

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on September 21, 2010, at 7 p.m. in the St. Cloud City Hall Council Chambers. Members present were Fandel, Jamnick, Larson, Ohman, and Ugochukwu. Barkalow was absent.

**Approval of Minutes:** Ohman moved to approve the minutes of the July 20, 2010, meeting. The motion was seconded by Jamnick and carried unanimously.

**Variance Request/Tamara Kolb-Campion:** Chairperson Fandel announced the request from Tamara Kolb-Campion for a variance from Article 8, Section 8.3, Table 8-2, R1 District front yard setback and Article 15, Section 15.5, A. Accessory Building, 5., maximum accessory building area. The applicant's property has one front yard along Roosevelt Road and a second front yard on Creekview Road. The applicant is proposing to construct a 32' x 29' two stall detached garage with a full basement 20' from the Creekview Road right-of-way. The applicant is requesting a 5' variance to the 25' front yard setback requirement and a 720 sq. ft. variance to the maximum accessory building area (Location: 3615 Roosevelt Road) (VAR-2010-10). Dave Broxmeyer, Senior Planner, explained that applicant is proposing a 20' setback for the detached garage. The right-of-way behind the property was platted as a roadway. Applicant's lot is considered a through lot or double frontage lot. The second variance relates to the maximum amount of accessory building space permitted on this property which is 2,000 sq. ft. Currently, there is approximately 920 sq. ft. of attached garage space. The proposed detached garage is 900 sq. ft. with a full basement for a total of 1,800 sq. ft. or a variance of 720 sq. ft. for accessory building square footage. Chairperson Fandel assumed the chain link fence along Creekview Rd. is very close to the property line. He asked if the grassy area between the chain link fence and the roadway is actually right-of-way. Broxmeyer responded that he assumes

it is. Larson stated that there is a discrepancy in the dimension of the proposed new detached garage on the site plan and the dimension in staff's memo. Broxmeyer clarified that staff's memo is incorrect and that the square footage on the site plan is correct. Larson asked for clarification of the size of the existing garage. Broxmeyer stated that according to the Assessor's records, it is 920 sq. ft. Larson stated that the site plan indicates it is 560 sq. ft. Broxmeyer explained that there is a second garage stall. The 560 sq. ft. is the garage addition. Chairperson Fandel opened the public hearing and invited testimony on the request. The following persons spoke:

- |   |   |
|---|---|
| Dan Calhoun                               | He proposes to move into that house in the near future. He questioned why the basement square footage in the house is not counted, but the basement square footage in the garage is being counted.  |
| Dave Broxmeyer                            | He clarified that in determining accessory use square footage, total square footage is counted. In most cases, detached accessory structures do not have basements or second floors. This situation is rather unusual in that there is a basement in the detached garage.                                       |
| Dan Calhoun                               | The reason he wanted to put in a basement is because he didn't want to use up the surface square footage in the yard.   |
| Dave Broxmeyer                            | He explained that the total maximum allowed accessory square footage also includes the attached garage. After deducting the 920 sq. ft. of the attached garage from the 2,000 sq. ft. allowed, the remaining accessory square footage allowed would be approximately 1,100 sq. ft.                              |
| Tamara Kolb-Campion<br>3615 Roosevelt Rd. | One of the reasons for requesting the 5' encroachment into the front yard setback for the detached garage was the concern that if they dig down into a basement area for the garage, they want to be assured that there is ample space between the garage and the pool so that the pool wall does not collapse. |
| Bea Dahl<br>3621 Greenway Rd.             | She spoke in support of the request. When she bought her property in 1959, they were not in the City. She understands the need to have extra storage space.   |

