

CITY OF ALBERT LEA
BOARD OF APPEALS
ADVISORY BOARD

*February 19, 2020 – 10:00 a.m.
City Center – Council Chambers*

AGENDA

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF THE AGENDA

C. APPROVAL OF MINUTES

a. January 23, 2020

D. PUBLIC HEARINGS

a. Variance Request – 605 19th Street

E. NEW BUSINESS

F. COMMISSIONER COMMUNICATIONS

G. STAFF COMMUNICATIONS

H. ADJOURNMENT

CITY OF ALBERT LEA BOARD OF APPEALS MEETING MINUTES

*January 23, 2020 - 10:00 am
City Center – Council Chambers*

Board Members Present

Rachelle Bizjak
Colby Cunningham
Steve Guenthner
Craig Hoium, Chair

Board Members Absent

Larry Baker, Ex-Officio
Rich Sydnese

Staff in Attendance

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

Interested Parties

Allan Halvorsen

Board of Appeals Chair, Craig Hoium, called the meeting to order at 10:18 a.m.

Approval of the Agenda

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

Approval of Minutes

Guenthner made a motion to approve the minutes from December 13, 2019. 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: VA2019-003

The variance request at 1916 Lakewood Avenue is to allow for a 48.72 foot wide lot in lieu of the 50 foot minimum lot width as required in the R-2 One to Four Family Residence.

Public Hearing opened at 10:27 a.m.

Allan Halvorsen, attorney representing the property owners, explained the background of the home. He noted that there won't be any physical change to the property except for the water and sewer requirements.

Public Hearing closed at 10:30 a.m.

Hoiium asked if the city building official has looked at the structure and verified that there was a fire wall. Boeck explained that in city permit files, it does depict that fire wall exists.

Guenthner made a motion, seconded by Bizjak, to recommend to City Council the approval of a variance from the R-2 minimum lot width requirement of 50 feet and allow for a 48.72 lot width for Parcel A (*1916 Lakewood Avenue*) with the following conditions:

1. The variance be recorded in conjunction with the lot division which is approved by the City Council.
2. Each individual lot be required to connect to the water and sewer main to meet both City Engineering policies and MN State Building Code requirements.

The motion passed on a 4-0 voiced vote.

New Business

None

Old Business

None

Commissioner Communications

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

Staff Communications

Boeck said there will be another meeting coming up in February and the board decided to schedule the next meeting for February 19, 2020 and 10:00 a.m. in the City Council Chambers.

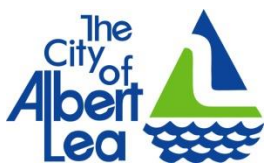
Adjournment

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,

Cierra Maras
Board of Appeals Secretary

Craig Hoium
Chair, Board of Appeals



GENERAL INFORMATION

Applicant: Pacific West Land

Property Owner: Mothership Propco Gse MN LLC

Purpose: A Variance from Section 74-792 Manufactured Home Parks for an existing Manufactured Home Park in a Planned Development (PD) Zone

Address: 605 19th Street

Parcel Number(s): 34.072.0070

File Date/Publication Date: January 16, 2020/January 24, 2020

Subject Site:

Existing Land Use	Zoning
Manufactured Home Park	PD

Adjacent Land Use and Zoning:

Existing Uses		Zoning
North	Residential	R-1
South	Agricultural	County
East	Residential	PD
West	Residential	R-1

BACKGROUND

Stoney Creek Estates, 605 19th Street, currently exists as a manufactured home park within a PD zone. Records indicate that the property was platted in 1958 as a residential subdivision. It was developed as a manufactured home park sometime in the 1960's and has existed as such since that time. Besides a variance for an identification sign in 1970, there are no other special use permits on file. Recently, Development Services was contacted by Pacific West Land, a company working to complete a property transfer/sale that needed to obtain a letter of zoning verification. At which point staff discovered several legal non-conformities pertaining to the use, density and setback requirements. The purpose of a CUP (approved by Planning Commission) and Variance (approved by the Board of Zoning Appeals) 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.

POLICY CONSIDERATIONS

74-794 (c) (2) Minimum lot size. The parking sites or lots for manufactured homes must be clearly identified. The minimum lot size is 5,000 sq ft. Larger lots are required for larger manufactured homes. **The current site does not have individually surveyed lots and without individual lots there is no way to determine a minimum lot size.**

74-794 (c) (5) Roadway design. Roadways shall be constructed to city standards with mountable curb and a paved width of 33 ft. **The current site does not currently provide mountable curb.**

Because the property has existed without for 50+ years, in addition to the property owners being responsible for interior street maintenance, it seems reasonable to allow "as is".

