



CPED STAFF REPORT

Prepared for the Zoning Board of Adjustment
BOA Agenda Item #3
July 28, 2016
BZZ-7547

LAND USE APPLICATION SUMMARY

Property Location: 1200-02 28th St W
Project Name: Merlin's House Sober Living Home
Prepared By: Kimberly.Holien@Minneapolismn.gov, Senior Planner, (612) 673-2402
Applicant: New Spirit Homes
Project Contact: Jon Bartelt
Request: To increase the maximum occupancy of each dwelling unit in a duplex
Required Applications:

| | |
|---|--|
| Appeal of the Decision of the Zoning Administrator | Appeal of the decision of the Zoning Administrator, granting Reasonable Accommodation pursuant to the 1988 Federal Fair Housing Act to increase the occupancy in each unit of a duplex at 1200-02 W 28 th Street from one family plus two unrelated individuals to ten individuals per unit for a sober home. |
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SITE DATA

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|-----------------------------------|---|
| Existing Zoning | R2B Two-Family District |
| Lot Area | 3,422 square feet |
| Ward(s) | 10 |
| Neighborhood(s) | Lowry Hill East |
| Designated Future Land Use | Urban Neighborhood |
| Land Use Features | None |
| Small Area Plan(s) | Adjacent to northern boundary of Uptown Small Area Plan |

| | | | |
|---|----------------|---------------------------------------|-----|
| Date Application Deemed Complete | June 10, 2016 | Date Extension Letter Sent | N/A |
| End of 60-Day Decision Period | August 9, 2016 | End of 120-Day Decision Period | N/A |

BACKGROUND

BACKGROUND. The subject property, 1200-02 28th Street West, is a 3,422 square foot lot located in the Lowry Hill East neighborhood of Minneapolis that contains a 2.5-story side-by-side duplex. The floor area of the structure, excluding the basement, is approximately 3,800 square feet and contains a total of ten bedrooms. The subject property is used as a sober home, which is a type of communal living arrangement for persons recovering from alcoholism and/or drug addiction who have completed in-patient treatment but may not be ready for a more independent living situation. Sober living homes espouse the idea that housing recovering persons together in a supportive environment insulates them from destructive influences and allows them to re-integrate into society in a sober, accountable, and affordable setting. This particular sober home occupies both units in a side by side duplex.

The subject property is zoned R2B, Two-Family district. According to Chapter 546.50 of the zoning code, the maximum occupancy of a dwelling unit in the R2B district, regardless of the size of the structure, is one family plus two unrelated persons. As such, a duplex can house a maximum of six unrelated persons. At the subject property, each unit of the sober home would accommodate ten persons, for a total of 20 persons in the duplex. Maximum occupancy cannot be increased by variance. Therefore, the applicant submitted an application for Reasonable Accommodation per the Fair Housing Act, which requires flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements) when necessary to eliminate barriers to housing opportunities for persons with disabilities.¹

On May 28, 2016, the request for Reasonable Accommodation was approved administratively by the Zoning Administrator and the City Attorney. Within the 10-day appeal period, Mr. James Henderson, the owner of the property directly north of the site, appealed the decision to grant Reasonable Accommodation. A copy of the complete appeal statement and supporting materials has been attached for reference and consideration.

ANALYSIS. According to 525.590, it is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing in the application of its zoning regulations. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.

Evaluations of requests for reasonable accommodation are based on three areas of inquiry. This analysis briefly summarizes these areas of inquiry and applies them to the present situation. A substantially more detailed analysis can be found in the reasonable accommodation staff report, which has been attached as a supporting document.

First, the request must be made on behalf of a person or persons who are considered disabled under the Fair Housing Act. Persons recovering from drug or alcohol addiction are considered disabled under the Act. The applicant has provided an affidavit as such, stating that all residents of the sober home will have been diagnosed and will be receiving treatment for a disability recognized by the Federal Fair Housing Act of 1988. The disability of the sober home residents in this case is not being disputed by the appellant.

Second, the requested modification must be **necessary** to afford such persons equal opportunity to use and enjoy a dwelling. The purpose of this analysis is not to determine the efficacy of the sober home treatment model. Sober living homes are an established method of treatment for persons recovering

from alcoholism and drug addiction. Rather, the purpose of this analysis is to demonstrate that an increase in the maximum occupancy of a dwelling unit at the subject property is a necessary and reasonable accommodation pursuant to the FHAA. In this case, the applicant asserted that increasing the maximum number of unrelated individuals who may inhabit a dwelling unit affirmatively enhances the quality of life of recovering persons by creating a sense of community, camaraderie, and accountability between residents in a neighborhood setting that is necessary for recovery. This finding is evaluated in detail in the attached staff report.

The third area of inquiry relates to the **reasonableness** of the request. The occupancy limits considered reasonable for the purposes of evaluating requests for reasonable accommodation are often based on the housing maintenance code rather than the zoning code. Maximum occupancy according to the zoning code depends upon the zoning district in which the property is located and the relatedness of individuals, whereas maximum occupancy according to the housing maintenance code is determined by the floor area of the structure. Per the findings in the attached staff report, the occupancy requested in this case is within the parameters allowed per the Housing Maintenance code based on the overall square footage of the structure and the size of each individual sleeping room.

The appeal document submitted by the neighboring property owner primarily asserts that the subject request for reasonable accommodation would result in a fundamental alteration to the underlying R2B zoning. The appeal statement also challenges the reasonableness of the request. The full statement of reasons for the appeal is attached.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **deny** the appeal of the Zoning Administrator to grant reasonable accommodation to increase the maximum occupancy allowed for the property located at 1200-02 28th Street W.

A. Appeal of the Decision of the Zoning Administrator.

Recommended motion: **Deny** the appeal of the decision of the Zoning Administrator.

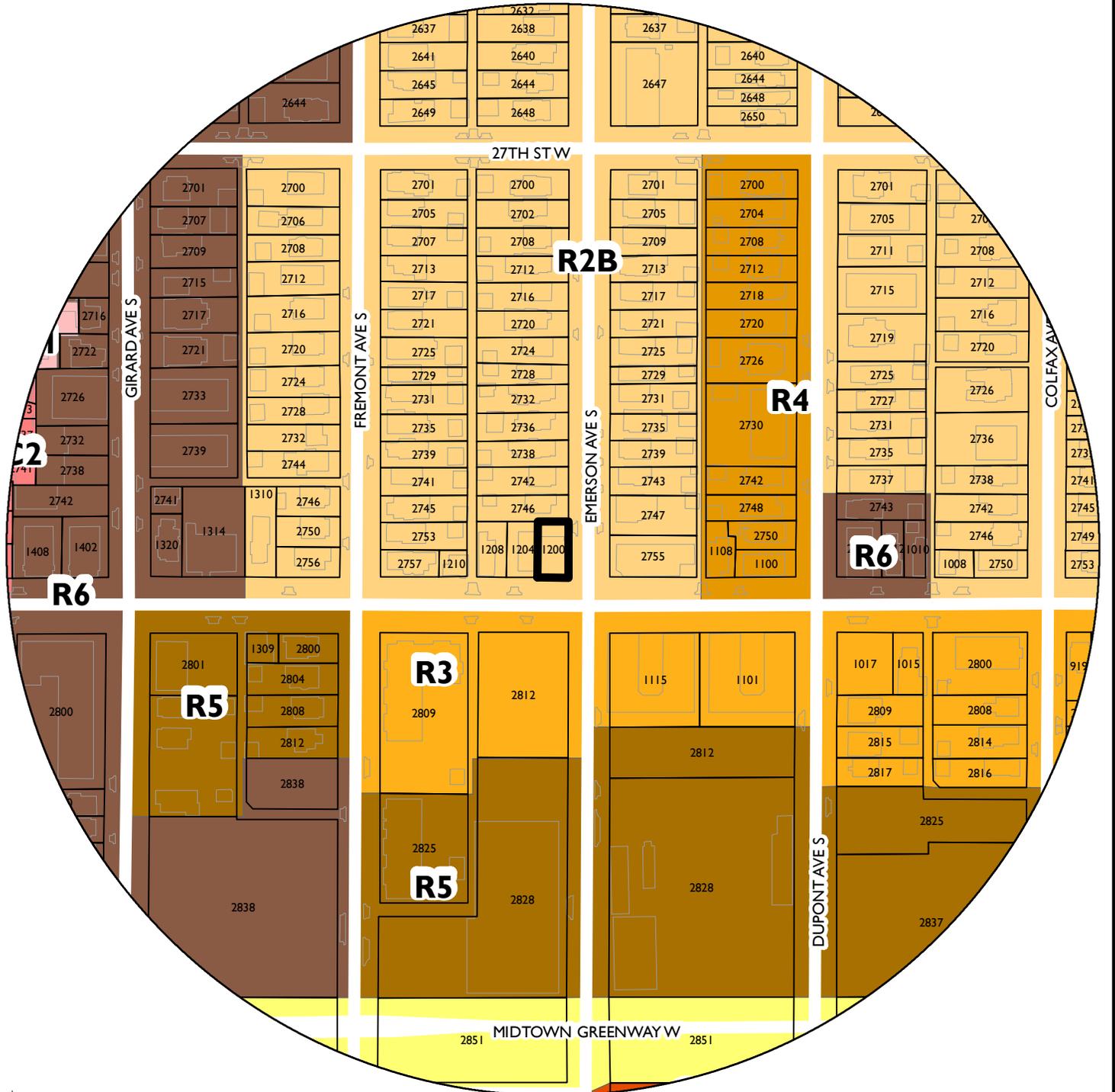
ATTACHMENTS

1. Zoning map
2. Statement of Appeal
3. Staff report dated May 24, 2016
4. Written description and findings submitted by applicant
5. Plans
6. Photos

¹ **Minneapolis Code of Ordinances, Chapter 525.590. – Reasonable Accommodation. Policy and purpose.** It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing in the application of its zoning regulations. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. The purpose of this article is to establish a process for making and acting upon requests for reasonable accommodation. (2008-Or-072, § 1, 8-22-08)

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
1200-02 W 28th Street

FILE NUMBER
BZZ-7547

References are to CPED STAFF REPORT BZZ-7547, hereinafter referred to as the "report"
The Cover Letter is Dated June 1, 2016

NEIGHBORHOOD PREMISE:

Merlin's House Sober Living Home, hereinafter referred to as the "Sober House" or "Sober Living Home", located in two adjacent duplexes at 1200 & 1202 West 28th St. in Lowry Hill East, under the currently approved and existing codes for use and occupancy limits is supported by the neighborhood residents.

We believe this use provides a needed service to individuals in full compliance with the Federal Fair Housing Amendments Act of 1988 ("FHAA" or the "Act"), 42 U.S.C. § 3201.

However, we feel that approving an increase in the occupancy for this structure from 6 unrelated persons to 22 unrelated persons is an egregious/overreaching interpretation by the City of Minneapolis Staff, hereinafter referred to as "Staff" or the "City", of the underlying zoning standards for the R2B zoning district which defines our neighborhood.

We believe that staff has displayed blatant disregard for the proposed density standards for Foot Area Ratio (FAR), minimum lot size, site plan setback & landscaping requirements, minimum site plan and parking requirements (under both the Minneapolis zoning code and housing maintenance code) without regard to the impact of the proposed use on the adjacent property owners and the character of the surrounding Lowry Hill East Neighborhood.

With regard to the proposed approval of increasing the occupancy levels for this property, the staff findings in support of the increased density, and resulting uses on this site, are in direct conflict with the Minneapolis Comprehensive Plan, the Uptown Small Area Plans and the standards and requirements of the Minneapolis Code of Ordinances.

The Staff Report does not accurately reflect fact in its findings; and Staff failed to support their findings in support of the applicant's request.

Page #1

FHAA 42 U.S.C. § 3201(f)(3)(B): "a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling".

- We are not denying equal opportunity or objecting to an unreasonable density and the resulting activity levels of the Sober House

Page #2

"Requests for reasonable accommodation will be analyzed on a case-by-case basis and are highly fact specific" and refers to three issues:

1. That persons who are considered disabled under the Act. No objection
2. Whether the requested accommodation is necessary to afford persons equal opportunity to use and enjoy a dwelling. No Objection
3. Whether the requested accommodation is reasonable. With respect to accommodations of zoning requirements, an accommodation is not "reasonable" if:
 - The requested modification to zoning requirements would create a fundamental alteration in a local government's land use and zoning scheme.

Joint Statement of the Dept. of Justice and the Dept. of Housing and Urban Dev't *Group Homes, Local Land Use, and the Fair Housing Act* (August 18, 1999)

- It is not an "appropriate" use under the protection of neighborhood zoning guidelines.
- With respect to Zoning Requirements, we feel that the following are fundamental alterations of the local government's land use and zoning scheme.
- The FAR – new housing code = 0.5; the proposed FAR is 1.11, more than double.

Page #3 :

- The Sober House is "a use not identified in the zoning code and must be deemed substantially similar to a use identified in code or else it is prohibited". If the City has not allowed other duplexes in the Lowry Hill East R2B zone to double (or triple) the permitted density, then it is not substantially similar to any other structures and the Sober House occupancy of (10) unrelated person should be prohibited (Chapter S25.80). This dramatic increase in occupancy is a fundamental change unless Staff can identify "substantially similar use" within the 350' impact area. Occupancy should be reduced to a level where it is substantially similar to the existing use identified in the code.
- Staff has determined that there are other similar uses and cites "supportive housing". The Sober House is not licensed by the Dept. of Human Services (DHS), it does not provide treatment; therefore, it is not similar to a community residential facility.
- Staff states that Sober Houses are most appropriately classified as "typical dwelling units" rather than supportive housing then the Sober House should have occupancy rates that are appropriate for typical dwelling units in R2B.

Page #4 Chapter 546.50

- The maximum occupancy of a dwelling unit in the R2B district, regardless of the size of the structure, is three (3) unrelated persons. A structure similar to the Sober House would typically house (6) unrelated persons in two duplex units. The owner states that there are (10) unrelated persons per dwelling unit, plus (1) house manager on each side. It is not clear if the two House Managers counted in the 20 residents (and is himself a recovering alcoholic) or if the two managers (who is there 24 hours a day) is in addition to the residents.
- The upper limit of the request for occupancy to increase from 6 to 20 (or 22) is either 14 or 16, a 233% or 267% increase of unrelated persons in the structure.
- "the FHAA requires flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements) when necessary to eliminate barriers to housing opportunities for persons with disabilities." Staff has stated, "increasing the maximum occupancy of a dwelling unit can be considered a reasonable accommodation pursuant to the federal law".
- Increasing the maximum occupancy of a dwelling cannot be done without fundamentally altering/changing a local government land use & zoning. We have not been given access to the site plan showing that the increase in occupancy is reasonable. Normally a site plan

revision would require a public hearing and it is not clear if a site plan has or has not gone through Staff review.

Page #5

- Purpose of this analysis by City: to demonstrate that an increase in the maximum occupancy of a dwelling unit at this property is a necessary and reasonable accommodation pursuant to FHAA.
- Must be without fundamental alteration in local government's land use & zoning
- We are challenging the findings and assumptions of the staff with regard to the appropriateness of the application under local government land use & zoning

Pg #5 - Section 2. Necessity of Request:

- Staff states increase in occupancy is a necessary and reasonable accommodation pursuant to FHAA
 - Argument: a 267% increase of unrelated persons for a structure that is already nonconforming, is not reasonable.
 - Argument: (see next paragraph) The City's established and permitted procedures are not insufficient to produce housing for disabled persons. Rather, the proposed use at the 10-person per unit level fills this requirement. The Sober House is not being denied housing for disabled persons. The appropriateness of egregious disregard for the underlying zoning standards is what we are objecting to in the request is the 267% increase in occupancy.

Section 3:

- This paragraph is conjecture. No other code permits the FAR or occupancy psf as requested.

Paragraph 3:

- *"staff finds increasing the maximum occupancy... is necessary to achieve an effective sober living environment..."*
 - This will be an effective environment only if the physical conditions of the site are adequate and do not fundamentally alter existing local government land use and zoning. Despite many request for information about the existing occupancy of the Sober House we are unable to confirm the actual number of residents. A conversation with the applicant on June 9, 2016 revealed:

Q: How long has the Sober House been operating?

A: About 8 months. [estimate: Early November of 2015]

Q: How many occupants are in the building?

A: There are 10 on each side, 20 total, and there's a House Manager.

Q: How many House Managers are there?

A: There is one in each of the duplexes.

receive \$500 per resident per month from the Suffolk Sober Home Oversight Board, "bunk beds are placed in living rooms, hallways, and even kitchens." We hope this doesn't happen, but we know it is happening in other areas. A parent of one resident commented "when you hear 'sober house', you think 'sober,' but it clearly wasn't a safe environment."

Section 3. Need for the requested modification, including alternatives that may provide an equivalent level of benefit

- Staff states that "the maximum occupancy in medium- and high-density zoning districts is five unrelated persons per dwelling unit, which in some instances may create a sufficient amount of peer support".
 - We would support the staff in setting "the maximum occupancy of five (5) unrelated persons per dwelling unit" which we believe would be a reasonable accommodation under t FHAA 42 U.S.C. § 3201(f)(3)(B). Note, this is the maximum occupancy in medium and high density zoning districts. The applicants request for ten (10) is clearly unreasonable.

Section 3. Need Physical attributes of and any proposed changes to the subject property and structures.

- The applicant has cleaned up the exterior of the property and removed outdoor storage based on orders from staff.
 - This is an incorrect statement. The storage barn in the middle of the area that Staff identifies for parking has not been removed. If it were removed, then tandem parking would meet the City code for a R2B duplexes. We are requesting that the applicant remove outdoor storage as directed by orders from Staff.

Section 5. Potential impact on surrounding uses.

- Staff states that "studies have shown that community residences are often the best-maintained properties on the block. Moreover, these studies have illustrated that these community residences function so much like o conventional family that most neighbors within one to two blocks of the home do not even know that a group home or halfway house is nearby.
 - This is an incorrect statement. While the general appearance of 1200 & 1202 West 28th St. is better than some years in the past, it has been a "problem property" for a decade and many of the cosmetic changes are very minor compared to past experience with the applicant. The applicant has used this structure for business related usage despite multiple calls to City inspections. We hope that the Sober House is not just another business use that will return it to the previous identity of a "problem house" on the block.

Section 6. Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies, and/or procedures of the city.

- Duplexes are a permitted use in the R2B Two-Family District and are prevalent in the surrounding area.
 - In the R2B zoning district, the minimum lot area for a duplex is 5,000 square feet. The subject parcel is on a lot of 3,422 square feet the property which is nonconforming as to lot area. A duplex that is conforming to R2B would be better to double the occupancy instead of one that is 68.44% of the minimum lot size for a duplex.
- The historic development pattern in the vicinity as well as the planned character of the area is compatible with the proposed increase in occupancy and would not constitute a fundamental alteration of the land use and zoning scheme.
 - The “requested modification would constitute a fundamental alteration of the zoning” because the Sober House is “in the R2B Two-Family District”. On page 1 it says that the intent is to “increase the maximum occupancy of a dwelling unit from one family plus up to (2) unrelated persons” to “ten (10) persons per dwelling unit” roughly a doubling, which would “constitute a fundamental alteration of the land use and zoning”.
- Several multiple-family buildings have been built across 28th St W from the subject property and the surrounding area north of 28th St W contains a roughly proportional mix of single, two, and three-family structures.
 - If this is not a “fundamental alteration of the zoning” why give a detailed description of the zoning and land use in this area of Lowry Hill East? The Uptown Small Area Plan says that “An important premise of the Plan is to recognize that in order to maintain the high quality of life in the neighborhoods.” A major goal of the plan was to “stabilize the edges of existing neighborhoods and create new and improved existing public spaces” and that the “neighborhoods are, after all, the foundation for Uptown’s quality of life and desirability”.

