

## MINUTES

### Blue Earth County Board of Adjustment Regular Meeting Wednesday June 1, 2016 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 Bill Anderson, Kurt Anderson, Lyle Femrite, Chuck Grams and Barry Jacques. Planning & Zoning staff members Chris Meeks, Aaron Stubbs, and George Leary were also present.

#### 2. APPROVAL OF MINUTES

Kurt Anderson made a motion to approve the minutes from the March 2, 2016 regular 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 05-16

**Jesse Fennert** - Request for review and approval of a series of Variances to allow for the replacement and expansion of a former garage. The proposed garage will be 18 feet wide by 31 feet deep. The request includes reducing the side yard setback from 10 feet to 2 feet, reducing the rear yard setback from 30 feet to 4 feet, increasing the amount of impervious surface area from 45 percent to 65 percent and increasing the structure coverage of the lot from 30 percent to 35 percent. The property is within the Urban Fringe Overlay District of the City of Mankato and is zoned Rural Townsite. The site includes the northerly 3/5ths of Lots 7, 8 and 9, of Block 23, LeHillier City in South Bend Township.

Mr. Leary presented the staff report.

The applicant was present and had no comment.

There was no public comment.

Mr. Femrite commented on the unique situation and that there are a number of small lots in the area. He added that using the pre-existing garage footprint appeared realistic.

The Board proceeded with the Findings of Fact Checklist.

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? *Kurt Anderson stated yes as outlined in the report.*
2. Has the applicant thoroughly explained the need for a variance from the official controls? *Kurt Anderson and Mr. Femrite both indicated yes.*
3. Is the alleged practical difficulty due to circumstances unique to this property? *All indicated yes.*
4. Were the circumstances causing the practical difficulty created by someone other than the landowner or previous landowners? *Kurt Anderson and Mr. Femrite both indicated yes.*

5. Does the alleged practical difficulty involve more than economic considerations? *Kurt Anderson and Mr. Femrite both indicated yes.*
6. Without the variance, is the owner deprived of a reasonable use of the property? *All indicated yes.*
7. Is the request the minimum variance necessary to afford relief? *All indicated yes.*
8. Will the issuance of the variance maintain the essential character of the locality? *All indicated yes.*
9. Will the public health, safety and environment be preserved if the variance is approved? *All indicated yes.*

Following the discussion, Bill Anderson made a motion to approve the variance as proposed and based upon the findings presented by staff.

Mr. Jacques seconded the motion and the motion passed unanimously.

#### **BOA 06-16**

**Eric & Cori Mundt** - Request for review and approval of a Variance to reduce the required setback from the centerline of a township road from 65 feet to 44 feet for the construction of an 80' x 54' storage shed. The property is located in the Southeast Quarter of the Northeast Quarter of Section 19, Rapidan Township. The property is zoned Conservation and includes an area within the Shoreland Overlay District of the Blue Earth River.

Mr. Stubbs presented the staff report.

The applicant was present. He explained his involvement with the Shriners Organization and with his church. He further explained his need for the storage space to accommodate the Shriners trailer and fire truck that pulls it along with his own semi-tractor trailer unit. He also discussed his cleanup efforts of the property since he purchased it.

Michael Meyer spoke on behalf of the applicant. Mr. Meyer is also a member of the Shriners organization. Mr. Meyer advised the Board that the Shriners organization purchased a fire truck that is used to pull the organization's trailer to thirty parades per year. Mr. Meyer indicated the organization has had issues with theft of vehicles from current storage facility in Mankato and having a storage facility at the proposed location should alleviate the issue.

Ray Cornelius commented on behalf of Rapidan Township. He advised the Board that the Township Board had no issue with the request from a safety or environmental perspective. He said the Township encourages approval of the proposal.

Mr. Femrite commented on the size of the proposed structure in relation to the lot. He expressed his concern with the structure protruding that far into the ROW.

Bill Anderson agreed with Mr. Femrite and asked if it is possible to construct a narrower and longer structure. Mr. Anderson asked Mr. Stubbs if he had been on the site and if this was possible. Mr. Stubbs said he had been on the site and a narrower structure has been discussed with the applicant.

Mr. Mundt discussed various dimensional options with the Board.

Kurt Anderson commented on the pre-ordinance historical development of the property and how the small lot size is actually a legal non-conformity.

The Board further discussed the size of the proposal and options for the size and placement of the proposed structure. The possibility of a 40' x 100' structure as discussed. This option could potentially place the structure 58 feet from the ROW vs. the proposed 44 foot setback.

Mr. Jacques comment on the potential for damage to be inflicted upon the structure at the proposed 44 foot location. He advised the Board from past experience; today's equipment is very capable of throwing snow a considerable distance and potentially damaging nearby structures. Adding on the additional setback will help.

The applicant was asked if a 40' x 100' structure might be acceptable to him.

The applicant discussed the compromise proposal and indicated he could make that work, but did ask if the Board might find 45 feet in width acceptable.

The Board did not appear to be in favor of a 45 foot wide structure.

Moving the structure to the north northwest appeared to be limited.

The applicant indicated his plans to park the fire truck and trailer and semi-tractor trailer units side by side.

Kurt Anderson opined that having an access door on both ends of the structure should be able to accommodate the movement of both rigs independently of each other. The applicant agreed.

After consulting with Mr. Stubbs, Mr. Leary asked if there is a need to meet on site with the applicant. The Board did not feel there was a need to meet on site.

Mr. Grams and Kurt Anderson both indicated at this time, no restriction is being placed on the length of the proposed building.

The Board proceeded with the Findings of Fact Checklist.

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? *Kurt Anderson and Mr. Femrite both indicated yes.*
2. Has the applicant thoroughly explained the need for a variance from the official controls? *All indicated yes.*
3. Is the alleged practical difficulty due to circumstances unique to this property? *All indicated yes.*
4. Were the circumstances causing the practical difficulty created by someone other than the landowner or previous landowners? *All indicated yes.*
5. Does the alleged practical difficulty involve more than economic considerations? *All indicated yes.*

6. Without the variance, is the owner deprived of a reasonable use of the property? *Kurt Anderson indicated no, that it is subjective but reasonable. Mr. Femrite and Bill Anderson both indicated it could go either way.*
7. Is the request the minimum variance necessary to afford relief? *Mr. Grams indicated yes.*
8. Will the issuance of the variance maintain the essential character of the locality? *All indicated yes.*
9. Will the public health, safety and environment be preserved if the variance is approved? *All indicated yes.*

Following the discussion, Kurt Anderson made a motion to approve the compromised setback of 58 feet to the centerline of the township ROW based upon the findings proposed in the county staff report and the findings of fact checklist.

Bill Anderson seconded the motion and the motion passed unanimously.

## **5. ADJOURNMENT**

Mr. Grams made a motion to adjourn the meeting. Mr. Jacques seconded the motion and the meeting was adjourned at 8:00 p.m.

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Board of Adjustment Chair

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Board of Adjustment Secretary