

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

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, July 15, 2014, at 7 p.m. in the City Hall Council Chambers.

**ROLL CALL:** Members present were Barkalow, Bright, Hultgren, Mohamed and Zenzen. Newman was absent. Staff present were Dave Broxmeyer and Ashley Skaggs.

### **APPROVAL OF MINUTES FROM THE JUNE 17, 2014 ZONING BOARD OF APPEALS MEETING**

ACTION TAKEN: Bright/Zenzen/Approved (5-0)

### **VAR-2014-06 / RICHARD SADERGASKI / 1019 8<sup>TH</sup> AVE N**

ACTION TAKEN: Hultgren/Bright/Approved (5-0)

Broxmeyer explained a request for a variance from Article 15, Section 15.5, which establishes an interior side yard setback for detached accessory structures. The Land Development Code (LDC) requires a minimum of 5' for detached accessory structures. The applicant is proposing to construct a 24' x 24' detached garage 4.5' from both interior side property lines. Staff is recommending approval.

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

Richard Sadergaski, 1019 8<sup>th</sup> Ave N – He would like to remove the existing garage and replace it with a new and larger garage. He is also considering a flat roof instead of a pitched roof to put a deck on top of the garage.

Barkalow asked if the deck would be permitted. Broxmeyer stated that as long as the structure remains within the same footprint, the deck is allowed. Staff feels this would be efficient use of a relatively small lot.

Barkalow asked about height restrictions. Broxmeyer stated that the height of the building, including railings, is limited to 17'. Building Code may regulate any safety features needed.

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 Bright and carried unanimously.

### **VAR-2014-07 / KISSNER PROPERTIES, LLC / 4205 ROOSEVELT RD**

ACTION TAKEN: Hultgren/Zenzen/Approved (5-0)

Broxmeyer explained a request for a variance from Article 9, Section 9.2, which allows wholesale and warehouse uses in a C5, Highway Commercial District, as long as these activities take place indoors. The applicant is requesting to store bundles of pipe, waterworks material and equipment within an existing fenced yard on the property. Staff is recommending approval with the conditions that the height of the material stacked within the fenced area cannot exceed the height of the fence, the opacity of which must increase to a minimum of 90%.

Hultgren asked about the possibility of limiting the variance to certain ownership. Broxmeyer stated that a variance is recorded against the property and does not follow the property owner. A condition can be written so that if the outside storage use ceases for a period of one year or more, the variance becomes void.

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

Wade Baumberger, MN Pipe and Equipment – MN Pipe and Equipment is a waterworks distributor. He provided aerial photos of existing locations in Rochester and Farmington. The height of pipe bundles can reach up to 12' high during the construction season. He asked how high of a fence he can build.

Broxmeyer stated that fencing in a commercial district does not have a height restriction but will require a building permit if over 6' in height.

Barkalow asked about staff's recommendation regarding the fence. Broxmeyer noted that staff is recommending that the height of the pipe bundles not exceed the height of the fence.

Matt Studer, Warnert Commercial Real Estate – The 17' sidewalls of the building will help screen the storage from the commercial properties to the east of the building. Property to the west is zoned Industrial where outside storage is permitted.

Barkalow read into the record a letter from William C. Griffith for Larkin Hoffman Daly & Lindgren Ltd. on behalf of Anchor Bank in opposition to the request. Said letter is on file in the Planning Office.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve subject to staff recommendations. The motion was seconded by Zenzen. Hultgren asked about other properties in the area zoned C5 with outdoor storage. Broxmeyer stated that there are properties in the area that are legal nonconformities, and action cannot be taken until there is a change in use to those properties.

Bright commented that if the C5 properties to the east are developed, they will likely front on Roosevelt Rd rather than the service road. He does not believe that outdoor storage on the property in question will affect commercial development.

Hultgren offered an amendment to the motion to require an 8' fence at 90% opacity allowing stacks to exceed the height of the fence terminating after one year of non-use. Zenzen agreed to the amendment. Barkalow called for a vote and the motion as amended carried unanimously.

**OTHER BUSINESS**

ACTION TAKEN: None

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