

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

December 13, 2019, 10:00 a.m.
Council Chambers, 221 E Clark Street

AGENDA

- A. CALL TO ORDER AND ROLL CALL

- B. APPROVAL OF THE AGENDA

- C. APPROVAL OF MINUTES- PC August 3, 2018

- D. PUBLIC HEARINGS
 - a. Variance Request- 511 Wedgemore Drive

- E. NEW BUSINESS

- F. COMMISSIONER COMMUNICATIONS

- G. STAFF COMMUNICATIONS

- H. ADJOURNMENT

CITY OF ALBERT LEA
BOARD OF APPEALS
MEETING MINUTES

*August 30, 2018 - 11:00 am
City Center – Council Chambers*

Board Members Present

Rachelle Bizjak
Craig Hoium
Matt Maras
Rich Sydnes

Board Members Absent

Larry Baker, Ex-Officio
Margaret Ehrhardt
Steve Guenthner

Staff in Attendance

Cierra Maras, Fire & Inspection Administrative Assistant
Robert Rice, Building Inspector

Interested Parties

Travis Broskoff

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

Approval of the Agenda

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

Approval of Minutes

Cunningham made a motion to approve the minutes from May 17, 2018. Maras seconded the motion. The minutes were approved unanimously on a voice vote.

Staff report prepared by Molly Patterson-Lundgren, City Planner, and an audio recording of this meeting become part of these minutes by reference.

Appeal: VA2018-004

The variance is requested for the front setback of a proposed shed. Sec. 74-18 (b)(2) requires that all accessory buildings or structures shall be no less than 60 feet from a front lot line. The applicants would like the building 40 feet from the front property line, a variance of 20 feet.

Hoium asked Rice if the setbacks have always been 60', Rice confirmed it has been. Hoium asked if the proposed structure would sit further back than the lot to the east if a house were to be built there. Rice confirmed that it would.

Cunningham asked if the applicant would be able to build another accessory structure on the land if he wanted to; Rice answered that he has 400 square feet left to build if this proposal were to be approved.

Public Hearing opened at 11:15 a.m.

Hoium confirmed with Rice that the limit of accessory structures is two. Broskoff added that he did not plan to build any more structures in the future besides a potential playhouse for his children.

Broskoff asked if the Board would prefer he move 50 feet back instead of the proposed 40 feet. Hoium answered that the Board would discuss once a motion is made.

Public Hearing closed at 11:18 a.m.

Maras made a motion, seconded by Sydnes, to recommend to City Council the approval of a variance of 20 feet for the setback of an accessory structure shed on the property described as Lot 4, Block 13 Wedgewood Cove Estates No. 1 (2191 Palmer Cir) which will allow for the shed to be built no less than 40 feet from the front property/right of way line based on the following findings of fact:

1. The proposed variance is in harmony with the general purposes and intent of the ordinance protecting health, safety and property values within the City;
2. The proposed variance is consistent with the comprehensive plan which identifies this area for residential uses;
3. A practical difficulty has been established where, if required to build the accessory structure 60 feet from the front property line, the topography of the site will require a large amount of land disturbance which is not consistent with the policy direction of the comprehensive plan.

The motion passed on a 4-0 voiced vote with Hoium abstaining.

New Business

None

Old Business

None

Commissioner Communications

None

Staff Communications

None

Adjournment

The meeting was adjourned at 11:25 p.m. The motion to adjourn was made by Cunningham and seconded by Bizjak. 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: Rebecca McPherson

Property Owner: Rebecca & David McPherson

Purpose: A variance from the rear and corner setback requirements to allow for an accessory structure (carport).

Address: 511 Wedgemore Drive, Albert Lea, MN

Parcel Number(s): 34.010.0140

Zoning: RP- Residential Preservation District

Surrounding Land Use: RP- Residential Preservation District

File Date/Publication Date: November 11, 2019/December 3, 2019

BACKGROUND

This residential dwelling was built prior to adoption of Albert Lea's 1980 zoning controls. As a result, the lot size and shape exist as legal non-conformities. The current owner is proposing to construct a 12x23 carport equaling approximately 276 sq ft. The proposed structure will encroach into the required side and rear setback. A boundary survey with sketched expansion lines indicates that the Northeast garage corner will be setback 6 inches from the property line. The Southeast corner of the proposed carport will be setback 5 feet. Both of which require a variance.

