

**Zoning Board of Appeals**  
Tuesday, March 19, 2019  
6:00 p.m.  
St. Cloud City Hall Council Chambers

**ROLL CALL**

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

**JANUARY 15, 2019 MINUTES**

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

**CUP2019-01 / MOTHER'S LOVE CHILD CARE CENTER / 1520 24<sup>TH</sup> AVE N**

ACTION TAKEN: None

Broxmeyer updated the members on a CUP request for an intergenerational day care facility. The applicant is still waiting for information from the state and has asked for an extension.

**CUP2019-02 / EICH HOLDINGS / 1931 DIVISION ST**

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

Broxmeyer explained a request for a Conditional Use Permit (CUP) for an auto dealership, including the construction of a new dealership building near the intersection of Cooper Ave N and Division St. The applicant has provided an updated site plan with changes to the landscaping plan. Hultgren asked about the pylon signage proposed. Broxmeyer stated that a condition of approval is to shift the sign out of the MnDOT right-of-way. Staff recommends approval.

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

Erik Boelz, 1931 Division St – Eich Motor Company is a 4<sup>th</sup> generation family-owned business and is looking to expand the dealership. The new building will house a new state-of-the-art Mazda dealership. The current Mazda building will be repurposed into a detailing shop.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the request subject to staff recommendations. The motion was seconded by Radaich. Schleicher asked who owns the property that the sign is located on. Broxmeyer stated the property is owned by the city; however, a lease agreement is in place that allows Eich Motors to place signage on the land. Hultgren called for a vote, and the motion carried unanimously.

**CUP2019-03 / NING HOU & GUSTAVO VALDEZ PREZ / 5543 GLENVIEW LN**

ACTION TAKEN: Barkalow/Radaich/Denied (1-3, Barkalow, Hultgren and Schleicher opposed)

Broxmeyer explained a request for a Conditional Use Permit (CUP) to operate a bed and breakfast facility. The applicants are requesting to rent one bedroom of their three-bedroom single-family home. The property meets all bulk and setback standards, and the applicants have addressed the eight use standards all bed and breakfast facilities are required to adhere to. Staff recommends approval.

Hultgren asked about the criteria for approval. Broxmeyer stated that the powers of the board are quite broad. There is no obligation for a CUP to be approved. Hultgren noted several emails received in opposition to the request citing property maintenance issues. Broxmeyer stated that there have been no formal complaints made against the property.

Barkalow asked how many other CUPs have been issued for this purpose. Broxmeyer stated he knows of approximately four. Hultgren asked about the demand for this type of service. Broxmeyer stated that a market study was completed within the last two years which determined the city has an adequate amount of hotel space; however, if any is built, it should be built near the River's Edge Convention Center.

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

Gustavo Prez, 5543 Glenview Ln – There are two extra rooms in the basement, one of which would be rented on the Airbnb website. He and his wife travel a lot for work and use Airbnb as a means of socializing. They would like to use the funds to help maintain the property. They will be present at the home when guests are staying. His wife has lived in the home for two years, and he has been there for a little over a year.

Karla Becker, 1709 West Oakes Dr – She is puzzled by the request as the home in question is neither quaint nor historic. The lawn goes dormant and is mowed infrequently. Snow removal appears to be minimal, and other neighbors have been using their snowblower to keep the north sidewalk clean. She feels the CUP would allow a commercial use in a residential district. The home, possibly a group home, across the street at 1804 W Oakes Dr is similarly maintained and has often attracted the attention of the police.

Becker stated she feels the designation will be detrimental to the properties in the area. She does not feel the use is desirable to provide necessary neighborhood or community-wide services.

Bob Edelbrock, 1811 West Oakes Dr – He agreed with the previous speaker and noted that the corner is already active with the group home across the street. There have been incidents where police presence was needed.

Edelbrock stated he feels the designation will be detrimental to the properties in the area. He does not feel the use is desirable to provide necessary neighborhood or community-wide services.

Hultgren asked if there is a restriction for a bed and breakfast to stay a certain distance away from a group home. Broxmeyer stated there is not. Group homes, or residential facilities, are allowed in any of the City's residential districts up to six persons.

Brent Schloe, 1636 W Oakes Dr – He is concerned with the yard upkeep and the devaluation of neighboring properties. He has not met the property owners.

Jason Stock, 1639 W Oakes Dr - The house is in disrepair, and the corner is already busy with the neighboring group home. He is concerned with the open-ended nature of the CUP.

Schloe and Stock agreed that the designation will be detrimental to the properties in the area and is not a desirable use.

