

CITY OF ST. CLOUD ZONING BOARD OF APPEALS

Tuesday, October 18, 2016  
7:00 pm  
City Hall Council Chambers

**ROLL CALL:**

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

**SEPTEMBER 20, 2016 ZONING BOARD OF APPEALS MEETING MINUTES**

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

**CUP-2016-05 / HYBRID FARM, LLC AND ICPRE, LLC / 101 OSSEO AVE N**

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

Broxmeyer explained a request for a conditional use permit to operate an exercise facility in an I2, General Industrial District. The Land Development Code requires schools for martial arts, dance, music, exercise and vocational training to obtain a CUP prior to the beginning of operation. One of the conditions of approval includes a site plan, which has been provided by the applicant. Staff is recommending approval.

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

Ryan Avery, 1604 Cherry Ln - The facility will be similar to a crossfit gym; however, it will focus more on one-on-one training. There will be less people coming and going than a typical gym.

Mathews asked about parking and class size. Avery noted that classes will be held early morning and evenings. There will generally be a maximum of 10 people per class. Parking should not be an issue.

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 and carried unanimously.

**CUP-2016-06 / ST. BENEDICT'S SENIOR COMMUNITY / 1320 & 1340 MINNESOTA BLVD**

ACTION TAKEN: Bright/Radin/Approved (3-0-1, Mathews abstained)

Mathews abstained from discussion and voting of the item.

Broxmeyer explained a request for a conditional use permit to remodel and expand the existing Memory Care facility from 24 rooms to 27 rooms. The applicant is proposing a 6,600 sq. ft. addition to the west side of the building. The St. Benedict's Planned Unit Development requires new and/or expanding facilities to receive a CUP. Staff is recommending approval.

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

Dan Tideman, GLT Architects - The facility currently houses 24 residents and is seeking to add three rooms. The addition will maintain the low-key residential appearance that the current building has.

Zenzen asked about a construction timeline. Tideman stated that construction is anticipated to begin this fall and be completed by spring.

Allen Anderson, 1101 Minnesota Blvd – He asked how to address questions regarding traffic and traffic control issues.

Broxmeyer asked Mr. Anderson to contact him during business hours to discuss future projects.

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 and carried (3-0-1, Mathews abstained).

**VAR-2016-13 / SB RESTORATION AND JAKE LETARNEAU / 3840 RICHTER AVE**

ACTION TAKEN: Bright/Radin/Approved (3-1, Mathews opposed)

Broxmeyer explained a request for variances from Article 15, Section 15.5, which regulates the maximum height of a detached accessory structure and lot coverage, and Article 16, which regulates the materials used for a driveway. The applicant is proposing to construct a 42' x 40' detached accessory structure that is 17.5' in height, requiring a 0.5' variance to the maximum accessory building height. The Land Development Code also prohibits the lot coverage of an accessory structure to exceed the lot coverage of the principal structure, requiring a 748 sq. ft. variance to the footprint of the proposed building. Additionally, the applicant is proposing to install a gravel driveway, which requires a variance to the materials used. Staff feels the requests are 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:

John Muller, SB Restorations – The building will not feel out of place due to the size of the lot. The purpose of the building is for personal use to store a camper, boat, etc. The property owner is willing to pave the proposed driveway to meet code. The reason for the height variance is to be able to fit a camper underneath an attached lean-to.

Zenzen referenced a letter received by a neighbor indicating the structure will be used to store materials for a business. Broxmeyer stated that no evidence has been found that a business will be operating from the proposed building.

Mathews asked about a new curb cut. Broxmeyer noted that additional approval will be required from the Engineering Department for a new curb cut.

Mark Mjølhus, 3824 Richter Ave – He asked that the request be denied. The proposed building does not match other buildings in the neighborhood. His house is located directly to the north of the proposed building location. There is no logistical reason to have this large of a building.

Henry Ewers, 3825 Richter Ave – The property to the east of the proposed building cannot be built upon, so will not impact that property. The applicant is not building to accommodate a business. Prior to the current owner moving in, the property was a disaster. The applicant has worked hard to improve the property. He is in favor of the request.

Richard Krueger, 3818 Richter Ave – He is opposed to the request. This is a commercial-sized building. There are plenty of outbuildings in the neighborhood, but none this large. It needs to be downsized.

Bright stated that the request is a personal preference, and he cannot justify variances for the purpose of toys. Mathews noted that there is nothing that suggests a unique characteristic of the lot that meets the threshold to grant a variance. Zenzen commented that the building will not be an eyesore to the rest of the neighborhood compared to the rest of the buildings in the area, and he is in favor of the request. Radin stated that the integrity of the neighborhood should be taken in to account, especially with neighbors opposing the request.

Zenzen asked if the applicant would consider an amendment to the request. Muller stated that the applicant would be open to a 30' x 40' building by removing the lean-to. The height could then be reduced, eliminating the need for a variance to the maximum height allowed. Broxmeyer stated that a 30' x 40' building would still require a 268 sq. ft. variance. Zenzen reopened the public hearing to allow testimony regarding the amended request:

Mark Mjølhus, 3824 Richter Ave – He asked that the amended request be denied. A substantial building can still be built while still meeting the code requirements.

Henry Ewers, 3825 Richter Ave – The property owner is planning to plant pine trees that will block the view of the building from properties to the north. He asked the board to consider the amended request.

Richard Krueger, 3818 Richter Ave – He is mostly concerned with the height of the structure. He would support the request if the structure could be built within the requirements.

There being no one else wishing to speak, the public hearing was closed. Mathews stated that even with the reduction to the variance, a practical difficulty has not been met. Bright stated that he will support the request as amended. Bright made a motion to approve the amended request subject to staff recommendations. The motion was seconded by Radin and carried (3-1, Mathews opposed).

**VAR-2016-14 / GREATER ST. CLOUD PUBLIC SAFETY FOUNDATION / 600 13<sup>TH</sup> ST S**  
ACTION TAKEN: Bright/Radin/Approved (4-0)

Broxmeyer explained a request for a variances from the minimum lot area, minimum lot width, front, interior side, street side and rear yard setbacks, and off-street parking requirements. The applicants are proposing to raze the existing building to construct a Community OutPost (COP) house. The building is designed to look like a single family home, but will provide space for organizations like the St. Cloud Police Department, ISD 742, CentraCare, Gold Cross Ambulance, and Stearns County. Staff is recommending approval.

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

Brian Myers, Greater St. Cloud Public Safety Foundation – The Greater St. Cloud Public Safety Foundation was formed last year, and its purpose is to support public safety. The first signature project is modeled after Racine, WI. The proposed location of the COP House has received over 100 calls for service in the last 5 years. The COP House will work with police, fire and EMT services to improve the overall health and wellness of the neighborhood. The project

will be privately funded, and the entities using the facility will pay rent to fund operating costs.

Mathews asked about parking. Myers noted that the facility is anticipated to attract pedestrian traffic. The plan is for the building to someday be sold as a single family home.

There being no one else wishing to speak, the public hearing was closed. Mathews verified that if the building were used as a single family home, there would be no need for a variance. Broxmeyer confirmed. Bright made a motion to approve the request subject to staff recommendations. The motion was seconded by Radin and carried unanimously.

**REPORT ON QUORUM MINIMUMS**

ACTION TAKEN: None

Broxmeyer noted that four members are needed to constitute a quorum. If the board were reduced to a five member board, the quorum would be reduced to three.

**OTHER BUSINESS**

ACTION TAKEN: None

Broxmeyer provided an update on the tiny house case with St. John's Episcopal Church.

**ADJOURNMENT**

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