

**CITY OF ALBERT LEA
BOARD OF APPEALS
ADVISORY BOARD**

*March 18, 2020 – 10:00 a.m.
City Center – Room 109*

AGENDA

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES
a. February 19, 2020

D. PUBLIC HEARINGS
a. Variance Request – 2211 East Main Street

E. NEW BUSINESS

F. COMMISSIONER COMMUNICATIONS

G. STAFF COMMUNICATIONS

H. ADJOURNMENT

CITY OF ALBERT LEA
BOARD OF APPEALS
MEETING MINUTES

*February 19, 2020 - 10:00 am
City Center – Council Chambers*

Board Members Present

Larry Baker, Ex-Officio
Rachelle Bizjak
Colby Cunningham
Steve Guenthner
Craig Hoium, Chair
Rich Sydnes

Board Members Absent

None

Staff in Attendance

Megan Boeck, City Planner
Cierra Maras, Fire & Inspection Administrative Assistant

Interested Parties

Peter Coyle
Rick Miller
Kraig & Korla Schuhmacher

Board of Appeals Chair, Craig Hoium, called the meeting to order at 10:00 a.m.

Approval of the Agenda

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

Approval of Minutes

Guenthner made a motion to approve the minutes from January 23, 2020. Bizjak seconded the motion. The minutes were approved unanimously on a voice vote.

Staff report prepared by Megan Boeck, City Planner, are to become part of these minutes by reference.

Appeal: VA2020-001

Stoney Creek Estates, 605 19th Street, currently exists as a manufactured home park within a PD zone. City staff was contacted by a company (Pacific West) working to complete a property transfer/sale looking to obtain a letter of zoning verification. At that point, staff discovered several legal non-conformities pertaining to the use, density, and setback requirements. The purpose of a Condition Use Permit (CUP) is to remedy nonconforming issues that are otherwise cost prohibitive to a manufactured home park – especially one that has been in existence for 50 years.

Without a CUP or variance and the existing laws on altering or expanding non-conformities, the site will continue “as is” (a legal nonconformity) and staff will struggle with the legitimacy of issuing permits for improvements to the overall 19 acres property and each individual home.

The Planning Commission approved a Conditional Use Permit, with conditions, for the property at their February 4, 2020 meeting.

Public Hearing opened at 10:12 a.m.

Peter Coyle, lawyer representing Pacific West, explained that this would be the first manufactured home park the company would own and they would like to upgrade the park. He noted that the company would like to replace the older trailers but with the current legal nonconformity, they would only be able to replace the trailers with the exact same footprint, which becomes difficult with the more modern trailers.

Rick Miller, neighboring property owner, spoke on the green space along Milo Avenue. He explained that kids use that area to play and he would like to see that green space remain there. Boeck explained that conditions in the CUP do address that green space as well as screening.

Kraig Schuhmacher, neighboring property owner, explained that he would also like to see the green space be maintained and properly cared for along Milo Avenue between 18th Street and 19th Street. He said it has been a play area for many children and recreation area for the neighborhood as a whole. He noted that in the past, there have been times that old trailers had been placed there for months at a time and would like to not see that continue to happen.

Sydnes asked if there are specifics or stipulations to what the screening could be. Boeck explained that the Planning Commission was not specific in the type of screening and were comfortable that staff would take care of that. She noted that staff was not in favor of a fence as that can be difficult to maintain.

Public Hearing closed at 10:28 a.m.

Hoiium asked if the ownership of the park has transferred yet. Coyle said they are hoping to close in March.

Sydnes made a motion, seconded by Guenthner, to recommend to City Council the approval of a variance from City Code Sec. 74-794 (c) (2) Minimum lot size, City Code Sec. 74-794 (c) (5) Roadway design, City Code Sec. 74-794 (c) (7) Yard setback requirements, City Code Sec. 74-794 (c) (16) Boundary markers, and City Code Sec. 74-794 (c) (18) Placement of new or replacement homes.