Source: http://www.ci.minneapolis.mn.us/cped/planning/cped_uptown-plan

- “... commercial corridors are intended to support high density housing, transitioning to medium density in surrounding areas. Activity Centers call for high- and very high-density residential development”
 - The Sober House is located on West 28TH Street. This is not a commercial corridor.
- The property is located between the high-density residential development to the south and the lower-density neighborhood to the north.
- The Sober House is not “located between high-density residential development” and the “neighborhood to the north”, it is in the neighborhood to the north, and is

precisely “the edge of existing neighborhood” which the Uptown Small Area Plan states needs to be “stabilized”. I feel that it is being destabilized and “fundamental altered” by creating what seems to be a new zoning category for medium-density Sober Houses “between the high-density residential development to the south and the lower-density neighborhood to the north.”

It is important to encourage growth in Uptown. Growth in Uptown will help bring about positive changes that residents desire. Growth will support transit and pedestrian infrastructure improvements. Growth will help stabilize local businesses and create opportunities for new businesses. Growth can help bring about new open spaces, gathering spaces and improved connections to the Lakes and the Greenway. In short, growth is needed to strengthen Uptown’s eclectic urban character.

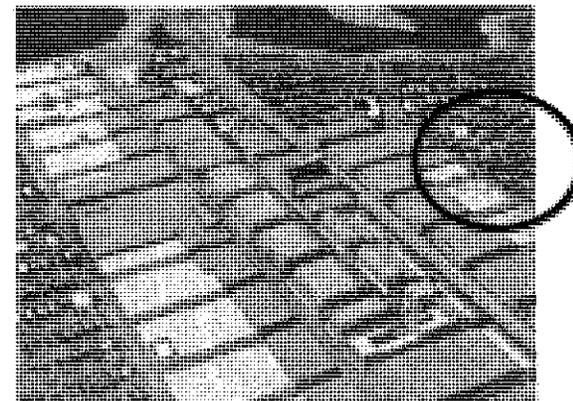
As important as it is for Uptown to grow, it cannot do so in a sustainable manner without simultaneously stabilizing the edges of existing neighborhoods and creating new and improving existing public spaces. The area’s public spaces and neighborhoods are, after all, the foundation for Uptown’s quality of life and desirability. This Plan proposes specific patterns of new growth that can achieve the goals of providing development capacity while simultaneously stabilizing the neighborhoods and improving open spaces and streets.

Uptown’s growth strategy, as outlined in this Plan has several components. They include:

- Focusing the most intense development in the Core of Uptown.
- Defining the edges of new growth, and shaping the edges of new growth such that transitions to the neighborhoods are clear and predictable.
- Shaping the new growth, and the additional height and density in the Core such that it



Current Zoning Analysis, Allowable Height: Current zoning directs growth to different parts of Uptown, including into the neighborhoods.



Proposed Development Intensity: The majority of new development should be directed to the core of Uptown, between Hennepin Avenue and Bryant Avenue, the Greenway, and Lake Street.

A major goal of the Uptown Small Area Plan was to “*stabilizing the edges of existing neighborhoods ... neighborhoods are, after all, the foundation for Uptown’s quality of life and desirability.* This Plan proposes specific patterns of new growth that can achieve the goals of providing development capacity *while simultaneously stabilizing the neighborhoods.*” [Italics added]

“In November 2006, over 100 people attended visioning sessions to discuss their *hopes and concerns for Uptown.* Participants *described the Uptown they want to see in the future.*” [Italics added]

A major goal of the “visioning sessions” was to maintain and stabilize the edges of the existing neighborhood. That area shown (circled above) between Girard and Dupont on the north side of West 28th St. was a major issue. In the top image, the “Current [2006] Zoning Analysis” showed high density housing both south and north

of West 28th St. The Lowry Hill Neighborhood fought hard to keep the high density along the Greenway, medium density on the south side of West 28th St. and **maintaining the R2B zoning north of West 28th St.**ⁱⁱⁱ The lower image above, shows the result of that hard fought goal of maintaining **Lowry Hill East's quality of life and desirability**, and the plan was adjusted to show that.

We feel that increasing the maximum occupancy Merlin's House Sober Living Home Duplex, from the present limit of one family plus two unrelated persons on each side to 10 unrelated persons each side – a total of 20 unrelated persons in the building – is not consistent with Uptown Small Area Plan that was approved by the City Council on February 1, 2008 after a community planning process that spanned almost two years.

Section 7. Whether the requested modification would impose an undue financial or administrative burden on the city.

Section 8. Any other factor that may have a bearing on the request

- "Maximum occupancy per dwelling unit, as regulated by the zoning code, is instituted so as not to ...Minimize adverse impacts on surrounding uses"
 - Staff then goes on to say "if the proposed sober living home... the conditions of approval, the facility should not have an adverse impact on the surrounding uses".
 - Argument: This seems very contrary to why there is a zoning code. If the zoning code is adopted to establish and protect certain development and use standards for a specific zoning district, then why is such an excess in occupancy standard OK here and not in other R2B uses. This has nothing to do with FHAA standards, this has everything to do with "fundamental alteration" of the underlying zoning district standards.

PP#6:

- "Congregating outside and off-site parking should not occur"
 - Congregating Outside: - more pictures the better
 - Off-Site Parking: - with only 2 parking spots... where are the other 18 residents to park? What is the level of no off-site parking tolerance by the city?
 - EXPERIENCE WITH THE STREET PARKING EPISODE SHOULD BE ANOTHER EXAMPLE OF STAFF'S FAILURE TO SUPPORT THE UNDERLYING FINDINGS IN THEIR REPORT.

From: Adams, Chelsea R. [mailto:Chelsea.Adams@minneapolismn.gov]

Sent: Monday, May 23, 2016 2:28 PM

To: 'Jim Henderson' <jahen001@comcast.net>

Subject: RE: FOLLOW UP TO: Threatened by Sober House resident

Based on what I can tell from your email and the 911 call notes from the officers (which was exactly what you said they told you), they already recommended most of the best

options I can think of. The trouble is that this is essentially a neighbor dispute which makes it mostly a civil issue and not exactly criminal, although it's in a grey area in between considering the fact that you received threats. (Threats can be criminal but dispute over parking is not)

PP#8:

- This last paragraph supporting the application is only a perception by staff. Staff has failed to support the findings as proffered. This is a major disconnect on the part of staff in how they have used descriptions of the FAAA Act and certain zoning code language to not apply logic in both the "fundamental alteration" of the local zoning code and more importantly how the operations of this use by doubling of the occupancy on this site will adversely impact the neighbors in a very dramatic way these residents and homeowners are able to use their properties.

Pg #9:

- Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies and/or procedures for the city:
 - 1st sentence: This sentence establishes for the record the existing characteristics of the neighborhood which is supported by the R2B zoning district; ie: low density housing. The duplexes Staff refers to must conform to the zoning standards of R2B so the doubling of density for Sober House is not at all similar as this sentence tries to imply.
 - 2nd sentence: Staff here is referring to the development pattern of increased density in the R-6 zoning district which is along the Greenway... not in the Wedge R2B zoning district. To make that parallel and imply the Wedge low-density housing is the same as the Greenway R-6 high density housing is short of disingenuous and misleading.
 - 6th Sentence. Overtly Wrong. West 28th street is not a "commercial corridor". For Staff to state the Mpls Comp Plan policy is intended to support high density housing along 28th Street... is misleading.
 - 7th Sentence. The subject property is not located between the high-density residential development to the south and the lower density neighborhood to the north. The subject property is located **IN THE WEDGE LOW DENSITY NEIGHBORHOOD** to the north.
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ⁱ http://www.ci.minneapolis.mn.us/cped/planning/cped_uptown-plan, Executive Summary (convert_277445.pdf) P 3 of 13.

ⁱⁱ Ibid. P 5 of 13

ⁱⁱⁱ Ibid. P 10 of 13.

CPED STAFF REPORT

Prepared for the Zoning Administrator and City Attorney
May 27, 2016
BZZ-7547

LAND USE APPLICATION SUMMARY

Property Location: 1200-02 28th St W
Project Name: Merlin's House Sober Living Home
Prepared By: Kimberly.Holien@Minneapolismn.gov, Senior Planner, (612) 673-2402
Applicant: New Spirit Homes
Project Contact: Jon Bartelt
Request: To increase the maximum occupancy of each dwelling unit in a duplex
Required Applications:

| | |
|---------------------------------|--|
| Reasonable Accommodation | Reasonable Accommodation to increase the maximum occupancy of a dwelling unit from one family plus up to two (2) unrelated persons to a maximum of ten (10) persons per dwelling unit for each unit of a duplex. |
|---------------------------------|--|

SITE DATA

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|-----------------------------------|---|
| Existing Zoning | R2B Two-Family District |
| Lot Area | 3,422 square feet |
| Ward(s) | 10 |
| Neighborhood(s) | Lowry Hill East |
| Designated Future Land Use | Urban Neighborhood |
| Land Use Features | None |
| Small Area Plan(s) | Adjacent to northern boundary of Uptown Small Area Plan |

BACKGROUND

For background purposes information has been prepared by the City of Minneapolis' Attorney's Office documenting the history of the Federal Fair Housing Amendments Act.

The Federal Fair Housing Amendments Act of 1988 ("FHAA" or the "Act"), 42 U.S.C. § 3201 et seq. makes it illegal to "discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of . . . that buyer or renter . . . or any person associated with that buyer or renter . . ." 42 U.S.C. § 3604(f)(1). "For purposes of this subsection, discrimination includes . . . a refusal to make reasonable accommodations in rules, policies, practices, or

services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling . . ." 42 U.S.C. § 3604(f)(3)(B).

Requests for reasonable accommodation pursuant to the FHAA will be analyzed on a case-by-case basis and are highly fact specific. The evaluation process for determining whether federal law requires an accommodation in how the City's zoning regulations are applied or enforced is broken down into three areas of inquiry. First is a determination whether the request is being made on behalf of a person or persons who are considered disabled under the provisions of the Act. The current, illegal use of or addiction to a controlled substance does not constitute a "disability" under the Act.

The second issue is whether the requested accommodation is necessary to afford such persons equal opportunity to use and enjoy a dwelling. One court has stated that the test of "necessity" is that "but for the accommodation, [disabled persons] likely will be denied an equal opportunity to enjoy the housing of their choice." *Smith & Lee Associates, Inc. v. City of Taylor*, 102 F.3d 781, 795 (6th Cir. 1996).

Finally, it must be determined whether the requested accommodation is reasonable. With respect to accommodations of zoning requirements, an accommodation is not "reasonable" if it would: 1) impose an undue financial or administrative burden on a local government, or 2) if the requested modification to zoning requirements would create a fundamental alteration in a local government's land use and zoning scheme. Joint Statement of the Dept. of Justice and the Dept. of Housing and Urban Dev't, *Group Homes, Local Land Use, and the Fair Housing Act* (August 18, 1999).

SITE DESCRIPTION. The subject property, 1200-02 28th Street West, is a 3,422 square foot lot located in the Lowry Hill East neighborhood of Minneapolis. The property contains a 2.5-story side-by-side duplex constructed in 1890. The property does not have a garage but contains a paved parking area to the rear of the principal structure. The floor area of the structure, excluding the basement, is approximately 3,800 square feet and contains a total of ten bedrooms.

The property is located on the northwest corner of Emerson Avenue South and 28th Street West in the R2B Two-Family District. Nearby properties north of 28th St W include a mix of single- and two-family homes and triplexes. The area across 28th St W is zoned for medium- and high-density residential uses and contains numerous multi-story apartment and condo buildings. The Lake Street commercial corridor and the Uptown Activity Center are located two blocks from the property.

PROJECT DESCRIPTION. This application would authorize an existing sober living home that occupies both units in a side by side duplex. Each unit would have 10 persons. A sober living home is a type of communal living arrangement for persons recovering from alcoholism and/or drug addiction who have completed in-patient treatment but may not be ready for a more independent living situation. Sober living homes espouse the idea that housing recovering persons together in a supportive environment eviscerates them from destructive influences and allows them to re-integrate into society in a sober, accountable, and affordable setting.

Sober living homes take on a variety of forms, but generally share several characteristics. Residency is typically tied to participation in a recovery program and adherence to house rules. Most often, sober living homes are unlicensed and democratically run, although a house manager often lives on-site or visits daily to ensure that house rules are met. The residents of the home function similar to a family unit in that they share kitchen and bath facilities and have assigned chores and housekeeping duties. The most widely recognized organization that promotes this model is Oxford House, which encompasses more than 1,200 homes throughout the country.¹

Sober living homes are not explicitly identified in the zoning code. According to Section 525.80 of the

code, a use not identified in the zoning code must be deemed substantially similar to a use identified in the code or else it is prohibited.² If a substantially similar use is identified, then the proposed use is regulated in the same manner as the use to which it was determined to be substantially similar. Several uses identified in the code share characteristics with a sober living home, including community residential facilities, inebriate housing, supportive housing, and single-family dwellings.

Community residential facilities are defined as “a facility where one (1) or more persons reside on a twenty-four-hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services...”³ The proposed facility would be unlicensed and would not provide treatment, so it cannot be regulated as a community residential facility.

Inebriate housing includes “facilities that provide housing twenty-four (24) hours per day to persons who are chemically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988.”⁴ Like the proposed use, inebriate housing is unlicensed and residents are considered handicapped under the FHAA. However, important differences exist between the uses. Sober living homes are intended to function as intermediary facilitates between in-patient rehabilitation and a more traditional living arrangement. Residents of the home typically function as a single housekeeping unit, abide by house rules, participate in a treatment plan, and are required to attend meetings and be involved in activities/school/work/volunteering. Residents of sober homes are frequently subjected to Breathalyzer and urinalysis testing, and residents who use alcohol or drugs are expelled from the house. Essentially, sober living homes emphasize recovery.

In contrast, residents of inebriate housing are typically chronic alcoholics and drug addicts who may or may not be working towards recovery. No treatment program is required to reside in a facility, and residents do not necessarily function as a single housekeeping unit. The definition of ‘inebriate housing’ states that residents of such facilities are chemically dependent and considered handicapped under the FHAA. It is important to note that persons using illegal drugs are not considered handicapped under this law. Because alcohol is not an illegal drug, persons can use or be under the influence of alcohol and still be considered handicapped, and thus reside at an inebriate housing facility. This is in stark contrast to a sober living home where alcohol use in any capacity is strictly forbidden. Inebriate housing is allowed as a conditional use only in specific commercial and downtown zoning districts, whereas sober living homes are most often located in residential districts.

Supportive housing is another congregate living arrangement that shares use characteristics with a sober living home. Like a sober living home, supportive housing is not licensed by the Department of Human Services. Supportive housing includes “facilities that provide housing for twenty-four (24) hours per day and require participation by residents in programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing.”⁵ Daily living skills are defined as “personal management and social skills, including but not limited to home care maintenance, food preparation, personal care, money management, and child rearing skills that are necessary for adequate functioning on an independent basis.”⁶

Due to the broadness of this definition, the proposed facility could conceivably be classified as supportive housing. Although a sober living home does not specifically provide services, a condition of residency is participation in a recovery treatment plan. The treatment plan is intended to help residents stay sober, get back on their feet, and re-acclimate to a non-institutional environment. Thus, required participation in a treatment plan could improve the “daily living skills” of residents, particularly those related to social skills and personal management.

Despite the similarities, based on use characteristics and the treatment model, sober living homes are most appropriately classified as typical dwellings units rather than supportive housing. Sober living

homes function under the belief that housing disabled persons in an environment that fosters recovery such as a low-density residential neighborhood is essential to treatment.⁷ In contrast, supportive housing is allowed (and most often located) in medium- to high-density residence, office-residence, and commercial districts. Supportive housing is most often regulated by the City of Minneapolis through a board and lodge license, which is indicative of a congregate living arrangement, rather than a rental license, which is used for dwelling units. These location restrictions and administrative policies suggest that supportive housing facilities are larger and residents do not function as a single housekeeping unit.

Residents of a sober living home function similar to a family unit in that they are accountable to one another and have shared housekeeping duties. Participation in a treatment/reintegration program may improve residents' daily living skills, but the facility itself offers no services. Overall, the use characteristics of a sober living home more closely resemble a dwelling unit than a supportive housing facility. As such, sober living homes are deemed to be substantially similar to dwelling units, and are regulated as such. Because the structure at the subject property contains two dwelling units, the use is most accurately classified by the City of Minneapolis as a duplex.

In most respects the facility at the subject property resembles a typical sober living home. All residents must complete a minimum 28-day inpatient detoxification period prior to arrival and abide by a program agreement and house rules while residing at the home. Per the information submitted by the applicant, the operator requires residents to be responsible for cooking, cleaning, and other chores, and residents must spend no less than 20 hours per week enrolled in school, at work, and/or volunteering. Residents must also attend a house meeting as well as three off-site 12-step meetings per week. A house leader resides at the facility to ensure all house rules are met.

According to Chapter 546.50 of the zoning code, the maximum occupancy of a dwelling unit in the R2B district, regardless of the size of the structure, is three unrelated persons. So, a duplex could house a maximum of six unrelated persons. At the subject property, each unit would accommodate ten persons. Maximum occupancy cannot be increased by variance. However, the Fair Housing Act requires flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements) when necessary to eliminate barriers to housing opportunities for persons with disabilities.⁸ Increasing the maximum occupancy of a dwelling unit can be considered a reasonable accommodation pursuant to the federal law.

Therefore, the applicant has applied for a reasonable accommodation to increase the maximum occupancy of a dwelling unit in the R2B Two-Family District from one (1) family plus up to two (2) unrelated persons per dwelling unit to a maximum of ten (10) unrelated persons per dwelling unit for each unit of the duplex located at 1200 28th Street West. No major physical changes are proposed to the interior or exterior of the structure beyond required maintenance and upkeep.

ANALYSIS

REASONABLE ACCOMMODATION

In accordance with Chapter 520, Introductory Provisions; Chapter 525, Administration and Enforcement and Chapter 546, Residence Districts the Department of Community Planning and Economic Development has analyzed the application for Reasonable Accommodation. Based on the criteria as stated above the following has been determined:

- 1. Documented Disability** - *The request is being made on behalf of a person or persons who are considered disabled under the provisions of the Act.*

The Fair Housing Act Amendments of 1988 (FHAA) "prohibits discrimination on the basis of disability in all types of housing transactions" and "defines persons with a disability to mean those individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such impairment, or are regarded as having such impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled under the Fair Housing Act, by virtue of that status."⁹

The applicant has provided an affidavit stating that all residents of the sober living home will be diagnosed with alcoholism and/or drug use disorder, and will be actively involved in a recovery treatment plan. As stated in the FHAA, persons who are recovering from substance abuse are considered disabled. Without adequate treatment, serious and persistent mental illnesses will result in significant physical and psychological impairment and can substantially limit an individual's major life activities. As such, staff finds that the proposed accommodation is being made on behalf of persons who are considered disabled under the FHAA.

