

ZONING BOARD OF APPEALS

Minutes

Meeting of August 1, 2017

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Beardsley, Boettcher, Canfield; Ms. Bourne, Brenholt

Staff Present: Mr. Noel

Chairperson Mr. Boettcher chaired the meeting.

1. Roll Call

Mr. Boettcher called the Zoning Board of Appeals to order.

2. Approval of July 5, 2017 Meeting Minutes

Mr. Canfield moved to approve the meeting minutes of July 5, 2017. Mr. Beardsley seconded and the minutes were approved.

3. #4-17 4810 Rivercrest Drive

Mr. Noel presented a variance request to construct a second detached garage that encroaches into the required front yard setback. The Plan Commission already granted a conditional use permit for the proposed 1,728 square foot, 22 foot high garage. Section 18.20.100 of the Zoning Code allows accessory buildings in front yards when lots abut a river or lake. In this situation, however, an abandoned railroad right-of-way separates the lot from the Chippewa River. The lot in question is 3.2 acres, very deep and woods screen adjacent properties.

Appellant, Thomas Kewan of 4810 Rivercrest Drive spoke in support of the variance request.

Mr. Beardsley moved to approve the variance finding: the garage does not hinder the public's interest; there were no objections from adjacent owners or City departments; and the lot in question presents hardships due to its long dimensional depth, river bank grade and location of the house and drain field. Seconded by Mr. Canfield and the motion carried.

4. #5-17 807 W. Clairemont Avenue

Mr. Noel presented a variance request to install a 24 feet high, 64 square foot pylon sign that encroaches 20 feet into the required 70 foot highway setback. One side of the sign is for Caribou Coffee and the other side for Einstein Bros Bagels. The sign would be placed within a landscape area near the drive-thru menu board. The Zoning Ordinance states that in a case where a service road curves inwardly at a street intersection to give better access to a controlled-access highway, that the required building setback line established in this case to the west shall continue onto the street intersection, provided however, that the setback is at no point less than 30 feet. In this case,

the frontage road curves approximately 20 feet in front of Caribou's property due to the intersection spacing of Stein Blvd. and Clairemont Avenue. Therefore, the required setback to the north property line would be approximately 50 feet. Since the appellant is proposing to place the sign at a 30-foot setback, they are requesting a variance of 20 feet from the north property line. Some existing businesses along the frontage road have pylon signs in front of their buildings that were approved by variance, while others met the code. The proposed Caribou sign appears to be in line with both the America's Best Value Inn and Jimmy John's strip center.

Charles Schatz with Reprise Architecture, and representing the appellant Caribou Coffee, presented a three dimensional drawing of the building and proposed pylon sign. He stated the position of the new building, due to the larger setback on the small corner lot, has forced the request. The larger setback does not make sense for this lot because the frontage road ends at it and a Mayo Clinic building to the east is setback at about where their front property line begins. Thus, this presents a hardship verses others lots that meet the pylon sign code to the west, such as with Starbucks.

Mr. Canfield moved to approve the variance finding: the proposed pylon sign is on a corner lot that has special circumstances since the frontage road bends back towards the property and ends at Stein Blvd.; that the Mayo Clinic building to the east presents a different building massing scenario verses buildings to the west that are located farther back on the frontage road; that the project does not hinder the public's interest; and there were no objections from adjacent owners or City departments. Seconded by Ms. Bourne and the motion carried.

5. Adjournment

The meeting was adjourned at 7:48 p.m.


Mary Brenholt, Secretary