There being no one else wishing to speak, the public hearing was closed. Jamnick moved to approve the variance, and Ugochukwu seconded the motion. Ugochukwu asked staff if other properties fronting on Creekview Rd. have buildings encroaching on setbacks. Broxmeyer noted that the property immediately to the south of applicant's property has a shed that may encroach a foot or two into the front yard setback. The property at the north end of Creekview Rd. has a significant

encroachment of buildings into the setback. However, in looking at the age of those buildings, they have probably been there for many years, probably prior to the merger with the City. Larson stated that 32' is a fairly deep garage and asked what the necessity is for such a deep garage. Calhoun stated that he used the standard depth of 27' or 28' for a garage and then added 4' for a stairway down to the basement. Larson asked the proposed height of the detached garage. Calhoun said it would be about 9' high or a little higher than standard height. He added that there would be a row of block around the bottom with 8' built on top of the block. Jamnick stated that he feels there is some uniqueness in that basement square footage is counted for an accessory structure but is not counted for a principal structure. Also, a variance would be necessary if applicant were to add that square footage on at ground level. Jamnick said he believes the request should be treated as two separate variances and therefore, withdrew his motion. Ugochukwu withdrew his second. Ugochukwu said he believes that the two variances are linked. Larson suggested that the garage could be reconfigured on the site and the garage widened, enabling the two variances to be considered separately. Jamnick moved to approve the variance to exceed the accessory building square footage by 720 sq. ft., allowing applicant to construct a 28' x 32' detached garage with a full basement. The motion was seconded by Larson and carried unanimously. Jamnick moved to approve the variance for the setback from Creekview Rd. as requested by the applicant. The motion was seconded by Ugochukwu. Ugochukwu asked the applicant if the garage could be turned so that there would be no encroachment into the setback. Chairperson Fandel stated that the other option would be to move the garage closer to the pool and the house. Calhoun answered that they could turn the garage and reconfigure the doors, and it would be about a foot closer to the pool. Jamnick withdrew his motion to approve a variance, and Ugochukwu withdrew his second. Jamnick moved that applicant turn/move the garage and reconfigure the doors so that the garage is no longer located in the required 25' front yard setback. Ugochukwu seconded the motion, and it carried unanimously.

**Other Business:** Chairperson Fandel stated that the Zoning Board's Rules of Procedure adopted in 1990 states that officers shall not serve consecutive terms. He said he would like to

consider elimination of that provision. Ohman asked Broxmeyer for the wording in the Planning Commission Rules of Procedure and suggested that the Zoning Board adopt the same wording. Broxmeyer stated that the Planning Commission Rules of Procedure do not mention term limits for officers. However, Matt Glaesman, Planning Director, has indicated that the Planning Commission members have limited themselves to serving two consecutive years in the same official capacity. Chairperson Fandel pointed out that the Council President can be re-elected to successive terms by members of the City Council. Broxmeyer suggested that the word “may” be substituted for the words “shall not”. Ohman moved that the Zoning Board of Appeals Rules of Procedure, #5, Officers, read, “The ZBA hereby establishes that all officers ~~shall not~~ may serve consecutive terms. The motion was seconded by Jamnick and carried unanimously.

**Election of Officers:** Fandel informed the Board that he received an e-mail from Barkalow indicating that she would be willing to serve as an officer if it is the wish of the Board. Chairperson Fandel opened nominations for Secretary. Fandel nominated Ugochukwu. There being no further nominations, nominations for Secretary were closed. Chairperson Fandel opened nominations for Vice-Chair. Ugochukwu nominated Jamnick for Vice-Chair. There being no further nominations, nominations for Vice-Chair were closed. Chairperson Fandel opened nominations for Chair. Ohman nominated Fandel for Chair. There being no further nominations, nominations for Chair were closed. The Board unanimously approved the slate of officers as nominated: Chair – Fandel; Vice-Chair – Jamnick; Secretary – Ugochukwu. Broxmeyer noted that according to the ZBA Rules of Order, the Board is to hold its election of officers at its regularly scheduled meeting in June of each year. The Board was agreeable that the next election of officers should take place in June as designated in the Rules of Order.

**Special Meeting:** Broxmeyer stated that he had e-mailed the Board about the potential for a special ZBA meeting. Applicant is hoping to pave an area prior to the hot mix plants closing down for the year if his variance is approved. Chairperson Fandel suggested that staff notify the Board immediately upon receipt of the application, and the Board will try to accommodate the applicant.

Jamnack moved that the ZBA hold a special meeting pending receipt of the variance application.

Larson seconded the motion, and it carried unanimously.

**Adjournment:** There being no further business, the meeting was adjourned at 7:30 p.m.

---

Chuks Ugochukwu, Secretary  
Zoning Board of Appeals