

GENERAL MINUTES
THE BOARD OF ZONING APPEALS
ROOM 300 – CITY HALL
SAINT PAUL, MINNESOTA
AUGUST 3, 2026

BOARD MEMBERS PRESENT

STAFF PRESENT

Jerome Benner II

Yaya Diatta

DSI

Robert Clarksen

Pang Yang

DSI

Megan Dayton-Virtual

Maxine Linston

DSI

Marilyn Porter-Virtual

Josh Ladd

City Attorney

Chris Schweitzer

ABSENT BOARD MEMBERS: Daniel Miller & Brian Martinson.

APPROVAL OF MINUTES for JULY 20, 2026

Moved By: Schweitzer / Second By: Dayton

APPROVAL OF RESOLUTIONS – None

Old Business: None

New Business

FILE #	NAME	MOVED	SECONDED	VOTE	ACTION
DSIBZA-000621-2026	870 Grand Avenue- Kelly Ley	Clarksen	Schweitzer	5-0	Approved
DSIBZA-000623-2026	822 Hague Avenue – Jon Grady	Schweitzer	Clarksen	5-0	Approved
DSIBZA-000625-2026	649 Snelling Ave North – Kris Thielen	Schweitzer	Clarksen	4-0	Denied – Findings 1 & 3

Notes: Meeting started at 3:11 p.m. Also, Ms. Poter left the meeting at 4:00 p.m.

Submitted by:

Maxine Linston

Approved by:

Maxine Linston

Maxine Linston (Sep 1, 2026 09:12:09 CDT)

Kaozouapang Yang

Approved by:

Kaozouapang Yang

Kaozouapang Yang (Sep 1, 2026 08:16:24 CDT)

Robert Clarksen, Secretary

Approved by:

Robert Clarksen

Robert Clarksen (Sep 3, 2026 12:59:27 CDT)

BOARD OF ZONING APPEALS HEARING MINUTES

THE BOARD OF ZONING APPEALS
ROOM 300 – CITY HALL
SAINT PAUL, MINNESOTA
AUGUST 3, 2026

PRESENT: Members of Board of Zoning Appeals: Mr. Benner II, Mr. Clarksen, Ms. Dayton(virtual), Ms. Porter(virtual), Mr. Schweitzer

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

Legal: City Attorney Josh Ladd

ABSENT: Daniel Miller & Brian Martinson.

The meeting started at 3:11 p.m. and chaired by Jerome Benner II

Chair Jerome Benner II called the meeting to order and welcomed attendees to the Board of Zoning Appeals hearing. He outlined the procedures for reviewing zoning code variances, administrative reviews, and requests to modify home occupation requirements for handicapped individuals. Chair Benner II explained the order of presentations, public testimony process, speaker time limits, and appeal procedures. He noted that Pang Yang and Yaya Diatta were present from the Department of Safety and Inspections. Josh Ladd was present as legal counsel, and Maxine Linston served as secretary. Chair Benner II requested that Secretary Linston conduct a roll call of those in attendance.

Approval of Minutes for:

July 20, 2026 / Approved 5-0.

Chair Jerome Benner II noted that the July 20, 2026 meeting minutes were before the Board for approval. Schweitzer moved approval, and Dayton seconded. Chair Benner II asked Ms. Linston to conduct a roll call vote. A roll call vote was conducted with Clarksen, Schweitzer, Porter, Dayton and Benner II voted to approve. The motion passed.

Moved By: Schweitzer /Second By: Dayton

APPROVAL OF RESOLUTIONS – None

Old Business: None

New Business:

870 GRAND AVENUE

Chair Benner II read that the project consists of installing opaque window film on selected storefront windows to match the opaque appearance of certain existing windows on the building. Accordingly, the

applicant is requesting a variance from Section 63.110 of the Zoning Code, which requires that first-floor windows in non-residential buildings be clear, translucent, or tinted to allow views into and out of the interior.

Ms. Yang presented the staff report with a recommendation of approval, finding that the required findings 1 through 6 had been met. Staff noted that no recommendation had been received from District 16 – Summit Hill Association and that no correspondence had been received regarding the request.

