

CITY OF ST. CLOUD ZONING BOARD OF APPEALS

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

ROLL CALL:

MEMBERS PRESENT: Allen Bright, James Newman, Linda Radin and Ron Zenzen
MEMBERS ABSENT: Drew Hultgren
STAFF PRESENT: Dave Broxmeyer and Ashley Skaggs

JUNE 21, 2016 ZONING BOARD OF APPEALS MEETING MINUTES

ACTION TAKEN: Radin/Newman/Approved (4-0)

VAR-2016-04 / MICHAEL CHOUINARD / 122 13TH AVE N

ACTION TAKEN: Bright/Newman/Denied (1-3)

Broxmeyer explained a request tabled from the June meeting. The applicant is proposing to construct a 19' x 22' attached garage in the front yard of the house in roughly the same location as an existing dirt parking area. The applicant has shifted the proposed garage location from the previous site plan, which reduces the interior side yard setback to 2'. The applicant is also requesting a 4.2' variance to the front yard setback requirement. Staff feels the variance request is a personal preference and that a clear practical difficulty has not been established.

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

Michael Chouinard, 122 13th Ave N - He feels that the concerns raised by staff have been successfully addressed. The proposal was amended from detached to attached to increase visibility for the neighboring properties. He referenced a state statute identifying the inability to erect solar panels as a practical difficulty. An energy audit was performed on the house, and there are no other locations on the property that would be adequate for the installation of solar panels unless several mature trees were removed. Even if the trees were removed, there would still not be adequate sunlight to make the project financially feasible. He has received signatures from all abutting property owners supporting the request.

Radin asked about subscribing to a community solar garden. Chouinard stated that his goal is to install solar panels and connect directly rather than through a solar garden project, which can be costly.

Radin noted a letter received from a neighboring property owner suggesting that the trees on the property are in poor condition. Chouinard stated he believes the letter is exaggerated, and the trees do not seem to have any age related problems.

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. Radin noted her appreciation for the tenacity of the applicant to upgrade the property; however, she does not feel the requirements for granting a request have been met. Newman commented

that the inability to access sunlight to power solar panels is a hardship that should be considered, and he will support the motion. Zenzen stated he does not believe the subject of solar panels should enter into the decision of granting a variance. Zenzen called for a vote and the motion failed (1-3, Bright, Radin and Zenzen opposed).

VAR-2016-05 / SARAH ERTL & BEN WEYER / 5015 HIDDEN ACRES CIRCLE

ACTION TAKEN: Newman/Radin/Accept Withdrawal (4-0)

This item was withdrawn by the applicants. Newman made a motion to accept the applicants' withdrawal. The motion was seconded by Radin and carried unanimously.

CUP-2016-04 / REACH UP, INC. / 358 HWY 10 S

ACTION TAKEN: Bright/Newman/Approved (4-0)

Broxmeyer explained a request for a Conditional Use Permit to operate a daycare facility. In 2013, the Zoning Board of Appeals approved a daycare facility for up to 80 children on the abutting parcel for the applicant. The applicant is proposing to have up to 60 children at the new facility at any given time. Staff is recommending approval.

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

Duane Schultz, 7145 NE River Rd, Sauk Rapids - He was available for questions.

Linda Earl, Reach Up, Inc. - She is the Executive Director of Reach Up Head Start. The program currently serves 300-400 families from the area. The expansion will allow the program to move from ½ days to 6 hour days.

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.

VAR-2016-07 / JOE BELLE LTD PARTNERSHIP / 3082 W ST. GERMAIN ST

ACTION TAKEN: Bright/Newman/Approved (4-0)

Broxmeyer explained a request for a variance from the maximum fence height in a rear setback area. The applicant has an existing 6' high chain link fence around the perimeter of an in-ground swimming pool and is requesting to replace it with an 8'-10' tall chain link fence to prevent unauthorized minors from accessing the pool. Staff feels the variance request is a personal preference and that a clear practical difficulty has not been established. Bright stated he believes the issue should be forwarded to the Planning Commission to address certain situations where safety is a concern.

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

Cathy Hoefler, 9352 Ahles Rd - She submitted a letter from an adjacent property owner who is also experiencing problems with trespassing in their pool.

Rodney Meyer, 21564 Forest Hill, Richmond - The complex requires anyone under the age of 18 to be accompanied by an adult. There have been several occasions where minors have climbed the fence to open the gate. He believes a 10' fence is enough to deter kids from climbing the fence.

Radin and Zenzen agreed with Bright's earlier comment and suggested the broader issue be forwarded to the Planning Commission. Bright made a motion to approve the variance request for a fence up to 10' tall subject to staff recommendation. The motion was seconded by Newman and carried unanimously.

OTHER BUSINESS

Broxmeyer asked for an opinion regarding reducing the Zoning Board of Appeals membership to five members. A consensus was reached to remain a seven member board. Bright asked for an official response as to why a full board has not been appointed.

Broxmeyer noted that a decision last month to deny a variance for the construction of a sunroom addition was appealed by the applicant. The matter appeared before City Council, who voted to uphold the decision of the Zoning Board of Appeals (5-2).

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.