

CITY OF ALBERT LEA  
BOARD OF APPEALS  
MEETING MINUTES

March 23, 2022 – 9:00 a.m.  
City Center – Council Chambers

Board Members Present

Colby Cunningham  
Aaron Farris  
Steve Guenther  
Craig Hoium, Chair

Board Members Absent

Larry Baker, Ex-Officio  
Jacob Peterson

Staff in Attendance

Megan Boeck, City Planner

Interested Parties

Mike Bartelt  
Scott Martin  
Steve Ciavarelli

Board of Appeals Chair, Craig Hoium, called the meeting to order at 9:02 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

Cunningham made a motion to approve the minutes from January 5, 2022. Guenther 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: VA2022-002

Boeck stated that Straightline Enterprises on behalf of Scooter's Coffee has applied for a variance from B-2 Community Business building and design standards to allow for spandrel glass instead of see-through glass. Boeck stated that the property is situated between three different right-of-way's which requires three times the amount of glass normally required for a

business in the B-2 district. Boeck stated that due to the nature of the business, which is to provide drive-through services only in a small compact building, there is not enough dimension to provide see-through glass as required.

**Public Hearing opened at 9:03 a.m.**

Hoium opening the hearing to the public. Hearing no comments, the hearing was closed.

**Public Hearing closed at 9:12 a.m.**

Guenthner made a motion, seconded by Farris, to recommend to City Council the approval of a variance from the B-2 Community Business building and design standards to allow for spandrel glass instead of see through.

The motion passed on a 4-0 voiced vote.

**Appeal: VA2022-003**

Boeck stated that Nathan Neitzell has applied for a variance from the minimum front yard setback, ordinary high-water level setback, and bluff setback on two separate lots in Academy Addition. Boeck stated that as Academy Addition is platted currently, all three lots have nonconforming widths and in order to provide more buildable area, the property owner is proposing to consolidate three lots into two which will eliminate the nonconforming lot width. Lastly, Boeck stated that the property owner is proposing two primary structures measuring 30ftx59ft on each individual lot with reduced setbacks to the front yard, ordinary high-water level and bluff—all of which require a variance.

**Public Hearing opened at 9:13 a.m.**

Boeck read aloud two written public comments:

1) Wendy Hagen. "I have lived very near the properties in question for over 40 years. Numerous people have owned those lots with the intention of building only to discover they can't. The site was at one time used as a dump for asphalt and concrete streets that had been torn up. The ground has to be very unstable and would require much remedial work. How could that be done safely with such a shear drop to the lake which officials claim to be so eager to protect? The builder to the south got variances too and is supposedly out of compliance with them. No one did anything about it and the whole neighborhood was against it from the start. Will this project go the same way? I have to suppose it will if he knows the right people, but for the record, put me down as a firm no."

2) Riley Jiminez. "As someone who owns a home directly across from the location where this individual wants to build, I find the placement very inconvenient. I am opposed to this idea. One of the main reasons why my partner and I purchased this home is due to the beautiful view we have from our kitchen table, looking out our bay window, and from sitting on our front porch. Building large structures will not only take away this lake front view, but it will also decrease property value in other surrounding homes. Albert Lea is known for having great lakefront properties and even though it is across the road, I find it to be a serene way to spend my summer nights with my family, and watching the sunset. It would be an awful

shame to watch property value decrease along with the peace of mind I enjoy almost every day."

Scott Martin stated that he does not feel the variance should be granted and that two houses on a 150 foot lot is a lot to build there. Martin stated he is opposed.

Steve Ciavarelli stated that he had been trying to buy the properties for decades and that the structure ground is unstable. Ciavarelli also stated that he has been mowing the properties since 1986 and feels it is suspicious how Nathan Neitzell got the properties so cheap.

Mike Bartelt stated that he understands the community's apprehension as the properties have been for sale for awhile but that if other neighboring property owners wanted to preserve their view there was plenty of opportunity to purchase. Bartelt said the reason he plans to consolidate the lots from three to two is to make the properties more applicable with the neighborhood.

Hoium stated that he is concerned that the DNR did not provide review or comment and would like staff to reach out again.

**Public Hearing closed at 9:47 p.m.**

Cunningham made a motion, seconded by Farris, to recommend to City Council the approval of a variance from the R-1 single-family and shoreland management minimum front yard, ordinary high-water level and bluff setback with the following conditions:

- 1) The front yard setback from building to property line on Parcel A and B be no less than 17.5ft.
- 2) The rear building line shall be no further than 47.5ft from the front property line on Parcel A and B. This takes into consideration the proposed front yard setback and the proposed building dimension.
- 3) No structures, patios, or landscaping of any kind shall be placed within the sanitary sewer easement on both Parcel A and B.
- 4) A minor subdivision combining the lots as shown on the attached survey shall be approved and recorded in to the office of the Freeborn County Recorder.

The motion passed on a 3-1 voiced vote with Guenthner voting Nay.

**New Business**

None

**Commissioner Communications**

None.

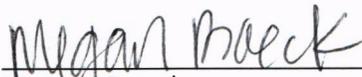
Staff Communications

None.

Adjournment

The meeting was adjourned at 9:48 a.m. The motion to adjourn was made by Cunningham and seconded by Guenther. 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