Barkalow asked about the amount of owner-occupied vs. rented homes in the neighborhood. Broxmeyer stated that only two of the 45 homes are rentals.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the request subject to staff recommendations. The motion was seconded by Radaich. Radaich acknowledged concerns with lawn care and property maintenance and noted that contacting the Health and Inspections Department would be appropriate to address those concerns. Radaich asked if a sunset clause could be included in the conditions of approval. Broxmeyer recommended against including a sunset clause as the CUP is recorded against the property.

Barkalow asked about signage. Broxmeyer stated that a one-sq. ft. non-illuminated sign may be attached to the door. Schleicher expressed concern for the CUP following the land, and not ownership. He asked if the CUP limits the number of occupants in a room. Broxmeyer stated the CUP can limit the number of potential occupants. Schleicher stated that while he does not necessarily agree with the amount of influence the designation could have on property values, he does agree that there is not a proven need for this type of facility.

Hultgren commented that while he respects the concerns raised, some of them are beyond the scope of the Board's consideration. He encouraged all the neighbors to make an effort to get to know each other. Radaich offered a friendly amendment to restrict the number of guests to no more than two. Barkalow accepted the friendly amendment. Hultgren asked how soon the applicant can reapply if the CUP is denied. Broxmeyer stated the applicants can reapply after one year.

Prez thanked the Board for their consideration. He acknowledged the lack of interaction with neighbors and the police presence at the neighboring property. He stated he does not want to cause anyone stress due to the request. The homes here are not what he and his wife are used to, and this has been a learning process as far as maintenance and lawn care. Hultgren called for a vote on the motion to approve as amended. The motion failed (1-3, Barkalow, Hultgren and Schleicher opposed).

**CUP2019-04 / LIONS FITNESS / 1265 KUHN DR**

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

Broxmeyer explained a request for a Conditional Use Permit (CUP) to operate a physical fitness facility business in an I1, Light Industrial District. The property can meet all bulk and setback regulations. As a point of clarification, staff misunderstood how many trainers would be working in the facility. The facility will have two trainers and a maximum of 6-8 clients during the busiest hours.

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

Joe Seifert, Miller Architects & Builders – He was present to answer any questions on behalf of the applicant.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve the request subject to staff recommendations. The motion was seconded by Schleicher and carried unanimously.

**VAR2019-01 / JOHN KRUCHTEN & CLOUD TOWN, LLC / 1104 29<sup>TH</sup> AVE N**

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

Broxmeyer explained a request for a variance from Article 8, Section 8.3, which regulates the maximum lot coverage permitted in a R1 zoning district and Section 8.4, which regulates the interior side yard setback for an existing substandard lot of record. The applicant owns a 40' x 125' nonconforming lot of record and is seeking to construct a 25' x 75' single-family home with an attached garage. Construction of the proposed home will result in the need for a 2.5% variance to the maximum lot coverage and a 3' variance to the interior side yard setback.

Staff feels the variance requests are a personal preference and that a clear practical difficulty has not been established.

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

John Kruchten, 1717 Polaris Ct – The purpose of building the home is to build it ADA adaptable. He lives a few blocks away, and his son will be living in the proposed home. The house is designed to be ADA adaptable so that one day, he and his son can switch houses. He reached out the technical college for help with the project. A minimum of 24' is needed to make this design work. This lot has been vacant for as long as he can remember.

Radaich asked about building up to a second level. Kruchten stated the purpose of the house is to make the home without any steps. It would be easier to build up, but that would not be accommodating the purpose of the project. The size of the home itself is not that much larger than other homes in the neighborhood.

Hultgren stated that while the use seems reasonable and should not alter the character of the neighborhood, variances cannot be granted based on personal preference.

Schleicher expressed concern for the 5' setback on the north property line. Kruchten offered to reduce the width of the home to 24', which would allow for a 6' setback. Hultgren stated he would be more comfortable granting the variance at a reduced amount.

Radaich stated that while he is not concerned with the setback variance, he would like to see the lot coverage variance eliminated.

Kruchten offered to reduce the living space of the home to 24' x 53' and the garage to 23' x 22'. This would still require a 28-sq. ft. variance and a 2' side yard setback variance.

There being no one else wishing to speak, the public hearing was closed. Radaich made a motion to approve the request as amended by the applicant and subject to staff recommendations. The motion was seconded by Schliecher and carried unanimously.

**OTHER BUSINESS**

ACTION TAKEN: None

Broxmeyer reminded members that next month is Hultgren's last meeting.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:57 p.m.