

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on April 16, 2013 at 7:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Larson, Newman, Ugochukwu and Zenzen. Fandel was absent.

Approval of Minutes: Bright moved to approve the minutes of March 19, 2013. The motion was seconded by Ugochukwu and carried unanimously.

Multiple Variances / Cory Ehlert: Barkalow stated that the applicant, Cory Ehlert, has asked for this item to be tabled for one month. Barkalow commented on two letters that were received in regards to the variance requests and stated that they will be acknowledged at the May meeting.

Larson made a motion to table the item for one month. The motion was seconded by Ugochukwu and carried unanimously.

Rear Yard Setback Variance / John Fitch: Dave Broxmeyer, Senior Planner, explained a request for a 1.5' setback variance from Article 15, Section 15.5, Table 15-1, which requires detached accessory structures to be setback a minimum of 5' from the rear property line. The applicant, located at 623 7th St SE, is proposing to construct a 32' x 26' addition to an existing detached garage, which is 3.5' from the rear property line. The variance is requested in order to keep the addition in alignment with the existing garage. Staff is recommending approval.

Barkalow asked about the restrictions regarding openings, such as doors, windows and soffit vents, for the proposed structure. Broxmeyer stated that if the northern wall of the building is less than 5' from the property line, it will need to become a fire-rated structure. The applicant will need to work with the Building Safety Department to determine materials to be used, and any openings will be prohibited on that side of the structure. Barkalow asked if the north side of the existing structure will be required to fulfill these same restrictions. Broxmeyer stated that would be for the Building Safety Department to decide. Ugochukwu confirmed that the existing building is 3.5' from the rear property line and asked if there are any records regarding this structure. Broxmeyer stated that no records

have been found in regards to the existing structure. Ugochukwu asked if the applicant will be required to obtain a building permit from the Building Safety Department. Broxmeyer confirmed that they would. Barkalow asked if the Land Development Code (LDC) requires a paved surface for the driveway. Broxmeyer stated there is no requirement that a driveway must be installed; however, if a driveway is installed, it must be a hard surface. Zenzen asked if a driveway would be in conflict with the easement and/or alley. Broxmeyer stated that the minimum setback from an alley is 10'. The current setback is 16' so there would not be an issue meeting the setback requirement.

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

John Fitch 623 7 th St SE	He is the property owner. The overhead doors will continue to face the alley. There are no buildings within 100' from the rear property line. The existing garage was possibly built in the 1950's.
Susanne Barkalow Board Member	She asked what the new structure will look like.
John Fitch	The new structure will match the existing structure. The siding will be seamless so the structures will look as if they are one.
Susanne Barkalow	She asked if both structures will be resided.
John Fitch	Both structures will be resided and reroofed.
Ronald Zenzen Board Member	He asked if the front of the existing garage will be removed.
John Fitch	The front of the existing garage will not be removed. The sheathing will be extended from the existing garage to the new garage to give the structure integrity.
Ronald Zenzen	He asked if the garage will have heating and electricity.
John Fitch	It will not be heated, but it will have electricity.
Evan Larson Board Member	He asked Mr. Fitch if he has spoken with the Building Safety Department regarding fire rating.
John Fitch	He has not, but there are plans to make the garage fire rated.

There being no one else wishing to speak, the public hearing was closed. Bright made a motion for approval subject to staff recommendations. The motion was seconded by Zenzen and carried unanimously.

Lot Coverage and Street Side Yard Setback Variances / Karl and Margaret Ley: Dave

Broxmeyer, Senior Planner, explained a request for a 1.3% variance from the maximum lot coverage and a 1' variance from the street side yard setback. The applicants, located at 919 12th St S, are proposing to remove the existing detached garage and construct a 26' x 38' attached garage on the north side of the home. A similar request was proposed at the March 19, 2013 Zoning Board of Appeals meeting. Staff believes the request is a personal preference and is recommending denial.

Barkalow commented that an issue was presented at the previous meeting regarding the neighboring property's driveway encroaching onto the applicant's property. She asked how that issue has been affected. Broxmeyer stated that the structure would not physically alter the existing driveway location; however, the applicant is present address the issue. Zenzen asked why staff is recommending denial based on personal preference. Broxmeyer stated that the applicant could construct a 25' x 36' addition and be compliant with both the lot coverage and the street side yard setback. Zenzen commented that several greater variances have been approved, and in comparison to other properties in the neighborhood, this request is not excessive. He stated that he would be in favor of granting the variances. Barkalow questioned the change to the proposed setback. Broxmeyer stated that the setback variance request last month was 16', and the current request is 1'.

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

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| Margaret Ley
919 12 th St S | She is the property owner. The addition will also accommodate living space above the garage for additional bedrooms. The proposed garage is 19' from the property line and 23.2' from the sidewalk. There is plenty of room for a vehicle to be parked in the driveway without encroaching on the sidewalk. |
| Susanne Barkalow
Board Member | She asked about the mature trees on the property. |
| Margaret Ley | There is no plan to remove the trees from the property. |
| Ronald Zenzen
Board Member | The previous plan included leaving the driveway as a single opening with a swing over to the third stall. He asked if that was still in the plan. |
| Margaret Ley | The existing driveway opens up to allow a second vehicle to park. There would be no problem in extending that pad to swing over to the third stall without having to change the curbing. |

Evan Larson Board Member	He asked about the need to build a larger garage than is permitted.
Margaret Ley	Building in odd increments causes a person to purchase more materials than needed because lumber is sold in even increments. The width of the garage is intended for the vehicles doors to be opened without affecting the walls or other vehicles.
Chuks Ugochukwu Board Member	He stated this plan is a huge improvement from last month. He stated that the 1' variance is in the public right-of-way. The public right-of-way is in place for the City should they decide to make any improvements, etc. The interest to save money is in direct conflict with the wishes of the LDC. He asked if it is possible to special order the trusses.
Margaret Ley	She stated they have not looked into the possibility a special order.
Ronald Zenzen	He asked if the 1' would be an issue if at a future date the road was widened.
Dave Broxmeyer Senior Planner	He stated he did not believe it would be an issue.
Susanne Barkalow	A letter was received from Janet Panger stating her support of the request.

