

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on January 19, 2010, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Mathews, Ohman and Ugochukwu. Long was absent.

Approval of Minutes: Mathews moved to approve the minutes of October 20, 2009. Barkalow seconded the motion, and it carried unanimously.

Variance Request/Carol Lewis on Behalf of the Estate of Bert Rundquist: Dave Broxmeyer, Senior Planner, explained that the property at 1215 West St. Germain St. is unusual in that a commercial building is situated at the front of the property along West St. Germain St. with a two-story residential structure attached to the back of the building. The house was built in 1914, and the commercial building was added in 1965. Records for the property show no evidence that the residential portion had two dwelling units in it. There are two dwelling units, one on the first floor and one on the second floor. Since applicant has taken control of the property, some open permits have been completed to meet code. Staff has agreed to allow the second level of the structure to be rented because it is allowed by the LDC. The C-4 zoning district requires residential dwelling units to be located above the ground floor. Therefore, the variance is required to allow the main level to be rented. Fandel asked if the reason there was no need for a rental license for the first floor was because the owners of the house occupied the first floor. Broxmeyer answered that he believes that was the case. It was not in the City's rental registration system; the City has very little building permit history for the residential portion of the property. Fandel asked if the property was homesteaded until it was sold Contract for Deed, and Broxmeyer said he doesn't know. Mathews asked if the first and second floor can be occupied as a single family dwelling if the variance is not granted. Broxmeyer

said it would be the interpretation of the Planning Office that it cannot be occupied as a single family dwelling. Mathews asked if it was grandfathered in when the commercial building was added. Broxmeyer said there is no record of when the structure was converted into two dwelling units.

Chairperson Fandel opened the public hearing and invited testimony on a request from Carol Lewis on behalf of the Estate of Bert Rundquist for approval of a variance from Article 9, Section 9.2, Table 9-1, C4 District, which only permits residential dwelling units above the ground floor. The applicant is requesting a variance that would permit an existing non-conforming residential dwelling on the ground floor to be occupied. (Location: 1215 West St. Germain Street) (VAR-2010-01). The following persons testified:

Carol Lewis
1126 Kilian Blvd.

She is the daughter of Burt Rundquist. She lived in the house until she was in 6th grade when her parents moved. Her father and grandfather built the commercial building in front of the house. Her dad used the residence for part of his business. They moved back to the house for some time, and then it was rented out with his brothers living on the property with one family up and another family downstairs. When her brothers moved out, the property was vacant for awhile. Her father sold the property on a Contract for Deed. That owner wanted to live on one floor and rent out the other; however, he encountered the problem with the ordinance which only allows residential dwellings on the second floor in the C-4 district. Rather than applying for a variance, he signed the house back to her father in October, and her father passed away in February. Much renovation had already been done to the house so that her dad could live on the main level, and her nieces and nephews who might attend St. Cloud State could live on the upper floor and check on her dad. She has attempted to sell the house as a single family dwelling, but that has been unsuccessful. She stated the property is unique with the commercial building in the front. There is no connection between the residence and the business in the front. The current zoning of the property results in the main floor being unusable. She is not interested in renting out the property and would like to sell it. Renting the main floor is a reasonable use of the property. The structure has been fully remodeled both inside and out. Very few people would be interested in the property as an investment property unless the main floor could be rented out. A City employee who was evaluating the upper floor for a rental suggested that she apply for a variance because she thought the main floor layout would lend itself as a rental, and there was more parking available on this property than on other rental properties in the City. The single family home to the west is vacant; the property to the east is only open about once a month for business; the property on the corner to the east does not have regular business hours; and, the new library is located across the street. It would be in the City's best interest for the property to be fully occupied so there is

someone in the block to keep an eye on the adjacent vacant properties.

Scott Schmitz
3031 Crescent Ridge Trail

He works in commercial real estate with Coldwell Banker Orion Commercial. When he reviewed the property, he thought it was a three unit building - two residential rental units and a commercial unit. He contacted the City to verify that there was licensing for two residential units and one commercial unit. Dave Broxmeyer stated that the main floor has no function. In talking to applicant, he suggested that the rental situation be addressed and suggested to applicant that she apply for a variance. This is a unique property with a commercial storefront with a separate house. Inability to rent the main floor limits the number of people who would be interested in purchasing the property. This house becomes a financial burden for Ms. Lewis if the main floor cannot be rented. She has invested a significant amount of money to get it into its current very livable condition.

Susanne Barkalow
Board member

The sketch provided indicates there are 6 parking spaces, but staff has indicated that spaces 5 and 6 are inaccessible. Staff recommends there be at least 5 off-street parking spaces, and she asked applicant if that is possible on that property.

Carol Lewis

That is possible. There could even be 6 spaces including the garage.

Dave Broxmeyer

The vehicles could possibly fit in that space, but they may not meet the minimum parking space dimensions of 9' wide by 19' deep.

Chairperson Fandel

He asked if the garage is presently usable.

Carol Lewis

Yes, it is usable.

Chairperson Fandel

It appears that the garage straddles the property line and that the westerly garage stall belongs to the neighbor to the west and the easterly garage stall belongs to the applicant.

Carol Lewis

That is correct. Her sister-in-law drove into the driveway and saw 4 boys smoking in the carport of the neighbor's property. From a safety standpoint, she believes this property needs to be occupied in the near future.

Chairperson Fandel

It appears that the first floor is fully improved. He asked if it could be rented based on layout and room sizes.

Dave Broxmeyer

Although the Planning Office didn't look at that, it should meet the minimum standards.

Chairperson Fandel

He asked if it would be feasible for the upper and lower units to be joined as one dwelling space.

Carol Lewis That would involve a substantial investment, and she can't afford to do that. She attempted to sell the house as a single family dwelling, but there was no interest.

Chairperson Fandel He asked if there is an interior stairwell.

Carol Lewis Yes, there is an interior stairwell.

There being no one else wishing to speak, the public hearing was closed. Bright moved to approve the variance request, and the motion was seconded by Barkalow. Mathews offered a friendly amendment to include a requirement that applicant sign and return the Statement of Completion to the Planning & Zoning Office. He commented that this request is difficult as it doesn't strictly meet the criteria for granting the variance; however, it is a unique property. The residence is hidden by a commercial use at the front of the property. Mathews added that he does not believe the main level of the house could be used as a commercial use and believes two separate units may be the best use of the space. Bright stated that he would vote in favor of the request because the property is unique. In the current economy, he feels the Board needs to be a little more flexible. The commercial building along W. St. Germain has had two uses in 45 years, and neither use probably had more than two customers in the building at one time, and they parked on the street. He pointed out that area may be rezoned in the future to be more pedestrian friendly, and it would seem appropriate that this structure be allowed to be rented as two units for people who may work downtown. Ugochukwu stated that area of the City is frightening in the evening, and he believes that occupied structures would be favorable. He believes the property still meets the intent of the C-4 district with the commercial use on the front of the property. The motion to approve carried unanimously.

Adjournment: There being no further business, the meeting was adjourned at 7:26 p.m.

Chuks Ugochukwu, Secretary