

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

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, February 17, 2015, at 7 p.m. in the City Hall Council Chambers.

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

### **APPROVAL OF MINUTES FROM THE JANUARY 20, 2015 ZONING BOARD OF APPEALS MEETING**

ACTION TAKEN: Zenzen/Bright/Approved (7-0)

### **VAR-2015-01 / TYLER & CRYSTAL KELLER / 2322 7<sup>TH</sup> ST N**

ACTION TAKEN: Hultgren/Bright/Approved (7-0)

Broxmeyer reminded the Board of a tabled request to approve a variance from Article 8, Section 8.3, which regulates rear yard setbacks for a single family home and Section 8.2, which regulates the street side yard garage setback. The applicants originally requested to build a 24' x 24' attached garage to the east side of an existing single family home with the garage accessing 7<sup>th</sup> St N. When an accessory structure, like a garage, is attached to a principal structure, the principal building setbacks are applied. Single family homes in an R2 District are required to provide a minimum rear yard setback of 35' or 20% of the lot depth, whichever is less. The applicants' property has a lot depth of 91', establishing a minimum rear yard setback of 18'. The original request proposed to locate the attached garage 6' from the rear property line, requiring a 12' rear yard setback variance. The Land Development Code also requires garages that access a side street be setback a minimum of 20' from the property line. The front of the originally proposed garage would be 3' from the northern property line along 7th St N, requiring a 17' variance.

The applicants have altered their request by relocating the access to the garage from 7<sup>th</sup> St N to 6<sup>th</sup> St N, which eliminates the need a variance for garages accessing a street side yard, but creates the need for a street side yard variance. The Land Development Code requires structures to be setback a minimum of 10' from a street side property line. The proposed garage projects 6' into the street side yard setback.

Staff is recommending approval of the 18' rear yard variance. The size of the street side yard variance could be reduced by 4' if the garage depth of the garage stall adjacent to the house was reduced to 20'. The lost square footage could be recovered by making the eastern garage stall 28' deep. Staff is recommending approval of a 2' street side yard variance.

As the public hearing was not closed at the January meeting, Barkalow invited testimony. The following persons testified:

Tyler Keller, 2322 7<sup>th</sup> St N - He is agreeable to staff's recommendations. He currently owns two homes. They are both for sale, and he will live in whichever does not sell first.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the request as recommended by staff subject to staff's conditions of approval. The motion was seconded by Bright and carried unanimously.

### **VAR-2015-02 / JESSE JUST / 2247 COUNTY RD 136**

ACTION TAKEN: Hultgren/Bright/Denied (0-7)

Broxmeyer explained a request for approval of the following variance from Article 8, Section 8.3, which regulates the minimum lot area for a property within a RR, Rural Residential District. The applicant is requesting a variance to subdivide an existing 2.5 acre lot into two lots. One lot is proposed to be approximately 1 acre in area and the second lot would be approximately 1.5 acres in area. The Land Development Code requires RR properties to have a minimum lot area of 10 acres. The applicant is requesting 8.5 acre and 9 acre variances to create the two lots. Staff feels the variance requests are a personal preference and that a clean practical difficulty has not been established. The applicant could investigate the possibility of rezoning the property to a residential district that would allow for a greater density of development.

Barkalow asked how the proposed second lot will access County Rd 136. Broxmeyer stated the information has not been provided and is of concern due to driveway separation requirements in RR Districts.

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

Jean Just, 2247 County Rd 136 – She is representing the applicant. The applicant is asking to subdivide because the back of the property is not currently being used. The applicant was hoping to either build on or sell the property. He is not opposed to investigating a rezoning action, but thought this may have been a easier way to take care of the request.

Radin asked about the rezoning process. Broxmeyer explained that the process is similar to that of a variance. All property owners within 500 feet will be notified of the request and can speak for or against in front of the Planning Commission and City Council.

Kulane asked if staff would prefer rezoning or approving a variance. Broxmeyer stated that staff is recommending the applicant investigate a rezoning. It will eliminate the need for those property owners coming forward for additional variances in the future.

Bonnie Moore, 3022 22<sup>nd</sup> St S – She lives to the north of the subject property. She asked if both properties at 2247 & 2245 would be rezoned. Broxmeyer stated that rezoning would take place based on property owner participation. If more than one property owner was interested in rezoning, it may lighten the burden of application fees, etc.

There being no one else wishing to speak, the public hearing was closed. Hultgren made a motion to approve the request with the condition that if the motion fails, the application fee be refunded to the applicant. The motion was seconded by Bright and failed.

## **OTHER BUSINESS**

ACTION TAKEN: None

Barkalow asked that site plan guidance be included with applications so applicants are aware of what the Board expects. Broxmeyer stated that expectations are listed on the front of the applications; however, it may be necessary to include basic examples.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:41 p.m.