

Zoning Board of Appeals
Tuesday, June 19, 2018
7:00 p.m.
St. Cloud City Hall Council Chambers

ROLL CALL

Members Present: Susanne Barkalow, Drew Hultgren and John Mathews
Members Absent: Dick Andzenge and Emil Radaich
Staff Present: Dave Broxmeyer and Ashley Skaggs

APRIL 17, 2018 ZONING BOARD OF APPEALS MEETING MINUTES

ACTION TAKEN: Mathews/Barkalow/Approved (2-0-1, Barkalow abstained)

JUNE 5, 2018 ZONING BOARD OF APPEALS MEETING MINUTES

ACTION TAKEN: Barkalow/Mathews/Approved (2-0-1, Mathews abstained)

VAR2018-05 / INDIGO SIGNWORKS & ABOUNDING JOY LUTHERAN CHURCH / 6000 COUNTY RD 120

ACTION TAKEN: Height & Size Variances: Barkalow/Mathews/Approved (3-0)
Number of Signs: Barkalow/Mathews/Approved (2-1, Mathews opposed)

Broxmeyer explained a request for three variances. The first request is a variance from Article 18, Section 18.3, which regulates the maximum sign height, maximum size, and total number of identification signs allowed within a residential district. The applicants are proposing to construct a 13' tall sign near the intersection of County Rd 120 and Amblewood Dr. The Land Development Code limits the sign height to 10', with a maximum of one sign at 30 sq. ft. The sign is proposed to be located within a type 3/shallow marsh wetland, which is approximately 3' lower than the developable portion of the property. The Minnesota Wetland Conservation Act contains a provision that allows this type of wetland to have an impacted area of up to 100 sq. ft. without a wetland replacement plan. The sign would be the third identification sign on the property. Staff recommended approval of the variances to the height and number of signs and denial of the size variance.

Hultgren asked about the sign requirements if the property were zoned commercial. Broxmeyer stated that if the property were zoned C5, Highway Commercial, there would not be a limit to the number of signs, and maximum size would be calculated by the amount of frontage. Barkalow asked if the Conditional Use Permit (CUP) allows flexibility in signage. Broxmeyer stated that the same standards apply whether there is a CUP or not. Mathews asked about restrictions on electronic messaging. Broxmeyer stated that a LDC amendment was recently approved addressing standards for electronic messages.

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

Joey Crary, Indigo Signworks – The wetland is roughly 3' below road grade. A 13' sign would place the sign at 10' above grade. The proposed sign is located approximately 310' away from the building. The current signage is not lit in any way. The active messaging area measures at 28.5 sq. ft. The electronic messaging modules are built in 1' increments. The message center also has an automatic diming system built in.

Dean Peterson, 1125 1st St S, Sartell – He is a member of Abounding Joy. The messaging center comes in 1' increments. Reducing the sign size would result in changing the static

portion, which would affect its visibility. He asked about the requirement that the sign be turned off at night.

Hultgren stated that it could be a condition of approval to turn off the message center during certain hours.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the size and height of the sign. The motion was seconded by Mathews. Mathews stated that while he can find the practical difficulty for the height of the sign, he cannot find the hardship for the number of signs or the size of the sign. Barkalow stated she is not concerned with the actual size of the sign, but rather with the number of signs. Hultgren agreed and called for a vote. The motion to approve the size and height variances carried unanimously.

Barkalow made a motion to approve a variance to the number of signs allowed subject to staff recommendations and including a condition that the identification sign on the north side of the building be removed. The motion was seconded by Mathews and carried (2-1, Mathews opposed).

VAR2018-06 / LLOYD & LEROY GOHMAN / 24150 FRANKLIN RD

ACTION TAKEN: Barkalow/Mathews/Denied (0-3)

Broxmeyer explained a request for a variance from Article 7, Section 7.2, which regulates the number of detached single-family dwellings in an AG, Agricultural District and from Article 12, Section 12.3, which regulates the number of detached single-family dwellings in a Scenic River Overlay District. The applicants have moved a second detached dwelling onto their property without a permit. The applicants run a full-scale farming operation from this location. The original farm house, which was constructed in 1935, is being rented out to non-family members. The applicants have been living in the newly placed 28' x 44' house, which is approximately 30 years old. Staff recommended denial of the requests.

Mathews asked about a rental license. Broxmeyer stated that the applicant has a temporary rental license has been approved. Mathews asked about permits for laying the foundation of the house. Broxmeyer stated that there were no permits issued for the laying of the foundation of the newly placed house.

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

Leroy Gohman, 24150 Franklin Rd – He and his brother had the chance to get the house free of charge before it was to be demolished. They struggle with the stairs in the farm house, so they thought this would be a good alternative. The farm house is rented out to three women and one man, one of which is an employee of the farm. He was told that permits were not required.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the variance requests subject to staff recommendations. The motion was seconded by Mathews. Barkalow noted an email received from a neighboring property in opposition to the requests. Mathews noted that in any other scenario, the property would need to be subdivided and setbacks adhered to. Barkalow stated her concern for the foundation being poured without a permit, as well as the implications to the well and septic on the property. Hultgren noted he is sympathetic to a long-time farmer that was annexed into the City not that long ago, but he cannot justify a second residence on the property. Barkalow commented on the unique option to combine the two homes into one. Hultgren stated that while it may not look nice, connecting the two houses may be an option for the applicant as long as all regulations are met. Hultgren called for a vote and the motion failed unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:07 p.m.