Chair Benner asked whether Evereve was a clothing retailer and noted that he was familiar with the Grand Avenue location, recalling that it may have previously been occupied by lululemon. Ms. Yang provided clarification regarding the applicant.

Applicant: Megan Anderson stated that the business was taking over the existing Pottery Barn location and that Victoria Street was the secondary street. She explained that the proposal was essentially a changeover of the existing use.

Chair Benner thanked Ms. Anderson and asked whether the Board had any questions for the applicant. Seeing none, he advised Ms. Anderson that the Board may call her back if additional questions arise.

Chair Benner II opened the public hearing. No one appeared to speak in favor of or in opposition to the variance request. Chair Benner II closed the public hearing.

Chair Benner II stated that he was pleased to see businesses returning to the site. He noted that Evereve had previously been located nearby on Victoria Street, on the opposite side of Grand Avenue. He stated that the site had been vacant following the unrest, the murder of George Floyd, and the COVID-19 pandemic, and expressed support for seeing new businesses return to Grand Avenue. Chair Benner II stated that he would support approval of the variance.

Clarksen moved to approve the variance as written in the staff report. Schweitzer seconded the motion.

Chair Benner II asked Maxine Linton to conduct a roll call vote. A roll call vote was conducted with Clarksen, Schweitzer, Porter, Dayton and Benner II voted to approve voting to approve. The motion passed.

Chair Benner II informed the applicant that the variance was approved and that the decision was final unless appealed to the City Council within 10 days.

Moved by: Clarksen / Second by: Schweitzer

Approved 5-0

822 Hague Avenue

Chair Benner II read that the applicant is requesting a variance from Saint Paul Legislative Code Section 66.231 to reconstruct an open, covered front porch that will encroach into the required 5-foot side yard setback. The proposed porch would be placed at the same nonconforming side setback as the original porch, maintaining 2.33-foot setback from the side property line, resulting in a variance request of 2.67 feet.

Ms. Yang presented the staff report with a recommendation of approval, finding that the required findings 1 through 6 had been met. Staff also noted that, as of the meeting date, no recommendation had been received from District 8 – Summit-University Planning Council and no correspondence had been received regarding the request.

Mr. Schweitzer asked for clarification regarding the photographs of the house and which side of the house was the front. Ms. Yang explained that the photograph on the right shows the Fisk Street side of the house and the photograph on the left shows the Hague Avenue side.

Chair Benner II clarified that Hague Avenue is the front of the house and Fisk Street is the side. Ms. Yang confirmed that the front of the house faces Hague Avenue and the side faces Fisk Street.

Chair Benner II asked if there were any additional questions for staff. He then asked why a variance was required since the existing house already had a nonconforming setback and the proposed porch would not expand the existing nonconformity.

Mr. Diatta explained that the property previously had a nonconforming setback, but the porch had been removed for many years, resulting in the loss of its nonconforming status.

Chair Benner II asked whether the nonconforming status expires after 180 days. Mr. Diatta clarified that it expires after one year. Chair Benner II suggested that the applicable code reference be included in the staff report, stating that it would be helpful.

Chair Benner II asked if there were any other questions for staff. Hearing none, he asked if the applicant was present and invited the applicant to come forward.

Applicant John Grady, 822 Hague Avenue, appeared before the Board. Chair Benner II asked if he had anything to add to the staff report. Mr. Grady stated that he did not and that the staff presentation had covered the request.

Chair Benner II opened the public hearing and invited anyone in favor of the variance request to come forward and provide testimony. No one appeared.

Chair Benner II opened the public hearing. No one appeared to speak in favor of or in opposition to the variance request. Chair Benner II closed the public hearing.

Schweitzer moved to approve the variance request based on staff findings 1 through 6. Clarksen seconded the motion.

Chair Benner II asked Maxine Linton to conduct a roll call vote. A roll call vote was conducted with Clarksen, Schweitzer, Porter, Dayton and Benner II voted to approve voting to approve. The motion passed.

Chair Benner II informed the applicant that the variance was approved and that the decision was final unless appealed to the City Council within 10 days.