2. Necessity of Request - *The requested accommodation is necessary to afford such persons equal opportunity to use and enjoy a dwelling.*

The purpose of this analysis is not to determine the efficacy of the sober home treatment model. Sober living homes are an established method of treatment for persons recovering from alcoholism and drug addiction. Rather, the purpose of this analysis is to demonstrate that an increase in the maximum occupancy of a dwelling unit at the subject property is a necessary and reasonable accommodation pursuant to the FHAA.

A request for reasonable accommodation can be "necessary" if (1) A municipality's established and permitted procedures are insufficient to produce equitable housing for disabled persons, and (2) The desired accommodation will affirmatively enhance a disabled person's quality of life by ameliorating the effects of the disability.

At the subject property, staff finds that the City's established and permitted procedures are insufficient to produce equitable housing for disabled persons because the maximum occupancy restrictions create a disparate impact on persons recovering from substance abuse compared to non-disabled individuals. Familial arrangements allowed under the code often consist of far more than three persons. Multi-generational housing or situations where adult siblings, significant others, and children reside together quickly exceed this limit. As such, it is possible that the requested occupancy may be no different than an occupancy allowed under the code.

Increasing the maximum number of unrelated individuals who may inhabit a dwelling unit affirmatively enhances the quality of life of recovering persons by creating of a sense of community, camaraderie, and accountability between residents in a neighborhood setting. A maximum occupancy of three unrelated persons per dwelling unit prevents the facility from succeeding therapeutically and financially.¹⁰ As such, persons recovering from alcoholism and drug use disorder may be unable to reside at the subject property or participate in this form of treatment. Therefore, staff finds that increasing the maximum occupancy of a dwelling unit is necessary to achieve an

effective sober living environment that contributes to the treatment of disabled persons.

- 3. Reasonableness of Request** - *The requested accommodation will not impose an undue financial or administrative burden on the City, and will not create a fundamental alteration in a local government's land use and zoning scheme.*

The proposed sober living home would not burden the City financially or administratively. The facility would not require government funding and would be regulated by the City of Minneapolis no differently than a duplex.

The subject parcel is in the R2B zoning district. A duplex is a permitted use in the R2B zoning district. However, the minimum lot area for a duplex is 5,000 square feet. With an area of 3,422 square feet the property is nonconforming as to lot area.

The occupancy limits considered reasonable for the purposes of evaluating requests for reasonable accommodation are often determined by the housing maintenance code rather than the zoning code. Maximum occupancy according to the *zoning code* depends upon the zoning district in which the property is located, whereas maximum occupancy according to the *housing maintenance code* is determined by the floor area of the structure. As a result, maximum occupancy can be different depending on which code is being referenced. Per the City's Housing Maintenance code, a two-family dwelling requires no less than 150 square feet of floor area for the first occupant and 100 square feet for each additional occupant. According to this code, every room occupied for sleeping purposes by one person must contain at least 70 square feet of floor area for the first person, 90 square feet of floor area for two people and the required area increases by 50 square feet for each occupant above that. Sleeping rooms must have a minimum horizontal dimension of seven feet, and the maximum number of occupants per sleeping room is four.¹¹

The principal structure at the subject property is a side-by-side duplex. The current and proposed occupancy is 10 persons per unit, or 20 persons total in the structure. In terms of total gross square footage, the unit at 1202 W 28th Street is 2,069 square feet in area. Per the Housing Maintenance Code requirements noted above, the size of the unit exceeds the minimum floor area required. The unit at 1200 W Lake Street is 1,879 square feet in area, also exceeding the minimum floor area required for 10 persons per the Housing Maintenance Code.

Each unit in the duplex contains five bedrooms and the applicant is proposing two residents per bedroom. The bedrooms on the first floor are each 147 square feet, as verified by a site inspection, and large enough to accommodate two persons per the Housing Maintenance Code. Each unit has three bedrooms on the second floor. Said bedrooms range from 102 square feet to 151 square feet. Again, each bedroom is large enough for two occupants per the Housing Maintenance Code and two occupants are proposed in each. Each unit also includes one bedroom in the attic. The attic bedroom at 1202 W 28th Street is approximately 182 square feet and the attic bedroom at 1200 W 28th Street is approximately 128 square feet in area. Again, these are large enough to support two occupants and two persons are proposed in each. All bedroom sizes were verified by staff during a site inspection.

The location of the subject property is well suited for a sober living home because it balances a neighborhood setting that is conducive to recovery with convenient access to Uptown and excellent regional connectivity. These features provide the opportunity for access to employment opportunities, amenities, and the city-at-large without necessitating the use of private automobiles. The additional occupancy is absorbed by infrastructure designed for high-density residential uses, evidenced by the large number of multiple-family structures present in the surrounding area. Based

upon these characteristics, staff finds that the proposed occupancy is reasonable and will not create a fundamental alteration of the City's land use and zoning scheme.

Reasonable Accommodation required findings.

The zoning administrator, or designee thereof, in consultation with the city attorney, shall have the authority to consider and act on requests for reasonable accommodation. In making the decision, the following factors have been considered:

1. *Special need created by the disability.*

Persons recovering from chemical dependency are considered disabled under the Federal Fair Housing Act Amendments of 1988. The special need created by the disability stems from the lack of non-institutional treatment options for recovering persons who have completed in-patient treatment but are not prepared for a more traditional living arrangement. Persons recovering from chemical dependency often have very poor credit and rental history, poor employment history, a high rate of comorbidity of other mental illnesses, lack of education, history of domestic violence, and lack of familial support. These barriers can hinder recovering persons from finding housing that contributes toward recovery.

2. *Potential benefit that can be accomplished by the requested modification.*

Increasing the maximum occupancy of a dwelling unit to allow a sober living home can be an effective means of treating alcoholism and/or drug addiction. A study published in 2010 by the Journal of Substance Abuse Treatment found that at six-month intervals ranging up to 18 months following treatment, recovering addicts who passed through some kind of sober living environment were significantly less likely to face relapse, arrest, and homelessness. The community of support that was established in the very early days of sober living was found to be one of the major contributing factors to the success of the persons in recovery.¹²

The applicant states, "Supportive housing for individuals in early recovery assists in easing the transition between institutional care and a more traditional living arrangement. This type of housing arrangement gives residents an opportunity to get back on their feet while maintaining their sobriety by living in an affordable, sober, and supportive living environment." He emphasizes the idea that 'power in numbers' creates a strong network of support capable of breaking the cycle of relapse through support and accountability. Isolation is a common relapse trigger for those in early recovery from substance addiction. A supportive community setting eschews isolation and promotes community integration. It exposes recovering persons to facets of everyday life such as associating with different people, maintaining relationships, using public transportation, obtaining an education, working, participating in substance-free recreation activities, managing personal affairs and money, and maintaining a household.

3. *Need for the requested modification, including alternatives that may provide an equivalent level of benefit.*

The need for the requested modification stems from the lack of treatment options for persons who have completed in-patient rehabilitation but may not be ready for a more traditional living arrangement. While other living arrangements exist that could potentially accommodate prospective residents, none can provide a comparable level of treatment and peer support in a neighborhood setting. For example, the maximum occupancy in medium- and high-density zoning districts is five unrelated persons per dwelling unit, which in some instances may create a sufficient amount of peer support. However, significant zoning obstacles still exist as the majority of the city is zoned low-

density residential and detached homes are less common in higher-density zoning districts. In addition, this restriction still limits the number of handicapped people who may reside together and fails to address the beneficial effect that a neighborhood setting may have on recovery.

4. *Physical attributes of and any proposed changes to the subject property and structures.*

No major physical changes are proposed to the duplex. The applicant has cleaned up the exterior of the property and removed outdoor storage based on orders from staff. Other minor repairs are expected but these will not result in substantial changes to the structure. If the structure is properly maintained, it could easily revert to a duplex with standard occupancy if the sober living home ceases operation.

5. *Potential impact on surrounding uses.*

Persons recovering from drug and alcohol addiction are considered disabled according to the Federal Fair Housing Act. Similar to laws outlawing discrimination based upon race or religion, the 1988 Fair Housing Act was enacted to address a long history of exclusion and unequal treatment towards disabled persons based upon prejudice and reinforced by public policy, law and practice. Although the perceived incompatibility of the proposed use in a neighborhood setting occasionally creates skepticism, as described in the following excerpt from a study published in the John Marshall Law Review by Fair Housing expert Daniel Lauber, perceived negative impacts are unsubstantiated by studies and statistics:

"More is known about the impacts of community residences on the surrounding neighborhood than any other small land use. More than fifty studies have examined their impact on property values. All of them, despite differing methodologies, have discovered that group homes and halfway houses have no effect on property values, even for houses adjacent to community residences.

Conversely, studies have shown that community residences are often the best-maintained properties on the block. Moreover, these studies have illustrated that these community residences function so much like a conventional family that most neighbors within one to two blocks of the home do not even know that a group home or halfway house is nearby.

A handful of studies have also looked at whether community residences compromise neighborhood safety. The most thorough study, conducted for the State of Illinois, concluded that the residents of group homes are much less likely to commit any crime than the average resident of Illinois. Specifically, it revealed a crime rate of 18 per 1,000 people living in a group home compared to 112 per 1,000 for the general population. Despite these findings, a high concentration of group homes within a neighborhood is not desirable."¹³

Maximum occupancy per dwelling unit, as regulated by the zoning code, is instituted so as not to overburden City services and utilities, to avoid traffic congestion, and to minimize adverse impacts on surrounding uses. If the proposed sober living home is managed in accordance with the documentation supplied to staff, the established house rules, and the conditions of approval, the facility should not have an adverse impact on surrounding uses.

Residents of the proposed facility must abide by a program agreement that creates specific residency requirements and establishes a strict code of conduct. Occupancy is made available on the strict understanding that the house is, at all times, to be drug and alcohol free. The house is managed by a live-in house manager and a supervising housing director. The rules explicitly mention the

importance of respecting surrounding land uses. The rules state that congregating outside and parking off-site should not occur.

For various reasons, residents of sober living homes often do not own cars or do not drive. The subject property is very well served by both public transportation and the bicycle network, and is located within walking distance of the Uptown Activity Center. Both Hennepin Avenue and Lake Street are high-frequency bus routes, and the property is less than a block from the Midtown Greenway bicycle trail. Two parking spaces will be made available to the rear of the principal structure, and secure bicycle parking is available on-site. The applicant has recently removed outdoor storage in this parking area and as a condition of approval, it will be required to be made available to residents. In order to prevent future adverse off-site impacts, the City shall be notified in there are any changes in use or maximum occupancy, or any changes to the house rules that could increase the potential for adverse off-site impacts.

If the facility operates as described in the application materials and in accordance with the Conditions of Approval stipulated herein, the facility should not have an adverse impact on surrounding uses.

6. *Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies, and/or procedures of the city.*

Duplexes are a permitted use in the R2B Two-Family District and are prevalent in the surrounding area. The historic development pattern in the vicinity as well as the planned character of the area is compatible with the proposed increase in occupancy and would not constitute a fundamental alteration of the land use and zoning scheme. Several multiple-family buildings have been built across 28th St W from the subject property and the surrounding area north of 28th St W contains a roughly proportional mix of single-, two-, and three-family structures. The subject property is two blocks from the Lake Street Commercial Corridor and Uptown Activity Center. According to the *Minneapolis Plan for Sustainable Growth*, commercial corridors are intended to support high density housing, transitioning to medium density in surrounding areas. Activity Centers call for high- and very high-density residential development.¹⁴ The property is located between the high-density residential development to the south and the lower-density neighborhood to the north.

7. *Whether the requested modification would impose an undue financial or administrative burden on the city.*

The facility does not require government funding nor does it seek any type of licensure. It will not impose an undue financial or administrative burden upon the City.

8. *Any other factor that may have a bearing on the request.*

The applicant has agreed that the City of Minneapolis may inspect the home and that the City of Minneapolis shall be notified if there are changes to the code of conduct or house rules that could increase the potential for adverse off-site impacts. An inspection was conducted by staff prior to the issuance of this report.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Attorney and the Zoning Administrator adopt the above findings and **approve** the request for Reasonable Accommodation to increase the maximum occupancy of a dwelling unit from one (1) family

plus up to two (2) unrelated individuals per unit to a maximum of ten (10) unrelated individuals for each unit of the duplex located at 1200-02 28th Street West, subject to the following conditions:

1. The property must comply with health and safety regulations such as building and fire codes. Should the property create a public nuisance or fail to conform to health and safety regulations, the City may rescind this approval;
2. The applicant shall provide proof of completion of a sober housing workshop through the Minnesota Association of Sober Homes (MASH) or a similar organization. Said workshop shall be completed by June 30th, 2016 or the permit may be revoked for non-compliance. All current and future occupants of the subject property must be diagnosed with a documented disability as defined in the Federal Fair Housing Amendments Act;¹⁵
3. Locks shall not be installed on the exterior of bedroom doors.
4. The exterior of the home and the yard will be kept in excellent physical condition as defined in the Chapter 244 of the Minneapolis Code of Ordinance relating to the Housing Maintenance Code, including but not limited to the provisions in Article IV, Equipment and Facilities, Article VI, Maintenance by Owner and Article VII, Maintenance by Occupants. Damaged or worn out materials will be promptly repaired or replaced.
5. The yard shall be properly maintained in compliance with Chapter 227, Article II of the Minneapolis Code of Ordinances related to Nuisances Generally. The requirements of this chapter include, but are not limited to, maintaining turf grass at a height of no more than eight inches, keeping the yard free of noxious weeds and maintaining property drainage.
6. Two parking spaces located to the rear of the principal structure will be available to residents of the home. Said parking spaces shall be free of outdoor storage and be located no closer than six (6) feet from a habitable portion of the structure.
7. A minimum of 8 bicycle parking spaces shall be provided on-site. Said parking spaces shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components
8. All residents, guests, and associated persons must comply with the house rules, code of conduct, and other applicable operational agreements at all times;
9. The House Rules, the name and phone number of the house manager, a current rental license, a Who to Call poster, and a floor plan displaying the approved occupancy of each sleeping room must be displayed in a conspicuous location within both dwellings.
10. The property shall be free of outdoor storage.
11. The property shall be used exclusively as a sober living home and commercial activity shall be prohibited on site, including but not limited to the parking of commercial vehicles and storage of equipment.
12. The applicant shall provide a revised site plan and/or floor plan that includes a designated smoking area for residents.
13. The applicant shall establish an on-site, public contact make said contact information available to neighbors.
14. A rental license inspection shall be conducted within two months of the date of this report or the approval will be revoked for non-compliance.
15. The applicant shall make the rental license contact information publically accessible.
16. The City of Minneapolis shall be promptly notified in there are any changes in use or maximum occupancy, or any changes to the residency restrictions that could increase the potential for

15. A rental license inspection shall be conducted within two months of the date of this report or the approval will be revoked for non-compliance.
16. The applicant shall make the rental license contact information publically accessible.
17. The City of Minneapolis shall be promptly notified in there are any changes in use or maximum occupancy, or any changes to the residency restrictions that could increase the potential for adverse off-site impacts. These changes include but are not limited to occupancy, interior and exterior alterations, residency requirements, and house manager qualifications.

Decision: Approved with conditions Date: 5-27-16

Signature of Zoning Administrator: Stephen Pope Date: 6/1/2016
 Signature of Planner or other Official: Kimberly Holie Date: 6/1/16
 Signature of City Attorney: Eric [Signature] Date: 5/27/16

¹ Oxford House website. http://www.oxfordhouse.org/userfiles/file/purpose_and_structure.php.

² **Minneapolis Code of Ordinances, Chapter 525.80. - Substantially similar uses.** Whenever an application contains a use not included in the zoning ordinance, the zoning administrator shall issue a statement of clarification, finding that the use either is substantially similar in character and impact to a use regulated herein or that the use is not sufficiently similar to any other use regulated in the zoning ordinance. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If said use is not sufficiently similar to any other use regulated in the zoning ordinance, the use shall be prohibited.

³ **Minneapolis Code of Ordinances, Chapter 520.160. - Definitions. Community residential facility**

⁴ **Minneapolis Code of Ordinances, Chapter 520.160. - Definitions. Inebriate housing**

⁵ **Minneapolis Code of Ordinances, Chapter 520.160. - Definitions. Supportive housing**

⁶ **Minneapolis Code of Ordinances, Chapter 520.160. - Definitions. Daily living skills**

⁷ **Oxford House v. Township of Cherry Hill** (N.J. 1992) 799 F.Supp. 450, 453.

⁸ **Minneapolis Code of Ordinances, Chapter 525.590. - Reasonable Accommodation. Policy and purpose.** It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing in the application of its zoning regulations. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. The purpose of this article is to establish a process for making and acting upon requests for reasonable accommodation. (2008-Or-072, § 1, 8-22-08)

⁹ 42 U.S. Code § 3601. "The Fair Housing Amendments Act of 1988". <http://www.justice.gov/crt/about/hce/title8.php>

¹⁰ Lauber, Daniel. "A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Act Amendments of 1988" The John Marshall Law."

¹¹ City of Minneapolis. *Basement Finish, 1 & 2 Family Dwellings. Construction Code Services Division Informational Bulletin.* http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert_267078.pdf

¹² Polson, Korcha, Bond, Galloway. "Sober Living Houses for Alcohol and Drug Dependence: 18-Month Outcomes." *Journal of Substance Abuse Treatment.* March 2010. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2860009/>

¹³ Lauber, Daniel. "A Real LULU: Zoning for Group Homes and Halfway Houses Under the Fair Housing Act Amendments of 1988" The John Marshall Law." pp. 16-17

¹⁴ **Minneapolis Comprehensive Plan** (The Minneapolis Plan for Sustainable Growth). Chapter 1: Land Use, page 1-11. Adopted 3/22/2011 and 8/22/2011.

¹⁵ The Federal Fair Housing Amendments Act of 1988 ("FHAA" or the "Act"), 42 U.S.C. § 3201 et seq. makes it illegal to "discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of . . . that buyer or renter . . . or any person associated with that buyer or renter . . ." 42 U.S.C. § 3604(f)(1). "For purposes of this subsection, discrimination includes . . . a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling . . ." 42 U.S.C. § 3604(f)(3)(B).

NEW SPIRIT HOMES INC.

Sober Housing for Men

Application for reasonable accommodation application, December 2015

Property Location: 1200/1202 W. 28th Street

Statement of proposed use and description of the project:

Jon Bartelt (property owner) and New Spirit Homes Inc. is seeking approval of application for reasonable accommodation at 1200/1202 W. 28th Street in the R2B Two-Family District. The above referenced property is currently zoned as a duplex. The building was originally build as side by side duplex. The property will provide housing for individuals in early recovery from Drug and Alcohol addiction.

