

CITY OF ALBERT LEA
BOARD OF APPEALS
MEETING MINUTES

November 14, 2017 - 11:00 am
City Center – Council Chambers

Board Members Present

Larry Baker, Ex-Officio
Doug Conn, Chair
Craig Hoium
David Klatt
Rich Sydnes

Board Members Absent

Margaret Ehrhardt
Matt Maras

Staff in Attendance

Cierra Maras, Fire & Inspection Administrative Assistant
Wayne Sorensen, Building/Zoning Administrator

Interested Parties

Jim Grund, 2804 Campus Drive
Justin Nelson, 534 West Park Ln
Marcyne Cahill, 316 7th Ave SE, Waseca, MN 56093

Board of Appeals Chair, Doug Conn, called the meeting to order at 11:02 a.m.

Approval of the Agenda

Hoium made a motion to approve the agenda and Sydnes seconded the motion. The agenda was approved unanimously on a voice vote.

Approval of Minutes

Sydnes made a motion to approve the minutes from May 24, 2017. Klatt seconded the motion. The minutes were approved unanimously on a voice vote.

Staff report prepared by Wayne Sorensen and an audio recording of this meeting become part of these minutes by reference.

Appeal: VA2017-002

Property owners at 2804 Campus Drive requested to vary from the 60' front yard setback distance cited in City Code Section 74-18 to allow for a detached accessory building with a 25' setback from the front property line.

The home was built in 2002 on a roughly triangular lot. The lot is 23,301 sq. ft. and has an elevation difference of 10' from the northwest to southeast. The topography of the lot in the

only available conforming location has an elevation change of over 6' in a 25' horizontal distance which staff noted may present a practical difficulty as well as the triangular shape of the lot putting minimum setbacks into a finite area of possibility in the higher sloped area.

Hoium asked if the primary structure was currently at the minimum setback and Sorensen confirmed that it was. Hoium noted that he visited the area and where the structure is being proposed seems to be the only area the garage could be placed.

Sorensen mentioned that there were a few phone calls in favor of the structure being built and no negative comments had come forward.

Klatt asked if there would be a cement slab and if the green space requirement would be affected and Sorensen explained the green space would not be effected and there would be a cement slab.

Sydnes asked if the structure would be used as a storage shed and if there would be a cement or gravel driveway. Sorensen explained it would be an accessory structure and a cement driveway could be added without affecting green space.

Public Hearing opened at 11:17 a.m.

James Grund, 2804 Campus Drive, explained that the farther back he moves the proposed structure in order to meet setback requirements, the slope increases. He mentioned that he did talk with contractors and was told he could put in a floating slab but if he were to put the proposed structure farther back he would need a foundation wall which increases costs.

Klatt asked if the structure would match the house and Grund confirmed that it would.

Public Hearing closed at 11:21 a.m.

Hoium explained that there are no other feasible options and no other locations to build due to the lot configuration. The topography has a severe grade going down easterly. The owner intends to use the property in a reasonable manner and the uniqueness of the lot includes the topography and triangular shape.

Hoium made a motion, seconded by Sydnes, to recommend to City Council that the requested variance is approved as petitioned for. The motion passed on a 4-0 voice vote.

Appeal: VA2017-003

Property owners of 534 West Park Lane requested to vary from the 25' back yard setback distance cited in City Code Section 74-18 Subd. B2 to allow for a residential dwelling with an 8' setback from the back property line.

The property is currently an undeveloped, conforming lot with, by definition, a front yard on the north and a backyard on the south. The applicant wishes to have the home facing west on this lot to conform to the shape, topography, and existing driveway. Current ordinance would define the "front yard" on a corner lot as the frontage with the smaller dimension which in this

case is the north end. Staff noted that a practical difficulty may exist due to the topography of the site and the way City Ordinance defines the front and backyard; the existing driveway is already in place.

Hoium clarified that the proposed structure would be the primary structure on the lot and not an accessory building. Sorensen confirmed it would be the primary structure for primary use. Hoium also noted that several lots in the neighborhood seem to have nonconformities as well as having the structures on the lots being accessory versus primary structures. Sorensen agreed that the neighborhood as a whole has many setback problems as far as nonconformities and noted that the idea of a nonconformity is not to prolong or encourage the use and not to create nonconformities going forward.

Klatt and Hoium discussed a few other options for placement of the structure including having the east property line be at an 8' setback with the south being the rear yard so it would not be directly adjacent to another structure.

Public Hearing opened at 11:30 a.m.

A neighbor commented that the backyards butting up to each other would not be a great appearance.

Justin Nelson, 541 West Park Lane, explained that he took pictures on the corner and that almost every house in the area has the same type of setbacks that he is requesting. He described several different specific properties and the setbacks they have noting that his request conforms to other lots in the neighborhood.

