

CITY OF ST. CLOUD ZONING BOARD OF APPEALS

Tuesday, September 20, 2016

7:00 pm

City Hall Council Chambers

ROLL CALL:

MEMBERS PRESENT: Allen Bright, Drew Hultgren, John Mathews, Linda Radin and Ron Zenzen

MEMBERS ABSENT: -

STAFF PRESENT: Dave Broxmeyer and Ashley Skaggs

AUGUST 16, 2016 ZONING BOARD OF APPEALS MEETING MINUTES

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

VAR-2016-10 / JULIE & THOMAS HOFER / 141 GLENVIEW LP

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

Broxmeyer explained a request for a variance from Section 4 of the Kensington Gardens Planned Unit Development (PUD) to exceed the 33% maximum lot coverage requirement. The applicants are requesting to construct a 16' x 12' roof over the existing patio of the same size. The roof addition will increase the lot coverage to 34.2%, requiring a 1.2% variance. Broxmeyer explained that lot coverage is calculated by the footprint of the structure. Staff is recommending approval.

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

Thomas Hofer, 141 Glenview Lp - The home was purchased in an effort to downsize. He was not aware of how much sun would pour in to that side of the house. He would like to make the best use of the patio. A retractable awning was considered, but is not much cheaper than a permanent roof. He spoke with several neighbors who would prefer to see a solid roof line rather than an awning.

Hultgren asked if the structure would have walls. Hofer noted that the request is strictly for a roofline over the patio.

Julie Hofer, 141 Glenview Lp - The covered patio will help cut down on blowing snow in the winter and the sun in the summer.

Mathews asked if a reduced roofline would suffice. J. Hofer stated that because of the angle of the sun, it would not. There are several other sunrooms in the area similar to this structure.

Mathews asked if the home was built by the applicant. J. Hofer stated the home was a spec home. She thought the home could be bought and altered as they were able. The Homeowner's Association has verbally approved the request.

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

Radin commented that she does not believe the request to be unreasonable. Mathews respectfully disagreed, stating that while the design elements are consistent, there is nothing unique about the property itself to warrant a variance. There are alternatives available, such as reducing the roofline. Hultgren stated that the variance request is a self-created hardship, and agreed that other alternatives are available.

Hultgren offered a friendly amendment to require written approval from the Homeowner's Association. Radin and Bright accepted the amendment. Hultgren called for a vote, and the motion carried (3-2, Hultgren and Mathews opposed).

VAR-2016-11 / PAUL KOSHIOL CONSTRUCTION AND NELSON PROPERTIES / 3401 STONE WAY S
ACTION TAKEN: Bright/Zenzen/Denied (0-5)

Broxmeyer explained a request for variances from Section 6 of the Quarry Woods Planned Unit Development (PUD), which limits the maximum lot coverage to 30% and requires a 10' interior side yard setback. The applicants are requesting to build a house and attached garage with lot coverage of 31.7% and an interior side yard setback of 6'. Staff feels the variance requests are a personal preference and that a clear practical difficulty has not been established.

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

Paul Koshiol, 22838 73rd Ave – He is the builder for the property owner, Nelson Properties. The owners have a similar home out of state. The home can be shifted to meet the side yard setback requirement. The greatest need is the variance for lot coverage in order to store an RV. The owners purchased the lot based on its corner location in the development. Reducing the footprint would not allow the owners the storage required.

Bright asked about a Homeowner's Association. Koshiol noted that the Homeowner's Association has verbally approved the request.

Hultgren asked about other lots in the development. Koshiol stated that the lots vary throughout the development. The owners would like to make the best use of the property.

Zenzen asked about reducing the footprint of the structure. Koshiol stated that consideration had been given to reducing the footprint, but the owners were concerned that the living space would also be reduced.

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 Zenzen. Radin commented she will not support the motion as the homeowners have alternative options. Mathews noted that there is nothing unique about the property that would hinder the use of the property in a reasonable manner. Bright agreed with comments made by Radin and Mathews. Hultgren stated that request is a self-created hardship motivated by financial gain, and he will not support the motion. Hultgren called for a vote, and the motion failed unanimously.

VAR-2016-12 / JOHN THELEN / 1751 CHERRY LN
ACTION TAKEN: Bright/Radin/Denied (0-5)

Broxmeyer explained a request for a variance from Article 8, Section 8.3, which establishes the required interior side yard setback. The applicant is proposing to construct a 12' x 31' attached

garage addition on the east side of the existing attached garage. The applicant is requesting a 6' variance to the interior side yard setback to accommodate the addition. Staff is recommending approval of a 4' variance to the interior side yard setback.

Zenzen asked if the recommendation has been discussed with the applicant. Broxmeyer stated that the recommendation was mailed to the applicant at the time of packet publication.

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

John Thelen, 1751 Cherry Ln – The variance is needed for parking reasons. His work truck is larger than average. As part of his employment, he has tools and materials that take up a lot of space. The truck is essential to his employment.

Jocelyn Thelen, 1751 Cherry Ln – Two vehicles cannot park in the existing garage. Without the additional width, it would not be practical as it would eliminate the use of one side of the vehicle.

Mathews asked what alternatives have been discussed. John Thelen stated that he considered a detached garage in the rear, but that would require tree and patio removal.

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 Radin. Radin questioned where the request could be granted based on essential needs of employment. Bright suggested tabling the item to allow the applicant time to consider other options. Hultgren asked the applicant their preference on either tabling or taking a vote at this time. John Thelen requested the variance be reduced by 1'. Mathews noted his concern for the request not meeting the criteria of a variance. Hultgren called for a vote on a motion to approve a 5' interior side yard setback, and the motion failed unanimously.

ELECTION OF ZONING BOARD OF APPEALS SECRETARY

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

Broxmeyer noted that with the resignation of James Newman, the secretary position must be filled. Bright made a motion to elect Mathews as Secretary. The motion was seconded by Zenzen and carried unanimously.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:31 p.m.