

## PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

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

**Approval of Minutes:** Zenzen made a motion to approve the minutes of October 15, 2013. The motion was seconded by Bright and carried unanimously.

**VAR-2013-20 / Daniel Hall / 3136 Dolores Dr:** Dave Broxmeyer, Senior Planner, explained a request for a variance from Article 12, Section 12.2, E., Table 12-1, which restricts the minimum lot width for a single-family home and impervious surface area in a Shoreland Overlay District. The applicant, located at 3136 Dolores Dr, is seeking to subdivide his existing single-family lot into two lots. The City's shoreland regulations require single-family lots to be a minimum of 100' in width at the building line. The applicant's existing home would be located on a 93.8' wide lot and the proposed second lot would have a lot width of 94.3', requiring a 6.2' and a 5.7' variance to the minimum lot width of the potential lots. The potential lot with the existing home would have an impervious surface area of 39%, which requires a 9% variance to the maximum impervious surface area. A significant piece of information comes from the development's covenants dated November 1, 1963 describing the possibility of subdivision for these lots. Staff is recommending approval.

Barkalow asked how wide other lots in the area are. Broxmeyer stated that most surrounding lots are 100' wide. Barkalow asked if any correspondence has been received from the MN Department of Natural Resources (DNR). Broxmeyer stated that a copy of all material was sent to the DNR for review, and staff has not received any comments from the DNR thus far. Hultgren asked if there are additional criteria for granting a variance in a Shoreland Overlay District. Broxmeyer stated that the criteria are the same as any other request. Ugochukwu asked about the DNR's role in the shoreland regulations. Broxmeyer explained that the DNR is given the opportunity to report on the request. The City will inform the DNR of the decision made, but the DNR does not have a veto power.

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

Peter Donohue  
804 W St. Germain St

He is the applicant's attorney and speaking on behalf of the applicant. He believes staff has done a good job evaluating the request and agrees with the recommendation. The property was acquired by the applicant's parents who built on Tract B and subsequently acquired Tract A. The property has a history of being two different parcels, but was combined for homestead purposes.

There being no one else wishing to speak, the public hearing was closed. Barkalow stated that an email was received from Jerry and Sharon Westhoff in favor of the request. Ugochukwu made a motion to approve subject to staff recommendations. The motion was seconded by Bright. Hultgren commented that it is significant that the original plat recognizes the lots were to be subdivided, and if not for the shoreland regulations, the lots would fit the regulations of the Land Development Code (LDC). He stated that as long as the neighboring lot will need to meet all LDC requirements, he can support the motion. Barkalow agreed. Barkalow called for a vote and the motion carried unanimously.

**CUP-2013-14 / Coldspring / 2526 and 2536 41<sup>st</sup> Ave S; 3696. 3722 and 3726 W St Germain**

**St; 2803 County Rd 136:** Barkalow stated the City has received a copy of a citizen's petition which has been sent to the MN Environmental Quality Board (EQB) requesting the preparation of a new Environmental Assessment Worksheet (EAW) regarding Coldspring's CUP request for the dimensional stone quarry. Minnesota Rule requires the City to complete the environmental review process prior to taking any regulatory action. The citizen's petition will be presented to City Council in December for their determination whether a new EAW is required for the project. Therefore, the CUP request of Coldspring will not be considered by the Zoning Board of Appeals at this time.

Hultgren made a motion that the Zoning Board of Appeals take no action regarding this request until the environmental review process is complete. The motion was seconded by Zenzen and carried unanimously.

**Other Business:** Broxmeyer provided several updates to past variance requests and presented the 2014 meeting schedule.

**Election of Officers:** Broxmeyer stated that Fandel has accepted an appointment to the Heritage Preservation Commission and he was the Chair. Mohayadin Mohamed has been appointed to fill Fandel's seat. With the change in members, an election of officers is appropriate. Ugochukwu nominated Barkalow as Chair. Newman nominated Hultgren as Vice Chair. Hultgren respectfully declined and nominated Ugochukwu as Vice Chair. Ugochukwu nominated Hultgren as Secretary. Barkalow called for a vote and the slate of officers carried unanimously as follows:

Susanne Barkalow – Chair  
Chuks Ugochukwu – Vice Chair  
Andrew Hultgren – Secretary

**Adjournment:** There being no further business, the meeting was adjourned at 7:21 p.m.

---

Andrew Hultgren, Secretary