

**MINUTES**  
**Blue Earth County Board of Adjustment**  
**Regular Meeting**  
**Wednesday, June 5, 2013**  
**7:00 p.m.**

**1. CALL TO ORDER**

The meeting was called to order at 7:00 P.M. by Chairman Lyle Femrite. Board of Adjustment members present were Lyle Femrite, Kurt Anderson, Chuck Grams and Perry Wood. Planning & Zoning staff members Mark Manderfeld, Mark Schulte and George Leary were also present.

**2. APPROVAL OF MINUTES**

Kurt Anderson made a motion to approve the minutes from the May 1, 2013 meeting of the Board of Adjustment. Mr. Grams seconded the motion which carried unanimously.

**3. APPROVAL OF AGENDA**

Mr. Leary indicated there was no change to the agenda.

**4. NEW BUSINESS**

**BOA 05-13**

**Randy & Ramona Will** - Request for a variance to reduce the required centerline setback from a county road from 130 feet to 105 feet for the placement of a proposed addition to an existing dwelling. Said property is located in the agricultural zoned district in the SE 1/4 of the SE 1/4 of Section 16, McPherson Twp.

Mr. Manderfeld presented the staff report.

The applicant was present.

There was no public comment.

Mr. Grams indicated he was familiar with the site and that there really were no other options.

Mr. Anderson and Mr. Wood both indicated they had no issue with the request.

There was no further discussion.

Mr. Wood stated that the staff report adequately addressed the request and continued with a motion to bypass the findings of fact checklist and to approve the requested variance.

Mr. Grams seconded the motion which carried unanimously.

**BOA 06-13**

**Daniel Kruse & Ronald Kruse** - Request for a variance to reduce the required centerline setback from a township road from 65 feet to 60 feet for the placement of a proposed grain bin. Said property is located in the agricultural zoned district in the NE 1/4 of the SW 1/4 of Section 01, Decoria Twp.

Mr. Manderfeld presented the staff report.

The applicant was present. He indicated that the previous bin had recently been removed. This allowed for a better measurement of the proposed location which found that the proposed grain bin may in fact not need a variance as it will be right at 65 feet, possibly more, from the center line of the township road.

There was no public comment.

Mr. Anderson, Mr. Grams and Mr. Wood all stated they had no questions.

Mr. Anderson did comment that the road appears to be lightly traveled and a majority of the operation has been in existence for some time. Mr. Anderson continued with a motion to bypass the findings of fact checklist and to approve the requested variance.

Mr. Wood seconded the motion which carried unanimously.

### **BOA 07-13**

**Paul & Jill Rollenhagen** - Request for a variance to either reduce the required setback of 130 feet to the centerline of County Highway 28 to 70 feet or to reduce the structure setback of 150 feet from the Ordinary High Water Level of Rice Lake to 125 feet for the purpose of constructing a storage building. The property is located in the agricultural and shoreland districts in the SE 1/4 of the SE 1/4 of Section 30, McPherson Township.

Mr. Manderfeld presented the staff report.

The applicant was present. He stated that the location on the property that would meet the required setbacks would obstruct the view of the vineyard which would make it difficult to keep an eye on birds that may damage the crop. He added that there is also geothermal area.

Mr. Femrite asked if the building needed to be as large as proposed. He added that snow drifting could be a problem. He also stated that the road does support a higher volume of traffic.

Mr. Anderson stated that the County Engineer has outlined a safety issue due to snow drifting. He added that there does appear to be other options for areas to place the proposed structure and that changing the dimensions of the structure may be an option. He also stated that the proposed structure could be shifted to avoid creating a large impact on the vineyard.

Mr. Wood commented on the potential for grading and filling to establish a building site.

Mr. Grams asked about the setback requirements to a septic drainfield. Mr. Manderfeld replied 20 feet.

Mr. Femrite indicated there may be a placement option behind the house.

Mr. Anderson stated another option is to rotate the structure and make it run parallel to the drainfield and change the dimensions that it may fit.

The findings of fact checklist was reviewed.

**BLUE EARTH COUNTY BOARD OF ADJUSTMENT**

**FINDINGS OF FACT  
SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Paul & Jill Rollenhagen Date: June 5, 2013 Variance Application # BOA 07-13

A variance may be granted only where the strict enforcement of county zoning controls will result in a practical difficulty. A determination that a “practical difficulty” exists is based upon consideration of the following criteria:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? Yes ( ) No (X)  
Why or why not? Mr. Femrite stated that the conditions of the property speak for themselves.
  
2. Without the variance, is the owner deprived of a reasonable use of the property? Yes ( ) No (X)  
Why or why not? Mr. Anderson stated there are other options.
  
3. Is the alleged practical difficulty due to circumstances unique to this property? Yes ( ) No (X)  
Why or why not? Mr. Anderson and Mr. Wood both indicated “no”. The circumstances are not unique.
  
4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner or previous landowners? Yes ( ) No (X)  
Why or why not? Mr. Femrite – No and Mr. Wood – No.
  
5. Will the issuance of the variance maintain the essential character of the locality? Yes ( ) No (X)  
Why or why not? Mr. Wood – No and Mr. Femrite – No.
  
6. Does the alleged practical difficulty involve more than economic considerations? Yes ( ) No (X)  
Why or why not? Mr. Femrite indicated he was not sure if any practical difficulties were actually identified. Mr. Femrite and Mr. Anderson both indicated No.

Mr. Anderson stated that it appeared the Board was in unanimous opinion of the Findings of Fact checklist.

There was no further discussion.

Mr. Wood made a motion to deny the requested variances with the findings of fact checklist included into the record.

Mr. Anderson seconded the motion which carried unanimously.

**BOA 08-13**

**Jan Carney** - Request for a variance to reduce the required setback to the centerline of a township road from 65 feet to 52 feet and to reduce the south side yard setback from 10 feet to 1.5 feet and to reduce the north side yard setback from 10 feet to 4.5 feet for the purpose of constructing a single stall

garage. The property is in the Urban Fringe Overlay District of the City of Mankato and is zoned Rural Townsite and is located at Lot 14, Block 4 Le Hillier City in the SW 1/4 of the SE 1/4 of Section 14, South Bend Township.

Mr. Leary presented the staff report.

The applicant was present and had nothing to add.

There was no public comment.

Mr. Femrite stated the staff report was quite clear and there appears to be significant limitations of the site.

Mr. Anderson commented that he had done some work to the structure 30 years ago. He added that many lots in the area are substandard and most are faced with the prospect of a variance if needing a permit. He stated that the applicant has tried to make it work with his attempt to purchase neighboring land and when that failed by adjusting the size of the proposed structure addition. He also stated that the proposal does not present a public welfare or safety issue.

Mr. Wood indicated he had no objections and that the applicants have tried their best. He suggested that a grade is needed in Minnesota.

Mr. Femrite suggested bypassing the findings of fact checklist.

Mr. Wood made a motion to approve the requested variance.

Mr. Grams seconded the motion which carried unanimously.

## **5. ADJORNMENT**

There was no further business. Mr. Wood made a motion to adjourn the meeting which was seconded by Mr. Grams. The motion carried and the meeting was adjourned at 8:07 P.M.

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Board of Adjustment Chair

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Board of Adjustment Secretary