

Zoning Board of Appeals
Tuesday, April 16, 2019
6:00 p.m.
St. Cloud City Hall Council Chambers

ROLL CALL

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

MARCH 19, 2019 MINUTES

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

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

ACTION TAKEN: None

Broxmeyer updated the members on a CUP request for an intergenerational day care facility. No new information has been received at this time.

SEP2019-01 / JSH VIEW PROPERTIES, LLC / 1616 W ST. GERMAIN ST

ACTION TAKEN: Barkalow/Andzenge/Denied (1-4, Andzenge, Barkalow, Hultgren and Mathews opposed)

Broxmeyer explained a request for a Special Exceptions Permit (SEP) to change the use of a current office back to a single-family home. The building was originally constructed as a single-family home and is located within a C4, Fringe Central Business District. The property has been for sale for approximately one year with no interest in using the property commercially.

Mathews noted his struggle to see the board's ability to change the use from conforming to nonconforming with a SEP. Broxmeyer stated that he would like a better way of accommodating the request rather than let the building continue to sit vacant, but he is constrained by the Land Development Code. Practically the use makes sense, but short of amending the LDC, it does not fit within the regulations. Broxmeyer noted there are approximately 3-4 other single-family homes along the block of about 10-12 buildings. Radaich commented on his appreciation for staff trying to keep buildings in use, and he is in favor of the request.

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

Noel Johnson, Premier Real Estate Services – The property was previously used as a property management office. The properties to the south and east are used as single-family homes. Marketing the property as commercial has been difficult as the property truly is a single-family home.

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 Andzenge. Mathews acknowledged that the request is functionally appropriate; however, the property stopped being used as a single-family home, and it is not in the purview of the board to grant the request.

Hultgren commented that an amendment to the LDC would be a more artful solution to the issue than granting a SEP. He has no practical objection to the application, but as the LDC is written, the application constitutes spot-zoning. Mathews asked about the future land use plan. Broxmeyer stated the St. Germain St corridor is used as a transition from residential to commercial. Hultgren noted that although the use is

nonconforming with the zoning district, it is conforming with the Comprehensive Plan. Andzenge asked whether the property owner plans to live or rent the property. Johnson stated the potential owner intends to use the property as a rental. Radaich asked about an LDC amendment. Broxmeyer stated that an amendment could take two to three months.

Hultgren called for a vote, and the motion failed (1-4, Andzenge, Barkalow, Hultgren and Mathews opposed). Hultgren suggested the Planning Commission consider amending the LDC to allow for land use changes in situation such as this.

VAR2019-02 / RONALD & JEANNETTE GREENER / 5930 250TH ST

ACTION TAKEN: Barkalow/Andzenge/Denied (1-4, Andzenge, Barkalow, Hultgren and Mathews opposed)

Broxmeyer explained a request for a variance from Article 8, Section 8.3, which regulates the minimum lot area in a RR, Rural Residential District. In 2015, the ZBA approved a variance allowing a 19.67-acre property to be subdivided into two lots with one lot meeting the 10-acre minimum requirement and the second lot receiving a 0.33-acre variance to the minimum requirement. The current proposal seeks to split the 9.67-acre lot. An abutting neighbor is requesting to purchase 5.7 acres on the northern portion of the lot, which results in a 3.9-acre lot.

Mathews noted that the current applicant was also the applicant in the 2015 variance request which created the unusual shape of the property. Barkalow asked about other lots in the Rural Residential District. Broxmeyer stated that the majority of the parcels in this area do not conform to the minimum lot area requirement. Granting this request would not alter the character of the neighborhood.

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

Shawn Wickham, 25475 58th Ave – He is the neighbor requesting to purchase a portion of the property in question. Part of the odd shape of the property deals with the splitting of the property among family members. He purchased a neighboring parcel for organic farming and would like to expand his operation. The applicant has recently retired, and if they choose to sell their property to another party, it would make his operation difficult as he rents land from the applicant as well.

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 Andzenge. Mathews stated he does not believe the criteria for granting a variance has been met. Hultgren noted the unique shape creates a difficulty; however, the shape was created by the applicant. He suggested the Planning Commission review the acreage requirements of the Rural Residential District.

Barkalow asked about the future land use plan for this property. Broxmeyer stated the area is projected as residential. Radaich stated he puts a lot of weight on staff recommendations, which are made by highly trained professionals. He wants to contribute to the solution that works for both parties, and he will support the motion. Mathews warned against setting precedence for future cases. Hultgren called for a vote, and the motion failed (1-4, Andzenge, Barkalow, Hultgren and Mathews opposed).

OTHER BUSINESS

ACTION TAKEN: None

Broxmeyer thanked Hultgren for his service to the Zoning Board of Appeals.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:58 p.m.