POLICY CONSIDERATIONS

Zoning- 74-411 RP- Residential Preservation District. The purpose of the RP district is to create a special district in which the principle purpose is the preservation of the existing housing stock and in addition to make provision for limited redevelopment and new construction or conversion permitting the same residential densities typical of the area.

Zoning 74-18 b Accessory structures in all residential districts shall meet the following requirements:

(2) All accessory buildings or structures shall be no less than three feet from a side or rear lot line or less than five feet from an alley property line.

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 residential manner. The property does not provide a garage as part of the principal structure. The proposed structure will not be out of scale or size in relation to the surrounding area.

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

Because of its shape, this property is left with minimal buildable area after the front yard, corner (or rear) yard and side setbacks are considered. Because of the triangle lot shape, there is virtually no rear yard.

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

Staff finds that there other properties within the Wedgemore or Triangle Drive area that have reduced setbacks due to odd lot shapes and also because the properties are surrounded by ROW.

(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.

This carport expansion will not 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:

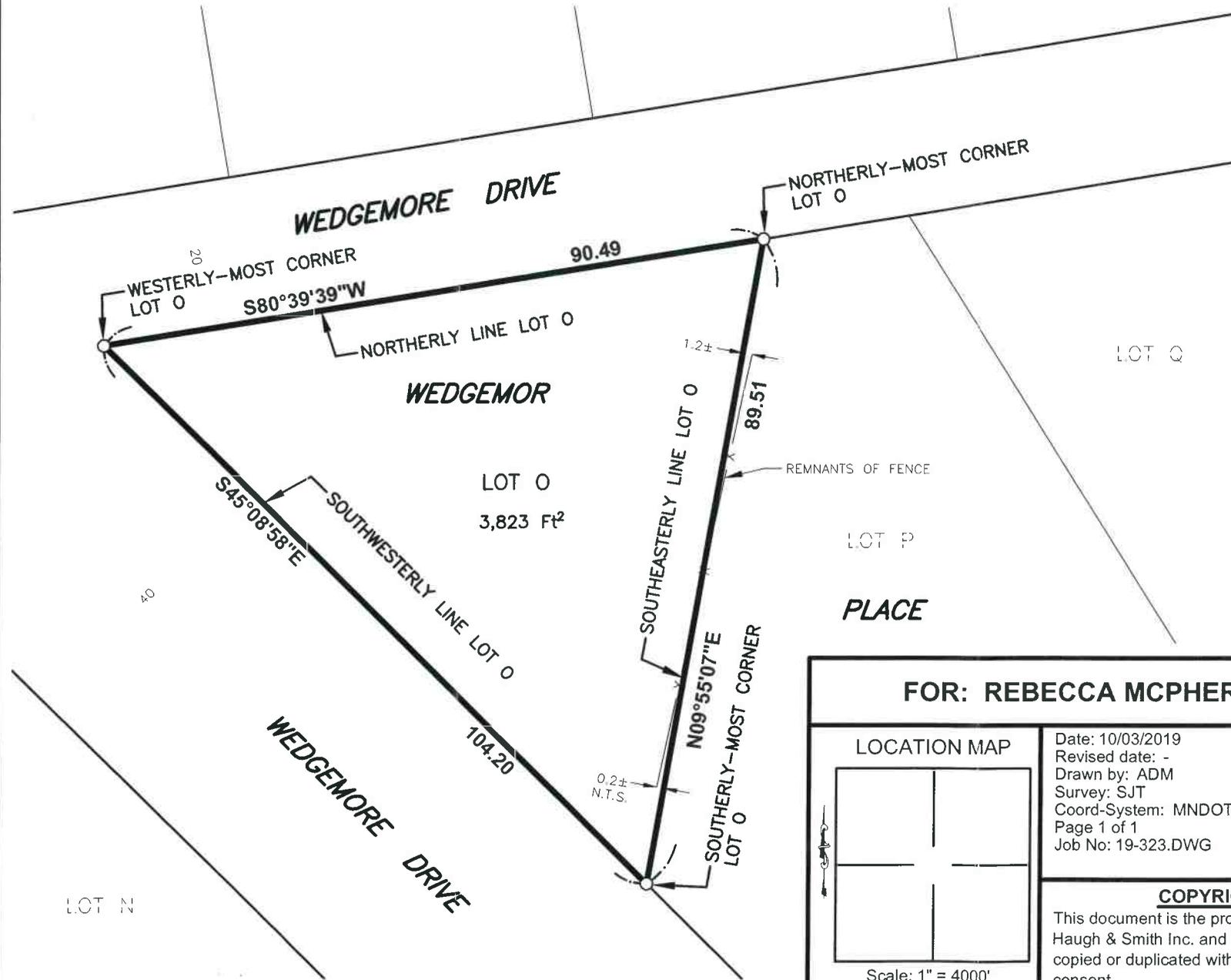
1. The south lot line along Wedgemore be considered the "front yard" and the north lot line along Wedgemore be considered the "rear yard" for this and future applications.

