

**Zoning Board of Appeals**  
Tuesday, May 21, 2019  
6:00 p.m.  
St. Cloud City Hall Council Chambers

**ROLL CALL**

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

**APRIL 16, 2019 MINUTES**

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

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

ACTION TAKEN: None

Broxmeyer noted that this request has been withdrawn by the applicant.

**VAR2019-03 / COLE & KATHRYN LOEWEN / 5904 18<sup>TH</sup> ST N**

ACTION TAKEN: Mathews/Bright/Denied (2-3, Barkalow, Mathews and Radaich opposed)

Broxmeyer explained a request for a variance from Article 15, Section 15.5, which regulates the height of a fence in residential districts. Due to the orientation of the property, it is considered to have two front yards. The applicants are proposing to install a 6' high fence along the east property line, requiring a 2' height variance.

Bright asked about the fence ordinance and when it was put into place. Broxmeyer stated this ordinance has been in place for more than 20 years. Bright noted that the request is not unusual considering what is already in the neighborhood. Mathews commented on the exceptions to the fence height standard and noted that although County Rd 4 is not that far away, it is not adjacent to the property.

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

Cole Loewen, 5904 18<sup>th</sup> St N – The lot is unique because it is close to County Rd 4, but it does not have a buffer as other lots in the neighborhood do. There is a piece of parkland separating the lot from the county road which creates concerns with safety, privacy, and noise with the traffic that comes off County Rd 4 onto Pattison Rd. He and his wife received signatures from 12 neighbors in support of the request. They purchased the property in July 2014, and once they had kids realized the need for a fence. The fence will be placed on the inside of the pine trees along Pattison Rd.

Jim Rudolph, 1107 County Rd 4 – The property at 5926 18<sup>th</sup> St N has the same setup that is being requested. He strongly supports the request. In the interest of the safety of the children, the request should be approved.

There being no one else wishing to speak, the public hearing was closed. Mathews made a motion to approve the request subject to staff recommendations. The motion was seconded by Bright. Schleicher asked about the criteria for an arterial road. Broxmeyer stated that roads are classified in cooperation between the counties and MnDOT. Schleicher noted that Pattison Rd is a 30mph road with no sidewalk. Mathews stated the City's regulation regarding view obstruction should be considered. He questioned whether the criteria for granting a variance has

been met. Bright commented that uniqueness can be looked at different ways. It may be considered unique in this neighborhood that the property does not have a 6' high fence. He will vote in favor of the request and suggested passing a recommendation to the Planning Commission to revisit the fence code.

Barkalow noted an email received from Noel Dalton and a petition with 12 signatures in favor of the request. Schleicher noted that the fence seems to comply with the view obstruction regulations according to the proposed site plan. Barkalow called for a vote, and the motion failed (2-3, Barkalow, Mathews and Radaich opposed).

#### **CUP2019-05 / CITY OF ST. CLOUD / 1200 15<sup>TH</sup> AVE SE**

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

Broxmeyer explained a request for a Conditional Use Permit to allow installation of a 4,000-6,000-sq. ft. ground mounted solar array on the south side of the City's Central Maintenance Facility. The old Zoning Ordinance required public building to obtain a CUP. Although that requirement has been removed with the adoption of the Land Development Code, staff felt it was appropriate to bring the item forward for review.

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

Tracy Hodel, Assistant Public Utilities Director – The facility has a 100kw rooftop solar array that has been in commission since December 2017. With this 40kw ground mounted solar array installation, 44% of the facility's energy will come from solar. The solar array will be owned and installed by a third-party with the option for the City to own the array after 6 or 7 years. There are eight other solar arrays on various City properties.

Since the City is working with a third-party installer, there is no capital cost on behalf of the City. A power-purchase agreement has the City pay for the energy that is generated, and a credit is received on the facility's utility bill.

Pat Shea, Public Services Director – The array in year-one will save approximately \$1,900. There is a public/private partnership where the private company receives a tax benefit. When the tax benefit is gone, they turn it over to the City who assumes ownership. Solar panels have four simple components and is very user-friendly.

There being no one else wishing to speak, the public hearing was closed. Mathews made a motion to approve the request subject to staff recommendations. The motion was seconded by Radaich. Mathews asked whether the property was considered a corner lot. Broxmeyer stated that due to the railroad right-of-way, this lot is not considered a corner lot. Radaich thanked Public Utilities staff for their presentation. Barkalow called for a vote, and the motion carried unanimously.

#### **ELECTION OF OFFICERS**

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

Schleicher made a motion nominating Barkalow as Chair, Mathews as Vice Chair, and himself as Secretary. The motion was seconded by Mathews and carried unanimously.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:56 p.m.