Moved by: Schweitzer / Second by: Clarksen

Approved 5-0

649 Snelling Avenue North

Chair Benner II read that applicant is proposing to convert the existing laundromat into a Domino's Pizza takeout restaurant. Per Section 65.616 of the Zoning Code, curb cuts must be located at least sixty (60) feet from the intersection of any two streets and from any abutting residentially zoned property. This site currently has three (3) existing curb cuts: two (2) along the north side on Blair Avenue and one (1) on the east side along Snelling Avenue. The applicant will remove the curb cut closest to the Blair/Snelling intersection to satisfy the intersection setback. However, the applicant wants to retain the second Blair Avenue curb cut which is located within 60 feet of an abutting residentially zoned property across the alley to the west and requests a variance from the residential setback requirement to allow it to remain.

Ms. Yang presented the staff report with a recommendation of approval, finding that the required findings 1 through 6 had been met. Staff also noted that, as of the meeting date, no recommendation had been received from District 11 Hamline Midway Coalition, and no correspondence had been received regarding the request

Chair Benner II asked Ms. Yang to pull up the site plan or aerial view for clarification regarding the proposed curb cuts. He asked whether the curb cut on the far-right side of the site plan would be removed and the curb and gutter restored. Ms. Yang confirmed that the curb cut would be removed.

Chair Benner II asked whether the curb cut farther west would remain and whether it would be improved or left as is. Ms. Yang stated that staff did not have that information and that it would be a question for the applicant. Chair Benner II confirmed that the curb cut would remain, and Ms. Yang confirmed.

Chair Benner II then asked about the curb cut along Snelling Avenue and noted that it was not clearly visible on the site plan. Ms. Yang explained that the curb cut was shown on the architectural site plan in the packet and could be seen in the aerial view, although it was difficult to see. Chair Benner II referenced sheet A050.

Chair Benner II asked if there were any other questions for staff. Hearing none, he invited the applicant to come forward and state their name and address.

Chair Benner II then asked about the curb cut along Snelling Avenue and noted that it was not clearly visible on the site plan. Ms. Yang explained that the curb cut was shown on the architectural site plan in the packet and could be seen in the aerial view, although it was difficult to see. Chair Benner II referenced sheet A050.

Chair Benner II asked if there were any other questions for staff. Hearing none, he invited the applicant to come forward and state their name and address.

Applicant, Eric Studler, stated that the applicant intends to restore the property and convert it into a new Domino's location. He explained that the requested variance would allow a secondary curb cut on Blair Avenue to remain and would help separate employee and customer traffic. Employee parking and access would be located at the rear of the building, while customers would access the site from Snelling Avenue.

Chair Benner II asked whether the curb cuts on the west side of the property would be for employees only. Mr. Studler confirmed that the rear access would be restricted to employees and that customers would access the site from Snelling Avenue.

Clarksen asked about the applicant's plans to address safety and security concerns raised by nearby residents. Mr. Studler stated that the property would have lighting and security cameras and that employee and delivery driver activity would provide additional movement at the rear of the property. He stated that the business hours would be 10:00 a.m. to midnight, with employees typically remaining for approximately 30 minutes to one hour after closing.

Chair Benner II asked how delivery traffic would move through the site and whether employees would be able to access Blair Avenue. Mr. Studler explained that employees would have access to the rear parking area and that the applicant could require employees to enter from and exit onto Snelling Avenue. He further stated that employees exiting onto Blair Avenue would be required to turn right toward Snelling Avenue rather than entering the residential neighborhood.

Clarksen noted that the separation of employees and customer parking and traffic would help address concerns raised in the public comments.

Schweitzer asked how many delivery drivers would be working during peak business hours. Mr. Studler stated that there would generally be six or seven delivery drivers on a Friday or Saturday evening during the supper rush, although typically only two or three drivers would be at the store at one time because the others would be out making deliveries.

Schweitzer asked whether the drivers would be coming and going through the site several times during the peak period. Mr. Studler confirmed that they would. He clarified that the six or seven drivers would primarily be scheduled during the peak period rather than throughout the entire eight-hour period. He stated that staffing would generally be lower during the afternoon and later in the evening, with one or two drivers toward the end of the night.

