

Zoning Board of Appeals
Tuesday, October 16, 2018
6:00 p.m.
St. Cloud City Hall Council Chambers

ROLL CALL

Members Present: Susanne Barkalow (at 6:41 p.m.), Allen Bright, John Mathews, Emil Radaich and Ryan Schleicher
Members Absent: Dick Andzenge and Drew Hultgren
Staff Present: Dave Broxmeyer and Ashley Skaggs

SEPTEMBER 18, 2018 ZONING BOARD OF APPEALS MEETING MINUTES

ACTION TAKEN: Radaich/Schleicher/Approved (4-0)

VAR2018-11 / COSTCO WHOLESALE CORPORATION / 3636 2ND ST S

ACTION TAKEN: Radaich/Schleicher/Approved (2-1-1, Mathews opposed, Bright abstained)

Bright abstained from the discussion and voting of this item.

Broxmeyer explained a request for a variance from Article 15, Section 15.4, which regulates the maximum height of light poles located within a non-residential district. The Land Development Code (LDC) limits the height of light poles to 24'. The applicant is proposing to install exterior light poles 35'6" in height, requiring a 12'6" variance.

Mathews asked about the light poles installed on abutting properties. Broxmeyer stated the light poles at Stearns History Museum are approximately 28' tall and were installed prior to the current zoning regulations. The current standard was made effective on January 1, 2009. Prior to that, the Building Safety Department implemented a maximum height of 50', which is the maximum building height allowed in a C5 district. The light poles installed across the street in the current Burlington parking lot are approximately 40' in height and were also installed prior to the current zoning regulations.

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

Kevin Shay, Landform Professional Services – Costco made a choice to shift the design to a taller light, which will allow for a reduced number of lights while still providing the same amount of pedestrian safety. Costco prioritizes a green parking lot over excess light poles. Reducing the number of light poles also allows for more parking spaces.

There being no one else wishing to speak, the public hearing was closed. Radaich made a motion to approve the request subject to staff recommendations. The motion was seconded by Schleicher. Schleicher noted a fueling station will also be present on the property and asked if any recently built fueling stations have conformed to the current standard. Broxmeyer stated they have conformed to the requirements.

Mathews stated that he does not believe the standard of a practical difficulty has been met. Radaich will support the motion as the surrounding properties have higher poles than what is required. Schleicher stated that he will also support the motion. Mathews called for a vote and the motion carried (2-1-1, Mathews opposed, Bright abstained).

VAR2018-12 / MICALE GILLSON AND JOEL PETERSON / 834 MC KINLEY PL S

ACTION TAKEN: Radaich/Schleicher/Approved (5-0)

Broxmeyer explained a request for a variance from Article 15, Section 15.5, which regulates the interior and rear yard setbacks for detached accessory structures. The city's policy has been to allow non-conforming detached accessory structures to be rebuilt as long as the concrete slab remains. Removal of the slab triggers the structure to be built in accordance with the current code requirements. The applicants were originally proposing to rebuild the garage in the same location; however, after further review, it was discovered that the garage was built over the property line. The applicants would like to rebuild the garage in the same location with the exception of the 4" encroachment.

Mathews asked where the code states the slab must remain for the non-conforming structure to be rebuilt. Broxmeyer stated it has been a policy decision in place since before his employment with the city. Staff is recommending denial as there are other options for the garage to be built while still meeting the required setbacks.

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

Joel Peterson, 7089 County Rd 39 NE, Monticello – He is acting as the contractor for the property owner. The city had given notice that the garage needed to be scraped and painted. After weighing options, it was decided to tear it down and rebuild. An inspector came out and noted the foundation would need to be replaced, but at the time he was not sure about setbacks requirements. The inspector later stated in an email that if the garage and foundation were removed, the garage could be rebuilt in the same location as long as the footprint is not expanded. After receiving this information, the garage and foundation were removed. During the removal process, it was discovered that the garage encroached approximately 4" on the neighbor's property. When he inquired whether the garage could be shifted to alleviate the encroachment, he was told the garage would need to conform to the current setback requirements. He would like to keep the garage in its current location because it shares a concrete apron with the property to the north. Rotating the garage would make it difficult for both properties to access their garages. He submitted a letter from the neighbor to the north in support of the request.

Bright noted it is not uncommon to have difficulties conforming a 100-year-old structure to current standards. He is in favor of the variance.

There being no one else wishing to speak, the public hearing was closed. Radaich made a motion to approve the request subject to staff recommendations. The motion was seconded by Schleicher. Mathews stated he does not see a need for a variance. The city has a policy for the rebuilding of non-conforming structures that is not supported by the Land Development Code. Schleicher agreed and noted that the applicant has tried to follow the rules and removed the structure and foundation at the word of a city official. He is in favor of the variance. Radaich agreed and stated he is in favor of the variance.

Mathews offered a friendly amendment to limit the footprint of the garage to the dimensions of 22'4" x 18'5". The amendment was accepted by Schleicher and Radaich. Mathews called for a vote, and the motion carried unanimously.

OTHER BUSINESS

ACTION TAKEN: None

Broxmeyer noted that a recently denied sign variance from JLG Architects has been appealed. City Council has voted to hold a public hearing at their October 29th meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 p.m.