The motion passed on a 5-0 voiced vote.

New Business

None

Old Business

None

Commissioner Communications

None

Staff Communications

Boeck said there will be another meeting coming up in March for a variance regarding a billboard. The board decided to schedule the next meeting for March 18, 2020 at 10:00 a.m. at City Hall.

Adjournment

The meeting was adjourned at 10:41 a.m. The motion to adjourn was made by Cunningham and seconded by Guenthner. The motion to adjourn was approved unanimously on a voice vote.

Respectfully submitted,

Cierra Maras
Board of Appeals Secretary

Craig Hoium
Chair, Board of Appeals



GENERAL INFORMATION

Applicant: E Family C., LLC

Property Owner: E Family C., LLC

Purpose: A variance from the setback requirement between billboards in a B-2 Zone

Address: 2211 East Main Street, Albert Lea, MN

Parcel Number(s): 34.192.0430

Zoning: B-2 Community Business District

Surrounding Land Use: B-2 – and minimal PD and R-3

File Date/Publication Date: February 18, 2020/March 6, 2020

BACKGROUND

In November 2019, Albert Lea City Council approved a lot split at 2211 East Main Street that would allow for private development on Parcel B of the attached Boundary Survey. Parcel B contains an existing billboard that the developer wanted removed. Because of a lengthy contract agreement and the costs of cancelling the contract, the property owner opted for relocation instead. Relocating the billboard to Parcel A means that it will be setback from an existing billboard (*also located on Parcel A*) a distance of 282.4 ft, which requires a variance.

POLICY CONSIDERATIONS

Zoning- 74-1009 Sign Standards (3) Signs in B-2 Permitted Signs:

No billboard shall be placed closer than 300 ft. from any other billboard or closer than 100 ft. from any other freestanding ground sign on the same side of the street.

REVIEW OF VARIANCE STANDARDS

Article II Administration and Enforcement

Section 74-87 states:

The Board of Appeals may recommend and the City Council may issue variances from the provisions of the zoning code. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinances; and when the terms of the variance are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties are as follows:

(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

Staff agrees that the petitioner proposes to use the property in a reasonable business district manner and that the zoning relief requested will not increase the size or add to the amount of signage on the property—it just moves it closer to another existing billboard.

(2) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The purpose of the B-2 Community Business District is to provide for business uses of a community-wide scale which the proposed development will achieve. Dividing the lot at 2211 East Main Street created an additional developable lot and without such, the property would likely remain vacant or used only for parking which is not in line with the purpose of the B-2 Community Business District. The catch is that in order to create a sizeable lot and meet the needs of the district and the developer, the billboard has to be moved.

(3) The variance, if granted, will not alter the essential character of the locality.

Staff finds that large signs, such as billboards, are a common characteristic of East Main Street—and moving an existing billboard will not alter the character of the locality.

(4) The proposed variance will not impair an adequate supply of air and light to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.

There is no evidence that relocating an existing billboard will impair adequate air or light to adjacent properties and there is no anticipated impact to property values or the overall public health, safety and welfare of the area.

RECOMMENDATION

Staff recommends that the Board of Zoning Appeals consider the legal standards set forth by Minnesota Statute 462.357 subd 6 when considering variance applications. This includes the three factor practical difficulties test:

- 1) Reasonableness- does the landowner intend to use the property in a reasonable manner?
- 2) Uniqueness- are there unique physical characteristics of the land, not personal preferences of the landowner that creates the circumstance?
- 3) Essential Character- will the resulting structure be out of scale, out of place or otherwise inconsistent with the surrounding area?