Chair Benner II asked if there were any additional questions for the applicant. Hearing none, he advised Mr. Studler that the Board may call him back if additional questions arise and asked him to sign the attendance book.

Chair Benner II opened the public hearing and invited anyone in favor of the variance request to come forward and provide testimony.

Dawn Einwalter stated that she is the board chair of the Hamline-Midway Coalition but was appearing on her own behalf. She explained that the Coalition had not had an opportunity to formally review or take a position on the request due to the timing of the application. She stated that she had spoken with members of the Coalition's transportation committee and that her comments reflected their perspectives.

Ms. Einwalter expressed qualified support for the curb cut request, stating that having two curb cuts instead of three would provide safer ingress and egress. She raised concerns regarding traffic flow due to the median on Snelling Avenue, noting that drivers may need to make a U-turn or approach the site from the north. She recommended that traffic flow and directions for accessing the site be addressed to minimize impacts on the surrounding neighborhood.

Ms. Einwalter also raised security concerns regarding the rear of the property and emphasized the importance of lighting, activity, and visibility. She recommended that a barrier or fence be considered between the proposed Domino's property and the multifamily residential property to the south to discourage movement between the properties.

Mr. Clarksen asked whether Ms. Einwalter was recommending a fence or barrier between Domino's property and the apartment building. Ms. Einwalter stated that she believed a barrier would help separate the residential and commercial properties and discourage people from moving between the properties.

Mr. Clarksen asked whether a fence could create an area where people could congregate or remain hidden. Ms. Einwalter stated that she was not a security specialist but believed the property owner should consider the security conditions in the neighborhood and take measures to discourage people from congregating at the rear of the building.

Chair Benner II stated that the Board's purview was primarily to review the flow and impacts of the proposed curb cut. He noted that the project would continue through the site plan review process and that there may be opportunities for staff to address additional site improvements. He asked Mr. Diatta and staff to consider the security concerns raised during the site plan review process and whether additional security elements could be incorporated consistent with the zoning code.

Chair Benner II thanked Ms. Einwalter for her comments and asked if there were any additional questions. Hearing none, he thanked her for appearing.

Chair Benner II asked if anyone else wished to speak in favor of the variance request. No one else appeared.

Chair Benner II then invited anyone opposed to the variance request to come forward and provide testimony.

Bonita Steppa stated that her property is located two doors west of the subject property. She expressed opposition to the proposed curb cut variance, stating that delivery drivers traveling north or west could use Blair Avenue as a shorter route and that, even if drivers were instructed not to use the residential street, there would be no guarantee that they would follow those instructions.

Ms. Steppa referenced Section 65.616 of the zoning code, which addresses vehicular ingress and egress for fast food restaurants, and questioned how the provision applied to the proposed curb cut. Chair Benner II clarified that the applicant was requesting a variance from that zoning requirement and that the Board was considering the request as part of the hearing.

Ms. Steppa stated that maintaining traffic access on Snelling Avenue would be preferable for neighborhood safety because residential streets are intended primarily for access to residential properties. She suggested that employee parking could potentially be accessed from the north side of the site, although that alternative could result in the loss of some parking spaces.

Ms. Steppa also expressed concerns regarding unrestricted access to the rear parking area, increased traffic, noise, late-night activity, trash, and the lack of windows at the rear of the building. She requested that the variance be denied until the concerns could be further addressed with the community, Hamline-Midway Coalition, City Council, and DSI staff. She stated that she was supportive of finding proactive solutions that would address the concerns without placing an undue burden on nearby residents or restaurant staff.

Clare Press stated that she supports new businesses and additional tax revenue in the neighborhood but expressed concerns regarding the proposed restaurant use and site conditions. She questioned whether

environmental testing would be required due to the property's previous use as a gas station and dry-cleaning business.

Ms. Press also expressed concerns regarding the lack of rear windows and access to the building, employee safety, traffic, lighting, security cameras, landscaping, fencing, and trash. She suggested that employee access through the rear of the property and improvements to the site could help address safety concerns. She also supported consideration of a barrier between the commercial property and the neighboring multifamily residential property.

