

**Zoning Board of Appeals**  
Tuesday, September 17, 2019  
6:00 p.m.  
St. Cloud City Hall Council Chambers

**ROLL CALL**

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

**JULY 16, 2019 MINUTES**

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

**VAR2019-08 / ADAM AND KELLY HUSKIES, LLC / 428 5<sup>TH</sup> AVE S**

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

Broxmeyer explained a request for a variance from Article 16, Section 16.7, which addresses the use of setbacks for parking/storing of motor vehicles in residential districts. The applicants are proposing to build a new duplex with four units each on the property. The Land Development Code (LDC) requires a minimum of six off-street parking spaces for the duplex and requires those spaces to be setback a minimum of 10' from an interior side property line and 15' from a street side property line. The applicants are requesting an 8' variance from the interior side yard setback.

Barkalow asked about setbacks if the property were an interior lot. Broxmeyer stated both side yards would require a 10' setback. The property would still require a 3' variance. Mathews asked about the possibility of a tuck-under garage. Broxmeyer stated it may be possible, but not likely practical. Barkalow noted a letter received from St. Cloud State University requesting the drive aisle be on the north side of the lot, wheel stops be installed, and fencing or other markers to define the property line be provided. Broxmeyer stated the board could make the request a condition of approval.

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

Adam Sullivan, Adam and Kelly Huskies, LLC – He is seeking to develop the vacant lot into a duplex, which fits the R3A zoning and meets the Comprehensive Plan objective to prioritize infill development with the city core. He does not believe the intent was to limit the parking for this type of development when the ordinance was changed to not allow off-street parking in setbacks. There is a 14-bedroom complex to the north with parking right up to the lot lines.

Julianna Elchert, 513 7<sup>th</sup> Ave S – She represents the South Side-University Neighborhood Association (SSUNA). At its last meeting, the board unanimously voted to oppose the request. Several years ago, the area was down-zoned in order to reduce density and increase parking requirements. The variance goes against why the area was down-zoned. Other developers have successfully developed these types of lots without the need for a variance. SCSU's master plan also identifies this property as a future site for acquisition. She asked the ZBA to vote against the request.

Barkalow asked what could be built on the site without the need for a variance. Broxmeyer stated a single-family home would only require two off-street parking spaces, which can be accommodated.

Sullivan stated there has been a lack of new development in the city core. The duplex is allowed in R3A zoning but is not possible with parking requirements.

Elchert noted that there is another option available, which is to reduce density.

There being no one else wishing to speak, the public hearing was closed. Mathews made a motion to approve the request subject to staff recommendation and the recommendations made by SCSU. The motion was seconded by Bright. Radaich stated he is in favor of the request with the additional recommendations. Mathews expressed concern that a clear practical difficulty has not been established. Barkalow agreed and noted she would like to see development but is not sure this is the right way to go about it. Bright commented on the shortage of housing, the heavy restrictions placed on developers, and the need to modernize some of our regulations. There not being any further discussion, Barkalow called for a vote. The motion failed (2-2, Barkalow and Mathews opposed).

**VAR2019-09 / SENTRY BANK / 120 4<sup>TH</sup> AVE S**

ACTION TAKEN: Bright/Radaich/Approved (3-0-1)

Mathews abstained from the discussion and vote regarding this item.

Broxmeyer explained a request for a variance from Article 18, Section 18.5, which regulates the setback for business signs when the district boundary is adjacent to a residential district. The Land Development Code (LDC) allows for a 0' setback for business signs, unless the district boundary is adjacent to a residential district, in which case the setback must be the same as required on the residential lot line. The property is separated from the residential district by the Highway 23 right-of-way which includes approximately 120'. There is a stormwater holding pond and easement in the southwest corner of the property, which significantly restricts placement of a sign.

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

Korrin Asmus, RHL, Inc. – Sentry Bank is requesting to adjust their sign placement to align with the property line. A permit was originally approved, but when a land surveyor came out for final placement, an easement was identified that had not been known about.

Radaich asked if the sign could be placed on the 4<sup>th</sup> Ave S frontage. Broxmeyer stated the regulation would then not apply; however, placement on this frontage would be significantly affected due to the building viewshed, etc.

Barkalow asked if the sign could be located on the southeast side of the property. Broxmeyer stated a sign in that location would be affected by the neighboring Kelly Inn sign.

There being no one else wishing to speak, the public hearing was closed. Bright made a motion to approve the request subject to staff recommendations. The motion was seconded by Radaich. Radaich stated that while he is uncomfortable with the placement due to the neighboring residential district, he will support the motion. Bright noted that the sign is necessary and should not be detrimental to the neighboring residential district. Barkalow agreed that the impact on the neighboring properties is nearly nonexistent. Barkalow called for a vote, and the motion carried (3-0-1).

**OTHER BUSINESS**

ACTION TAKEN: None

Broxmeyer provided an update on the amended sign ordinance, which was approved by City Council in July.

**ADJOURNMENT**

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