Ordinance provisions for which reasonable accommodation is being requested:

We wish to increase the number of unrelated person living together in one dwelling unit to a number greater than three as stated in Code 546.50 relating to maximum occupancy. The Reasonable Accommodation request is being requested in relation to the Federal Fair Housing Amendments Act of 1988 pursuant to the procedure set forth in sections 525.590 to 525.650

- **546.50. - Maximum occupancy.**

(a) *Dwelling units.* The maximum occupancy of a dwelling unit located in the R1 through R3 Districts shall not exceed one (1) family plus up to two (2) unrelated persons living together as a permanent household, provided that the family plus the unrelated persons shall not exceed a total of five (5) persons. The maximum occupancy of a dwelling unit located in the R4 through R6 Districts shall not exceed one (1) family plus four (4) unrelated persons living together as a permanent household, provided that the family plus the unrelated persons shall not exceed a total of five (5) persons.

Written Response to Zoning Administrator Criteria Contained in Section 525.610:

1. **Special need created by the disability:**

Individuals suffering from addiction benefit greatly from support from one another. By living with others suffering from the same disability individuals can offer one another the support they need. The disability has a very high rate of relapse without the use of supportive housing. Living together in a sober and supportive living environment has been proven to be an extremely effective meaning of maintaining long term sobriety.

2. **Potential benefit that can be accomplished by the requested modification:**

Supportive housing for individuals in early recovery assists in easing the transition between institutional care and a more traditional living arrangement. This type of housing arrangement gives residents an opportunity to get back on their feet while maintaining their sobriety by living in an affordable, sober, supportive living environment. The idea of "power in numbers" works in sober supportive housing. The more people the better the support. By keeping individuals from

relapsing back into drug and alcohol use saves the community money by reducing theft, violence, harm to oneself and other and reduces the financial strain on the government which pays for individuals on a need basis to go through in-patient addiction counseling. Individually typically don't relapse once, without support they can have a many relapse throughout their lives. New Spirit Homes breaks the cycle of relapse by providing safe and sober housing.

3. Need for the requested modification, including alternatives that may provide an equivalent level of benefit:
Due to rental housing code **546.50. - Maximum occupancy** an application for Reasonable Accommodation is necessary to increase the number of unrelated persons living together. Property will fall under the category of supportive housing. Accommodation request is being requested in relation to the Federal Fair Housing Amendments Act of 1988 pursuant to the procedure set forth in sections 525.590 to 525.650
4. Physical attributes of and any proposed changes to the subject property and structures
No changes to structure on the exterior or interior. The building maintains the character of the structure.
5. Potential impact on surrounding uses:
Property is located in a high density rental area. W. 28th Street is a busy two lane one-way street. The use of the residence as supportive housing would not have a negative impact on the neighborhood and the continuing use will continue to be a support to the neighborhood. Individuals are required when outside to congregate in limited numbers.
6. Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies, and/or procedures of the City:
Supportive housing would be a conditional use of the property, outlined by the City of Minneapolis Reasonable Accommodation and allowed under the 1988 Federal Fair Housing Act (FHA) and would not be the first residence granted Reasonable Accommodation.
7. Whether the requested modification would impose an undue financial or administrative burden on the city:
The home does not require government funding nor does it seek any type of licensure. It has not and will not impose an undue financial or administrative burden on the City. Sober Housing reduces the financial burden on the city by helping to keep its residents suffering from addiction sober and productive law abiding citizens.
8. Any other factor that may have a bearing on the request.
New Spirit Homes has been operating supportive housing facilities for over 8 years with a positive impact on the neighborhood and the community. New Spirit Homes has become one of the highest rated provider of sober living housing in Minnesota.

See Attached New Spirit Homes Forms:

All forms are confidential and proprietary information and are to be used only for review of application.

Copy of House Rules

Copy of Program Agreement

Other Management forms of New Spirit Homes.

Website information

See Attached Requested documentation:

Completed Participation Agreements and Applications with names blacked out

List of AA meeting in the neighborhood

See Attached Floor Plans

See Attached Authorization of Inspection

See Attached Affidavit Residents are recognized by the Federal Fair Housing Amendment Act of 1988

Written response to Questions in addition to General Application Requirements

1. The maximum number of residents housed will be 20 including a nonpaid live-in house leader. The 1200 side will house 10 residents in 5 bedrooms the 1202 side will house 10 residents in 5 bedrooms. New Spirit Homes follow the City of Minneapolis building code of a minimum bedroom size of 7' x 10' or 70 square feet. Shared room have a minimum 140 square feet.
2. The resident's participation fee allows use of the entire home and facilities and has access to all areas of the home within the guidelines of the house rules of which they agree to before moving in.
3. There are only shared bedrooms. New Spirit Homes does not over crowd rooms.
4. Yes, the whole house functions a single housekeeping unit. All expenses are paid out of a single house account. Residents may shop, prepare and cook their own meals or with another resident. Meal service is not provided. All residents partake in housekeeping duties
5. The house is financially self-sustaining
6. The house does not and has not received financial support of Government or other sources than the residents that live there.
7. 100% of all residents have gone through a recognized chemical dependency program before moving into the home. (See attached program applications)
8. The home is located near many AA, NA and similar meetings (see attached)
9. The home is near grocery, banking, convenience stores, hospital, dental and transportation services.

10. The home is on a bus line and near job placement services and workforce center. There are many jobs in the neighborhood. All residents are required to work, go to school or volunteer in the community a minimum of 20 hours per week.
11. Due to all residents being in early recovery and financially just getting on their feet fewer than 10% of residents have cars. In this location there is parking available for three cars on the asphalt parking pad in the back of the home. Over the last 8 years, at similar homes, we have had an average of only two cars at a time. Owners of cars are required to show valid driver's license, proof of insurance, have current tabs and maintain their vehicle in safe working order.
12. Our only advertising is word of mouth. Our residents come to us by referral from treatment centers. List of our referring partners are Fairview Medical Center, Hazelton, Pride, NuWay, Park Ave Treatment Center and other regional facilities in Minnesota. New Spirit Homes has been quoted by both Fairview and Hazelton counselors as being the most well-kept homes they have seen. As a result of that and our commitment to providing a safe and sober living environment New Spirit Homes boasts one of the highest sobriety rates in Minnesota.

Answers to additional questions:

1. **How is a relapse handled?** In our commitment to safe and sober housing if someone uses drugs or alcohol in the home they are dismissed from the program. If not intoxicated, we encourage them to get back into an in-patient or intensive outpatient treatment program. If intoxicated, we will take them to a detoxification facility or release them into the care of family or their sponsor. If necessary, we call police department for assistance – we have only had to do this very few times in the last 8 years and have a good relationship with the local law enforcement.

New Spirit Homes, Inc.

House Rules

Keeping Rooms Clean:

All participants must keep their room picked up and tidy at all times. This includes bed made (at a minimum the bedspread needs to be pulled up covering the sheets and mattress) All clothes folded or in drawers. Drawers should be shut when not in use. All dirty clothes should be in their dirty clothes basket. Shoes neatly under bed or in closet. In a bunked bed situation the area under the lower bed should be divided into two sections for each participant. No garbage or clutter on the floor. No food left out overnight, ever, if in the garbage the garbage needs to be emptied promptly (food attracts mice).

Keeping a clean room and house demonstrates mutual respect and care about one's house. Throw your crap all around, leave old food by your bedside, sinks full of old dishes, etc, and soon you will be living in a true dump. New Spirit Homes will NEVER BE A DUMP. You will be asked to leave before this happens. Nothing wrecks a house reputation faster or speaks to non-respect more than a mess. The house should always be in a state of readiness where we can give a tour, and not have to excuse something.

Respect for the Neighborhood:

You absolutely must respect the neighbors. Many of them are likely on edge that there is a sober living house on their block. Do not give them a single reason to worry or complain. That means groups of people huddling around the front or back stoop smoking, to making any noise or blocking driveways with cars and having much in and out traffic late at night, etc—none of these things should happen. Make sure as much parking takes place on the property as possible at night. Use common sense about everything in this area.

House Chores:

Keeping the exterior and common areas of the house clean and picked up is important to everyone's sobriety New Spirit believes a clean environment is important to reducing stress and maintaining sobriety. Every week at the weekly meeting a sign-up sheet of house hold chores will be passed around. Everyone will rotate on the duty roster of chores. The House Leader is responsible for making sure chores are getting done.

House chores are to be done and/or maintained on a daily basis. Not done just be for the weekly meeting.

Visitation:

ALL VISITORS ARE REQUIRED TO SIGN IN.

- 1) Hours of visitation are 11:00 a.m. to 9:00 p.m. daily.
- 2) No more than four (4) visitors are to be in the building at any given time.
- 3) Visitation is allowed in COMMON AREAS ONLY! NEVER IN THE BEDROOMS.
- 4) NO INTIMATE PHYSICAL CONTACT.
- 5) For family and relatives that may be visiting from out of town exceptions to number of visitors must be approved by the house leader at least 48 hours in advance.
- 6) If a visitor is DROPPING off clothes, food, etc, this would not constitute as the 4 visitors that may be present
- 7) Clients are encouraged to communicate with each other when they intend to have visitors in order to accommodate everybody
- 8) Any violation will result in loss of visitation policy.
- 9) This policy is subject to change at any time if there are any infractions or disruptions in the House.

Building maintenance: Repairs will completed by authorized repair person. Please report all housing maintenance items to the Housing Director.

Computer Usage:

There is a wireless network provided at the house for you to use your own computer. Downloading and streaming of movies and television programs is not allowed as the internet bandwidth provided is reserved for email, web search and education. If you need more bandwidth to download movies, etc... you must purchase your own internet hotspot through a mobile carrier or other provider. Additional dishes or cable lines to the house is not allowed.

Cable TV: No paid programming ordering is allowed. If this is done, it's grounds for immediate dismissal.

House Meetings:

As a member participating in the sober home program of New Spirit you are required to attend house meetings. Please schedule your activities around this meeting. Your participation is important to building the sense of community and brotherhood at New Spirit Homes. If you are excused by the house leader for work or family issues, you will still need to fill out the weekly participation review form. Your feedback is important to us and the Owner does review them. If you are a continual no show at the weekly meetings we will assume you no longer wish to participate at New Spirit Homes and we will make your room available for someone new or someone in the house looking to upgrade to your room.

Being a member of the New Spirit Sober home.

If working second or third shift you will need to bring in your work schedule showing days and hours and provide contact information for your supervisor. They will be contacted and hours verified.

In Home Hours:

We would like you to be in the home by 12pm. Reasoning: This is not meant as a punishment or unnecessary restriction. Rather we want you to be home and getting a good night sleep. Rest is very important in recovery to keep your mind sharp and body healthy. Also with a sober home with this many people it's difficult to monitor someone who has used slipping in, in the middle of the night and sleeping it off. This is a sober house and it is everyone's primary concern to stay sober and help others remain sober.

Exceptions: Working second and third shift. If you work either of these two shifts an exception will be made for you. You will need to provide the Housing Director your work schedule so he can let others know that you have [] a work exception to being home at night.

Starting the Day:

Everybody should need to wake up and be ready for their day by a certain hour so that lounging in bed all day is never an option.

You should have an agenda to follow so that plans are made and followed through on each day, You need a reason to live each day that advances you in your program and adds to your self-esteem.

Quiet Hours:

Quiet hours are after 11pm – 7am Monday through Friday and 12pm – 7am on Saturday and Sunday. Reasoning: It's important to respect the sleep of others living in the house. During quiet hours the living room or entertainment room is closed for the evening. For those that work second and third shift it is especially important that you make an extra effort being quiet when come home or leaving for work, using the bathroom or kitchen please prepare food in advance so you not using the kitchen during quiet hours.

Food Storage:

To eliminate the theft of food. Everyone should label their food with the marker provided in the kitchen. If someone lends you food be sure you have their permission before you use it. Do not ever assume they won't mind. In addition everyone one should have a minimum of Five days of your own person food available in the house, stored in your cabinet. If you don't have money for food please let your house manager know as there are food shelves in the neighborhood that can help you get by. There may also be food in the community food shelf that you may consume. Be

sure to check expiration dates on food in the community food shelf and use this food at your own risk. If you are caught stealing or consuming anyone else's food you will be fined \$50 in which we will buy food for the community food shelf.

Application

Moving In & Moving out

With Proper Notice: Proper notice is 30 days starting on the first of the month. To receive your sober deposit back you need to give proper notice and need to have completed your minimum stay commitment. You must also leave your room and bedding area clean. Clean means dusting and wiping down base trim, top of doors and windows and entire room dusted and wiped down, floors vacuumed, stains on carpet cleaned, windows cleaned streak free. If you were provided towel and sheets they should be cleaned and neatly folded and placed on the corner of the bed.

Without proper notice: If you move out without proper notice or are asked to leave the program you will forfeit your sober deposit and any unused participation fee.

Incidents and Reporting: House Manager of the Week and/or Housing Director will complete an incident report. This report may be accompanied by a behavioral contract which may be a conditional agreement for you to remain in the program.

Relapse and disciplinary action: We do not take the word of anyone person against another that results in disciplinary action. We encourage everyone to share if they suspect someone is using, so we can discuss it with the person accusing (so we can determine if it may be valid or not) and the person being accused so they can have the opportunity to be honest (this is an important step for you in your continual recovery) and if you determine that a drug test is in order then administer one.

Behaviors not tolerated: Arguments, fighting, gossip, slander about the house program or others in the program

Management: Limit of authority: The House Leader of the Week has authority to try to resolve disputes, monitor and encourage that assigned household tasks are completed in a timely manner and report to housing director all violations of house rules. If a House Leader of the Week fails to report a house violation they will be assigned the same discipline given to those breaking the rules. You are not supporting yourself or others in the house allowing anyone to break the house rules. Following the house rules works to support your and others sobriety.

The Housing Director has the authority to have final say in resolving disputes, assigning behavioral contracts and removing participants from the program. House Leader may only look into a room, not go in.

Support: In your early recovery it is important to give and receive support to others in the New Spirit Program. You should communicate regularly with your sponsor. The Housing Director and/or assist is here to support you they have a lot of referral sources to help with employment, training and food shelters.

Weekly meetings: Weekly meetings are mandatory. This is an important time to come together as a house hold. Weekly meetings will be held by the House Manager of the week in the standard format of New Spirit Homes. Only members of New Spirit are allowed at weekly house meetings and there is no visitation during meetings.

Prescription Drug use: Anyone who is in recovery for meth can't be taking Adderall, Ritalin, etc... We do not accept those taking Methadone in treatment for Methamphetamine, but we do allow Suboxone with the following requirements: Medication is administered according to doctor's recommendation and is under lock and key and is never left out in the open.

Welcome to a new start!
We are a safe & sober home
for men in early recovery
from alcohol and/or drug
addiction.
We are your best next step



Get started at New Spirit - Sober Living for Men

We believe it is in this setting that you can focus with others on 12 Steps to Recovery, work or school.

Through the support and structure of a sober living program in our homes along with your commitment to sobriety you will be ready for the rewarding life of sobriety and a "New Spirit" for life!

Testimonials: Read are what our people have to say...

New Spirit helped me transition back to life. I'm able to move back home. I am so thankful - Michael

I stayed sober thanks to New Spirit.
- Sam

New Spirit Homes provided me accountability and support. New Spirit is exactly what I needed. Thanks! - Brock

I enjoyed living at New Spirit. You've done a wonderful job! - Charlie

I came to New Spirit so I could continue living with other sober people and it gives me the freedom to take care of my responsibilities. - Marty

I really feel that I get the support I need. Living with others, structure and accountability really helps. - C. Smith

I like that I am able to work and come home to a place I know is safe, clean and drug and alcohol free. It takes a lot of my work away. - Steven

What I am gaining at New Spirit Homes, I don't believe I could do on my own. I'm learning how to be responsible I am putting structure in my life. - Pat

Being in a sober house is a step closer to living on my own. I have been living in sober housing for roughly 5 months and I am confident New Spirit has been a vital piece to my sobriety as a whole.
- Walter

I have had a great experience at New Spirit and would commend the Housing Director for all the support and care he took. I will and have recommended this home, It has been a pleasure and asset to my recovery. - David

My stay has been wonderful. My house roommates have been like a new family for me and have helped me in every way possible. I'm finally back on my own two feet again, thank you for the great experience. - Andrew

The house managers treated me with respect and care. I was impressed by the large kitchens and ample common space to socialize. - Coleman

New Spirit Homes was the best thing I've done. - Eric

It has been a good place to keep me sober and get to know more sober people. I'm glad I got the opportunity to live there. - Jeremy



Nu-Way Counseling Center
2217 Nicollet Avenue S.
Minneapolis, MN 55404

December 17, 2015

To whom it may concern,

This is a letter of recommendation regarding New Spirit Homes as a provider of supportive sober living.

Please be advised that the NuWay Counseling Center at 2217 Nicollet Avenue in Minneapolis, MN is DHS licensed provider (license # 1066337) of integrated outpatient treatment services for individuals diagnosed with substance use and mental health disorders. As a component of client care we have partnered with New Spirit Homes over the past year as a resource for client placement during their participation in treatment services.

In this capacity New Spirit has provided excellent client care through maintenance of safe, accountable environments representative of a true recovery experience. The New Spirit staff has demonstrated a consistent commitment to client welfare and worked well in communicating with NuWay to provide a high level of integrated client care.

The NuWay program currently has over 20 clients placed with New Spirit and continues to refer them as a resource for all of our referral partners. Please feel free to contact me with any questions.

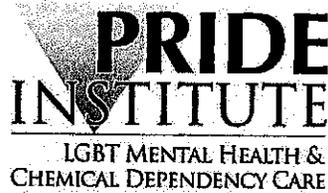
Sincerely,

Kenneth L. Roberts

Kenneth L. Roberts, MPS, LADC
Program Director



Nu-Way Counseling Center
2217 Nicollet Avenue S
Minneapolis, MN 55404
Office: 612-235-4677
Fax: 612-870-3796
ken.roberts@nuwayhouse.org
www.nuwayhouse.org



December 8, 2015

To Whom It May Concern:

This letter is written on behalf of New Spirit Homes. Pride Institute is a residential, partial hospitalization, and intensive outpatient chemical dependency and mental health program that serve members of the Lesbian, Gay, Bisexual, and Transgender population. Pride is licensed by the State of MN Department of Human Services, Department of Health, and the Commission of Accredited Rehabilitation Facilities (CARF). Part of Pride's programming is to assist clients in creating a viable continuing care plan that includes referring clients to sober housing for after discharge from Pride.

