

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

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

Approval of Minutes: Bright moved to approve the minutes of June 18, 2013. The motion was seconded by Hultgren and carried unanimously.

Accessory Structure Height Variance / John Pfeffer: Dave Broxmeyer, Senior Planner, explained a request for a variance from Article 15, Section 15.5, A., 6., which limits the maximum building height to 17' for detached accessory structures. The applicant, located at 2109 Pleasant Ave, is proposing to construct a 32' x 40' detached accessory structure that would be 18' tall. A similar request was reviewed and denied by the Zoning Board at the May 21, 2013 meeting from the same applicant in which the applicant was requesting a building height of 19.5'. The applicant has made some adjustments to reduce the building height by 1.5'. Staff is recommending denial.

Hultgren asked for clarification on item three of staff's analysis. Broxmeyer stated that the item should read 'granting of the request is *not* detrimental or injurious to persons or property'. Barkalow asked if a sketch for the exterior of the building is available. Broxmeyer stated that a materials list was provided, and the materials will match the principal structure. The size of the garage and doors remain the same.

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

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| John Pfeffer
2109 Pleasant Ave | He thanked the Board for their consideration. He stated he looked at additional information to address the concerns of the Board from the May meeting in order to reduce the building height by 1.5'. He explained his reason for the variance request. |
| Susanne Barkalow
Board Member | She thanked the applicant for attempting to modify his plans. She asked if a single 14' door placed in the center of the structure has been considered. |
| John Pfeffer | He doesn't believe it is a possibility. |
| Drew Hultgren | He stated he appreciates the changes and good faith effort to make the |

Zoning Board of Appeals – July 16, 2013

Board Member	plan more acceptable. He asked what makes the site different from other sites in St. Cloud.
John Pfeffer	His property is larger than others in the City. Other properties would not be able to support a structure of this size.
Drew Hultgren	He asked what the physical features are of the land that make the variance necessary.
John Pfeffer	What makes the variance unique is the time and effort that has been spent on the project. All of the neighbors approve of the project. There are similar structures in the area, and the owners have stated that if they had the chance to do it again, they would have built their structure larger.
Allen Bright Board Member	This area was annexed into the City in 2002 or 2003, and some of the structures were built when they were a part of Le Sauk Township. Some of the homes and accessory structures are larger because they were allowed to be before they were in the City.
Warren Luepke 2100 Pleasant Ave	He lives across the street from the applicant. He will be able to see the accessory structure from his kitchen window. It will blend in very well, and he supports the request.

There being no one else wishing to speak, the public hearing was closed. Barkalow made a motion to approve subject to staff recommendations and was seconded by Bright. Hultgren stated that he respects the adjustments made; however, the requirements of the Land Development Code (LDC) are maximums, and a physical feature that is unique to the property does not exist. Barkalow agreed with the comments made by Hultgren. There is no major difficulty with the site other than personal preference. The Board cannot deviate from the LDC unless there is a practical difficulty identified. Bright agrees with the comments made by Hultgren and Barkalow. He noted that the request is directed towards a 'future camper' and suggested that the issue could be referred to the Planning Commission to consider if there is a need to change the LDC. Fandel called for a vote and the motion failed by a vote of 1-5 (Barkalow, Bright, Fandel, Hultgren and Larson opposed).

Other Business: Broxmeyer stated that he is waiting for the Environmental Assessment to wrap up for Cold Spring Granite before the CUP request will come back before the Zoning Board.

Zenzen asked about a condition of a variance for Car Hop at 2225 Roosevelt Rd requiring a portion of the lot to be paved by June 1st. Broxmeyer stated that he has been in contact with the

Zoning Board of Appeals – July 16, 2013

contractor, and there have been some issues with weather and with drainage patterns. They have been given an extension until the end of the month.

Adjournment: There being no further business, the meeting was adjourned at 7:38 p.m.

Chuks Ugochukwu, Secretary