74-794 (c) (7) Yard setback requirements. One side only zero lot line development may be permitted when residential unit placement is previously determined. In all cases residential units shall be provided a 25-foot setback from the front property line along the manufactured home park street and a five-foot setback shall be provided from all other property lines. ***Without individually platted lots for each site, manufactured homes are unable to meet "lot" setback requirements. A condition of the CUP (approved by the Planning Commission) was to create a setback between the individual homes and structures.***

74-794 (c) (16) Boundary markers. Permanent iron surveyor stakes shall be placed at the corners of all parking site and manufactured home park boundaries. ***The current site does not provide boundary markers for each parking site.***

74-794 (c) (18) Placement of new or replacement homes. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record shall not be permitted. ***This language would prohibit new homes or replacement homes anywhere on current site which is counterproductive to the ordinance in itself which allows manufactured home parks. If the variance should be approved in conjunction with the CUP staff will initiate a text amendment that removes this language from the ordinance.***

ANALYSIS

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 acre property and each individual home.

Stoney Creek has existed for 50 years (or more) and staff concludes that there is no evidence that allowing the property to continue with a legal special use permit will negatively impact the overall health, safety and welfare of the surrounding area.

On February 4, 2020 the Planning Commission made recommendation of a CUP for an existing manufactured home park with the below listed **conditions**. City Council will take final action on both recommendations at their March 9, 2020 meeting.

- 1) The boundaries of the manufactured home park be legally described as attached on the Certificate of Survey- Exhibit A.
- 2) The property shall be in full compliance with City of Albert Lea Code Section 74-794 Manufactured Home Park.
- 3) The property shall be in full compliance with the Minnesota Department of Health permitting which included Minnesota Rules 4630.0200-4750 and Minnesota Statutes 327.10-327C.15 which address manufactured homes.
- 4) The maximum number of manufactured homes allowed within the boundary legally described on Exhibit A shall be limited to 111.
- 5) No manufactured home shall be situated within 15 feet of another manufactured home. No other structures (e.g. decks, accessory structures, carports, fences) shall be situated within 10 ft from another structure.

- 6) Each manufactured home shall front and abut the public right-of-way and shall be setback a minimum of five feet from the street right-of-way.
- 7) All interior street maintenance shall be the sole responsibility of the manufactured home park owner(s).
- 8) Adequate screening be provided and maintained along the north property line of lots 1 and 26 of Block 9.
- 9) Adequate screening be provided and maintained along the west property line of lots 7-12 of Block 1.
- 10) All interior water and sewer distribution and collection system shall be the sole responsibility of the manufactured home park owner(s).
- 11) Permanent open space shall be maintained as attached in Exhibit B.
- 12) All proposed accessory structures shall be built in accordance with Minnesota State Building Code. Each structure location shall be approved by the manufactured home park owner(s) prior to applying to the City of Albert Lea- Development Services Department for the necessary permitting requirements. Accessory structures shall include but not be limited to decks, landings, stairs, storage structures, fences.
- 13) The CUP and Variance be recorded in conjunction in the Office of the County Recorder.

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?

Attachments

1. Exhibit A
2. Exhibit B
3. Vicinity Map
4. Aerial Map (provided by Pacific West Land)

EXHIBIT A

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12 IN BLOCK 2;

LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND 9 IN BLOCK 3;

LOTS 1 AND 2 IN BLOCK 5;

LOT 1 IN BLOCK 6;

LOTS 1, 2, 3, AND 4 IN BLOCK 7;

Lots 1, 2, 3 AND 4 IN BLOCK 8;

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, AND 26 IN BLOCK 9;

LOTS 7, 8, 9, 10, 11, AND 12 IN BLOCK 1;

AND ALL THOSE PORTIONS OF VACATED ETHEL, MILO, CLATYON, EIGHTEENTH AND GENE STREETS ACCRUING TO THE ABOVE LOTS BY VACATION RECORDED IN BOOK 64 OF MISCELLANEOUS, PAGE 617 IN THE OFFICE OF THE COUNTY RECORDER.

ALL IN SONDERGARD SECOND SUBDIVISION TO THE CITY OF ALBERT LEA, MINNESOTA, AS THE SAME IS PLATTED AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR FREEBORN COUNTY, MINNESOTA.