ATTACHEMENTS

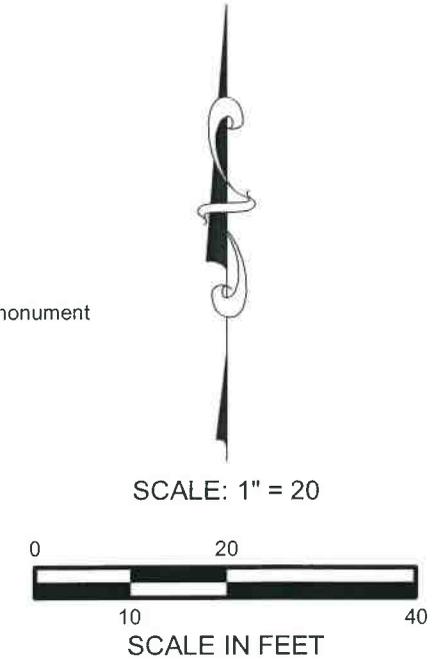
1. Boundary Survey
2. Sketch

CERTIFICATE OF SURVEY

IN LOT O, WEDGEMOR PLACE
ALBERT LEA, FREEBORN COUNTY, MINNESOTA

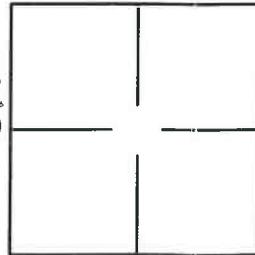


- LEGEND:**
- = 5/8 Inch x 16 Inch iron stake monument (Capped SJT 22705)-Placed
 - = Iron stake monument-Found
 - N.T.S.=Not to Scale
 - X— =Fenceline



FOR: REBECCA MCPHERSON

LOCATION MAP



Date: 10/03/2019
 Revised date: -
 Drawn by: ADM
 Survey: SJT
 Coord-System: MNDOT CO. NAD83 1996
 Page 1 of 1
 Job No: 19-323.DWG

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This document is the property of Jones, Haugh & Smith Inc. and may not be used, copied or duplicated without prior written consent.

