourned. Any comments or questions before our next meeting, please contact Mr. Graybar, Mr. Diatta or me. I look forward to hearing and seeing everyone on May the 18th.