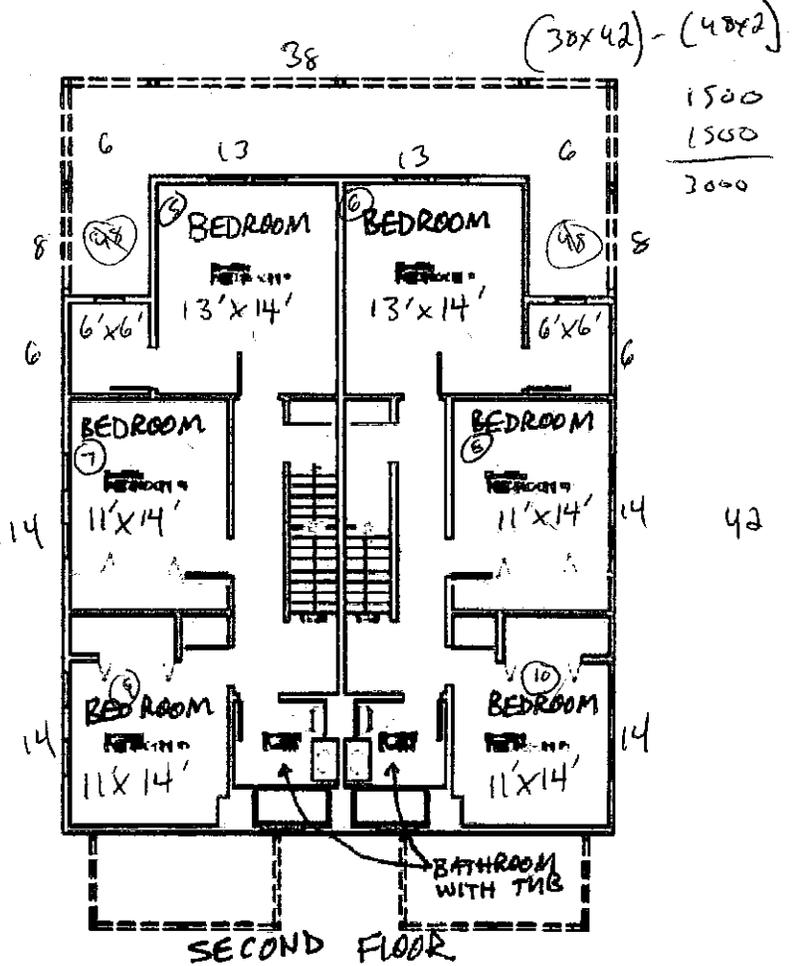
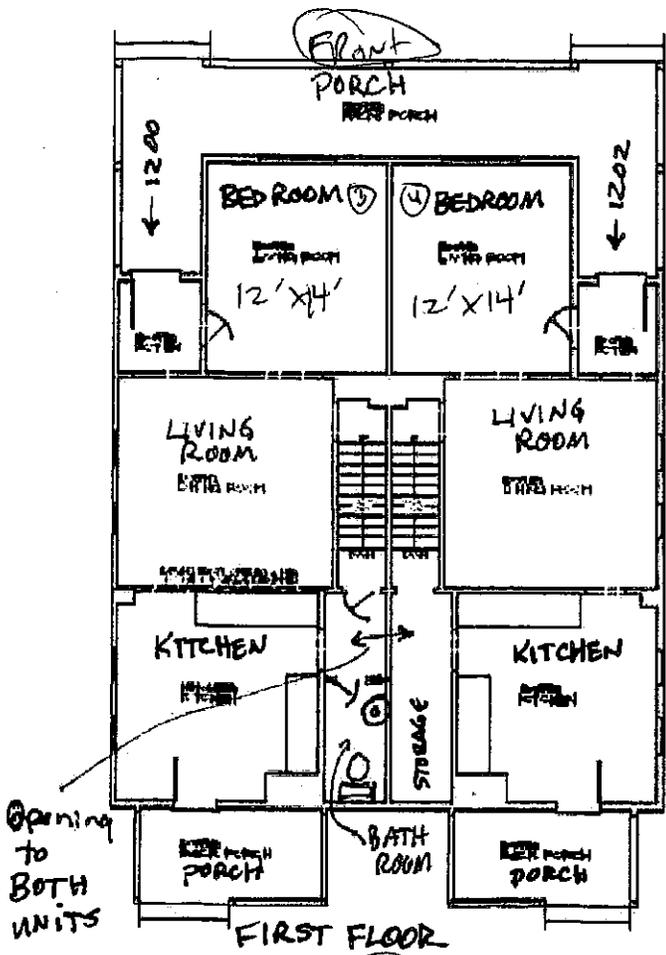
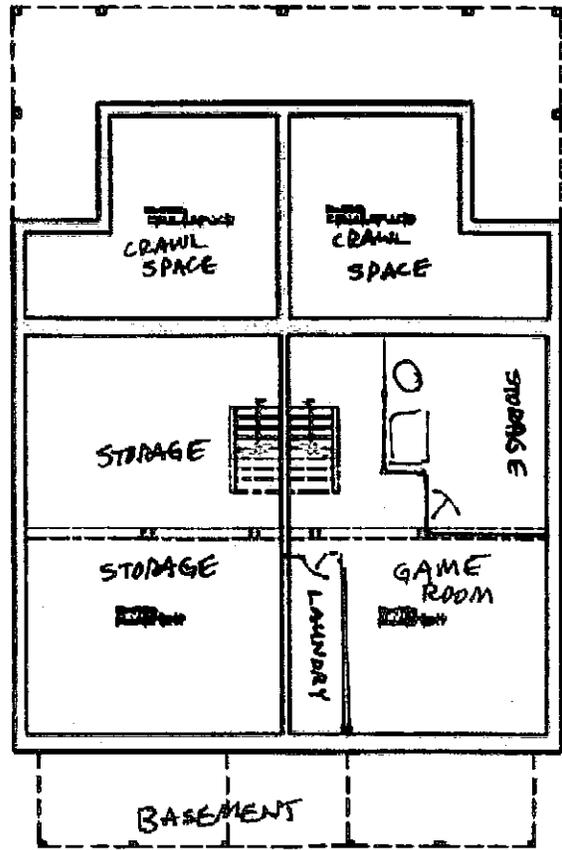
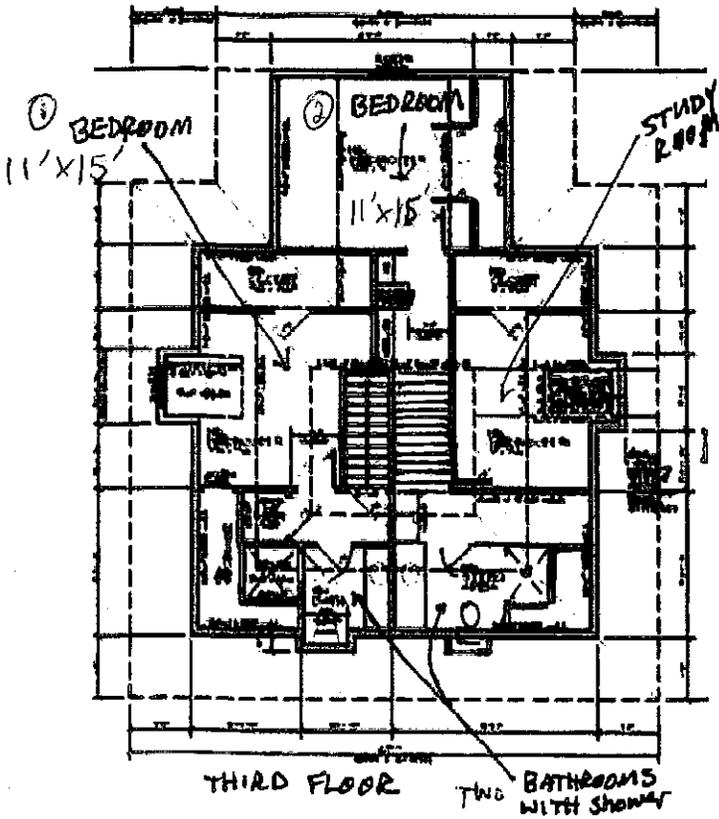
Pride Institute has worked with New Spirit Homes for several years. Pride staff do not take referrals to sober houses lightly and we are very judicious in who we refer our clients to. We have built a solid and trusting relationship with New Spirit Homes. They are one of the top sober homes that we refer to, knowing that we can trust the New Spirit program to offer our clients a safe and supportive environment to continue to grow in their recovery.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Connaughty", is written over a horizontal line.

Todd Connaughty, MA, LADC
Director of Clinical Services

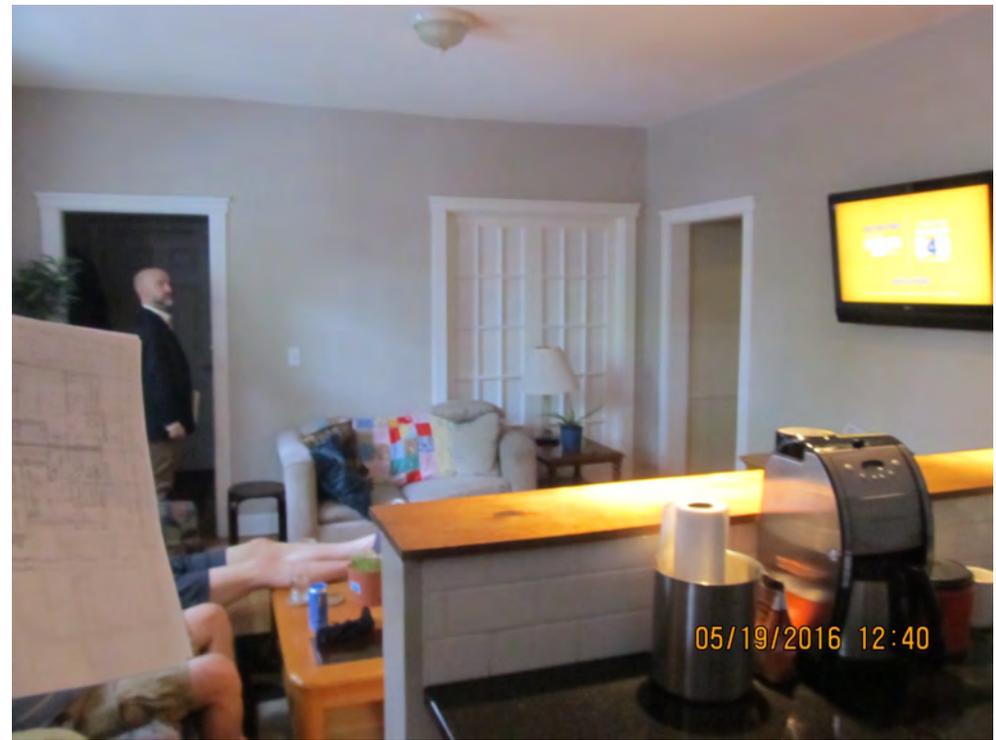
1200/1202 W. 28th STREET with Bedroom Sizes



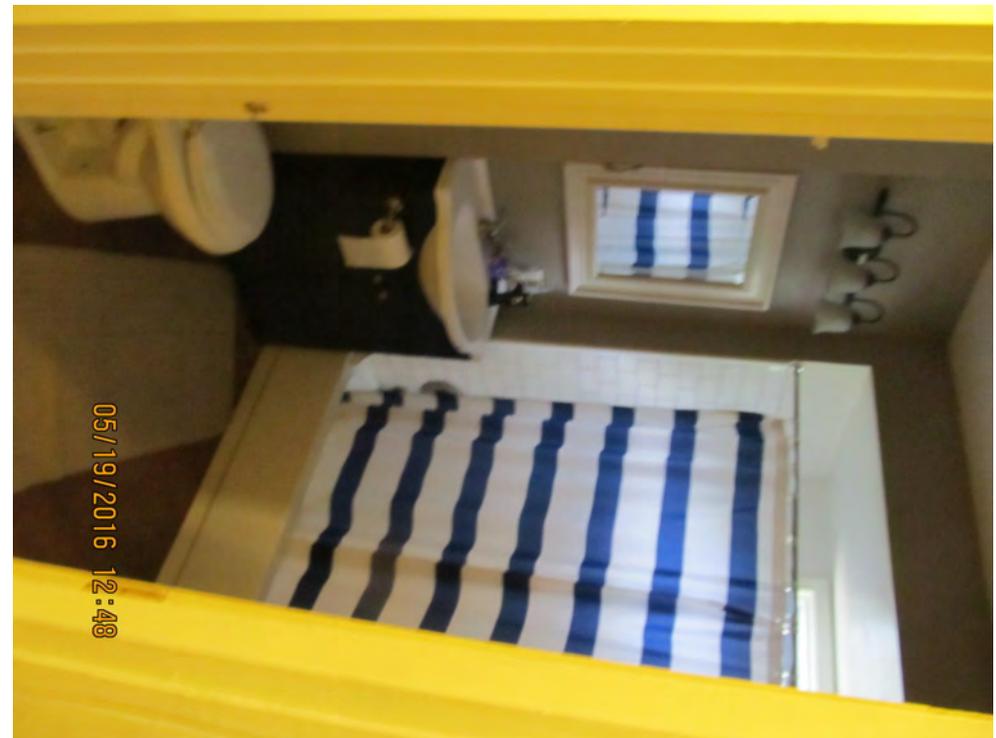
Opening to BOTH UNITS

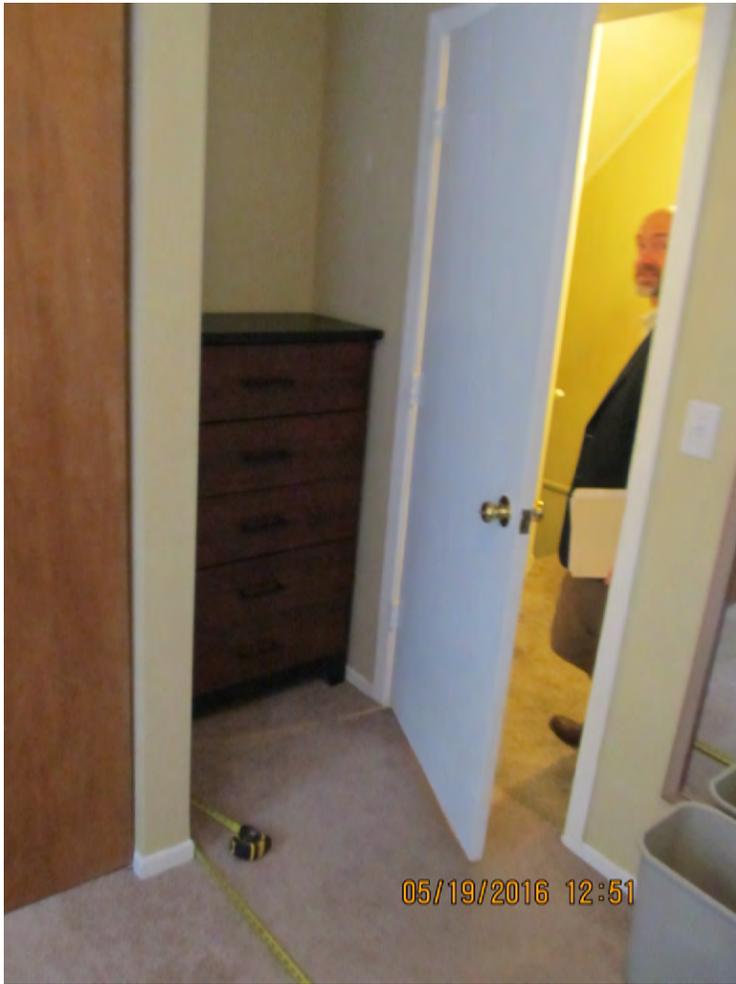


1200 28th St. W.

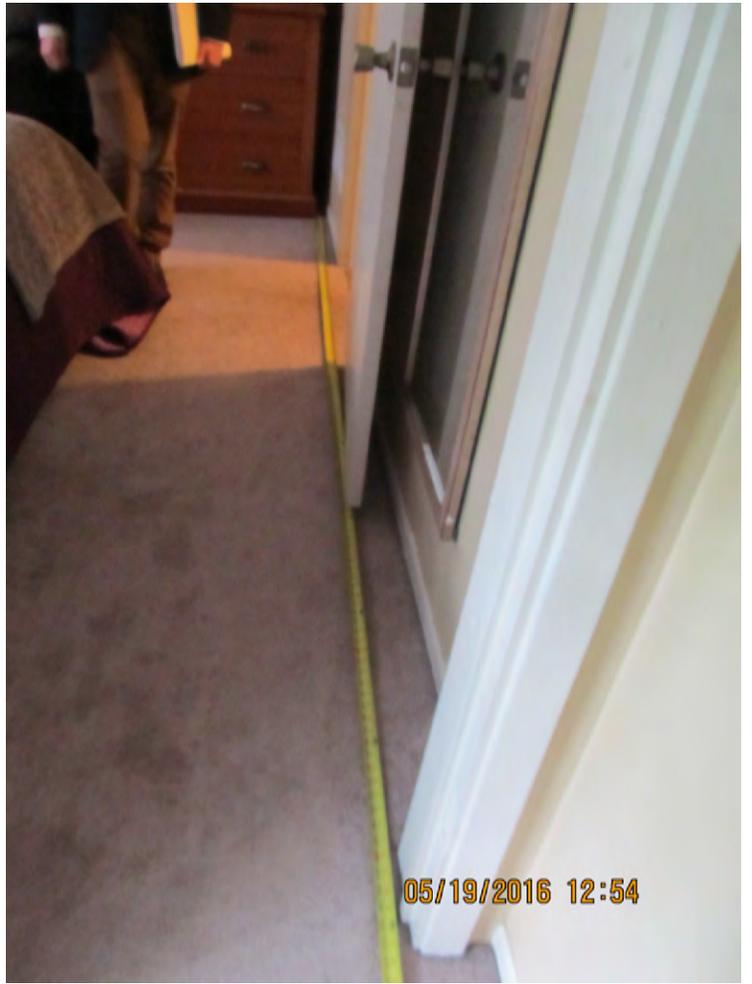


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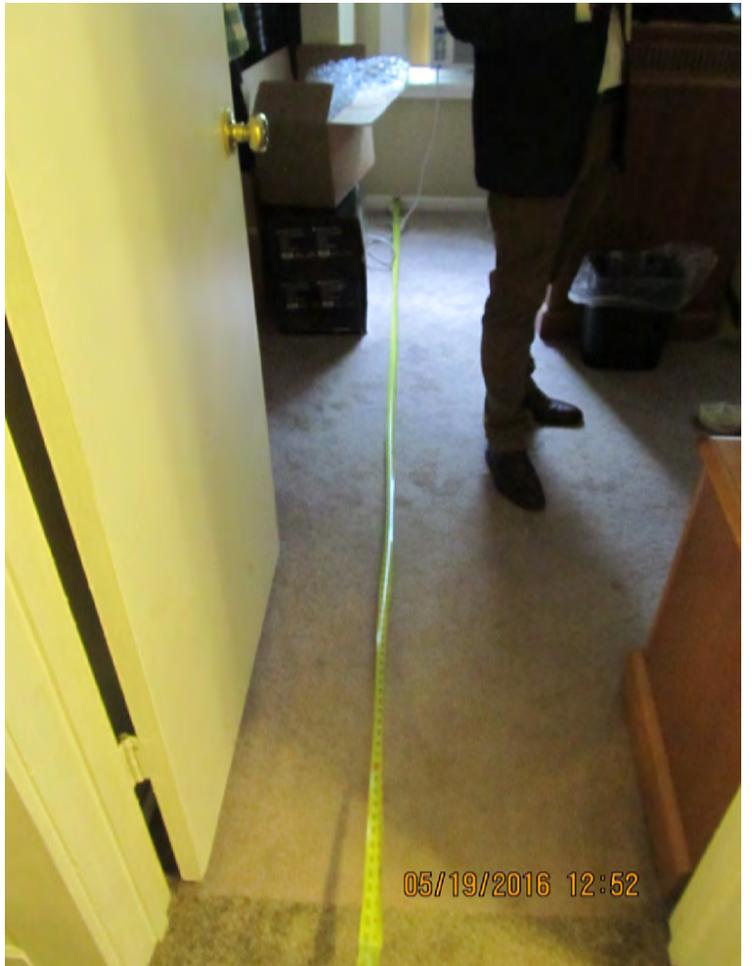




SJW



1200 28th St. W.