EXHIBIT B

LOTS 7, 8, 9, 10, 11, AND 12 IN BLOCK 1;

ALL IN SONDERGARD SECOND SUBDIVISION TO THE CITY OF ALBERT LEA,
MINNESOTA, AS THE SAME IS PLATTED AND RECORDED IN THE OFFICE OF THE
COUNTY RECORDER IN AND FOR FREEBORN COUNTY, MINNESOTA.

Quick Links:

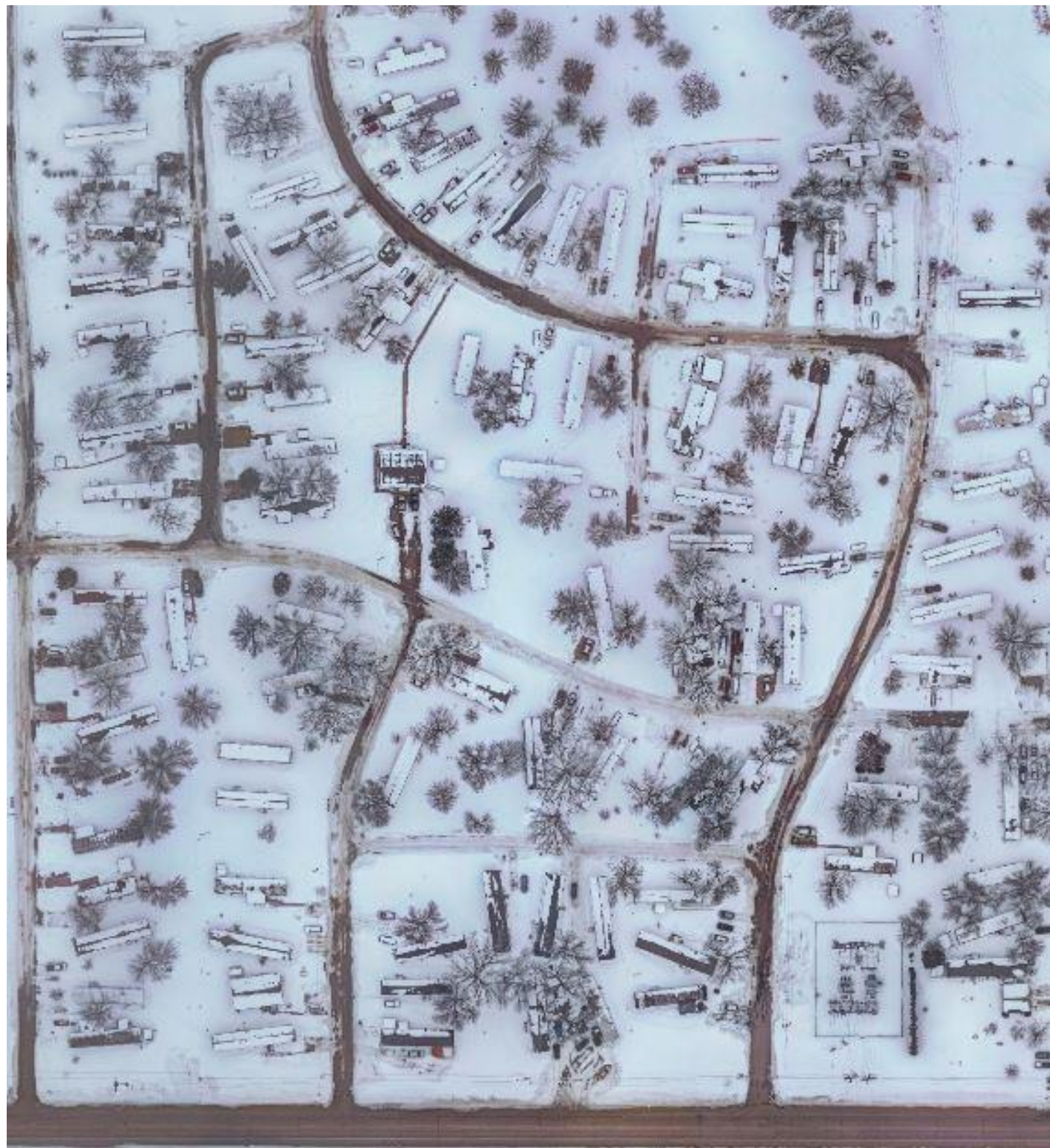
- [Property Search](#)
- [View Map](#)

Layers:

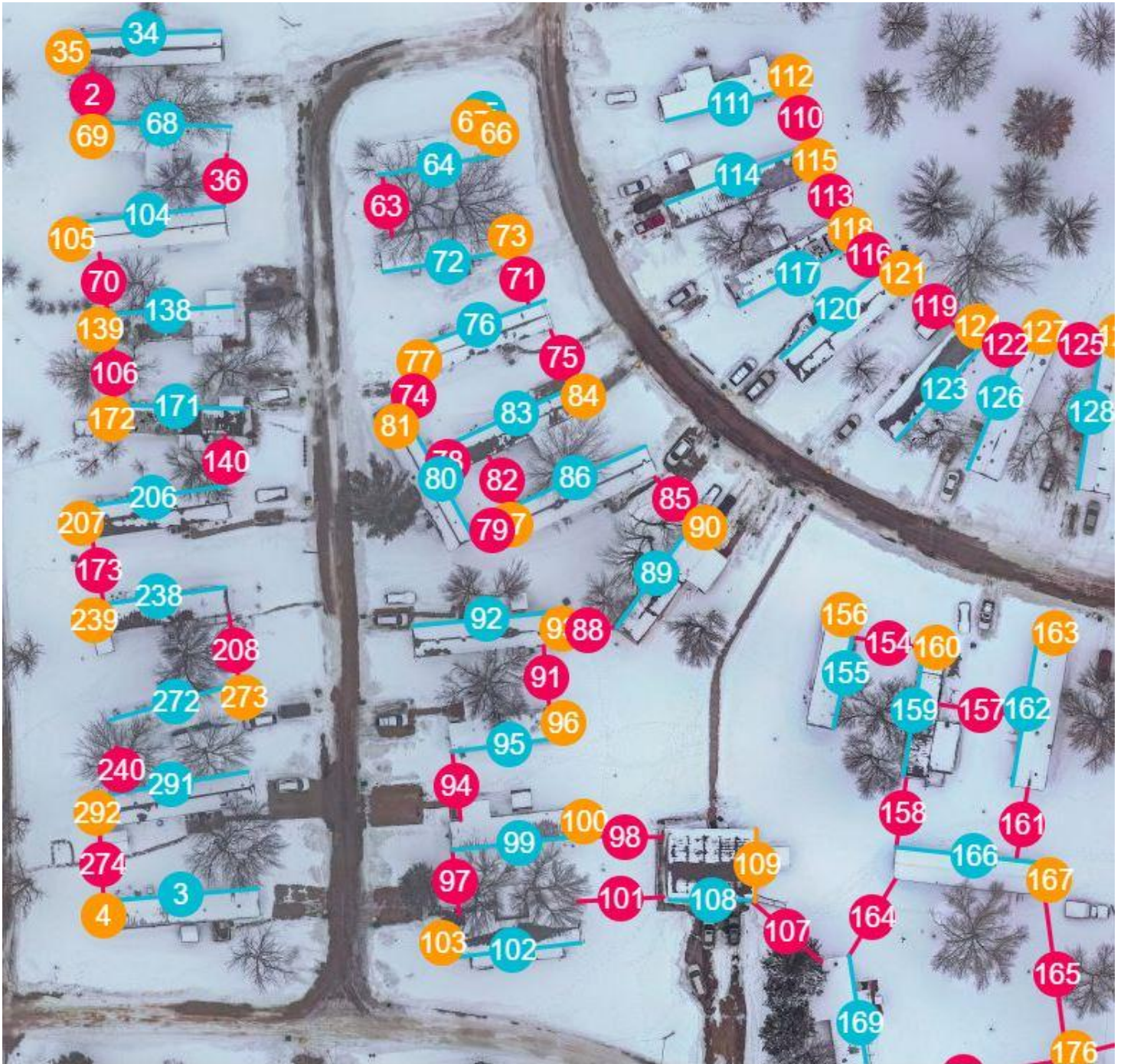
- ☒ Parcels
- ☐ Parcel_CER
- ☐ Parcel_CPI
- ☒ County Limits
- ☐ Building Footprints
- ☒ Lot Lines-Albert Lea
- ☒ Townships
- ☐ Railroad
- ☐ Roads and Highways
- ☐ Cities
- ☐ School Districts
- ☐ Sections
- ☐ Street Names
- ☐ Highway Labels
- ☐ Lot Dimensions
- ☐ Subdivision-Block-Lot Names
- ☐ Right of Way Dimensions
- ☐ Parcel IDs
- ☒ Address Numbers
- ☐ Digitized Acres
- ☐ Cities Background
- ☐ Townships Background
- ☐ County Information
- ☐ City Information
 - ☐ City Road Segments
 - ☐ Road Edge, Drives and Sidewalks
 - ☐ Inlets
 - ☐ Sanitary Manholes
 - ☐ Water Valve
 - ☐ Water Hydrants
 - ☐ City Sign Inventory
 - ☐ Water Lines
 - ☐ Fences-Albert Lea
 - ☐ Sanitary Lines
 - ☐ Storm Manholes
 - ☐ Storm Sewer
 - ☐ Albert Lea Flood

Condition #8- Adequate screening provided and maintained.

