

**Zoning Board of Appeals**  
Tuesday, April 17, 2018  
7:00 p.m.  
St. Cloud City Hall Council Chambers

**ROLL CALL**

Members Present: Drew Hultgren, John Mathews and Ron Zenzen  
Members Absent: Abdi Daisane  
Staff Present: Dave Broxmeyer and Ashley Skaggs

**JANUARY 16, 2018 ZONING BOARD OF APPEALS MEETING MINUTES**

ACTION TAKEN: Mathews/Zenzen/Approved (3-0)

**VAR2018-02 / ROBERT & JANET WEISMAN / 1712 7<sup>TH</sup> ST SE**

ACTION TAKEN: Zenzen/Mathews/Approved (3-0)

Broxmeyer explained a request for a variance from Article 15, Section 15.5, which limits the maximum fence height to 6' in a rear yard area. The applicants are proposing to construct an 8' high fence along their southern property line. The abutting industrial property to the south is not within the corporate limits of St. Cloud and is used by a food wholesaler to store their semi-trucks and trailers. If the abutting property was within the city limits, the Land Development Code (LDC) would require the industrial property to install an 8' high opaque fence along the property line to screen the storage yard from the residential properties. Staff recommended approval of the request.

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

Robert Weisman, 1712 7<sup>th</sup> St SE – The only screening currently in place is a 5' high chain link fence. Sysco uses this property as their primary parking area for semi-trucks. He believes that neighbors would agree that the fence would be beneficial to the neighborhood and add value to the property.

Janet Weisman, 1712 7<sup>th</sup> St SE – Most semi-trucks are 10' tall. The 8' high fence will be more aesthetically pleasing. Enough room will be left on the other side of the fence to rake and mow behind it. She stated that they have lived at the property for approximately eight years. Semi-trucks were previously stored further south. When the property was purchased by Sysco, parking began moving closer to the residential properties. Sysco has also built two additional buildings. The fence would help screen from the noise and exhaust smells.

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. Hultgren noted that part of the physical features of this site is its proximity to the industrial property immediately adjacent. Mathews agreed and commented on the fact that the use of the industrial property has changed over time. Zenzen asked about Haven Township's zoning ordinance. Broxmeyer stated he believes their screening requirements are minimal. Hultgren called for a vote and the motion to approve carried unanimously.

**CUP2018-02 / NICHOLAS EVANS & STEVEN HANSEN / 2850 7<sup>TH</sup> ST N**

ACTION TAKEN: Mathews/Zenzen/Approved (3-0)

Broxmeyer explained a request for a Conditional Use Permit to operate a physical fitness facility in an I2, General Industrial District. The property is one of seven parcels in the business condominium between two buildings. Class sizes would be an average of five to six people per class with only one class operating at a time. The facility would be open Monday thru Saturday. The off-street parking requirements can be met, and staff recommended approval of the request.

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

Nick Evans, 1034 Nicole Ave, Clearwater – He will be operating the functional fitness training facility. There is potential for growth in the business, but at this time he is the only instructor.

Steve Hansen, 23051 County Rd 75 – He is the owner of this portion of the building. The property was rented to MN Maintenance Supply for several years. Prior to that, it was rented to Just for Kix. The condominium association has been notified, and there are no objections.

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. Hultgren called for a vote and the motion carried unanimously.

**CUP2018-03 / KATIE NIEHAUS / 1220 7<sup>TH</sup> AVE N**

ACTION TAKEN: Zenzen/Mathews/Approved (3-0)

Broxmeyer explained a request for a Conditional Use Permit to operate a bed & breakfast of up to three bedrooms of an existing single-family home. The applicant is proposing to rent out all three bedrooms at once without being present at the time of rental. It has been the City's policy to require the owner of a bed & breakfast be present when renting rooms. The applicant will also need to provide an additional two parking spaces that are independently accessible to meet the off-street parking requirement. As such, the following conditions are recommended by staff:

1. The bed & breakfast may only be operated by the property owners, who must be living at the residence when a room(s) is being rented.
2. A maximum of two bedrooms can be rented during any one given time.
3. Provide two off-street parking spaces for the single-family residence and one off-street parking space for every bedroom rented as a bed & breakfast. All off-street parking spaces must be constructed out of LDC approved materials.
4. Any change to the number of bedrooms to the bed & breakfast shall require the CUP to be amended. Minor changes to the site plan may be approved by the City's Planning Director.
5. Prior to opening of the bed & breakfast, the applicant must sign and return a Statement of Completion to the St. Cloud Planning and Zoning Department.

Broxmeyer noted that the LDC contains eight use standards that all bed & breakfast facilities are required to adhere to, all of which have been addressed.

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

Katie Niehaus, 1220 7<sup>th</sup> Ave N – She would like to be able to rent all three bedrooms, but only to one party at a time. She splits time between this residence and one in the metro and would like to be able to periodically rent the home in order to offset some of the ownership costs.

Mathews asked if the bed & breakfast would be feasible with the conditions as recommended by staff. Niehaus stated that the conditions are not ideal, and she may reconsider entirely if those conditions are imposed.

Hultgren stressed his struggle with past practice and the intent of the LDC. If the LDC intended this type of use, there would be a provision that allowed for the short-term rental of homes.

Margaret Potter, 1115 6<sup>th</sup> Ave N – A short term rental is less objectionable than a change in use. She would like to see the City deal with short term rentals in a way that does not leave too many vacant residences in any one region.

Zenzen expressed concern regarding policy versus requirements of a bed & breakfast. Niehaus stated that she would like to operate the rental legally, but she is concerned that there is not a provision in the LDC that would allow her to operate as proposed.

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. Mathews noted that while the use could be permitted broadly, it is not something that has been done in the past. He reminded Board members that the Conditional Use Permit follows the property regardless of the owner. Hultgren suggested the City amend the LDC to more clearly define a bed & breakfast and define short term rental of an entire property. Zenzen agreed that the City needs to further clarify the definition of short term rental and bed & breakfast. Hultgren called for a vote and the motion carried unanimously.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:03 p.m.