

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

May 27, 2020, 10:00 a.m.  
ZOOM – Virtual Meeting

AGENDA

- A. CALL TO ORDER AND ROLL CALL
  
- B. APPROVAL OF THE AGENDA
  
- C. APPROVAL OF MINUTES- April 29, 2020
  
- D. PUBLIC HEARINGS
  - a. Variance Request- City of Albert Lea
  
- E. NEW BUSINESS
  
- F. COMMISSIONER COMMUNICATIONS
  
- G. STAFF COMMUNICATIONS
  
- H. ADJOURNMENT

CITY OF ALBERT LEA  
BOARD OF APPEALS  
MEETING MINUTES

*April 29, 2020 - 10:00 am*  
ZOOM

**Board Members Present**

Rachelle Bizjak  
Colby Cunningham  
Steve Guenther  
Craig Hoium, Chair

**Board Members Absent**

Larry Baker, Ex-Officio  
Rich Sydnese

**Staff in Attendance**

Megan Boeck, City Planner

**Interested Parties**

None.

Board of Appeals Chair, Craig Hoium, called the meeting to order at 10:24 a.m.

**Approval of the Agenda**

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

**Approval of Minutes**

Guenther made a motion to approve the minutes from March 18, 2020. Cunningham seconded the motion. The minutes were approved unanimously on a voice vote.

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

**Appeal: VA2020-003**

Variance request on parcels 34.128.0380 and 34.128.0390 to clear woody vegetation near Shoff Creek in order to perform routine aerial inspections of petroleum pipeline.

**Public Hearing opened at 10:26 a.m.**

Boeck stated that due to Covid-19 the meeting is being held via Zoom and that there is no public in attendance. Boeck also stated that notice of the Zoom meeting was advertised significantly in the Albert Lea Tribune as well as the City's Facebook page and website. Boeck stated that she did not receive any verbal or written comments.

**Public Hearing closed at 10:38 a.m.**

Guenthner made a motion, seconded by Bizjak, to recommend to City Council the approval of a variance from Shoreland Management standards to allow clearing of woody vegetation with the following conditions:

1. That repairs/seeding are made to any rutting that occurs as a result of the vegetation clearing.

The motion passed on a 4-0 voiced vote.

**New Business**

None

**Old Business**

None.

**Commissioner Communications**

Hoium mentioned that the Board of Appeals is in need of two more members.

**Staff Communications**

None.

**Adjournment**

The meeting was adjourned at 10:40 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,

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Megan Boeck  
City Planner

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Craig Hoium  
Chair, Board of Appeals



## **GENERAL INFORMATION**

Applicant: City of Albert Lea – Department of Engineering  
Property Owner: City of Albert Lea  
Purpose: A variance from 74-834 Airspace Space Obstruction Zoning  
Address: None.  
Parcel Number(s): 34.605.0020  
Zoning: DCD – Diversified Central District  
Surrounding Land Use: DCD and B-3  
File Date/Publication Date: May 6, 2020/May 13 and May 16, 2020

## **BACKGROUND**

In 2018 the City of Albert Lea solicited proposals for engineering services to evaluate the need for a new well, water treatment plant and central water tower. Bolton and Menk determined that a new 1 million gallon water tower was needed as the existing central water tower was considered past its useful life. Throughout the study, four locations were determined to be possibilities but it was determined that the existing location (or just to the south of the existing tower) was the most cost-effective option and would be best for water system reliability and water pressure. In addition, it was determined that the existing location would provide adequate storage for potential growth.

## **POLICY CONSIDERATIONS**

### **Zoning- 74-834 Air Space Obstruction Zoning.**

(2) Horizontal zone. All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,411 above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

The proposed central water tower will be constructed at 1425 feet in height with an additional five (5) feet for a red aviation light, equaling 1430 ft above mean sea level which requires a variance of 19 ft.

## **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 reasonable manner not permitted by the zoning ordinance.**

A central water tower of similar size and height has existed on this property since 1938. The current tower is past its useful life and needs replacing. Staff finds it reasonable that a new central water tower be constructed within the same parcel.

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

Also concluded in the study provided by Bolton and Menk is that the existing tower is not high enough so it acts independently of the other four towers which are at the same 1430 ft elevation. This creates issues within our water system that will be corrected once the new central water tower is built to the same 1430 ft elevation.

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

Staff agrees that removing an existing central water tower and replacing with a new tower of similar size and shape will not alter the essential 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.**

Taking into consideration that a water tower of similar size and shape has existed in this same vicinity for the last 80+ years, staff does not have reason to expect a negative impact to the surrounding property owners.

In addition, The Federal Aviation Administration Office completed an aeronautical study that determined that if the structure were reduced to a height so as not to exceed 197 feet above ground level (1430 feet above mean sea level), it would not have a significant impact.

