

PROCEEDINGS OF THE ST. CLOUD ZONING BOARD OF APPEALS

A meeting of the St. Cloud Zoning Board of Appeals was held on Tuesday, October 20, 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. Hultgren noted there are two open seats on the Zoning Board of Appeals and encouraged anyone interested to apply through the Mayor's Office.

APPROVAL OF MINUTES FROM THE SEPTEMBER 15, 2015 ZONING BOARD OF APPEALS MEETING
ACTION TAKEN: Newman/Zenzen/Approved (5-0)

VAR-2015-10 / MEGAN SCHMITZ / 1315 3RD ST N
ACTION TAKEN: Bright/Newman/Approved (5-0)

Broxmeyer explained a request for variances regarding the setback of accessory structures from the principal structure and the setback of a garage door from an alley. The applicant is requesting to remove the existing 10' x 18' detached garage which parallels the alley and replace it with a 12'6" x 20' detached garage perpendicular to the alley. The proposed garage is to be 3'6" from the house at its closest point, which requires a 6'6" variance, and 9' from the eastern property line, which requires a 1' variance. Staff is recommending approval.

Hultgren asked if a variance would be necessary if the garage were attached to the house. Broxmeyer stated that the garage would then be considered a part of the house and would be require a variance to the rear yard setback.

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

Tim Schmitz, 44408 N Little Pine Rd, Perham - Megan Schmitz is his daughter, who recently purchased the subject property. The current garage is too small to fit her needs.

Hultgren noted that the proposed garage is a single stall, and the Land Development Code requires a minimum of two off-street parking spaces. Schmitz stated that the second parking space will be maintained along the house parallel to the alley.

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

CUP-2015-07 / JOSEPH PETERS OF MIDSOTA GRANITE ON BEHALF OF JOHN FLETCHER JR. / 3344 SOUTHWAY DR
ACTION TAKEN: Bright/Zenzen/Approved (5-0)

Broxmeyer explained a request for a Conditional Use Permit for a granite fabrication business. The Land Development Code requires land uses that grind, dress, and cut stone, marble, and granite to obtain a CUP prior to operation. Staff is recommending approval contingent upon seven conditions listed in the staff report.

Hultgren asked if there are any environmental issues to be concerned with. Broxmeyer stated there are not. Zenzen asked about the distance from the property to the nearest residence.

Broxmeyer stated the nearest residence is approximately 150' from the subject property. Hultgren asked if a condition could be included to prevent noise from being an issue. Broxmeyer suggested limiting the hours of operation and a restriction to the decibel level.

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

Joe Peters, 1222 5th St S, Cold Spring – He is the applicant. All work will be completed within the buildings on the property. The loudest machine runs at 62 decibels. The self-contained machines run with water and no chemicals are being used. Occasionally the tanks are emptied into filter bags and a septic truck empties the sediment into fields. Hours of operation are 7am to 5pm. There are no weekend or night shifts. The business operates at a wholesale level of sales. The business receives trucks once a week from three locations from box truck delivery vehicles.

Jim Rakhshani, 1637 Highland Trl – He is concerned about noise, monitoring and enforcement afterwards if the CUP is approved.

John Doman, 1512 Highland Trl – He represents 16 homeowners in the bluffs section of Southwood Heights on Highland Trl. The greatest concern is the noise level. Many homeowners in this area are retired and are home during the day. He suggested adding a condition for an installation to help contain the noise within the building.

David Marquardt, 1507 Highland Trl – He asked if the property will be owner or rented by the business. He is concerned about what will happen to the property if the business does not work out in this location.

Peters stated that he is in a purchase agreement with the current owner.

There being no one else wishing to speak, the public hearing was closed. Hultgren asked what could be added to the conditions that would give the City the authority to control noise limits. Broxmeyer suggested adding a condition restricting noise levels to 70 decibels no more than 100' from the buildings. Hultgren asked about building insulation. Peters confirmed that the buildings are insulated. Hultgren asked if the suggested noise limit condition is acceptable. Peters stated there would be no issue meeting the requirement.

Bright made a motion to approve the CUP subject to staff recommendations, including a condition restricting noise levels to 70 decibels no more than 100' from the buildings. The motion was seconded by Zenzen. Newman asked about the procedure for complaints. Broxmeyer explained that in the case of a noise complaint, the property owner would receive written notification of the violation and have approximately 10 days to rectify the situation. If they cannot, an administrative citation is issued. Hultgren commented that he understands the concerns of neighboring property owners, but as long as conditions can be put in place to reasonably protect them, he will support the CUP. Hultgren called for a vote and the motion carried unanimously.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:39 p.m.