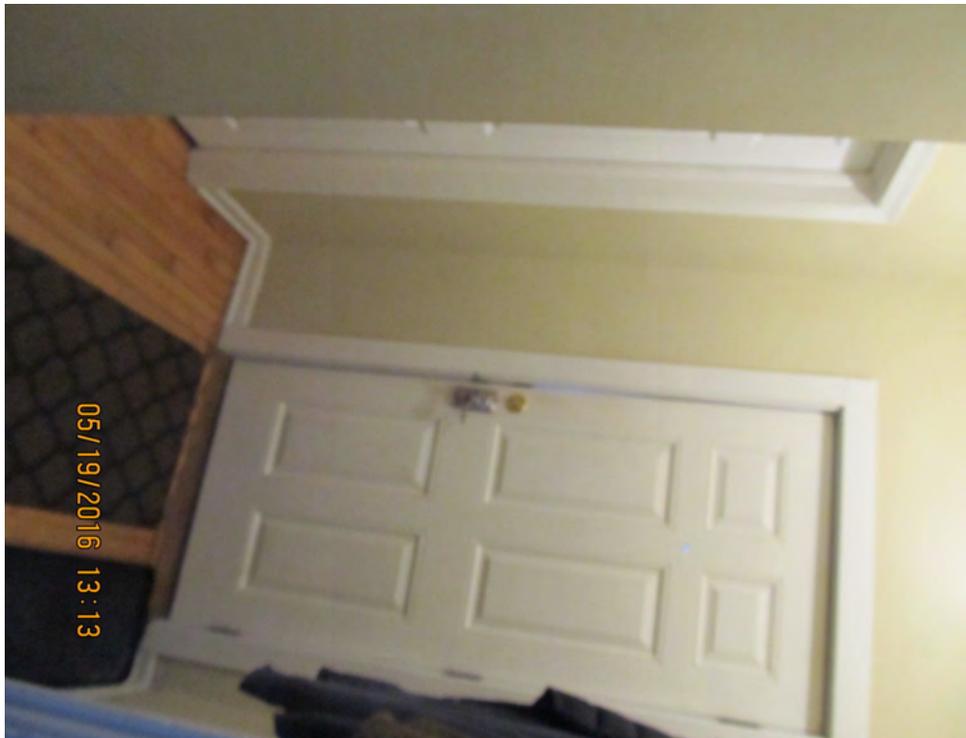




1200 28th St. W.



SJW



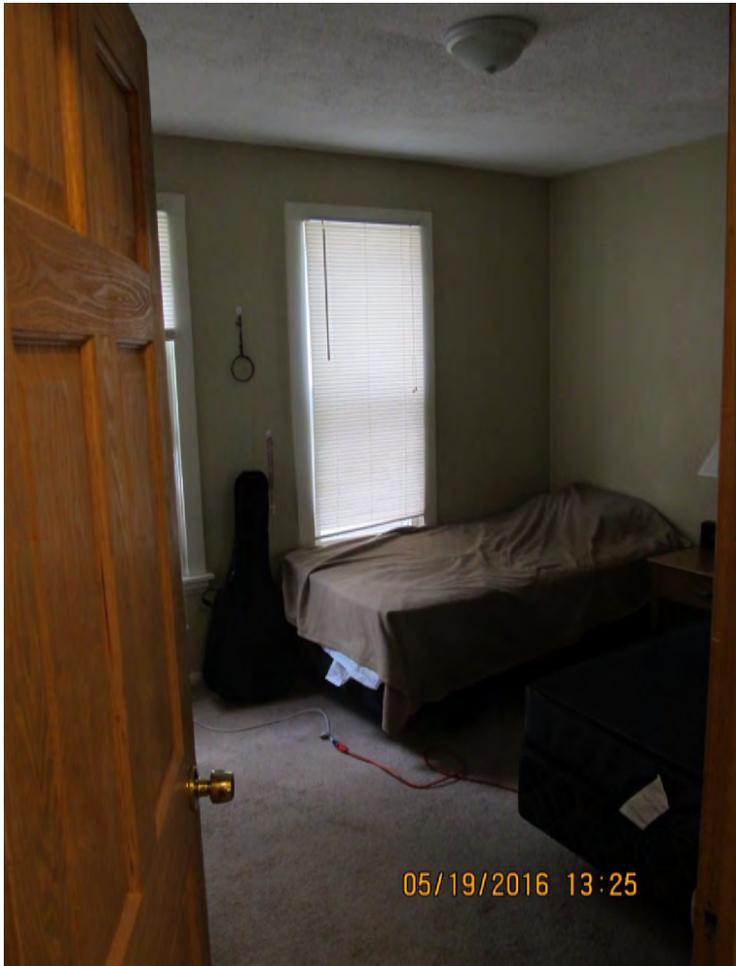


05/19/2016 13:25

SJW

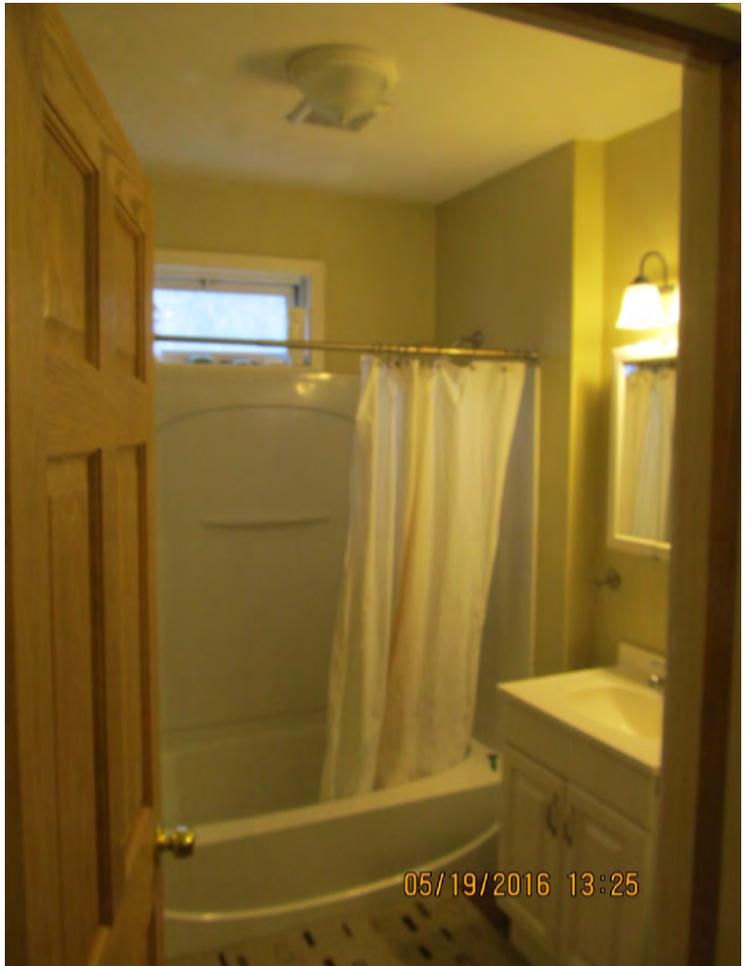


05/19/2016 13:25



05/19/2016 13:25

1200 28th St. W.



05/19/2016 13:25

From: [Jim Henderson](#)
To: [Hollen, Kimberly](#)
Subject: RE: BZZ-7547
Date: Thursday, May 05, 2016 10:13:59 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

My home phone is 612-872-7138
Cell Phone is 952-818-5757

When I waked down the sidewalk (and had to go around the car) this morning I noticed that there is a that says "No Parking Anytime" sign in the "parking area" which is cited in the "Site Description". This makes me wonder who included the sentence that says it "contains a paved parking areas to the rear of the principal structure". I would argue that it's not a "parking area" unless there's space to park and there is not a sign that says "No Parking Anytime". I'm thinking Jon still intends to run America West Construction out of this address as he has in the past. No tenets have parked there for several years. I have tried for years to determine if this business use is at odds with R2B zoning, but no one at the city seems to know. I did find a Google Street view of the "parking area" in September 2014 when Jon's boat was the only "vehicle" allowed to park there. The bay windows above the boat are in my dining room. The porch light on 1202 shines directly into those windows and lights up the whole room.



Just so you don't think I was making up the "hot tub" comment in my previous email, it is the large brown box between the two porches in the photo below.



Minneapolis Traffic Control patrols this area frequently, my daughter's car was towed two week ago because it was about 1 foot to close to a driveway. The other photo shows typical street parking. If get home after 9 PM, I have to park in front of my garage, blocking my wife's car inside the garage.



Typical street parking. Note that the first spot north of the "parking area" for your facility is about 6 lots north.



I also see that there is a Sherriff's Deputy car in front of the white car on the right side, not sure why. You probably have much better photos than Google Street, but they are handy.

From: Holien, Kimberly [mailto:Kimberly.Holien@minneapolismn.gov]
Sent: Thursday, May 5, 2016 8:01 AM
To: Jim <jhenderson2746@gmail.com>
Subject: RE: BZZ-7547

Jim, thank you for sending these. Could you provide me with your phone number? I'd like to follow-up with a call sometime today.

Thanks!

Kimberly Holien
Principal Planner

City of Minneapolis – Community Planning and Economic Development
250 S. Fourth Street – Room 300
Minneapolis, MN 55415

Office: 612-673-2402
kimberly.holien@minneapolismn.gov
www.minneapolismn.gov/cped



From: Jim [mailto:jhenderson2746@gmail.com]
Sent: Thursday, May 05, 2016 7:34 AM
To: Holien, Kimberly
Subject: Ref: BZZ-7547

Boulevard looking north on Emerson Ave (car on Rt side) & looking south (car on Lt side). Trailers & shed in "parking area" & roll of plastic sheeting, 6 dumpsters, car on sidewalk (taken this morning WA plate, white Cadillac) & bike in boulevard garden. How about a bike rack on the facility?
Jim Henderson

From: [Jim Henderson](#)
To: [Holién, Kimberly](#)
Cc: [David A. Greene](#); [Matt Foss](#)
Subject: property referenced in BZZ-7547.
Date: Wednesday, May 04, 2016 6:17:16 PM

I'd like to follow up on a couple of things about the property referenced in BZZ-7547.

This property has been an eyesore on our block for many years, at least a decade or more, and the site of many loud parties, numerous people temporarily living there that are not related, and is generally very unkempt. I see that the previous R2B zoning allowed a family in each unit. I am not aware of any families having ever lived there. It has generally been occupied by young men or maybe a few young women (and their friends) for decades. It's actually been hard to tell who actually lives there. As the "CCP Safe" Block Captain I have tried for years to get the owner (Jon Bartelt) to request his renters and his employees to follow the city regulations, and I have had to deal with dozens of complaints by neighbors.

Subject #1 Who is going to live there?

Is this a mixed gender facility or are most of the residents male? How many of the 20 residents will be allowed to have female (or male) guests on the property at any given time? Has any provision been made for off-street parking of the visitors? Does the fire marshal have an occupancy limit for this facility?

Subject #2 Are previous problems with the property going to continue?

Do the same "party house" rules apply to this dwelling referenced in BZZ-7547 as when it was zoned R2B? Can I still call in a complaint if the residents urinate in my front yard? This has been a problem in the past or are the residents referenced in BZZ-7547 exempt? Is there a limit on the number of people smoking (various products) in the back? When the portable hot tub was on the property referenced in BZZ-7547, it was not uncommon to have half a dozen or more people having an "outside party" during the summer. Will the residents be able to play loud music past 10 PM on weekdays and midnight on weekends?

I've noticed that the portable hot tub has been temporarily moved. It was a unit on wheels, placed between 1200 and 1202 porches on the north side, and I'd like to see it permanently removed as a condition BZZ-7547.

Subject #3 What is the relationship between America West and the facility referenced in BZZ-7547?

Mr. Bartelt has a painting and construction business named America West (License #20453556, Phone: 612.872.0353) which has used the dwelling referenced in BZZ-7547 for several years. Are any of the residents referenced in BZZ-7547 employees of his business? Many neighbors have complained, in particular, about the white bucket truck, employees parking there and leaving in groups, and trailers that should not be parked on the street. A large dumpster that was placed on the "paved parking" area referenced in BZZ-7547, was used as a disposal container for debris brought in from other of American West construction sites. I asked the city about this and their reply was "As long as he has a valid permit, it can be filled with anything from anywhere..."

As one of the conditions for changing the zoning referenced in BZZ-7547, I would ask the owner of American West to move his construction materials, trailers and storage shed off of the property. Your "Site Description" says the property has "a paved parking area to the rear". This observation is not consistent with the use of the "paved parking" area. This area has not been used for parking anything except a large dumpster and American West's trailer in the past several years. A car in the "paved parking" area has to block the sidewalk since there is no parking lot available in the rear as referenced in BZZ-7547. (See the 5th Precinct for the number of complaints of vehicles parked on the sidewalk. We have many elderly residents and young children which should not be going into the street when the sidewalk is blocked.)

Subject #4 What is the status of previous agreements with Jon Bartelt?

Do the arbitration agreements with Jon Bartelt still hold for the residents of this facility referenced in BZZ-7547? Perhaps you can sense that relations with this neighbor have not been the best over the

years. I think that "Lucifer in the flesh" and "I have never [dealt] with a more miserable son of a bitch in my life" are appropriate descriptions of Jon Bartelt. I complained to him that his America West employees and his equipment were taking up too much curb space (a premium in the Uptown area if you are not aware of that.) I told him I was going to get his construction trailer full of junk that was parked in front of my house for two weeks towed away. His response was to repeatedly shine a spotlight into my daughter's bedroom late into the night. We had to move her into our bedroom for a few weeks until after the arbitration. In a related incident, he (or his residents) spread 5 pounds of 1½ inch galvanized roofing nails in my front yard. This ruined one mower blade, and could have injured me or anyone close to me when the mower hit the nails. It took a couple of years of raking to get the last nails out. He would also stand at the back of the 1200 West 28th Street unit and yell "Fuck you" while my children were in the yard.

I asked the city what I could do and they suggested arbitration, which at least got him to sit down and act in a reasonable manner. The outcome was an agreement that he (or his residents) would stop shining a spotlight into my house and he (or his residents) would stop throwing nails into my yard. He also agreed that he and his employees would try to limit the number and length of time his vehicles are parked on the street. I agreed to give him at least a 24-hour notice when he was violating city codes (such as parking a trailer on the street for two weeks) before calling in a complaint. Do these conditions still apply or do we have to go back to arbitration if the parking becomes an issue?

Subject #5 What can we do about the number of extra cars?

To get to the point, parking already is an issue, and I see 20 residents on a small lot that is 70% of a normal city lot with a building that is roughly twice the size of my house (which I think is actually on the small side of a typical Lowery Hill East single family house) and no off-street parking being a problem for the facility referenced in BZZ-7547.

How many vehicles are projected to be associated with the 20 residents referenced in BZZ-7547? There are about a half dozen or more vehicles on the street now that I can associate with this facility. Several new vehicles have "Whiskey" plates that are required by drivers with certain DWI arrests in Minnesota. I am assuming that the drivers of WA1153, WB2129, and WG9062 driven by residents?

I would like to appeal the change in land use for BZZ-7547 until the facility can provide off street parking for the number of vehicles that are expected to be associated with the residents of the facility. There are numerous parking facilities in the area from which parking space can be sublet for these residents within a short walking distance. I would request that the owner clear out all materials not needed by the facility from the "parking area" at the rear of the property. While the BZZ-7547 refers to the "rear" of the property, this area is adjacent to my front yard and open to Emerson Ave South. In particular, this would include the six garbage containers, the painting trailer, the storage shed, and associated junk stacked against the fence. If the "parking area" is cleared, it would easily provide parking for three (3) or four (4) vehicles. While it my fence that separates the "parking area" from the front yard of my house, I request that the owner construct a screening fence to replace my fence.

Sincerely, Jim Henderson

From: [Pam Gerberding](#)
To: [Bender, Lisa](#)
Cc: [Ed Ackerson](#); [Somogyi, Ben](#); [Crockett, Matthew](#); [Ashley Ackerson](#); [jhenderson2746@gmail.com](#); [Holien, Kimberly](#)
Subject: Re: Sober House at 1200 W. 28th St.
Date: Friday, May 06, 2016 9:36:57 AM

Hi Lisa, Ben and Matthew

I have read through the 9 page document given to me from my neighbor Jim Henderson. After trying to dissect what it all means I have some concerns on how this was approved for this sight and neighborhood growth moving forward.

First of all the subject site is already nonconforming to be in compliance with the R2B lot sq footage. It is actually 32% smaller than what is within the stated guidelines. The subject is 3422 sq ft and required is 5000 sq ft.

1. This seems significant for this reasons. The structure takes up a significant part of the lot. The outdoor spaces are extremely limited. That being said it is 32% smaller than what is required for the occupancy level of R2B. When you increase that occupancy level from 10 people to 20 unrelated people the amount of outdoor activity percolating around that structure spills on to sidewalks and streets and parking lots. That pertains to just the 20 people living on site.

If you just add one guest per occupant you now have that many more cars and people parking, pulling up to , sitting out in front of a small footprint. In other words the increased concentration of people congregating at this location is excessive for anywhere.

Page 8 item number 3 of the CPED Staff report states that " the request accommodation will not

impose an undue financial or administrative burden on the City and will not create a fundamental alteration in a local governments land use and zoning scheme.

It states that reasonable accommodation request is OFTEN determined by housing code . But is housing code applied with total disregard for Zoning code?

On page 8 (4 paragraphs from the bottom) it states that " maximum occupancy per dwelling unit as regulated by the zoning code is instituted so as not to burden City services and utilities, to avoid traffic congestion and to minimize adverse impacts

On surrounding areas. Please note this is significant and does impact the neighbors on all of the stated concerns as I stated in number (1.)Above. In addition to that we have a fire hydrant

And 3 driveway aprons already taking away valuable parking in front of the first 2 homes of this block.

Page 8 paragraph (3 from the bottom) last line " the rules state that congregating outside and parking off-site should not occur.

It already is occurring everyday....I dread it when the numbers double.

If you move forward with this approval I think it is imperative that the parking lot is not used for congregating, that the 2 barbecues are not permitted and congregating in asphalt area is for access to the property only. There is a front porch and that should be utilized .

It's uncomfortable to have up to 20 men in a transitional condition congregating in a very small space Smoking Hanging out in a parking lot that spills on to the sidewalk.

They also have what appears like prison lights on all night in the back of the house. I think

lighting is good but these lights are high intensity white lights that are intense.