## **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?

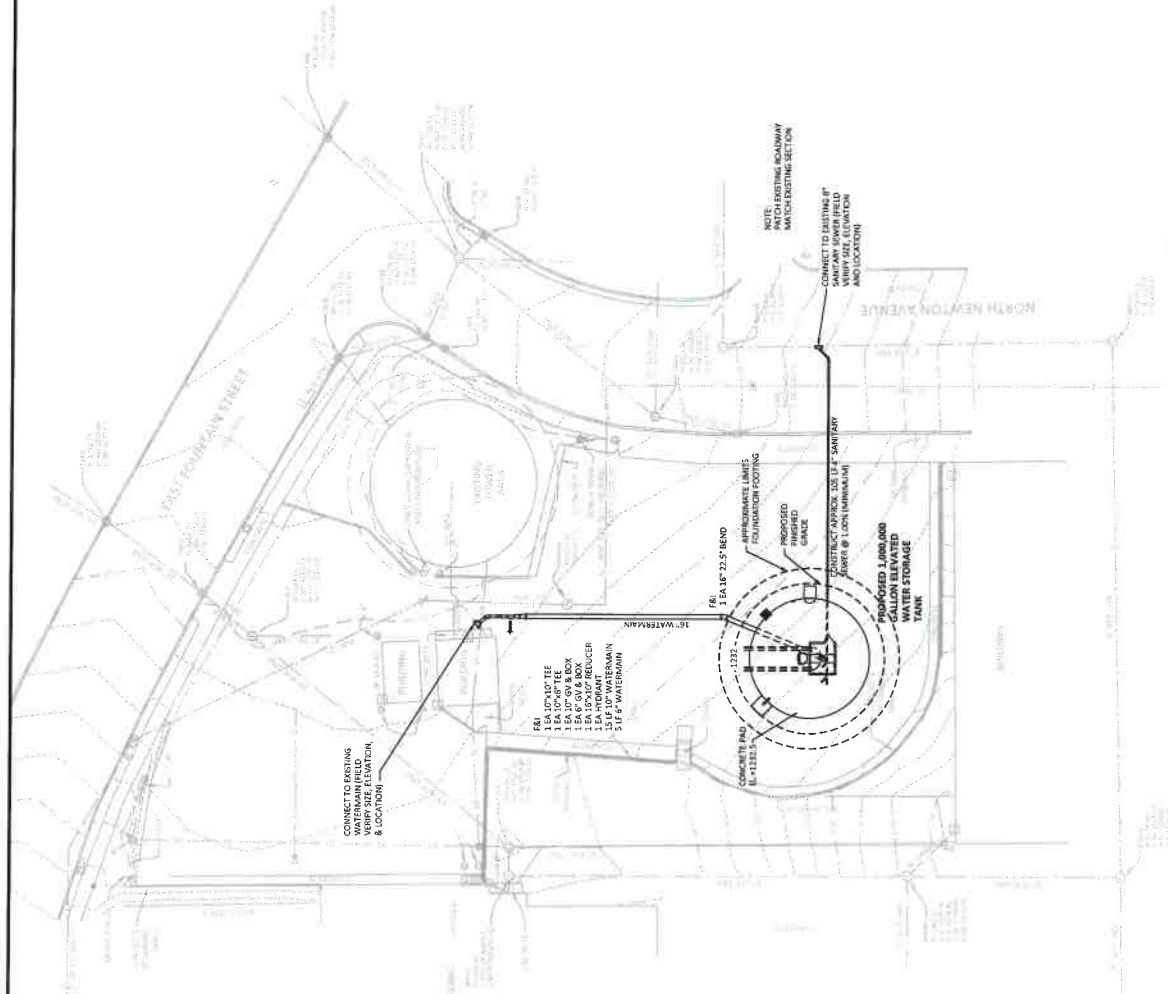
3) Essential Character- will the resulting structure be out of scale, out of place or otherwise inconsistent with the surrounding area?

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

1. None.

**ATTACHMENTS**

1. Exhibit A- Site Plan Modifications



	<b>ALBERT LEA, MINNESOTA</b> 1 MILLION GALLON ELEVATED WATER STORAGE TANK SITE PLAN MODIFICATIONS LOCATIONS AND PIPING	SHEET <b>2.02</b>
	<b>BOLTON &amp; MENK</b> 2500 PREMIER DRIVE MANAOTO, MINNESOTA 55003 Email: Manato@boltonmenk.com www.boltonmenk.com	PROJECT NO: 18010331 DATE: 11/20/18 DRAWN BY: JMM CHECKED BY: JMM APPROVED BY: JMM



DATE: 11/20/18  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 APPROVED BY: JMM