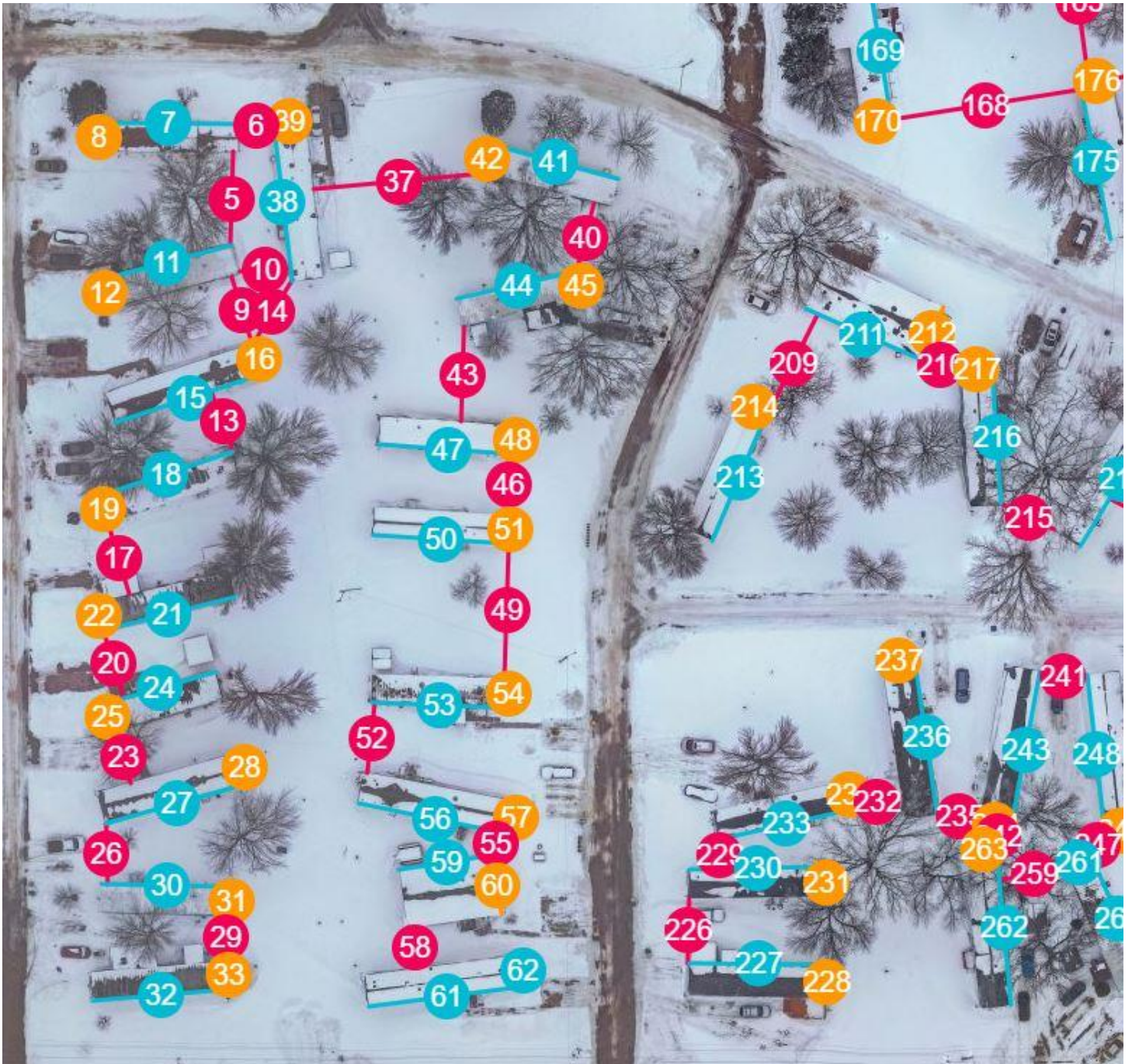
Condition #9- Adequate screening provided and maintained.
Condition #10- Permanent Open Space.



