

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on May 20, 2014 at 7:00 p.m. in the St. Cloud City Hall Council Chambers. Members present were Barkalow, Bright, Hultgren, Newman, and Zenzen. Mohamed was absent.

Approval of Minutes: Zenzen made a motion to approve the minutes from the January 21, 2014 meeting. The motion was seconded by Hultgren and carried unanimously.

VAR-2014-02 / Larry Thielmann and Amanda Anderson / 409 41st Ave S: Dave Broxmeyer, Senior Planner, explained a request for a variance from Section 4 of the Angushire Meadows Planned Unit Development (PUD), which allows a maximum lot coverage of 32%. The applicants, located at 409 41st Ave S, are proposing to construct a 222 sq. ft. addition to the rear of their existing home. The existing home and garage are already constructed at the maximum 32%. The addition would increase the lot coverage to 35.2%; however, the applicants are asking to increase the allowed lot coverage of their lot to 37%. Staff feels the request is a personal preference and is recommending denial.

Barkalow asked about the PUD's original lot coverage. Broxmeyer stated that the PUD's original lot coverage maximum was 30%, and the developer likely requested the increase to 32%. Zenzen asked if there are other homes in the area that have exceeded the maximum lot coverage. Broxmeyer stated that he is unaware of any.

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

Larry Thielmann and Amanda Anderson, 409 41st Ave S – Thielmann stated the proposed addition would be an extension of living space as they are combining two families. Thielmann also works from home. Anderson noted that they would like to stay in their current home. They are not asking to encroach in any setback, only to increase the lot coverage.

Zenzen asked if there is a homeowner's association. Anderson stated there is an association, which she has met with. The Association asked for the variance process to be completed before going through a formal process with the Association.

Barkalow asked how many homes there are in the Association. Anderson stated there are 129. Barkalow asked if there are any that have

exceeded the 32% lot coverage maximum. Anderson stated she did not know.

Harry Wenner, 430 41st Ave S – He noted a letter that he sent in to the Board stating his opposition to the request. When he built his home, he had to adhere to the 32% maximum, which caused some things to be cut out of his plans. He stated he believes the rule should be followed in order to be fair to all the home owners in the development.

Will Haberle, 405 41st Ave S – He lives to the north of the property in question. He stated the addition would not block his view in any way. He stated he sees no reason to deny the request.

Dennis Peterson, 413 41st Ave S – He lives to the south of the property in question. He stated the addition would enhance the area, and he is in favor of the request.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the request subject to staff recommendations. The motion was seconded by Larson. Hultgren stated that while he is sympathetic to the home owners, he is inclined to agree with staff's recommendation of denial. This is a case where the needs of the home owner have exceeded the home's ability to meet those needs. Zenzen commented that he would have liked to have heard the Homeowner Association's opinion on the request. Barkalow stated she agrees with Hultgren's comments, and she believes the request is of personal preference. Barkalow called for a vote, and the motion failed unanimously.

CUP-2014-03 / Catholic Charities of the Diocese of St. Cloud / 1726 7th Ave S: Dave Broxmeyer, Senior Planner, explained a request for a Conditional Use Permit (CUP) to construct a new 24' x 48' greenhouse on the St. Cloud Children's Home property. In 2003, a CUP was granted for a 40' x 68' greenhouse. The proposed greenhouse was approved to be located north of the main building on the upper river bank. The 40' x 68' greenhouse that was approved in 2003 was never constructed. The applicant is requesting to construct a smaller greenhouse approximately 30' south of an existing riding corral. Staff is recommending approval.

Barkalow asked about the Scenic Overlay District. Broxmeyer stated that if the request is approved, the DNR will be notified.

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

Jim Rudolph, Catholic Charities – He explained that in the process of expanding the Children’s Home, it was decided that it made more sense to move the greenhouse closer to the woods. This would give more green space for the children and will be more aesthetically pleasing.

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

CUP-2014-04 / Tim Moes on behalf of Grachek St. Cloud, LLC / 4611, 4613 & 4615 Rusan St N:

Dave Broxmeyer, Senior Planner, explained a request for a Conditional Use Permit (CUP) for a personal training facility in an I3, Planned Industrial District. The Land Development Code (LDC) allows schools for karate, dance, music, exercise and vocational training to be located within an industrial district with a conditional use permit. Staff is recommending approval subject to providing an additional three (3) parking spaces on the premises.

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

Tim Moes, 14930 33rd St, Clear Lake – The space is currently an open warehouse. The only interior changes will be to add an office and two bathrooms. He will be leasing the space, and the owner is willing to allow for these modifications. The remainder of the building is used as a flooring store and storage.

Barkalow asked about the parking recommendation. Moes stated he does not believe there is a need for more parking than is already available; however, if the recommendation requires additional parking, that will be accommodated. Broxmeyer stated that the site plan provided an estimate of current parking spaces, and it is possible that there are additional spaces available.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the request subject to staff recommendations. The motion was seconded by Zenzen. Hultgren asked if the applicant could go through a variance process to eliminate the requirement for an additional three parking spaces. Broxmeyer stated that it is a possibility. Barkalow called for a vote, and the motion carried unanimously.

CUP-2013-06 / John Olson Jr on behalf of Abounding Joy Lutheran Church / 6006 County Rd

120: Dave Broxmeyer, Senior Planner, explained a request for an extension of a Conditional Use Permit

(CUP) approved in May 2013 to construct a place of worship. Progress on an approved CUP must occur within one year or the applicant can ask the ZBA to extend the approval period. At this time, no progress has occurred on the site; however, the property owners intend on applying for a building permit in July and beginning construction in August. The Board has the option to either approve the extension as requested or call a public hearing for the June 17 meeting to rehear the CUP request. Staff is recommending approval of the extension.

Bright made a motion to approve the extension. The motion was seconded by Hultgren and carried unanimously.

Election of Vice-Chair: Dave Broxmeyer, Senior Planner, explained that as Ugochukwu's term has expired, it is appropriate to elect a new Vice-Chair. Hultgren nominated Zenzen for Vice-Chair. The nomination was seconded by Bright and carried unanimously.

Other Business: Barkalow asked Broxmeyer to prepare an update on the discussions that took place regarding enforcement.

Adjournment: There being no further business, the meeting was adjourned at 7:45 p.m.

Andrew Hultgren, Secretary