Nelson explained that the driveway coming off of West Park Lane is gravel now but will be cemented. He noted that those who signed the petition in favor think that aesthetically it will be a better look.

Klatt noted that there have been calls and letters from the neighbor located at 533 Park Avenue wondering if there is any way to move the setback to the west a bit farther. Sorensen commented that he also received a phone call from that neighbor wishing the setback could be farther if possible. Baker said he also spent time talking with that neighbor and their concerned about the proximity of the structure to the fence.

Nelson explained that he spoke with those neighbors and they want him to build away from their fence which inhibits his reason for doing this. He said if it came to that, he would rather have that area moved to the south. If he were to move forward, he would have additional cost for excavating and taking out trees. He noted that after explaining his plans to the neighbor, they understood.

Public Hearing closed at 11:52 a.m.

Hoium noted that whether or not a motion is made to approve or deny, the structure will be 8 feet from the property line. The proposed structure use is primary and residential in nature and a reasonable use of neighborhood permitted by zoning ordinance. Uniqueness of the lot being a corner lot comes with complications and as far as character of the neighborhood,

most structures in the subdivision are nonconforming and does not believe it would add any negative character.

Hoium made a motion to recommend to City Council the variance is approved, seconded by Sydnes. Motion passed on a 3-0 voice vote; Klatt abstained.

Appeal: VA2017-004

Property owner of 518 Pillsbury Avenue requested to vary from the 5' side yard setback distance cited in City Code Section 74-219 to allow for a residential garage addition with a 0' or a 3' setback from the north side property line.

The residence has a detached single car garage which is being removed. The lot area is 6,000 sq. ft. and the present home covers 913 sq. ft. The existing residence meets current setback requirements. In 20017, City Staff noted construction activity on the site. At that time, permits were issued for an interior remodel including a roof structure change. The owner of the property wishes to have an attached garage structure and does not wish to attempt an attachment on the back side of the house due to kitchen location and an elevation change. The main floor of the house is 4' off the ground making the connection a challenge. The owner also indicated the desire for an open space backyard and does not prefer a detached garage in this climate.

Sorensen explained that the lot does allow to build a single car garage in the back. An attached garage may be difficult to attach due to the layout of the lot. He noted the character of the locality is an older neighborhood and lot sizes are smaller with older style homes, detached garages, and little space for accessory structures. He mentioned that the owner does intend to use the structure for residential purposes.

Sorensen said that most of the neighborhood is nonconforming and have illegal structures on property lines noting that staff does not encourage the survival of nonconformities.

Public Hearing opened at 12:00 p.m.

Marcyne Cahill, property owner of 518 Pillsbury Avenue, explained that the house is in dire need of improvements. Sorensen commented that the existing garage does need to come down. Cahill explained that an attached garage would be a wonderful addition and would look nice in the neighborhood. She said she does not see a lot of advantage in having a detached garage, especially in this climate.

Hoium clarified that the property was not owner occupied but a rental property. Cahill explained that she purchased the home in 2012 intending to turn it into a rental property. Personal obstacles came up and finances became tough. She explained she is now at a financial point where she is able to improve the property.

Hoium asked Cahill about the current garage. Cahill explained that it is detached and only 10 feet wide. She expressed she felt there was no point in repairing the existing garage

because of how narrow it is and it is in terrible condition. The foundation has been added on in the back but it is not hooked into the other foundation.

Cahill explained that in her opinion, attaching a garage to the side would open up the view in the neighborhood. She noted the existing door on the east side of the house could become a direct access to the proposed structure. The elevation would not require any additional steps.

Hoium asked if the existing foundation in the south could be utilized for a new garage in that location and a new foundation system be added for the front and back to tie it together. Sorensen explained that without reviewing it on site, his first impression would be no as it is beyond repair.

Klatt verified that the proposed structure would be 12'x24' and not the original 15'x24'. Cahill confirmed that she has reduced her request to 12'x24' after speaking with Sorensen.

Conn asked what the timeline for building the proposed structure would be. Cahill said she would like to get the cement work done before it freezes.

Klatt asked if the property would become a rental property if the proposed structure were to be approved. Cahill said she would like to sell the property when finished.

Public Hearing closed at 12:15 p.m.

Sydnes made a motion to recommend to City Council the approval of the requested variance, seconded by Klatt. The motion passed on a 4-0 voice vote.

New Business

None

Old Business

None

Commissioner Communications

None

Staff Communications

Staff commented on the expiration dates for board members, noting that Klatt and Conn would no longer be on the board as of 2018.

Adjournment

The meeting was adjourned at 12:23 p.m. The motion to adjourn was made by Hoium and seconded by Sydnes. The motion to adjourn was approved unanimously on a voice vote.

Respectfully submitted,

Cierra Maras
Administrative Assistant

Doug Conn
Chair, Board of Appeals