

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, July 21, 2015, at 7 p.m. in the City Hall Council Chambers.

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

APPROVAL OF MINUTES FROM THE JUNE 16, 2015 ZONING BOARD OF APPEALS MEETING

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

CUP-2015-04 / DAVID WALL ON BEHALF OF ST. JOHN'S EPISCOPAL CHURCH / 1111 COOPER AVE S

ACTION TAKEN: Newman/Bright/Tabled (5-0)

Broxmeyer explained a request to amend an existing Conditional Use Permit (CUP). The applicants are proposing to locate a 'tiny home' in two possible locations on the west side of the existing place-of-worship building. The original CUP, approved in 1996, allowed for the construction of a 12,477 sq. ft. place-of-worship. The building was constructed in accordance with the approved site plan although roughly 10% smaller than approved. As a result, the 23 excess off-street parking spaces on the north side of the building were not paved.

New and existing homes within the City of St. Cloud are regulated by the St. Cloud Land Development Code (LDC) and the State of Minnesota Building Code (MBC), which is based upon the International Residential Building Code (IRC). Manufactured homes (mobile homes) are regulated by the Department of Housing and Urban Development. Recreational vehicles for human habitation are regulated by various federal and independent agencies. The applicants' 'tiny home' is not defined by any of the aforementioned regulations. Given the limited amount of information, staff is recommending the item be tabled until sufficient information can be provided.

Bright questioned why the application was accepted with so much missing information. Broxmeyer stated it was the decision of the Planning Director as he has been in contact with the applicant and has more history with the proposal. Hultgren noted that it is not uncommon for a place-of-worship to have a residential structure on the property and asked if the CUP amendment could be recommended for approval if the structure met the standards in the LDC for a home. Broxmeyer stated it could be; another option would be to add an addition to the existing place-of-worship. Hultgren asked about staff's recommendation if further information is not received. Broxmeyer stated that staff's recommendation would be to deny the request.

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

George Ham, 15 Moon Cir - He is a Deacon at St. John's Episcopal Church. The church has held at least eight open houses for neighborhood residents. The structure is classified as a Recreational Vehicle (RV). One individual will live in the structure and an agreement will be in place where he will be named the church sexton.

David Wall, 712 20th Ave N, Sartell - Two possible locations have been identified based on their proximity to access electricity and water. He stated he did not receive the questions raised by staff.

Hultgren read the questions listed in the staff report and Wall responded to those he could:

Maximum occupancy is one. There is not a plan to provide a paved walkway to the home. The tenant will be allowed to use the church's parking lot if he has a vehicle. In case of emergency, the tenant will have access to the church building. Electricity will be provided via a buried line from the church. Water will be accessed from the church with a garden hose to fill a reservoir tank. The home will have a self-composting toilet, which can be disposed of in the church's dumpster. The tenant will perform in-kind services as the church sexton in lieu of rent.

Tina Lamberts, President of the St. Cloud Coalition for Homeless Men – She stated that the home meets the IRC standards for an RV. The 'tiny home' was built by an experienced home builder. She responded to the questions listed in the staff report she could:

The structure will not be anchored any more than an RV or a mobile home. In case of emergency, the church will be used as a storm shelter. The tenant will be required to have a full criminal background check, complete a training program called 'Safe Church' and enter into an agreement that highlights the expectations of the church sexton. The agreement is between the St. Cloud Coalition for Homeless Men, St. John's Episcopal Church, and the tenant. There are smoke and carbon monoxide detectors in the home. There are also large windows that can be used as an emergency exit if necessary.

Hultgren asked for confirmation that this structure is one built as an RV but to be used as a permanent residence. Lamberts confirmed and stated the home was built this way because it is too expensive to build a home that meets the City's code. Hultgren noted that the appropriate action may be to have the LDC amended.

Zenzen asked how the structure is licensed. Lamberts stated the home is licensed as an RV. Broxmeyer stated the LDC defines an RV as 'any self-propelled vehicle and any vehicle propelled, drawn, towed or carried by a self-propelled vehicle, which is designed to be used for temporary living quarters while engaged in recreational or vacation activities'.

Newman stated that he likes the idea of 'tiny homes' and sees it could be a valuable asset; however, he cannot see how the structure fits as the LDC currently exists.

Pat Moran, 917 13th Ave SE – She understands that everyone needs a place to live, but believes this is a bad idea. These 'tiny homes' are nothing more than homemade campers regardless of qualifications. There are no standards regarding what they are built of or how they are built. She believes that this type of structure should be addressed in the LDC and asked that the request be denied.

Marilyn Mohr, 2705 Serenity Dr – She believes that the public notification regarding the hearing was insufficient. The process should include a proper public notice in the paper before going forward. She understands the need for affordable housing but is not in favor of seeing either a single dwelling or cluster of small houses without a well-designed plan that protects existing and future residents.

Paul Raetz, 1908 13th St S – He is not in favor of the request; however, if the proposal moves forward, there should be very strong requirements including a probationary period. What happens if the planned occupant moves; will it be rented to someone else or be removed?

Wall asked that the request be tabled.

There being no one else wishing to speak, the public hearing was closed. Newman made a motion to table the request. There being no second, the motion failed. Bright made a motion to approve subject to staff recommendations. There being no second, the motion failed. Newman made another motion to table. There being no second, the motion failed.

Hultgren asked that each board member state their intentions. Newman stated he would prefer the request be tabled until more information is received. Zenzen stated he would prefer the request be denied. Bright stated he would prefer the request be denied rather than tabled. With so many questions, there may not be enough time to address them all before next month. Radin stated she would prefer the request be denied.

Broxmeyer noted that the public hearing notice was sent to the St. Cloud Times in a timely manner, but they published last months' notice by mistake. A correct notice was published on July 15, 2015; however, that publishing did not meet the 10-day requirement. Broxmeyer asked that the item be tabled to allow for proper notice.

Newman made a motion to table the request. The motion was seconded by Bright and carried unanimously.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:51 p.m.