

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, June 17, 2014, at 7 p.m. in the City Hall Council Chambers.

ROLL CALL: Members present were Barkalow, Bright, Newman (at 7:21 p.m.) and Zenzen. Hultgren and Mohamed were absent. Staff present were Dave Broxmeyer and Ashley Skaggs.

APPROVAL OF MINUTES FROM THE MAY 20, 2014 ZONING BOARD OF APPEALS MEETING

ACTION TAKEN: Bright/Zenzen/Approved (4-0)

VAR-2014-03 / LINDA MACLEOD / 3 Highbanks Pl

ACTION TAKEN: Zenzen/Newman/Approved (4-0)

Broxmeyer explained a request for a variance from Article 8, Section 8.4, which establishes a second front yard setback. The Land Development Code (LDC) requires corner lots to have two front yard setbacks when the street side yard is shared with the front yard of an adjoining property. The applicant is proposing to construct a 12' x 19' off-street parking area on the north side of the existing attached garage. A similar request at this location was approved last year for a garage addition. The current request asks for an open space parking area, requiring the matter return to the Board as a new request. The parking area is proposed to be 2' from the western property line, requiring a 23' front yard variance. Staff is recommending approval of a 14' variance to the street side yard setback to allow the off-street parking area to be in-line with the front of the garage.

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

Linda MacLeod, 3 Highbanks Pl – MacLeod stated that she is making several improvements to the home. Last year, a request was made by the former property owner. The garage addition that was originally approved will not be financially possible at this time, but some sort of improvement is needed to the parking situation.

Barkalow asked if staff's recommendation is acceptable. MacLeod stated the condition is acceptable and she thanked Broxmeyer for his work on the request. MacLeod asked if she would need a building permit or HPC approval if the request was granted. Broxmeyer stated she would not need either.

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

VAR-2014-04 / JAMES & GRETCHEN GALARNEAULT / 1019 17TH AVE N

ACTION TAKEN: Newman/Bright/Failed (0-4)

Bright/Newman/Approved (front yard setback only) (4-0)

Broxmeyer explained a request for a variance from Article 8, Section 8.3, establishing front yard setbacks and a variance from Article 15, Section 15.5, which allows steps to encroach into the front yard setback. The applicants are proposing to construct a 10' x 22' enclosed screen porch and a 7' x

5' landing and steps in the front yard of an existing single family home. The applicants are proposing to construct the enclosed porch 15' from the front property line, requiring a 10' variance. The proposed landing and steps would project an additional 7' into the front yard setback area, which will require a 13' variance as a 4' encroachment is already permitted. Staff is recommending denial for the enclosed porch, but is supportive of a variance for the landing and steps encroachment.

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

James Galarneault, 1019 17th Ave N – The entryway of the property is in poor shape. If the variance is not granted, they will look at other plans that do not require a variance.

There being no one else wishing to speak, the public hearing was closed. Newman made a motion to approve the variances subject to staff recommendations. The motion was seconded by Bright. Zenzen asked what would be an acceptable solution that would not require a variance. Broxmeyer stated that a 4' encroachment is permitted for steps in the front yard setback. Any additional encroachment will require a variance. Barkalow called for a vote and the motion failed unanimously.

Galarneault commented that this action was anticipated. He would like to improve the existing steps and landing and will look into other options for a porch. Broxmeyer stated a 1' variance would still be needed to restore the existing steps and landing. Bright made a motion to approve a 1' variance to the front yard setback. The motion was seconded by Newman and carried unanimously.

CUP-2014-05 / JEAN & MERRILL MCKIBBEN ON BEHALF OF CALVARY/ASSUMPTION CEMETERY / 2119, 2341 & 2441 ROOSEVELT ROAD

ACTION TAKEN: Newman/Bright/Approved (4-0)

Broxmeyer explained a request for a Conditional Use Permit (CUP) for a cemetery in a R1, Single Family Residential district and C5, Highway Commercial District. The Land Development Code (LDC) requires cemeteries to obtain a CUP. The applicants are proposing to expand the existing cemetery onto the eastern portion of the property located at 2441 Roosevelt Rd. Staff is recommending approval of the CUP subject to platting of the properties.

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

Jean McKibben, 2441 Roosevelt Rd – He has lived on the property for over 50 years. It is owned by his father. The cemetery has been an incredible neighbor. There is still a well and septic at the site.

Barkalow asked about the extension of services. Broxmeyer stated that the home is likely located beyond the required distance from a service line.

Scott Laudenbach, 1704 Southwood Trl – The house is located on the west end of the property. The house will be demolished and a new home built in its place. The current road will be maintained for access and for the electric company easement. From Roosevelt Rd up to where the house will be, approximately 600 ft., will be cemetery. The property will likely be developed by 2016. Discussions will take place with the cemetery to determine access to the property for digging, etc.

Barkalow asked if buildings will be placed on the property. Laudenbach stated the property is planned for in-ground burial lots.

Irene Callahan, 6 Allendale Dr – She asked about the highlighted parcels on the vicinity map.

Broxmeyer stated that two parcels are owned by the cemetery and one parcel is owned by McKibben.

Mitchell Harstad, 1437 Oak Ridge Ln – He sees no problem with the cemetery expansion or the demolishing of the house, but he does not feel the property is suited for a home. He is not in favor of replacing the home.

Broxmeyer clarified that it is beyond the power of the Board to take action on the replacement of the home. Action is limited to the cemetery expansion.

John Lieberg, 1303 Oak Ridge Ln – He would like to see some sort of buffer between the neighborhood and the cemetery.

Karl Jacobs, 1413 Oak Ridge Ln – He asked if there will be a buffer and how much of the trees on the property will be left. He questioned whether there was a need to develop the property in two years.

Doug Roden, 1405 Oak Ridge Ln – He is concerned with a buffer.

Laudenbach stated the trees currently on the property will be cleared. They are box elder trees and do not grow well. There are trees planted in the cemetery along the roads and property lines. Some kind of buffer would be possible to incorporate if necessary.

Newman asked about the open space to the north of the cemetery. Laudenbach stated that the open space is the site of a future mausoleum. The property in question will have easier access to water.

Lieberg agreed with Laudenbach about the box elder trees. He restated his concern for a buffer from the cemetery.

Harstad asked who will be purchasing the property with the home.

Laudenbach stated a portion will be sold to the cemetery. The portion with the home will be sold to him by the McKibbens.

Elizabeth McKibben, 1511 8th Ave N – She is married to Merrill McKibben. She stated that the access road is on higher ground than where the burial plots will be and will provide a buffer itself.

There being no one else wishing to speak, the public hearing was closed. Newman made a motion for approval subject to staff recommendations. The motion was seconded by Bright. Zenzen suggested the motion be amended to include a buffer along the access driveway. Newman and Bright agreed to amend the motion to include a buffer as a part of the platting process. Barkalow called for a vote and the amended motion carried unanimously.

OTHER BUSINESS

ACTION TAKEN: None

The decision of the Theilman/Anderson variance was appealed to City Council by the applicants. City Council did not set a public hearing to potentially overturn the decision. It is possible for the homeowner's association to submit and applicant for a Development Plan Amendment.

DISCUSSION OF CODE ENFORCEMENT AND ZONING COMPLIANCE

ACTION TAKEN: None

Prior to the start of the meeting, Broxmeyer presented information regarding code enforcement and zoning compliance. Board members discussed the actions taken to enforce City code and zoning requirements until a quorum was met at 7:21 p.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:19 p.m.

Andrew Hultgren, Secretary