There being no one else wishing to speak, the public hearing was closed. Zenzen made a motion to approve the variances subject to staff recommendations. The motion was seconded by Bright. Larson commented that he voted against the request in March, but the homeowners have made major improvements. He stated he agrees that the applicant could construct a smaller garage in compliance with the requirements; however, the variances are minor, and he will be voting in favor of the request. Barkalow called for a vote and the motion carried unanimously.

Conditional Use Permit / Gary Theisen on behalf of Cold Spring Granite: Dave Broxmeyer, Senior Planner, explained the request for a Conditional Use Permit (CUP) for mineral extraction on property zoned Agricultural, AG and Rural Residential, RR. The applicants are proposing to open a new 30 acre aggregate quarry and granite processing area near an existing dimensional stone quarry. Cold Spring Granite has owned and operated the existing dimensional stone quarry since 1985 under a CUP originally granted by the St. Cloud Township. The life of the proposed quarry is an estimated 30-40 years. The applicants are also proposing the use of berms

along the eastern portion of the property. This request is one part of a three part approval process. An Environmental Assessment Worksheet (EAW) was approved for distribution and state-wide notification of a 30-day public comment period. An Environmental Development Team (EDT) process will take place to evaluate all Environmentally Sensitive Areas. Staff is requesting the Board ask any questions regarding the request but then table the item until after the 30-day EAW public review and comment period.

Bright asked if there have been any issues of nuisance with the current mining operation. Broxmeyer stated that he has not personally received any notice, but he is aware of complaints relating to noise with the blasting that occurs. Zenzen inquired about the life of the existing quarry. Broxmeyer stated that the applicant would be able to speak to that question.

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

Don Vry Cold Spring Granite	He is representing Cold Spring Granite. He provided information on the company's background and recent area projects. The current site has been in operation since 1957. The first CUP was issued in 1985 after the St. Cloud Township began their CUP process. The existing dimensional stone quarry could be in operation for the next 100 years. He explained the process for approval including applications and environmental review and provided examples of concerns that are expected during the review and comment period.
Susanne Barkalow Board Member	She asked what shot design is.
Don Vry	He explained the process for blasting operation.
Susanne Barkalow	She asked what the difference is between mining dimensional stone versus mining aggregate in terms of noise, frequency of blasts, etc.
Don Vry	The proposal is to blast three times a week at 1.5 – 2 seconds per blast. Dimensional stone mining dramatically varies depending on the current project because they are color specific. He estimated that the blasting for dimensional stone mining is less than that of the proposed mining.
James Newman Board Member	He asked about the traffic influence on County Road 136.
Don Vry	He stated that a traffic study was completed as a part of the EAW. Peak production is defined by supplying one or two major construction projects at one time. At peak production, approximately 300 trucks per day are expected.

Susanne Barkalow	She stated that the EAW is available on the City's website.
Ronald Zenzen Board Member	He asked if road restrictions will affect the transport of materials.
Don Vry	He stated that the access roads are restricted to 9 tons. Most of the trucks that haul aggregate can haul on 9-ton roads with a normal load.
Susan Burns 447 Madison St Minneapolis, MN	She is a member of the Burns Family, LLC who owns property adjacent to the proposal site. The property is zoned R4, Townhouse Residential. She is concerned with the impact on the residents in the area, the major concerns being noise and increased traffic. Since the original quarry was approved, there has been an increase in residential density. She acknowledged Mr. Vry's comment regarding 'adequate buffers' and asked for an explanation.
Patrick Warnert 2330 40 th Ave S	He asked about the road currently used to enter the quarry and asked if it will continue to be used.
Don Vry	It is too early in the process to be able to address that question.
Tom Sis 2709 County Rd 136	He is a member of Granite Grove, LLC along with six siblings, which owns 76 acres to the east of the proposed site. He stated concern for the waste pile as it may distract from future residential development on their property.
Susanne Barkalow	She asked what the future land use is for their property.
Dave Broxmeyer Senior Planner	The Comprehensive Plan calls for mixed, low-density residential.
Tom Sis	He stated concern for the road access onto County Rd 136 and how it will affect the school and the nearby wetlands. Although berms are proposed, he believes that noise will still be substantial with blasting and crushing. He stated concern for the future ability to develop their property.
Chris Brixius 126 25 th Ave N	He is married to a member of the Granite Grove, LLC. He is concerned with the impact that the berms will have on the wetlands. There is also concern with the wells and foundations of the original homestead on the property due to the blasting that will occur.

Bright made a motion to table the item until a final determination has been made in regards to the EAW. The motion was seconded by Ugochukwu and carried unanimously.

Adjournment: There being no further business, the meeting was adjourned at 8:10 p.m.

Chuks Ugochukwu, Secretary