

**Board of Adjustment Public Hearing
Minutes For Wednesday, July 16th, 2025 for 115 N 21st Ave E Variance**

1. **Called to Order at 5:21 PM by Chair Roose.**
2. **Roll Call: White, Hernesmaa, Councilor Roose, Palcher, Anderson. Staff Kochendorfer. Excused: Prioreshi, Burke**
3. Additions or Deletions from Agenda
4. **Public Hearing for the consideration of a Variance request submitted by Tanner Spicer (T-N-S Adventure properties) for 115 N 21st Ave E.** The request is for a variance to allow for an 8 feet high fence; 20 feet long on E Camp St, 240 feet long adjacent to 2040 E Camp St, and 20 feet long on N 21st Ave E.

The Variance public hearing procedure was read by chair Roose.

The Public hearing notice was read by Planning and Zoning Administrator Kochendorfer

5. **The Applicant (Tanner Spicer) explained the request**

Spicer explained the reason for the fencing is to protect the neighborhood property. Currently, Spicer's property and 2040 E Camp St are only separated by trees, and more trees were planted, boulders line the area of 21st Ave, the 150 feet section along Camp St is open, with some bushes and green space. The proposal is to maintain privacy and separation for 20240 E Camp St, as well as the resort property and its guests. By having an 8 feet high fence, you won't be able to see over it. The current property has been upgraded with RV, campsites, and cabins, and cleaned up. The fence will be maintained, and won't be an eyesore. The plan is to have a two-sided fence, alternating, so each side is the same, with a finish on both sides.

6. **Letters received/ and or phone call comments read into record**

- Letter of support received from Mark Oknick, 16 North 19th Ave E
- Letter of support received from the Ely Chamber of Commerce, Eva Sebesta, 1600 E Sheridan St

7. **Those in support may comment**

- Mike Banovetz, 132 Lake St, Winton MN- In support of this request. A similar variance was given to Patrick Loe on Savoy Road, and supports the request since precedence was already set.
- Chip Elkins, 430 N Lakeview Ave- In support of this request

8. **Those opposed may comment**

- None

9. Comments from those who wish to provide additional information

- Mike Banovetz stated he looked at the property, the fence wont impede the view of traffic at all, between the school and the state garage, and sees no safety issues with the fence.

10. Applicant will have the opportunity to answer additional questions

11. Closure of the hearing at 5:32 PM

12. Reading of the Finding of Facts

Planning and Zoning Administrator Kochendorfer read the finding of the facts (included in the agenda packet). **Planning and Zoning Administrator recommends approval of the variance** upon the following findings and facts:

- **FACT:** Section 11.04, in that it would deviate from the maximum fence height along a street or avenue of 4 feet, or a maximum of 6 feet high elsewhere.
 - **FINDING:** Only (2) 20 feet long sections of 8 feet fence will border the street/avenue side, the remaining 240 feet of 8 feet high fencing will be bordering the neighboring property at 2040 E Camp St. The 8 Feet fencing will not inhibit any street or avenue side access, and the property will still be visible from the roadway. The fence will provide safety and security, as well as privacy to the resort property, as well as the neighboring property.
- **FACT:** The property in question will be used in a reasonable manor
 - **FINDING:** The Property is currently being used as a resort. The fence will help further separate the resort/commercial space from the nearby residential dwelling, and also create a noise and visual barrier from the dwelling space. The fence will also deter/prevent people from crossing into private property from both sides.
- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
 - **FINDING:** The properties were originally zoned commercial, and then changed to Residential Transition to allow for the Resort expansion. There are ongoing issues with the neighbor at 2040 E Camp St harassing resort guests, resort staff, and trespassing on the resort property. The owner of 2040 E Camp St has been trespassed from the property located at 115 N 21st Ave E. Other options such as trees or bushes would take many years to grow, and not solve the problems. Other solutions may require the property owner to

- take legal action against the neighbor.
 - The property located at 2040 E Camp St also sits roughly 2 feet higher above grade than the adjacent property, 115 N 21st Ave E. This would allow easier visibility from the neighboring property, and would not resolve the current issues at hand.
- **FACT:** If the variance is granted, it will not alter the essential character of the locality
 - **FINDING:** The proposal is in the Residential Transition (RT) Zoning District. This district is intended to blend with residential and light commercial businesses. The fence will help to maintain separation from the residential and business property. Many cities allow fences of 7-8 feet in height in commercial zoning districts without variances.
- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
 - **FINDING:** The property owner of 115 N 21st Ave E has continued to try and find solutions to solve the conflict with 2040 E Camp St, and has gone through the proper legal processes to obtain approval of the resort at this property. Physical separation of the properties is necessary to accomplish this, and a 4- and 6-foot high fence is not high enough to accomplish this.
- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.
 - **FINDING:** The property will not change uses, as is approved as a resort, and will continue to operate as a resort, with possible expansions in the future.
- **FACT:** This proposal is in line with the City of Ely Comprehensive Plan.
 - **FINDING:** The proposal meets the goals and visions of the comprehensive plan.

13. Decision rendered by the Planning Commission

Discussion amongst the committee on supporting the approval of the variance.

Motion by White to approve the variance for an 8 feet high fence; 20 feet long on E Camp St, 240 feet long adjacent to 2040 E Camp St, and 20 feet long on N 21st Ave E, as requested/ Second Hernesmaa. Motion carried unanimously with no objections.

14. Adjournment at 5:38 PM