Since you also only heard about this yesterday I would love to know what you think is appropriate for this sight and if you think this approval is consistent with your intent in how our Wedge neighborhood should be growing and developing.

On page 9 number 6 the CPED report states that the subject property is between the high density and residential development. Which in my opinion is a false statement. This property is in the Wedge neighborhood zoned R2B.

Please read item 6 . I would be very interested in hearing your thoughts on CPEDs thoughts for the neighborhood.

I would like to appeal this approval but I have been told by Kimberly Holdien that I can not because I was not notified as an adjacent neighbor. I do believe I am an adjacent neighbor. I believe Jim Henderson provided his documentation stating that our lots are adjacent to the subject property.

Thank you so much

I do appreciate your efforts and hope you can appreciate the neighbors concerns.

I look forward to hearing back from you.

Pam Gerberding

On May 6, 2016, at 7:47 AM, "Bender, Lisa" <Lisa.Bender@minneapolismn.gov> wrote:

Ed

Kimberly is working to add many conditions to this. The reasonable accommodation is protected under federal ADA but we can do many things to ensure safety and that the properties are well maintained and well run.

Kimberly can get in touch today or you can speak with Ben in my office or I will be available later this morning.

Ben and I learned about this yesterday.

Lisa

Sent from my iPhone

On May 6, 2016, at 12:49 AM, Ed Ackerson <edackerson@me.com> wrote:

Hi Lisa (and Ben and Matt),

Ed and Ashley Ackerson from 2755 Emerson Av. S. here. I wanted to forward you an email that I just sent to Kimberly Holien regarding the Reasonable Accommodation variance that has apparently been granted for the property at 1200 W. 28th St. We only just found out about this situation tonight (thanks to our good neighbors Pam Gerberding and Jim Henderson). Apparently the appeal window closes at end of day May 6, so we have no recourse to impact the situation via zoning and planning department channels. We are confused and upset that a major change to an immediately adjacent property has been pushed past neighboring homeowners without even a gesture of discussion or disclosure.

I would like to reiterate the concerns voiced by our other neighbors. The proposed status permitting 20 residents seems wildly out of scope considering the small size of the property. A significant (and already noticeable) parking and traffic burden will be put on the immediate vicinity. But most disconcerting to us as committed, 20-year homeowners, is the notion of a continually shifting population of residents with no permanent attachment to our community moving in and out directly across the street. We have felt encouraged by recent increases in owner-occupied properties and renovated rental housing in the area. The proposed status of 1200 W. 28th would permit a type of high-density, institutional-style housing that seems highly out of step with typical zoning for the area, not to mention the emerging character of the neighborhood in general.

If there had been some sort of notification process and hearing, we could potentially have discussed this with the property owners and zoning commission and reached an understanding about the property's usage. But I feel the entire thing was essentially slipped past us in a way that doesn't imply good faith or encourage our support. We hope that there's potentially something your office can do to influence this situation in a way that's best for the neighborhood. Thanks very much for your time.

Best,

Ed

Ed Ackerson
edackerson@me.com
<http://www.edackerson.com>

Begin forwarded message:

From: Ed Ackerson <edackerson@me.com>
Subject: Sober House at 1200 W. 28th St.
Date: May 6, 2016 at 12:07:43 AM CDT
To: Kimberly.Holien@minneapolismn.gov
Cc: Ashley Ackerson <ashleyackerson@me.com>

Hi Kimberly,

Ed and Ashley Ackerson here. We are the homeowners of 2755 Emerson Av. S., the property directly across from the proposed sober house. We just found out about the Reasonable Accommodation requested for 1200 W. 28th St. from our neighbors the Gerberdings and Hendersons this evening.

We were never notified of this proposed change to the property's status, even though we are directly across the street. Technically it seems we should be considered immediately adjacent neighbors since our property line runs in the middle of the street that separates the two parcels of land.

Allowing a rotating cast of 20 non-permanent residents to live in a single duplex house will undoubtedly impact the character and activity level of our corner. We have already noticed a large number of people hanging around outside the property smoking at all hours of the day and night. We've also noticed a large volume of traffic dropping off and picking up residents, and of cars related to the property parked with people sitting in them along the street near our home. The property has no usable off street parking (the small driveway is full of trailers and other debris), so there is no question that visitors and residents will park in already scarce street spaces.

We acknowledge and respect the needs of a wide community of people living in our neighborhood. But as longtime homeowners who have very heavily invested here, we are surprised and disappointed that we were completely left out of the loop on something that already is changing the activity level, traffic density, and character of the area.

It's not feasible for us to file an appeal to this apparently de facto decision since we have less than 24 hours to gather and submit the necessary materials. Nevertheless,

I wanted to write a note to you expressing our deep disappointment and unhappiness with the closed process used to push this extraordinary change of property classification through.

Thank you,

Ed

Ed Ackerson

edackerson@me.com

<http://www.edackerson.com>

From: [Jim Henderson](#)
To: [Hollen, Kimberly](#)
Cc: [Bender, Lisa](#); [Ellis, Bradley E.](#)
Subject: RE: BZZ-7547. SOMBER HOUSE
Date: Friday, May 06, 2016 8:23:53 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Well, I give up. This appeal process is beyond me. I have to provide child care for my grandchildren and do not have time to do this. Since the appeal clearly states that the city cannot create a map or make a list (of three people) on the day of the appeal. I do believe staff has incorrectly interpreted and applied the "adjacent" property. It makes no sense to create a map showing all property within 350 feet of the facility if you are only contacting the three properties. Any other zoning changes that involve treatment facilities are conveyed to the residents across the street at least.

I would like ask if this is a 24 hour facility? My dog was barking last night at 11:45 PM because someone was using a circular saw and shop vacuum between 11:30 and midnight (this was a common thing to do by one neighbor who had a construction company, not that he had to do this, he just liked waking people up...)

I looked out the front window and a man, in tan shorts, sweatshirt, young, short hair, tennis shoes carrying a small brown paper bag walked south on Emerson and into 1200 West 28th Street? Are there any hours of operation for Sober Houses? I also noted on the report that congregating outside the building is not allowed (p. 8 I think, Pam has my copy) and would that cover the half dozen people who stand around smoking in the back?

Sincerely,
James S Henderson
2746 Emerson Ave So
(Resident since 1976 to ???)

From: Jim Henderson [mailto:jhenderson2746@gmail.com]
Sent: Thursday, May 5, 2016 11:31 PM
To: 'Hollen, Kimberly' <Kimberly.Hollen@minneapolismn.gov>
Cc: 'Bender, Lisa' <Lisa.Bender@minneapolismn.gov>; bradley.ellis@minneapolismn.gov
Subject: RE: BZZ-7547. SOMBER HOUSE

The appeal says that an electronic copy is needed, but there is no electronic copy for the document you sent me? I assume that means an on-line PDF? Where is BZZ-7547 located?

When I searched for BZZ-7547 I got two unrelated documents:
www.minneapolismn.gov/www/groups/.../wcmstp-119999.pdf
and
www.ci.minneapolis.mn.us/www/groups/.../wcmstp-176818.pdf

I am not sure how you count the 10 days. Your cover letter was dated 4/26/16 but I received it on 5/4/16, two days before the appeal had to be filed. I sent that first email to you from my cell phone within minutes after I opened the letter. That is personal family email and I sent it from my daughter's house, because I felt it was so important to contact you as soon as possible. [I prefer to use JaHen001@ComCast.Net but will continue with this account for the time being.]

It seems a bit unfair that this Sober House (Somber House referred to in Lisa Bender's email is a typo) has been operating since last year, I think I saw December in the report. But I get two days to respond to your letter? Why not send out your report when it was completed instead of holding it until the last possible moment?

I also have some difficulty with the "adjacent" property definition. As a retired P.E. I am familiar with easements for public ROW that the city streets are built on. My understanding of an "easement" is that the city takes it for "public use" to construct streets, boulevards and sidewalks and is a

"A non-possessory right to use and/or enter onto the real property of another without possessing it.?"

Since it is "non-possessory" the property is held (as long as the City needs it) but never owns it. The "owner" is the same even though an easement has been taken by the City.

The City even has a web page defining "Easement Rights" of the "owners of the property" from which the easement was obtained.

A property owner (of the easement) may "petition the Minneapolis City Council to relinquish (vacate) the easement rights to any public right-of-way, thereby closing a street or alley, reverting to the adjacent owner, and making it available for another use." It's clear (to me) that no change in ownership occurs.

There is a \$300.00 non-refundable processing fee for each street or alley to be vacated. The procedure takes approximately 3 to 4 months. The steps are:

1. Submit the application to the City Clerk of Minneapolis
2. The City Clerk sends the application to the Public Works and Engineering Right-of-Way Section.
3. The application is reviewed by City staff as well as public and private utility companies.
4. After Staff review, the Minneapolis Planning Commission conducts a public hearing and makes a recommendation to the Zoning and Planning Committee of the Minneapolis City Council.

If there are no issues in the above review, the easement is vacated and "the property owner" regains use of his property. It is not bought back from the city.

So my understanding is that since the city does not own the area where the street is located, any parcels, such as those owned by Gerberding, Ackerson and Bartelt, are adjacent because they share a common property line, roughly the centerline of Emerson Ave South. Wouldn't you agree?

If they are not adjacent, could you explain what "property" separates them from Bartelt's property and who owns that property? They clearly share a common border.

For information on the process of vacating an easement contact (612) 673-2428.

I'm hoping that you can at least make the appeal period begin after all of the adjacent property owners have received the report.

Do you think I should contact Senators Klobuchar and Franken, and representative Ellison to see if there is any appeal at a Federal level?

From: Holien, Kimberly [<mailto:Kimberly.Holien@minneapolismn.gov>]
Sent: Thursday, May 5, 2016 1:18 PM
To: Pam Gerberding <pam.gerberding50@gmail.com>
Cc: Jim (jhenderson2746@gmail.com) <jhenderson2746@gmail.com>
Subject: RE: BZZ-7547. SOMBER HOUSE

Per our phone call earlier today, I am attaching the application form for an Appeal of the Decision of the Zoning Administrator. This appeal would require a public hearing before the Zoning Board of Adjustment. All items on the appeal checklist would be due by the end of the day tomorrow, May 6th. I am out of the office tomorrow. If you do intend to submit the appeal, please contact Brad Ellis:

| | |
|------------------|--|
| Name: | Bradley E. Ellis |
| E-Mail: | bradley.ellis@minneapolismn.gov |
| Phone Number(s): | DID: 612-673-3239 |

As I tried to convey in our phone conversation, reasonable accommodation is a unique process that does not include a public hearing and therefore notification is sent to the immediate neighbors only. It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing in the application of its zoning regulations. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. This particular request has been reviewed by staff, managing directors and the City Attorney's office. Per the findings in the staff report that you received from Jim Henderson, Reasonable Accommodation was granted. Any statement of appeal would need to be based on the fact that you believe staff has incorrectly interpreted and applied the Federal Fair Housing act to this request. For additional information on Reasonable Accommodation, I have also attached that application form as a reference.

Also, as discussed, staff is working on adding a number of conditions of approval to the application to mitigate potential off-site impacts. These conditions will be strictly enforced.

Please feel free to contact me with additional questions.

Kimberly Holien
Principal Planner

City of Minneapolis – Community Planning and Economic Development
250 S. Fourth Street – Room 300
Minneapolis, MN 55415

Office: 612-673-2402
kimberly.holien@minneapolismn.gov
www.minneapolismn.gov/cped



From: Pam Gerberding [<mailto:pam.gerberding50@gmail.com>]
Sent: Thursday, May 05, 2016 11:40 AM
To: Holien, Kimberly
Cc: jhenderson2746@gmail.com
Subject: Fwd: BZZ-7547. SOMBER HOUSE

Hi Kimberly

Jim Henderson just sent me the information about the Somber House proposal directly across the street from our residence. I'm very surprised that I was not informed about this proposal of 20 people living in this home. 20 people living in this small of a property on this small of a footprint of a lot is excessive. I have a driveway directly across from where people pull up and stop to load and unload. There is no parking for residents or guests. There is a small little porch and barbecue for 20 men to stand around and smoke. I am not opposed to the house and its purpose but I am STRONGLY OPPOSED to the number of people being crammed into this small of a footprint.

I agree with all Jim has to say in the email copied below.
I'm very surprised that I was not notified by the city.
I would love to have a conversation about this today if possible.
Thank you
612.720.9997

Pam Gerberding

From: Pam Gerberding
To: Ashley Ackerson; Hollen, Kimberly; Ellis, Bradley E.
Cc: Somogyi, Ben; Bender, Lisa; Ed Ackerson; deepindermayell@gmail.com; dag@cray.com; Ashley Ackerson; Jim Henderson
Subject: Re: Notes from Yesterday's Meeting
Date: Monday, May 16, 2016 4:22:06 PM

Dear Ben, Lisa, Brad and Kimberly

In addition to Ashley Ackerson's concerns I have a few questions about the 9 page report that was sent to Jim Henderson which he shared with us.

Before I start I noticed that Ashley mentioned the size of the subject properties lot. She mistakenly stated that it was 4322 fsf it is 3422 finished sq ft.... 32% smaller than the 5000 required by the R2B zoning code. The significance of that difference is that the number of unrelated adults allowed to reside in this property has increased by Triple. You will have 10 unrelated adult men living in 1600 fsf. The land use ratio of a R2B is .5 and this increase would move the land use ratio to 1.1

CPED 's 9 page report BZZ-7547

Page 2. First paragraph " requests for reasonable accommodation pursuant to the FHAA will be analyzed on a case by case basis and are highly fact specific.

(This is why the neighbors want to know that CPED has verified all data provided by the owner of record and that it is accurate).
example: CPED Report states finished sq.ft to be 3800 but Tax records state 3148.

Page 2 Third paragraph. " it must be determined whether the requested accommodation is reasonable. With respect to accommodations of zoning requirements, an accommodation is not reasonable if it would....

b.) if the requested modification to zoning requirements would create a fundamental alteration in a local governments land use and zoning scheme.

THIS REQUEST DOES CREATE A FUNDAMENTAL ALTERATION IN THE LOCAL GOVT. LAND USE AND ZONING SCHEME

He are the facts as I know them.... (Please verify or correct me if I am wrong).

1. CPED Report states that the maximum of 6 unrelated adults can reside in a duplex. The Number requested and approved is for 20 unrelated adults . That is over 3x what is allowed in the zoning code. 3X seems like a fundamental alteration. The land use for R2B is .5 and the approval of 20 moves the land use ration to 1.1 again this appears to be a fundamental difference from the zoning code.

Please explain why this is not a fundamental alteration in the local govt. land use and zoning scheme. Please use examples of other housing in the area that is 3x what zoning allows for occupancy, as well as 2x over what zoning allows for land use.

On another note the CPED Report states on page 5 last paragraph " a maximum occupancy of 3 unrelated persons per dwelling unit prevents the facility from succeeding therapeutically and financially .

1. Succeeding therapeutically. Where is the proof on this? There are lots of families that succeed with 3. Is there data that says it has to be 10? I do not know any families of 10. If 3 does not work why can't it be 6.

2. Succeeding financially. Please explain how the FHAA act applies to the financial success of this request. If you actually look at the financial success of Sober House they are doubling if not tripling the rent that other similar properties are getting for rent in the same neighborhood. If this one is not working I'd check to see if the owner of recorder has excessive mortgages on the property.

Page 6 paragraph 6 this is absolutely false.

1. 20 unrelated men living on a lot with 3422 fsf and a home of 3200 fsf is over populating a property when it is not necessary. One could have reasonable accommodation for no more than 5 unrelated adults living in each unit of the duplex and achieve success. The request for 10 in each unit is excessive and overpopulating this dwelling. This many unrelated men in this cramped accommodations could have a negative effect to success. And it will definitely alter the character of the present neighborhood. It already has with the present number living on the property today.

There are more cars pulling up and blocking traffic as they sit and idle outside.

There are more men standing around at all hours smoking.

There are more people constantly coming and going from one residence than any other neighboring property.

There is a constant cycling of new people in a short time frame as people fall out of the program and new people enter the program. Which means new family and friends sitting in their cars out front on the streets just hanging out. This absolutely conflicts with the residential character of the neighborhood.

Page 9 # 6

" the property is located BETWEEN the high density and residential development to the south and the lower density neighborhood to the north .

This is not correct. The subject property is in the neighborhood adjacent to the high density to the south . (Which the CPED report states on the first page of the CPED Report).

The purpose of my letter is that I object to the reasonable accommodation of approval for up to 20 residents in this property. My belief is that this accommodation of 20 unrelated adult men is extremely excessive for this property and that this accommodation does alter the character of the neighborhood.

I am very thankful for your interest in our neighborhood concerns. I appreciate the time and energy that all parties have put into meeting with us answering our questions.

I look forward to your input and answers to the questions I have about your report.

Pam Gerberding

On May 16, 2016, at 11:55 AM, Ashley Ackerson <ashleyackerson@me.com> wrote:

Hi Ben -

Thank you for taking the time to meet with us last Monday regarding this very important issue. A few things:

1. Has the inside house inspection been completed? If not, could you let us know when that date is set and the results? I think we all agree there needs to be verification that there are 10 legal bedrooms and 5 bathrooms in that duplex.
2. Regarding the smoking and congregating on the porch. John Bartlet has **14 chairs** on the front porch and 2 very large coffee can sized "ash trays". This obviously encourages many people to sit around and chain smoke on the front porch. I think having 14 men sitting on a front porch daily is very **out of sync with the neighborhood**. Can we limit/ban this? I think since the square footage of the property is so small, when the capacity increases to 20 men, they will naturally all want to be on the porch to get some space. This WILL change the face of our neighborhood and is a very serious concern. My dining room looks right on to their porch - I have to watch 14 men chain smoking while I eat dinner with my 11 month old baby. This isn't fair or normal for this single and two family neighborhood district.
3. Per the BZZ-7547, the "rules state that congregating outside and parking off-site should not occur". I saw a mini-van blocking their driveway this morning waiting to pick up someone from the house (he waited 25 minutes). The agreement also says that "2 parking spots will be made available to the rear of the principal structure". This has not been done and there is still a "no parking" sign up.
4. Page 8 of BZZ-7547 also says that "maximum occupancy per dwelling unit, as regulated by the zoning code, is instituted so as not to overburden City services and utilities, to avoid traffic congestion and to minimize adverse impacts on the surrounding uses". How will this be monitored and what will happen if it is found that this home is an overburn to the city services and causes traffic congestion? What is the procedure for us to report traffic and other issues?

If John isn't following the rules/agreement, what steps will be taken with him?

Lisa, I including you on this email again just so you are aware of the massive concern many of the LHENA neighbors have about this home. We feel that the request to increase the capacity in this house to 20 men is not reasonable and is very much out step with the character of the neighborhood and will create a fundamental alteration in the land and zoning scheme. This duplex is already on a variance due to its small lot size (4322 sq feet vs. the duplex R2B requirement of 5,000). We don't believe this property should have been allowed an additional variance to increase its maximum occupancy to 20 unrelated men. It's too bad as we already have people, like Margaret, that want to leave the neighborhood.

What else can be done about this to help protect the community and save the character of the neighborhood? This is a serious concern and makes me wonder about the future of this area.