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 10-10-19
 Date

Steven J. Thompson,
 L.S. No. 22705



**JONES
 HAUGH
 SMITH**
 Engineers + Surveyors

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

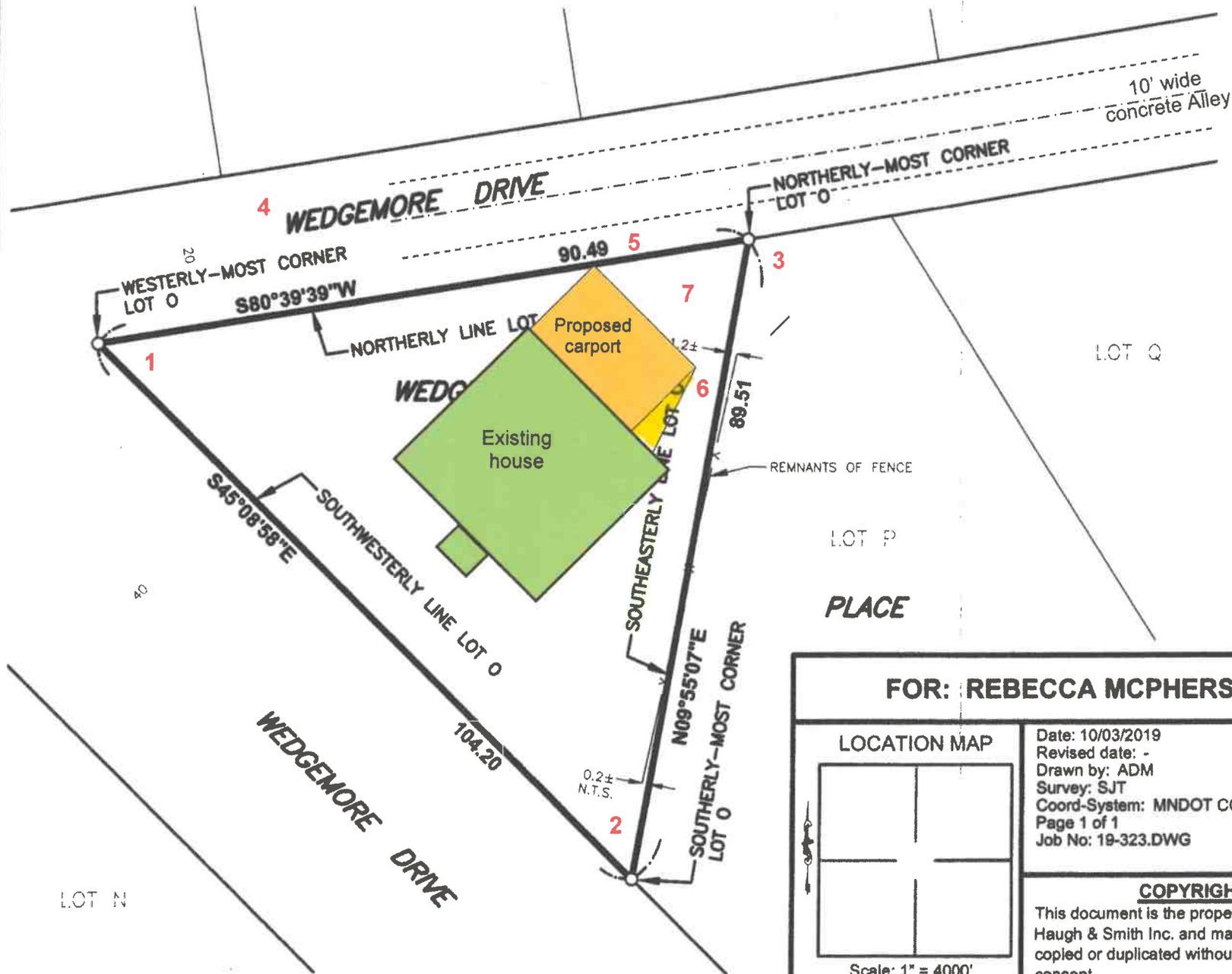
415 West North Street
 Owatonna, MN 55060
 507-451-4598

CERTIFICATE OF SURVEY

IN LOT O, WEDGEMOR PLACE

ALBERT LEA, FREEBORN COUNTY, MINNESOTA

For Notes 1 - 7,
please refer to attached sheet.



- LEGEND**
- = 5/8 Inch x 18 Inch iron (Capped SJT 22705)-P
 - = Iron stake monument
 - N.T.S.=Not to Scale
 - X--- =Fenceline

FOR: REBECCA MCPHERSON



Date: 10/03/2019
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 Drawn by: ADM
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I hereby certify under my commission under the laws of the State of Minnesota
 Steven J. [Signature]
 L.S. No. 22

