

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on March 16, 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: Bright moved to approve the minutes of February 16, 2010. Barkalow noted that the minutes should have reflected that she was present. Mathews noted a correction to the minutes on page 5: the last person testifying should have read Paul Hunstiger rather than Tom Hunstiger. Bright agreed to the amendments, and Barkalow seconded the motion as amended. The motion carried unanimously.

Variance Requests/Noel Johnson on Behalf of the Housing Coalition of the St. Cloud

Area: Chairperson Fandel requested staff to give a summary of the variance requests. Dave Broxmeyer, Senior Planner, explained that applicant is proposing a change in use from a temporary shelter to a lodging house; therefore, applicant must meet all of the requirements of the Land Development Code (LDC) for change in use. That is the reason for the number of variances that are requested. A temporary shelter only requires a 10' setback from the interior side yard; a lodging house requires 20'. Broxmeyer pointed out that applicant's site plan indicates a lot width of 63'; City records show 66'. He stated that the 9' setback on the south side on the site plan is probably closer to 10'. The parking requirements for a lodging house are higher than for a temporary shelter facility. A temporary shelter facility with 12 bedrooms requires a minimum of 3 parking spaces. A lodging house with 12 bedrooms requires 9 spaces. There is a gravel driveway leading to a parking area in the rear yard; those areas are required to be paved. Broxmeyer said the site plan does not show detail of the parking area. He said that it appears the rear yard could accommodate 5 cars and still meet the 10'

setbacks on the north and south sides. Chairperson Fandel asked if there room be adequate space to pile snow in the winter months if 5 cars are parked behind the house meeting setback requirements. He considered parking spaces going north to south and also going east to west; and it appears that in both scenarios, there is sufficient space to store snow on green space, particularly on the south side. Chairperson Fandel asked staff to address the small driveway and what appears to be or was a tuck under garage. Broxmeyer responded that there is a driveway on the south side that leads to a structure that no longer functions as a garage. Applicant has indicated that they intend to remove that wall and make the former garage into a functioning parking space. The site would then comfortably accommodate 6 cars. Mathews commented that a lodging house is a permitted use in the R-3 zoning district. He asked if there are any separation requirements between lodging houses, and Broxmeyer answered there are not.

Chairperson Fandel opened the public hearing on a request from Noel Johnson on behalf of the Housing Coalition of the St. Cloud area for approval of variances from Article 8, Section 8.3, Table 8-2, interior side yard setback; Article 16, Section 16.7, C. - interior side yard parking setback; Article 16, Section 16.7, C. - access aisle setback; Article 16, Section 16.8 - paved parking area; and Article 16, Section 16.13 - required number of off-street parking spaces. The applicant is proposing to reuse a former residential facility (shelter) as a lodging house which requires variances to the building's interior side yard setback, the parking interior side yard setback, the access aisle setback, parking area paving, and the minimum number of off-street parking spaces provided. (Location: 315 6th Avenue South) (VAR-2010-03). The following persons testified:

Nick Wendt
1018 Garden Brook Dr.

He is the property manager for Premier Real Estate Services speaking on behalf of Noel Johnson. He would like to use the property as a 10 bedroom lodging house; the house currently has 11 bedrooms. The intent is to make one of the bedrooms into a formal dining room off the kitchen. He believes that a lodging house is the highest and best use of the property and would bring in property taxes to the City. There are separate heat zones in the house. The property will be inspected every year, and the occupancy will decrease by one person.

Chairperson Fandel	He checked with City Hall, and the last inspection of this property was in 2008. He asked if there were any violations at that time and if there were, if they were brought into compliance.
Nick Wendt	He does not know if they were brought into compliance. It would be inspected before a license would be issued.
Chairperson Fandel	He asked if any deficiencies were identified in 2008.
Nick Wendt	He doesn't know. He clarified his previous statement regarding violations/compliance. He assumed that the house would be inspected prior to issuance of a rental license. If there were any deficiencies, they would be brought up to code.
Tom Mathews Board member	The application states that Noel Johnson is the applicant on behalf of the Coalition. The application indicates that the applicant's interest in the property is contractual.
Nick Wendt	He stated that Noel Johnson is attempting to purchase the property.
Tom Mathews	He visited the site. Staff's memo indicates that the tuck under facility will be used as a garage.
Nick Wendt	That is correct.
Tom Mathews	He asked the current use of the garage space.
Nick Wendt	It is primarily used for storage.
Tom Mathews	He asked if it is used as living space.
Nick Wendt	No; it is not used as living space.
Tom Mathews	He asked if it is possible to park a car in that garage space.
Nick Wendt	It would probably be possible to park a small car in the space.
Tom Mathews	He asked if there are standards for a garage.
Dave Broxmeyer Senior Planner	The LDC requirement for the dimension of a parking space is 9' x 19'. He is uncertain if that can be met. However, because it was once used as a garage, the City would honor the original construction.
Chairperson Fandel	He would be concerned about infiltration of exhaust fumes into the dwelling area.
Susanne Barkalow Board member	The staff memo indicates it would be a lodging house for 12 persons. However, Mr. Wendt has indicated it would be 10. She asked if that number has been reduced.