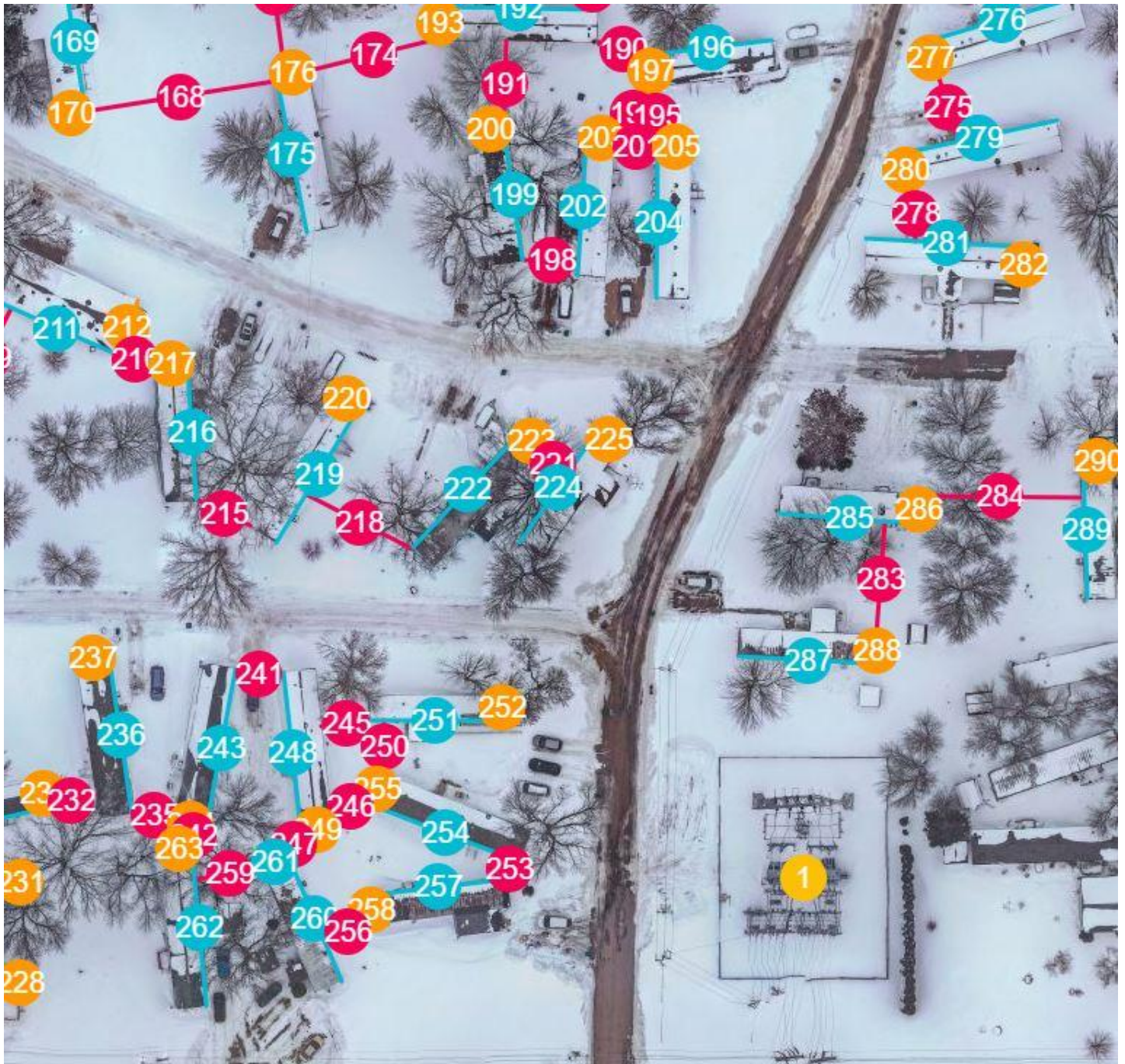
NWC



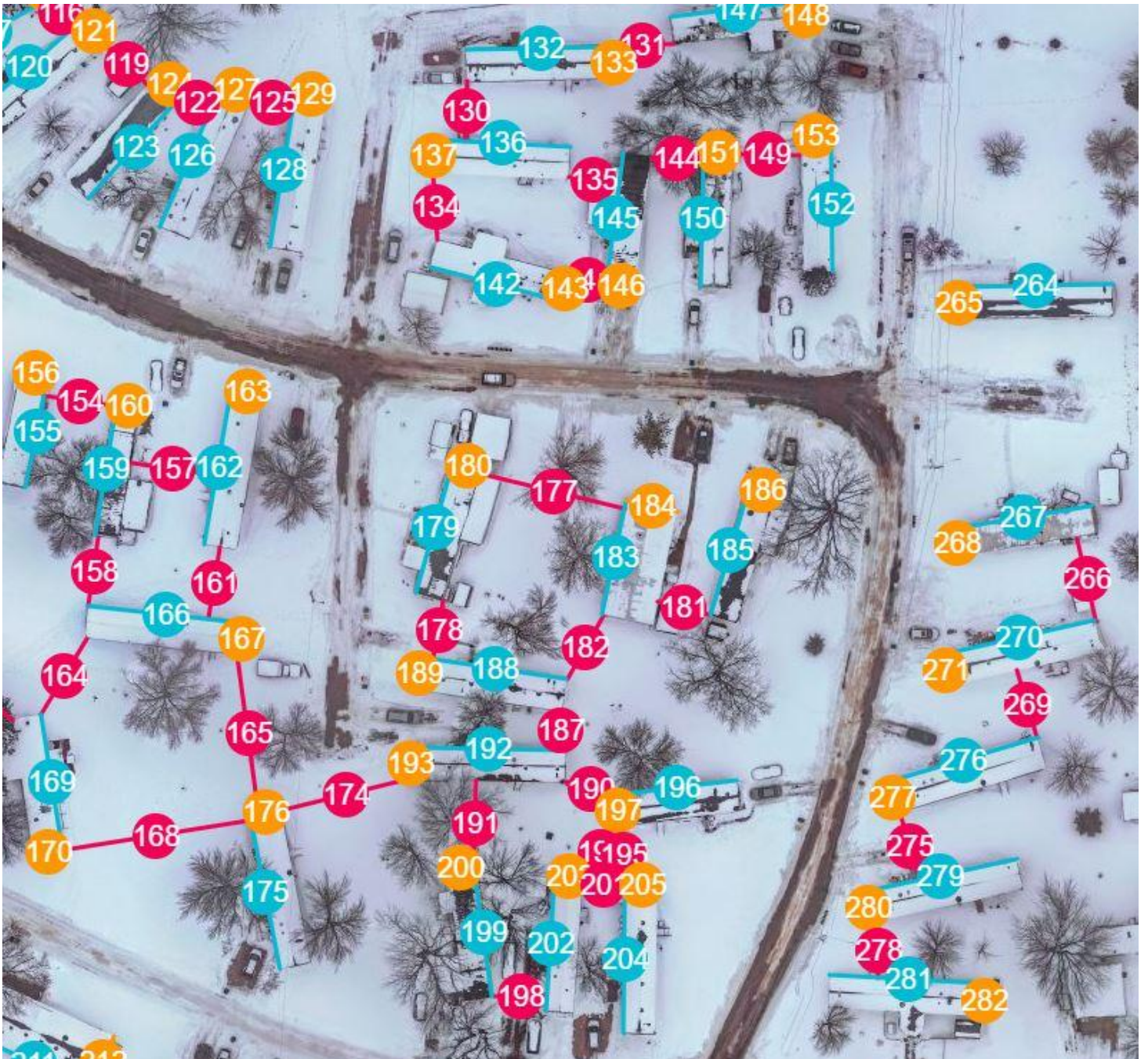
SWC



SEC



NEC



Label	Title	Distance (ft)
2	1-2_Dist	26.6
3	10_L	77.1
4	10_W	14.5
5	11-12_Dist	45.8
6	11-20_Dist	16.6
7	11_L	68.4
8	11_W	13.6
9	12-13_Dist	34.2
10	12-20_Dist	24.5
11	12_L	66.2
12	12_W	14.0
13	13-14_Dist	31.2
14	13-20_Dist	36.5
15	13_L	76.8
16	13_W	15.8
17	14-15_Dist	36.7
18	14_L	68.9
19	14_W	13.6
20	15-16_Dist	34.9
21	15_L	66.8
22	15_W	13.6
23	16-17_Dist	26.3
24	16_L	56.6
25	16_W	13.5
26	17-18_Dist	29.4
27	17_L	73.1
28	17_W	16.1
29	18-19_Dist	21.8
30	18_L	64.2
31	18_W	13.4
32	19_L	67.4
33	19_W	14.2
34	1_L	76.4
35	1_W	15.8
36	2-3_Dist	25.4
37	20-21_Dist	84.3
38	20_L	78.0
39	20_W	15.5
40	21-22_Dist	34.5
41	21_L	64.5
42	21_W	14.2
43	22-23_Dist	46.5
44	22_L	60.3
45	22_W	14.3
46	23-24_Dist	29.5