If based on the criteria for consideration, the Board of Zoning Appeals approves this variance request, staff recommends the following conditions:

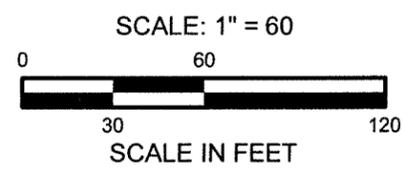
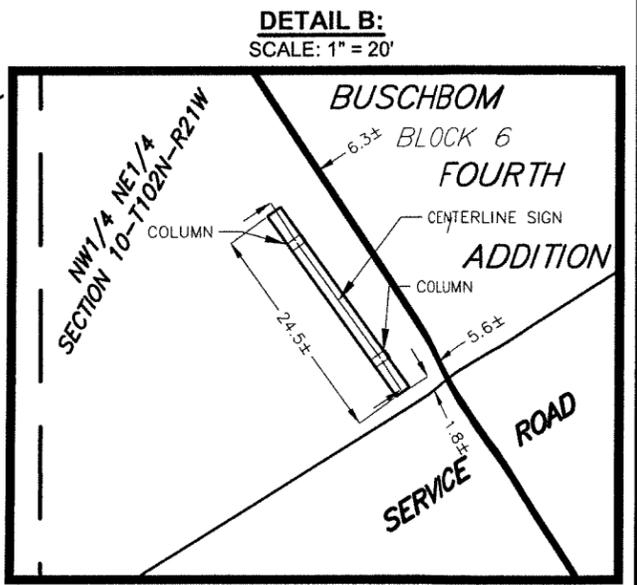
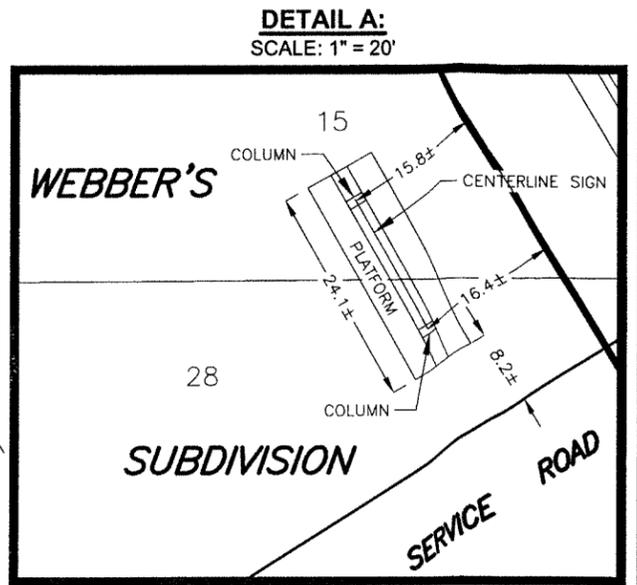
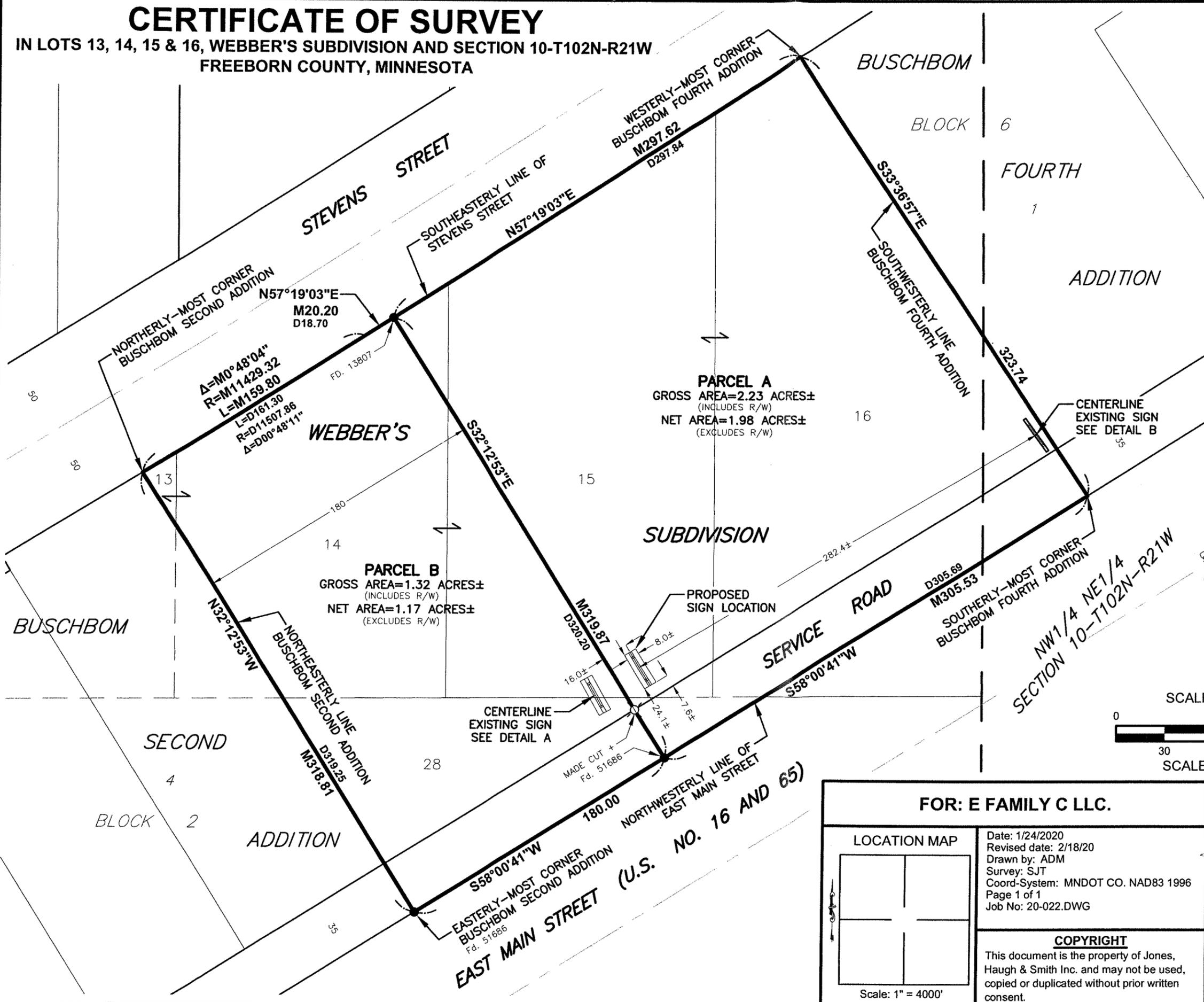
1. That the contract for this billboard not be renewed and the variance for such expire at the end of the existing contract—at which time the billboard will be removed.

ATTACHMENTS

1. Boundary Survey

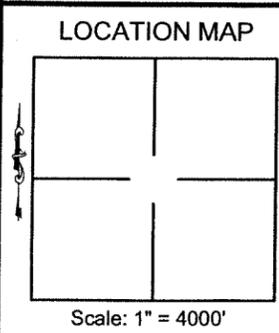
CERTIFICATE OF SURVEY

IN LOTS 13, 14, 15 & 16, WEBBER'S SUBDIVISION AND SECTION 10-T102N-R21W
FREEBORN COUNTY, MINNESOTA



- LEGEND:**
- = 5/8 Inch x 16 Inch iron stake monument (Capped SJT 22705)-Placed
 - = Iron stake monument-Found
 - M=Measured Distance
 - D=Deed Distance

FOR: E FAMILY C LLC.



Date: 1/24/2020
Revised date: 2/18/20
Drawn by: ADM
Survey: SJT
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 1
Job No: 20-022.DWG

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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Steven J. Thompson
Steven J. Thompson, L.S. No. 22705
Date: 2-18-20

JONES HAUGH SMITH
Engineers + Surveyors

515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598