Nick Wendt	When he spoke to Noel Johnson, they decided they should reduce the occupancy and make one of the rooms into a dining room resulting in a 10-bedroom lodging house.
Susanne Barkalow	She asked staff if that would impact the number of required parking spaces.
Dave Broxmeyer	Yes, it would. The LDC requires .75 spaces per bedroom for a lodging house. Therefore, a minimum of 8 spaces would be required.
Chuks Ugochukwu Board member	Parking in that part of the city is very minimal. They would still be two stalls short of the requirement.
Dave Broxmeyer	He clarified that the site would accommodate 6 off-street parking spaces meeting the 10' setbacks. If the ZBA approves of the variances, 2 more parking spaces could be gained in the rear yard. However, it would limit the amount of space for snow storage, green space, and dumpster location.
Chuks Ugochukwu	He reiterated there is already a problem with perception of students. Parking problems will not improve that perception.
Allen Bright Board member	He asked if the potential purchase of the property would be affected if the Zoning Board approved a lodging house for 8 people.
Nick Wendt	They would like 10 bedrooms as they believe it would be the best use of the property. The recommendation for 8 would probably be acceptable; it would help with parking concerns.
Tom Mathews	The staff's proposal is to create 2 dwelling units which would reduce the number of tenants. That would require a full kitchen and a bathroom for each dwelling unit.
Nick Wendt	The applicant would agree to that. The house currently has two kitchens.
Marshall Weems 603 20 th St. No.	He is representing the Housing Coalition. Up until October 2009, this building was occupied by 12 people in addition to staff and a caretaker. Funding for the program ended; therefore, they couldn't apply for a rental license. The Housing Coalition is going out of business. Since they could not find a group with a similar interest in the property, the Housing Coalition put the property up for sale. Mr. Johnson is trying to get the license back. There were no violations on the property. Setback variances are needed. The existing parking has been sufficient on this property for 28 years. The University Apts. are next to this property. Their parking is paved, and cars are parked right up to the property line. On the property to the north, the cars are parked close to the property line. As a result of piling up snow, they have knocked blocks down. Mr. Johnson will remove the snow from his property. There are more apartment buildings in the immediate vicinity with a significant amount of paving. Seven cars were parked in the rear of the

property when it was used by the Housing Coalition. They also parked one vehicle in the driveway which he understands cannot count as a legitimate space. The garage has been converted to storage, but he believes two cars could be accommodated end to end. He stated there are 450 bedrooms in the 5th Ave. Live development. The off-street parking requirements for that development are much lower than for the subject property. The tenants in the lodging house will be less transient than those of the residential facility. A car is not essential because of the proximity to the metro bus station and to campus. He does not believe the hardship was created by the applicant.

Tom Mathews

He visited the site, and it is very poorly maintained. He said he hopes the property didn't look like that 3 months ago when the Coalition owned it. The condition of the property is not acceptable.

Marshall Weems

He clarified that the house has not been licensed for 3 months. Sometimes people discard things on vacant property. He will pass along Mr. Mathews' comments to Mr. Johnson.

Juliana Elchert
513 7th Ave. So.

She lives close to this property and walks by it every day on her way to work. A large number of variances are being requested. She is very concerned about upholding the LDC for the City. It was established to give guidance to how properties should be developed. When variances are granted, there are 4 criteria that must be considered when making a decision, and she does not believe those criteria are met in this case. The number of variances requested reflects that the proposed land use is not appropriate for that piece of property. Granting these variances to allow a change in use from a shelter to a lodging house is an intensification of use and could set a precedent for future requests. She stated that many years ago, she fought to restrict the number of lodging houses allowed except under strict guidelines. At the time, the Zoning Ordinance was amended to reflect some of those guidelines. There is a large commercial/residential structure being built across the street from this property (5th Ave. Live). Mr. Weems stated that the off-street parking requirements for that property are less than the parking required for this property. She stated that the two properties cannot be compared as the 5th Ave. Live property was rezoned to PUD. She encouraged the Board to deny the variance as it would not be healthy for the Southside or the City as a whole.

Aaron Durant
804 1st St. So.
Sauk Rapids, MN

He said he does not see an issue with allowing 10 bedrooms because there were 12 bedrooms. Every property has snow removal issues. A lodging house is the best use for the neighborhood which is primarily student rental. He owns a house on 8th Ave. So. and has never had an issue parking on-street in front of the house when he has gone there to make repairs.

Susanne Barkalow

She asked if each room was occupied by an individual when it was a residential facility.

Marshall Weems

Each room was occupied by one individual.

There being no one else wishing to speak, the public hearing was closed. Mathews moved to approve the variances as requested, and Bright seconded the motion. Mathews stated that too many variances are being requested. He believes there is a significant difference between the use as a temporary shelter with a caretaker and a lodging house with no supervision. In addition, parking is inadequate. Mathews stated comparing the parking requirements of the 5th Ave. Live development and this property is not fair. He said he does not agree with staff's recommendation to convert the structure to 2 dwelling units. The motion failed unanimously. Fandel noted that the ZBA's decision can be appealed to the City Council.

Variance Requests/Coborn's, Inc. on Behalf of Hunstiger's Market, Inc.: This issue was tabled from the February 16 ZBA meeting. Chairperson Fandel announced that applicant has requested that the variance request remain on the table until the April meeting. He noted that staff has extended the initial review period another 60 days. The applicant will be considering the public comments regarding the proposal and possible solutions. Also, the City's Traffic Systems Manager will be preparing a review of the potential traffic implications of the variance request for the April meeting.

Other Business: Broxmeyer encouraged people to complete their Census questionnaire when they get it in the mail.

Adjournment: There being no further business, the meeting was adjourned at 7:39 p.m.

Chuks Ugochukwu, Secretary