

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on March 19, 2013 at 7:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Fandel, Larson, Newman, Ugochukwu and Zenzen.

Approval of Minutes: Barkalow moved to approve the minutes of January 8, 2013. Bright seconded the motion which carried unanimously.

Multiple Variances / Karl & Margaret Ley: Dave Broxmeyer, Senior Planner, explained the request for three variances. The applicants, located at 919 12th St S, are proposing to remove the existing detached garage and construct a 27' x 40' attached garage on the north side of the home. The applicants' proposal would require a 0.3% variance to the maximum lot coverage, a 4' variance from the street side yard setback, and a 1.1% variance from the maximum accessory building area. Staff is recommending denial. Staff feels the variance request is a personal preference and that a clear practical difficulty has not been established.

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

Karl Ley 919 12 th St S	He is the property owner. He stated that there is an additional 52" from the property line to the sidewalk. The edge of the building to the sidewalk would still meet the 20' setback. A vehicle would be able to be parked in the driveway without encroaching on the sidewalk. He stated he has a full size vehicle at 23' long. In order to park the vehicle in the garage and still have room to maneuver within the garage, a 27' deep garage is being proposed.
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Chairperson Fandel	Will the storage shed to the north of the garage be removed?
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Karl Ley	Yes.
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Susanne Barkalow Board Member	There is several mature trees in front of the purposed garage. Would the trees be removed?
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Karl Ley	Branches may be trimmed, but the trees would not have to be removed. The current driveway would remain and then shift to the left to access the furthest stall.
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Susanne Barkalow	How deep is the current garage?
Karl Ley	The current garage is 16' deep.

Jerry Vicari
1107 9th Ave S

He lives across the alley from the property in question. He feels the readiness to improve the area is a good thing, but he agrees with the staff recommendation that the variance request is a personal preference and that a practical difficulty has not been established. The applicant has the ability to build a substantial garage without the need for any variances. If the applicants modify their plans, they would still be able to build a substantial garage.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion for approval of the three variances subject to staff recommendations. The motion was seconded by Bright. Barkalow stated she has concerns with not having a 20' setback especially if the driveway narrows at the street. A vehicle could be parked in the driveway and not encroach on the sidewalk however, it would encroach on the City's right-of-way. Reducing the depth of the proposed garage by a couple feet would still make the garage useful. Chairperson Fandel asked Barkalow if she was prepared to offer an amendment. Barkalow stated that it should be left to the property owner. Bright stated that he does believe the request is a personal preference to some extent. Too often the City codes have not kept up with what is current in the market. He stated the amount of variance is inconsequential and he does not have an issue granting the request. Larson commented that he has concerns with the 20' setback. A 24' deep garage would still require a slight variance but should allow a vehicle to be parked in the driveway without encroaching into the public right-of-way. Ugochukwu commented on the 6.9' setback on the east side of the property and asked if it would be possible for the applicant to shift the garage back 1.5'. Broxmeyer stated that the driveway for the property immediately to the east is partially on the applicants' property. Without encroaching into the existing driveway it would not be possible. Also, the intention is to keep the back wall of the garage in alignment with the existing wall of the home. Ugochukwu commented that he is concerned with the desire to maneuver around the vehicle in the garage, but it may not be possible with the existing circumstances. Broxmeyer stated shifting the garage back would be an option open to the applicant. Zenzen commented that he is happy to hear the trees would not be removed. He stated that he does not think the 4' variance would be a problem, and he is in favor of the variance request.

Chairperson Fandel called for a vote and the motion failed (2-5, Barkalow, Bright, Fandel,

Larson and Ugochukwu opposing).

Other Business: Dave Broxmeyer, Senior Planner, stated that regarding the Lodging House appeal, Mr. Gaida has requested his original application be withdrawn. It is possible that the remaining structure will be removed for new construction; however, there is still time before a decision needs to be made.

Chairperson Fandel asked if there was an update regarding the green treated fence on the 600 block of 9th Ave S. Broxmeyer stated there was not.

Chairperson Fandel commented that he has heard concern regarding the sign tower at the intersection of 5th Ave S and Division St. A person traveling north on 5th Ave S cannot see traffic approaching to the left on Division St due to the bollards and the tower itself. Broxmeyer stated that a C3 or C4 district allows structures within the vision clearing, and there is no regulation against it. It is possible to have the City's traffic engineer look at the intersection to see if it can be improved. Bright commented that there was a discussion regarding sightlines. The angles were measured and it was determined that sightlines were not affected. Broxmeyer stated he recalls taking measurements; however, those measurements only addressed the structure and did not address the bollards.

Adjournment: There being no further business, the meeting was adjourned at 7:20 p.m.

Chuks Ugochukwu, Secretary