

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, November 18, 2014, at 7 p.m. in the City Hall Council Chambers.

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

APPROVAL OF MINUTES FROM THE OCTOBER 21, 2014 ZONING BOARD OF APPEALS MEETING

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

VAR-2014-14 / SAM DELEO ON BEHALF OF THE DIOCESE OF ST. CLOUD / 396 & 402 1ST AVE S

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

Broxmeyer reminded the Board of an item tabled at the October 21, 2014 meeting. The applicants are proposing to remove the property line that currently divides the building and create a new property line between the place-of-worship and single family home on the southern lot. The Board tabled the request to allow time to research where to appropriately place the property line.

Since the last meeting, staff has met with the Building Safety Department and determined that the single family home will need to have a setback of greater than 10'; therefore, the proposed setback for the single family home is 10'1". The Newman Center has verbally agreed to provide two off-street parking spaces for the single family home. Staff is recommending approval of the place-of-worship side yard setback variance and the parking variance subject to a mutual access agreement and a recordable off-street parking agreement. The mutual access agreement would allow either property owner to access the shared side yard between the Newman Center and the single family home for purposes of private access and maintenance.

Barkalow questioned whether the legal department has reviewed the proposed mutual access agreement or the off-street parking agreement. Broxmeyer stated the documents are not yet available and suggested adding it as a condition that the city's Legal Department review those documents prior to recording.

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

Sam DeLeo, KLD, 13 11th Ave N - Parking spaces have not been designated, but the Diocese is more than willing to dedicate two spaces in a signed legal document. The purchaser of the single family home could opt to make the parking improvement in the future.

Hultgren noted the possibility of parking being addressed during the platting process.

Krister Johnson, 37 Highbanks Pl - He is concerned with the off-street parking variance and addressing the parking issue during the platting process. He suggested changing the condition to designate the off-street parking spaces within 'x' number of feet from the property so there is flexibility of where it will be located, but we will know it will be within a specific geographical location.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the side yard setback variance for the Newman Center subject to staff recommendations including the following conditions:

1. The single family home must be platted with a minimum interior side yard setback of 10'1" and the place-of-worship must be platted with a minimum interior side yard setback of 5' or more
2. The property owner(s) must provide a copy of a non-public ingress/egress easement for review and comment by the St. Cloud Attorney's Office
3. The property owner(s) must submit the necessary information to the Building Safety Department regarding the fire code rating of the south wall of the place-of-worship
4. A document must be recorded that provides a minimum of two off-street parking spaces for the single family home to be located on the place-of-worship's property

The motion was seconded by Bright and carried unanimously.

ATTENDANCE POLICY

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

Board members discussed adopting an attendance policy. Broxmeyer explained that if the Board adopts an attendance policy and a member is in violation of the policy, the Board would then vote to make a recommendation to the Mayor to excuse the member.

Hultgren made a motion to adopt an attendance policy with a standard of no more than two unexcused absences and no more than three total absences in a 12-month running period effective November 18, 2014. The motion was seconded by Bright and carried unanimously. Zenzen asked that a monthly attendance report be provided.

EX-PARTE COMMUNICATIONS

ACTION TAKEN: None

Broxmeyer reviewed the expectations regarding ex-parte communications. The Zoning Board of Appeals is a quasi-judicial board. Any and all communication had individually with persons that appear before the Board must be disclosed.

2015 ZONING BOARD OF APPEALS SCHEDULE

ACTION TAKEN: None

Broxmeyer provided the 2015 Zoning Board of Appeals schedule along with application deadlines.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:12 p.m.