

CITY OF ST. CLOUD ZONING BOARD OF APPEALS

Tuesday, January 17, 2017
7:00 pm
City Hall Council Chambers

ROLL CALL:

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

NOVEMBER 15, 2016 ZONING BOARD OF APPEALS MEETING MINUTES

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

SEP-2017-01 / SCENIC SIGN CORP & ANDERSON PROPERTIES, LLC / 300 23RD AVE N

ACTION TAKEN: Bright/Zenzen/Approved (3-1, Hultgren opposed)

Broxmeyer explained a request for a Special Exceptions Permit for a wall sign replacement on an existing nonconforming commercial building in a residential district. A credit union has been replaced with an insurance office, and the change in signage is considered to be an expansion of a nonconforming commercial use in a residential district. The applicant's building was originally constructed in 1955 and appears to have been built to the southern property line, encroaching into the typical street side yard setback. Staff is recommending approval of the request with the acknowledgement of the existing street side yard encroachment.

Hultgren asked if a change in ownership triggers a nonconformity to come into compliance. Broxmeyer stated that abandonment of a use for one year triggers compliance of a nonconformity. Hultgren asked about a prior SEP. Broxmeyer stated that he had found no evidence of a prior SEP. Staff felt that while the change from a credit union to insurance agency was similar in use, the change in signage is considered an expansion of the nonconforming use.

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

Dan Anderson, Anderson Properties - He purchased the property in September. He purchased the building with the understanding that he could change the use and put a new sign up.

Mathews asked about the lighting of the proposed sign. Anderson stated that the sign will be lit with a dim red light. The parking lot lights will be brighter than the sign itself.

Chris Kerr, 2218 3rd St N - He is the property owner directly across the street. He appreciates the improvements that have been made to the building, but he is concerned with the amount of light given off by the sign. There is also a security light in the parking lot that deters him from being able to use his backyard. He asked that the sign not be lit.

Hultgren asked about the house of operation. Anderson stated that the building is generally open from 8:30am - 5:00pm with the occasional evening meeting.

Hultgren asked about the necessity of having the sign lit. Anderson stressed the importance of a lit sign for the business.

Mathews asked about the former sign. Kerr stated that the former sign was lit by the can lights under the eaves of the building.

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. Board members discussed the possibility of attaching conditions to the permit regarding its illumination. The original motion stands. Hultgren stated he will vote against the motion because he would like to see conditions attached regarding the illumination of the sign. Hultgren called for a vote and the motion carried (3-1, Hultgren opposed).

OTHER BUSINESS

ACTION TAKEN: None

Broxmeyer provided a brief update of the pending lawsuit with St. John's Episcopal Church. Zenzen provided copies of an email and attached articles regarding Minnesota Administrative Rules and Administrative Statutes. Broxmeyer stated he will pass the information on to the City's attorneys and provide an update at the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:44 p.m.