

CITY OF ST. CLOUD ZONING BOARD OF APPEALS

Tuesday, January 16, 2018  
7:00 pm  
City Hall Council Chambers

**ROLL CALL:**

MEMBERS PRESENT: Abdi Daisane, Drew Hultgren, John Mathews and Ron Zenzen

MEMBERS ABSENT: None

STAFF PRESENT: Dave Broxmeyer and Ashley Skaggs

**OCTOBER 17, 2017 ZONING BOARD OF APPEALS MEETING MINUTES**

ACTION TAKEN: Zenzen/Daisane/Approved (4-0)

The October 17, 2017 minutes were approved with the following amendments:

1. "The applicants are requesting to remove their existing 22' 4" x 15' attached garage and replace it with a 22' 4" x 29' 8" attached garage with the same street side yard setback."
2. "...an error was found in ~~where the presumed property line was~~ regarding the location of the presumed property line."

**VAR-2018-01 / KEVIN & DEBORAH KARPEN / 25316 58<sup>TH</sup> AVE**

ACTION TAKEN: Zenzen/Mathews/Denied (0-4)

Broxmeyer explained a request for a variance from Article 15, Section 15.5, Table 15-1, which regulates the maximum allowance for accessory structures. The applicants are requesting to construct a 30' x 30' addition to an existing 30' x 48' pole building. The Land Development Code allows properties over 10 acres in size located with AG Districts up to four detached accessory buildings and up to 6,500 sq. ft.; however, no one detached accessory building can exceed the footprint of the principal structure. The existing home is 1,430-sq. ft. in area. The existing shed is currently 10-sq. ft. larger than the home; therefore, a 910-sq. ft. variance is requested. Staff feels the variance request is a personal preference and that a clear practical difficulty has not been established. There would be no issue with a standalone 30' x 30' shed being built on the property provided it meets the required setbacks.

Hultgren noted the stipulation did not seem to be consistent with the uses of the AG District. Mathews asked about the future land use for the area. Broxmeyer stated that the 2015 Comprehensive Plan Future Land Use Map designates the area as residential, but it will be many years before development is seen here.

Hultgren opened the public hearing and invited testimony. The following persons testified:

Kevin Karpen, 25316 58<sup>th</sup> Ave - His original plan was to add on to the garage; however, the bids were extremely high due to the roofline on the house. More storage is needed, and it would be more aesthetically pleasing to have one continuous building rather than multiple smaller buildings.

Mathews asked about the grade of the lot. Karpen stated the lot is even and there is plenty of room.

Hultgren asked about an alternate plan. Karpen stated he does have an alternate plan if the variance is not approved.

Hultgren asked if there was any opposition from neighbors. Karpen stated that the neighbors he has spoken with do not have an issue with the request.

There being no one else wishing to speak, the public hearing was closed. Zenzen made a motion to approve the request subject to staff recommendations. The motion was seconded by Mathews. Zenzen commented that the requirement seems unreasonable and should be revisited. Mathews stated that there may be conflicts between the restrictions and the permitted uses of the district. Board members discussed the analysis regarding practical difficulties and suggested the questions be reviewed for consistency with recent case law. Daisane expressed concern for lack of consistency by the Board and stated that while there are unique circumstances, the criteria for granting a variance have not been met. Hultgren and Mathews agreed. Hultgren reiterated that the stipulation for the AG District did not seem to be consistent with the uses of the AG District and requested that review of the issue be forwarded to the Planning Commission and City Council. Hultgren called for a vote and the motion failed unanimously.

**OTHER BUSINESS**

ACTION TAKEN: None

Broxmeyer stated the request from SAFA Child Care, Inc for a Conditional Use Permit (CUP-2017-12) to operate a daycare at 1725 St. Germain St W has been withdrawn by the applicant.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:35 p.m.