

CITY OF ST. CLOUD ZONING BOARD OF APPEALS

Tuesday, April 19, 2016
7:00 pm
City Hall Council Chambers

ROLL CALL:

MEMBERS PRESENT: Allen Bright, Drew Hultgren, James Newman, Linda Radin and Ron Zenzen

MEMBERS ABSENT: -

STAFF PRESENT: Dave Broxmeyer and Ashley Skaggs

JANUARY 19, 2016 ZONING BOARD OF APPEALS MEETING MINUTES

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

CUP-2016-02 / GARY HORNIBROOK / 2205, 2215 & 2217 ROOSEVELT RD

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

Broxmeyer explained a request for approval of a Conditional Use Permit. The applicant is proposing to use a portion of the property for an auto dealership. According to the applicant, vehicles were sold on site until 2005. Staff recommends approval of the request subject to eight conditions.

Hultgren expressed concern for a statement made in the staff report. He suggested the following statement be struck from the record as it is an unnecessary legal conclusion: *"...buildings A, B, and C look as if they either encroach within side yard setbacks or even cross property lines. These are existing non-conforming conditions, which can remain indefinitely. The LDC would also allow the nonconforming buildings to be rebuilt if a building permit is requested within 180 days from the date of destruction."*

Zenzen asked if a fence is proposed between the subject property and the neighboring business. Broxmeyer stated that a fence is not proposed or required. Bright expressed concern that conditions may not be complied with. Broxmeyer stated that staff will review the site from time to time as well as if a complaint is received.

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

Gary Hornibrook, 2207 Roosevelt Rd - He lives in the single-family home on the property. His father operated a used car lot on the property prior to his passing. This portion of the property has been vacant for nearly a year, and he would like to rent it for auto sales.

Hultgren asked if the staff recommendations can be met. Hornibrook confirmed that staff recommendations can be met.

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 and to strike the aforementioned statement from the staff report. The motion was seconded by Newman and carried unanimously.

VAR-2016-02 / WARNER & BERNICE NOBLE / 1127 27TH AVE N

ACTION TAKEN: Newman/Bright/Approved (3-2, Hultgren and Radin opposed)

Broxmeyer explained a request for a variance from the setback of an accessory building from a property line. The applicant is proposing to construct a 12' x 27' detached garage on an existing concrete slab. The concrete slab is located 3' from an interior side property line. The applicant is requiring a 2' variance from the 5' setback requirement. Staff feels the variance request is a personal preference and that a clear practical difficulty has not been established. The applicant could potentially build a detached garage on the existing concrete slab, but it would have to be reduced to 12' x 25' in size. Staff recommends denying the variance. However, if the variance is granted staff recommends three conditions of approval.

Zenzen asked about the neighboring garage. Broxmeyer stated that the neighboring garage is approximately 3' from the property line. Prior to the adoption of the Land Development Code (LDC) in 2008, the side yard setback for accessory structures was 2.5'.

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

Warner Noble, 1127 27th Ave N - He would like to make full use of the concrete slab which was up to code at the time it was poured. The intent was to build the garage sooner, but it was put off for several years. The garage would be used to store a vehicle as well as yard equipment and personal mobility equipment.

Hultgren noted that a variance would not be needed if the garage was downsized to 25. Noble confirmed he was aware of the fact.

There being no one else wishing to speak, the public hearing was closed. Newman made a motion to approve the request subject to staff recommendations. The motion was seconded by Bright. Zenzen asked about other non-conforming setbacks in the neighborhood. Broxmeyer noted that the majority of accessory structures in the neighborhood encroach into the current setback requirement.

Newman commented that when the slab was poured, the intent was to complete the structure, and he can understand that the project was not finished and the code changed. Radin commented that while it may add to the cost of completing the project, there are options available other than a variance. Hultgren commented that while he is sympathetic to the cause, he believes this request may be a self-created hardship. Hultgren called for a vote and the motion to approve carried (3-2, Hultgren and Radin opposed).

OTHER BUSINESS

Hultgren noted there are two open seats on the Zoning Board of Appeals and encouraged anyone interested to apply through the Mayor's Office.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:36 p.m.