47 23_L	67.0
48 23_W	14.1
49 24-25_Dist	65.1
50 24_L	67.3
51 24_W	14.3
52 25-26_Dist	33.9
53 25_L	66.8
54 25_W	13.7
55 26-27_Dist	12.0
56 26_L	77.1
57 26_W	15.8
58 27-28_Dist	19.5
59 27_L	46.4
60 27_W	29.3
61 28_L	77.3
62 28_W	15.6
63 29-30_Dist	30.4
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65 29_L2	9.9
66 29_W	21.1
67 29_W2	7.2
68 2_L	67.9
69 2_W	14.1
70 3-4_Dist	29.6
71 30-31_Dist	28.3
72 30_L	64.5
73 30_W	15.0
74 31-32_Dist	22.9
75 31-33_Dist	29.2
76 31_L	68.8
77 31_W	14.3
78 32-33_Dist	14.1
79 32-34_Dist	19.6
80 32_L	67.6
81 32_W	13.8
82 33-34_Dist	26.6
83 33_L	67.2
84 33_W	13.6
85 34-35_Dist	29.1
86 34_L	76.6
87 34_W	15.6
88 35-36_Dist	25.3
89 35_L	66.4
90 35_W	13.2
91 36-37_Dist	30.4
92 36_L	73.2
93 36_W	16.1

94 37-38_Dist	34.1
95 37_L	56.7
96 37_W	13.8
97 38-39_Dist	31.9
98 38-40_Dist	37.5
99 38_L	66.3
100 38_W	14.0
101 39-40_Dist	42.7
102 39_L	68.4
103 39_W	15.4
104 3_W	77.4
105 3_W	16.2
106 4-5_Dist	29.7
107 40-59_Dist	45.1
108 40_L	42.6
109 40_W	35.6
110 41-42_Dist	29.3
111 41_L	65.7
112 41_W	12.2
113 42-43_Dist	23.7
114 42_L	76.7
115 42_W	14.2
116 43-44_Dist	18.3
117 43_L	66.8
118 43_W	13.6
119 44-45_Dist	29.6
120 44_L	73.0
121 44_W	16.2
122 45-46_Dist	15.5
123 45_L	69.6
124 45_W	15.7
125 46-47_Dist	21.4
126 46_L	77.0
127 46_W	15.7
128 47_L	78.2
129 47_W	15.6
130 48-49_Dist	29.3
131 48-52_Dist	30.0
132 48_L	72.9
133 48_W	16.3
134 49-50_Dist	33.1
135 49-51_Dist	24.8
136 49_L	67.6
137 49_W	15.6
138 4_L	66.8
139 4_W	14.0
140 5-6_Dist	24.9

141 50-51_Dist	19.0
142 50_L	67.1
143 50_W	13.7
144 51-53_Dist	24.3
145 51_L	65.9
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147 52_L	66.4
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167 58_W	15.3
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169 59_L	67.7
170 59_W	14.4
171 5_L	65.6
172 5_W	14.2
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174 60-65_Dist	64.8
175 60_L	77.5
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177 61-62_Dist	71.9
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179 61_L	67.4
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182 62-64_Dist	36.4
183 62_L	58.2
184 62_W	25.7
185 63_L	66.1
186 63_W	13.6
187 64-65_Dist	19.1

188 64_L	72.8
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202 68_L	67.5
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207 6_W	15.8
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209 70-71_Dist	54.5
210 70-72_Dist	20.6
211 70_L	61.3
212 70_W	28.2
213 71_L	68.1
214 71_W	15.5
215 72-73_Dist	27.7
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217 72_W	14.9
218 73-74_Dist	57.6
219 73_L	77.2
220 73_W	16.0
221 74-75_Dist	16.5
222 74_L	76.7
223 74_W	13.9
224 75_L	65.7
225 75_W	13.2
226 76-77_Dist	31.9
227 76_L	67.5
228 76_W	16.4
229 77-78_Dist	14.3
230 77_L	67.2
231 77_W	14.5
232 78-79_Dist	24.3
233 78_L	67.2
234 78_W	14.0

235 79-80_Dist	21.0
236 79_L	77.8
237 79_W	15.6
238 7_L	66.9
239 7_W	13.9
240 8-9_Dist	22.5
241 80-81_Dist	22.5
242 80-86_Dist	11.1
243 80_L	78.0
244 80_W	15.6
245 81-82_Dist	22.9
246 81-83_Dist	19.4
247 81-85_Dist	13.4
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249 81_W	15.7
250 82-83_Dist	26.3
251 82_L	64.1
252 82_W	11.9
253 83-84_Dist	9.8
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255 83_W	15.9
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284 93-95_Dist	78.2
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