Ms. Press stated that she would like to see the business and surrounding neighbors work together to address the concerns and ensure that the property is safe for both the neighborhood and the business.

Chair Benner II asked if anyone else wished to speak in opposition to the variance request. No one else appeared. Chair Benner II closed the public hearing and opened the matter for Board discussion and/or a motion.

Schweitzer stated that there had been significant written and in-person opposition to the variance request. He acknowledged that some of the concerns raised by the public were outside the Board's purview but stated that the concerns regarding the proposed curb cut and traffic being directed onto Blair Avenue were relevant. He expressed concern that the proposed curb cut was inconsistent with the intent of the zoning code to keep traffic off residential streets and away from intersections.

Clarksen stated that he shared Schweitzer's concerns regarding the proposed site configuration and its potential impact on neighborhood safety. He noted that the existing site conditions and proposed changes to the parking and circulation plan raised concerns about how the rear curb cut would function. He also stated that there may be other alternatives to the proposed site plan that would eliminate the need for the curb cut on Blair Avenue. Clarksen expressed concern that the Board could not identify appropriate conditions that would adequately address the concerns raised by the neighbors.

Clarksen stated that he did not believe the proposed curb cut was necessary for the operation of the business, noting that other Domino's locations and restaurants operate with a single parking entrance. He expressed concern that the curb cut on Blair Avenue could encourage additional traffic into the residential neighborhood.

Clarksen moved to deny the variance request and amend Finding 1 to state that the proposed curb cut on Blair Avenue is not consistent with the general purpose and intent of the zoning code.

City Attorney Josh Ladd asked whether the additional concerns regarding alternatives to the proposed site plan should be included under Finding 1 or another finding. Clarksen stated that the concerns would apply to Finding 1 and potentially Finding 3 regarding practical difficulties.

Schweitzer stated that he agreed that Findings 1 and 3 were not met because there were other reasonable alternatives that could address the traffic and parking requirements of the business without retaining the curb cut on Blair Avenue.

Schweitzer seconded the motion to deny the variance based on Findings 1 and 3.

Chair Benner II stated that the case was difficult because the property had been vacant for a long time and a new business could bring activity and additional security to the site. However, he expressed concern that the site may not be well suited for pizza delivery use due to the frequency of traffic entering

and exiting the property, particularly during peak evening hours. He stated that he did not believe the applicant had demonstrated that the proposed variance was necessary or consistent with the intent of the zoning code. Chair Benner II stated that he would oppose the variance based on Findings 1 and 3.

Chair Benner II asked Maxine Linston to conduct a roll call vote. A roll call vote was conducted with Clarksen, Schweitzer, ~~Porter~~, Dayton and Benner II voted to deny. The motion passed.

Chair Benner II informed the applicant that the variance was denied and that the decision was final unless appealed to the City Council within 10 days.

****Note:** Ms. Porter left the meeting at 4:00 p.m. and did not vote on this case.

Moved by: Schweitzer / Second by: Clarksen

Denied 4-0

Board Members Meeting Notes:

Chair Benner II raised the issue of Board member attendance and discussed the possibility of offering a hybrid meeting format to make it easier for Board members to attend meetings. He stated that he would continue discussing the possibility with the City Attorney's Office.

Ms. Yang stated that she had contacted the Mayor's Office regarding Board appointments and that BZA is included in a larger group of appointments currently being considered. She stated that she did not have a specific timeline for when an update would be received.

Chair Benner II asked about individuals who had expressed interest in serving on the Board. Ms. Yang stated that two prospective applicants had been forwarded to the Mayor's Office for consideration.

Chair Benner II asked if there was any additional business. Hearing none, he asked about new cases for the August 17 meeting. Ms. Yang stated that there were no cases scheduled for August 17 and that the next meeting would be August 31.

Chair Benner II asked staff to send a reminder notice regarding the August 31 meeting.

Submitted by:

Maxine Linston

Kaozouapang Yang

Robert Clarksen, Secretary

Approved by: Maxine Linston
Maxine Linston (Sep 1, 2026 09:12:09 CDT)

Approved by: Kaozouapang Yang
Kaozouapang Yang (Sep 1, 2026 09:16:24 CDT)

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