Here is a video of Lois Frankel discussing her concerns with sober houses:
<http://www.youtube.com/watch?v=74jeMUUeyxs&sns=em>

Best Regards,
Ashley Ackerson
2757 Emerson Ave South

On May 11, 2016, at 5:45 PM, Jim Henderson <jhenderson2746@gmail.com> wrote:

I just wanted to add a couple of comments to your bullet points.

From: Somogyi, Ben [<mailto:Ben.Somogyi@minneapolismn.gov>]
Sent: Wednesday, May 11, 2016 1:29 PM
To: Jim Henderson <jhenderson2746@gmail.com>; Ed Ackerson

<edackerson@me.com>; ashleyackerson@me.com; pam.gerberding50@gmail.com; deepindermayell@gmail.com; dag@cray.com

Subject: Notes from Yesterday's Meeting

All,

Thank you again for coming out yesterday to discuss 1200 W 28th Street. I sincerely appreciate the time and attention you are putting into this issue. I am sending back to you the notes that I took yesterday to ensure I didn't miss anything. They have not been evaluated by anyone from the City, but once you all give this the once-over, I will begin that conversation to see what can and cannot be placed as a condition:

- Keeping the driveway clear and unobstructed

I am more concerned about keeping whole property clear and unobstructed and that 1200 & 1202 W 28th St should not be used as the site for America West Construction trailers, storage sheds, and equipment. This property and anything on it should be exclusively for Sober House.

- Smoking on the sidewalk

It may be difficult to restrict a single person from smoking on the sidewalk. Could we ask that a "group" smoking on the sidewalk be against the "House Rules"? When I was in the US Navy, they defined a group as "three or more individuals" but I think some number should be included.

- Congregating on the porch – and defining what "congregating" means per the staff report
- Designated smoking area
- Lawn maintenance

I am not aware of any existing "lawn" on this property. There are boulevards that are mostly bare ground with some weeds, bricks and tattered black plastic. I think the weeds, bricks and plastic should be removed and replaced with sod or a boulevard garden on the east and south sides. Perhaps some of the residents could get involved in maintaining this area?

- Property and boulevard free of trash

This needs to be done daily. As Ed and Pam can probably attest, we constantly pick up beer cans and empty liquor bottles on our boulevards and lawns. I also have a collection of drink glasses! I'm pretty sure that they are not from the Sober House, rather from the bars in the Uptown Entertainment District. One item that's become more common are the "mini" bottles, similar to the size you can buy from flight attendants. Not sure why. Are bars able to sell "take out" drinks? I thought there was a different license for "On-Sale" vs "Off-Sale" sales.

- Certification by MASH (Minnesota Association of Sober Houses)
- Loitering

Didn't Minneapolis City Council members Blong Yang and Elizabeth Glidden introduce a motion to repeal of the city's ordinance against "congregating on streets or sidewalks" which is also known as loitering?

- Shoveling snow
- No blocking traffic, sidewalk, or fire hydrant
- Quiet hours
- Lights on porch
- Maximum occupancy and weight on porch
- Establishing a public contact and sharing the house rules
- Screening from neighboring properties

In addition, I've asked staff to send out a housing inspector ASAP to ensure the property matches the documentation that was sent along with the application.

Jim (or anyone else who has the information) – if you could please forward this to the nice couple who were sitting on my end of the table and woman who was standing and had to leave early? I was not able to get their contact information before they left.

I will forward this to them, but Margaret Schaefer called me last night to say that they are putting their house up for sale. Their garage was recently burgled and the Sober House decision finalized that decision.

Please get in touch if you have any other thoughts or if there's anything else I can help with.

All my best,
Ben

Ben Somogyi
Senior Policy Aide

Office of Council Member Lisa Bender

ben.somogyi@minneapolismn.gov

350 South Fifth Street, Room 307 | Minneapolis, MN 55415

(612) 673-3197

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<Mail Attachment.eml>

From: [Ashley Ackerson](#)
To: [Pam Gerberding](#)
Cc: [Hollen, Kimberly](#); [Ellis, Bradley E.](#); [Somogyi, Ben](#); [Bender, Lisa](#); [Ed Ackerson](#); [deepindermayell@gmail.com](#); [dag@cray.com](#); [Jim Henderson](#); [Poor, Steve](#); [Ashley Ackerson](#)
Subject: Re: Notes from Yesterday's Meeting
Date: Monday, May 16, 2016 5:36:26 PM

Hi Pam -

Thank you for detailing all of this information. **I have all of the same questions you do and I also object to the reasonable accommodation of approval for up to 20 residents living in this property.** I also believe that this accommodation of 20 unrelated adult men is extremely excessive and unheard of for this area and that this accommodation does alter the character of the neighborhood and create a fundamental alteration in the land use and zoning scheme.

I added Steve Poor to this email chain. I am disappointed that I'm not considered an adjacent neighbor when I'm directly adjacent across the street. The only thing I can see out my front window in the dining room, the living room and both bedrooms upstairs is the sober house.

Thank you,
Ashley Ackerson

On May 16, 2016, at 4:21 PM, Pam Gerberding <pam.gerberding50@gmail.com> wrote:

Dear Ben, Lisa, Brad and Kimberly
In addition to Ashley Ackerson's concerns I have a few questions about the 9 page report that was sent to Jim Henderson which he shared with us.

Before I start I noticed that Ashley mentioned the size of the subject properties lot. She mistakenly stated that it was 4322 fsf it is 3422 finished sq ft.... 32% smaller than the 5000 required by the R2B zoning code. The significance of that difference is that the number of unrelated adults allowed to reside in this property has increased by Triple. You will have 10 unrelated adult men living in 1600 fsf. The land use ratio of a R2B is .5 and this increase would move the land use ratio to 1.1

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(This is why the neighbors want to know that CPED has verified all data provided by the owner of record and that it is accurate).
example: CPED Report states finished sq.ft to be 3800 but Tax records state 3148.

Page 2 Third paragraph. " it must be determined whether the requested accommodation is reasonable. With respect to accommodations of zoning requirements, an

accommodation is not reasonable if it would.....

b.) if the requested modification to zoning requirements would create a fundamental alteration in a local governments land use and zoning scheme.

THIS REQUEST DOES CREATE A FUNDAMENTAL ALTERATION IN THE LOCAL GOVT. LAND USE AND ZONING SCHEME

Here are the facts as I know them.... (Please verify or correct me if I am wrong).

1. CPED Report states that the maximum of 6 unrelated adults can reside in a duplex. The

Number requested and approved is for 20 unrelated adults . That is over 3x what is allowed in the zoning code. 3X seems like a fundamental alteration. The land use for R2B is .5 and the approval of 20 moves the land use ration to 1.1 again this appears to be a fundamental difference from the zoning code.

Please explain why this is not a fundamental alteration in the local govt. land use and zoning scheme. Please use examples of other housing in the area that is 3x what zoning allows for occupancy, as well as 2x over what zoning allows for land use.

On another note the CPED Report states on page 5 last paragraph " a maximum occupancy of 3 unrelated persons per dwelling unit prevents the facility from succeeding therapeutically and financially .

1. Succeeding therapeutically. Where is the proof on this? There are lots of families that succeed with 3. Is there data that says it has to be 10? I do not know any families of 10. If 3 does not work why can't it be 6.

2. Succeeding financially. Please explain how the FHAA act applies to the financial success of this request. If you actually look at the financial success of Sober House they are doubling if not tripling the rent that other similar properties are getting for rent in the same neighborhood. If this one is not working I'd check to see if the owner of recorder has excessive mortgages on the property.

Page 6 paragraph 6 this is absolutely false.

1. 20 unrelated men living on a lot with 3422 fsf and a home of 3200 fsf is over populating a property when it is not necessary. One could have reasonable accommodation for no more than 5 unrelated adults living in each unit of the duplex and achieve success. The request for 10 in each unit is excessive and overpopulating this dwelling. This many unrelated men in this cramped accommodations could have a negative effect to success. And it will definitely alter the character of the present neighborhood. It already has with the present number living on the property today.

There are more cars pulling up and blocking traffic as they sit and idle outside.

There are more men standing around at all hours smoking.

There are more people constantly coming and going from one residence than any other neighboring property.

There is a constant cycling of new people in a short time frame as

people fall out of the program and new people enter the program. Which means new family and friends sitting in their cars out front on the streets just hanging out. This absolutely conflicts with the residential character of the neighborhood.

Page 9 # 6

" the property is located BETWEEN the high density and residential development to the south and the lower density neighborhood to the north .

This is not correct. The subject property is in the neighborhood adjacent to the high density to the south . (Which the CPED report states on the first page of the CPED Report).

The purpose of my letter is that I object to the reasonable accommodation of approval for up to 20 residents in this property. My belief is that this accommodation of 20 unrelated adult men is extremely excessive for this property and that this accommodation does alter the character of the neighborhood.

I am very thankful for your interest in our neighborhood concerns. I appreciate the time and energy that all parties have put into meeting with us answering our questions.

I look forward to your input and answers to the questions I have about your report.

Pam Gerberding

On May 16, 2016, at 11:55 AM, Ashley Ackerson <ashleyackerson@me.com> wrote:

Hi Ben -

Thank you for taking the time to meet with us last Monday regarding this very important issue. A few things:

1. Has the inside house inspection been completed? If not, could you let us know when that date is set and the results? I think we all agree there needs to be verification that there are 10 legal bedrooms and 5 bathrooms in that duplex.

2. Regarding the smoking and congregating on the porch. John Bartlet has **14 chairs** on the front porch and 2 very large coffee can sized "ash trays". This obviously encourages many people to sit around and chain smoke on the front porch. I think having 14 men sitting on a front porch daily is very **out of sync with the neighborhood**. Can we limit/ban this? I think since the square footage of the property is so small, when the capacity increases to 20 men, they will naturally all want to be on the porch to get some space. This WILL change the face of our neighborhood and is a very

serious concern. My dining room looks right on to their porch - I have to watch 14 men chain smoking while I eat dinner with my 11 month old baby. This isn't fair or normal for this single and two family neighborhood district.

3. Per the BZZ-7547, the "rules state that congregating outside and parking off-site should not occur". I saw a mini-van blocking their driveway this morning waiting to pick up someone from the house (he waited 25 minutes). The agreement also says that "2 parking spots will be made available to the rear of the principal structure". This has not been done and there is still a "no parking" sign up.

4. Page 8 of BZZ-7547 also says that "maximum occupancy per dwelling unit, as regulated by the zoning code, is instituted so as not to overburden City services and utilities, to avoid traffic congestion and to minimize adverse impacts on the surrounding uses". How will this be monitored and what will happen if it is found that this home is an overburn to the city services and causes traffic congestion? What is the procedure for us to report traffic and other issues?

If John isn't following the rules/agreement, what steps will be taken with him?

Lisa, I including you on this email again just so you are aware of the massive concern many of the LHENA neighbors have about this home. We feel that the request to increase the capacity in this house to 20 men is not reasonable and is very much out step with the character of the neighborhood and will create a fundamental alternation in the land and zoning scheme. This duplex is already on a variance due to its small lot size (4322 sq feet vs. the duplex R2B requirement of 5,000). We don't believe this property should have been allowed an additional variance to increase it's maximum occuplancy to 20 unrelated men. It's too bad as we already have people, like Margaret, that want to leave the neighborhood.

What else can be done about this to help protect the community and save the character of the neighborhood? This is a serious concern and makes me wonder about the future of this area.

Here is a video of Lois Frankel discussing her concerns with sober houses:

<http://www.youtube.com/watch?v=74jeMUUeyxs&sns=em>

Best Regards,
Ashley Ackerson
2757 Emerson Ave South

On May 11, 2016, at 5:45 PM, Jim Henderson
<jhenderson2746@gmail.com> wrote:

I just wanted to add a couple of comments to your bullet points.

From: Somogyi, Ben

[<mailto:Ben.Somogyi@minneapolismn.gov>]

Sent: Wednesday, May 11, 2016 1:29 PM

To: Jim Henderson <jhenderson2746@gmail.com>; Ed

Ackerson <edackerson@me.com>;

ashleyackerson@me.com; pam.gerberding50@gmail.com;

deepindermayell@gmail.com; dag@cray.com

Subject: Notes from Yesterday's Meeting

All,

Thank you again for coming out yesterday to discuss 1200 W 28th Street. I sincerely appreciate the time and attention you are putting into this issue. I am sending back to you the notes that I took yesterday to ensure I didn't miss anything. They have not been evaluated by anyone from the City, but once you all give this the once-over, I will begin that conversation to see what can and cannot be placed as a condition:

- Keeping the driveway clear and unobstructed

I am more concerned about keeping whole property clear and unobstructed and that 1200 & 1202 W 28th St should not be used as the site for America West Construction trailers, storage sheds, and equipment. This property and anything on it should be exclusively for Sober House.

- Smoking on the sidewalk

It may be difficult to restrict a single person from smoking on the sidewalk. Could we ask that a "group" smoking on the sidewalk be against the "House Rules"? When I was in the US Navy, they defined a group as "three or more individuals" but I think some number should be included.

- Congregating on the porch – and defining what "congregating" means per the staff report
- Designated smoking area
- Lawn maintenance

I am not aware of any existing "lawn" on this property. There

are boulevards that are mostly bare ground with some weeds, bricks and tattered black plastic. I think the weeds, bricks and plastic should be removed and replaced with sod or a boulevard garden on the east and south sides. Perhaps some of the residents could get involved in maintaining this area?

- Property and boulevard free of trash

This needs to be done daily. As Ed and Pam can probably attest, we constantly pick up beer cans and empty liquor bottles on our boulevards and lawns. I also have a collection of drink glasses! I'm pretty sure that they are not from the Sober House, rather from the bars in the Uptown Entertainment District. One item that's become more common are the "mini" bottles, similar to the size you can buy from flight attendants. Not sure why. Are bars able to sell "take out" drinks? I thought there was a different license for "On-Sale" vs "Off-Sale" sales.

- Certification by MASH (Minnesota Association of Sober Houses)
- Loitering

Didn't Minneapolis City Council members Blong Yang and Elizabeth Glidden introduce a motion to repeal of the city's ordinance against "congregating on streets or sidewalks" which is also known as loitering?

- Shoveling snow
- No blocking traffic, sidewalk, or fire hydrant
- Quiet hours
- Lights on porch
- Maximum occupancy and weight on porch
- Establishing a public contact and sharing the house rules
- Screening from neighboring properties

In addition, I've asked staff to send out a housing inspector ASAP to ensure the property matches the documentation that was sent along with the application.

Jim (or anyone else who has the information) – if you could please forward this to the nice couple who were sitting on my end of the table and woman who was standing and had to leave early? I was not able to get their contact information before they left.

I will forward this to them, but Margaret Schaefer called me last night to say that they are putting their house up for sale.

Their garage was recently burgled and the Sober House decision finalized that decision.

Please get in touch if you have any other thoughts or if there's anything else I can help with.

All my best,
Ben

Ben Somogyi

Senior Policy Aide

Office of Council Member Lisa Bender

ben.somogyi@minneapolismn.gov

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<Mail Attachment.eml>

From: [Jim Henderson](#)
To: "[Pam Gerberding](#)"; [Bender, Lisa](#)
Cc: "[Ashley Ackerson](#)"; [Holien, Kimberly](#); [Ellis, Bradley E.](#); [Somogyi, Ben](#); "[Ed Ackerson](#)"; deepindermayell@gmail.com; dag@cray.com; [Poor, Steve](#); [Nilsson, Erik A.](#)
Subject: RE: Notes from Yesterday's Meeting
Date: Tuesday, May 17, 2016 4:20:53 PM

I find it odd that CPED Staff Report (BZZ-7547) that states the "Date Application Deemed Complete" was December 29, 2015 and that it now feels the City needs to send "a housing inspector to the property to ensure that it accurately reflects the property owner's application". This email is 140 days after the application was complete and the CPED staff inferred that it could be some time before a housing inspector could get into the property. This is a major change in the use of a residential property, one that has serious impacts to adjacent property owners, only two of which were notified. Wouldn't the City inspect the property at the time the application was filed to see if the changes have any merit? If the property doesn't meet the existing building codes, and the City staff finds that the application has substantial issues, and that the City updates the report with the conditions discussed at the meeting, will the report be reissued and another notification sent out? It was a bit disappointing to hear from Steve Poor that the original date for an appeal as stated by Kimberly Holien to be 10 days from the cover letter date April 26 (May 6) was actually 10 days from the April 29 postage date on the envelope. In either case, I received the packet from CPED late in the day on May 3, contacted Kimberly on May 4, and really had one day to file an appeal since the city will not compile the mailing lists or create a map on the day the appeal is due.

From: Pam Gerberding [<mailto:pam.gerberding50@gmail.com>]
Sent: Tuesday, May 17, 2016 1:37 PM
To: Bender, Lisa <Lisa.Bender@minneapolismn.gov>
Cc: Ashley Ackerson <ashleyackerson@me.com>; Holien, Kimberly <Kimberly.Holien@minneapolismn.gov>; Ellis, Bradley E. <Bradley.Ellis@minneapolismn.gov>; Somogyi, Ben <Ben.Somogyi@minneapolismn.gov>; Ed Ackerson <edackerson@me.com>; deepindermayell@gmail.com; dag@cray.com; Jim Henderson <jhenderson2746@gmail.com>; Poor, Steve <Steve.Poor@minneapolismn.gov>; Nilsson, Erik A. <Erik.Nilsson@minneapolismn.gov>
Subject: Re: Notes from Yesterday's Meeting

Thank you for your follow up on the agenda from the meeting.
Can anyone address the questions mentioned in my email in reference to how this conforms to the zoning code and land use. That was never addressed in the meeting because we had many other divergent discussions. The one that took the most time was in regards to who qualified to be notified and the days allowed to file an appeal. The time frame as it turned out was in correct and Jim Henderson was not afforded the proper time allowed to file an appeal.

Thank you

Pam Gerberding

On May 17, 2016, at 10:36 AM, "Bender, Lisa" <Lisa.Bender@minneapolismn.gov> wrote:

Hi all,

I just wanted to update my understanding of the next steps which staff can correct if needed:

- Staff is updating the report with the conditions discussed at the meeting
- Staff is sending a housing inspector to the property to ensure that it accurately reflects the property owner's application and documentation
- If it does not, or does not meet building code, staff would then revisit their recommendations, either revising their recommendation or denying the application depending on what they find

all my best,
Lisa

From: Ashley Ackerson [<mailto:ashleyackerson@me.com>]
Sent: Monday, May 16, 2016 5:36 PM
To: Pam Gerberding
Cc: Holien, Kimberly; Ellis, Bradley E.; Somogyi, Ben; Bender, Lisa; Ed Ackerson; deepindermayell@gmail.com; dag@cray.com; Jim Henderson; Poor, Steve; Ashley Ackerson
Subject: Re: Notes from Yesterday's Meeting

Hi Pam -

Thank you for detailing all of this information. **I have all of the same questions you do and I also object to the reasonable accommodation of approval for up to 20 residents living in this property.** I also believe that this accommodation of 20 unrelated adult men is extremely excessive and unheard of for this area and that this accommodation does alter the character of the neighborhood and create a fundamental alteration in the land use and zoning scheme.