

**MINUTES**

**Blue Earth County Board of Adjustment  
Regular Meeting Wednesday March 1, 2017  
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, and Barry Jacques. Planning & Zoning staff members Taylor Hartwig, 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 December 7, 2016 regular meeting of the Board of Adjustment. Bill Anderson seconded the motion which carried unanimously.

**3. APPROVAL OF AGENDA**

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

**4. NEW BUSINESS**

**BOA 01-17**

**Roger and Cleo Matzke** - Request for review and approval of a variance to reduce the required setback from the centerline of a county road from 130 feet to 100 feet for the construction of additional grain bins to an existing grain storage system. The property is zoned Agricultural and is located in part of the Southwest Quarter of the Northwest Quarter of Section 15, Rapidan Township.

Aaron Stubbs presented the staff report.

The applicants were present and had no further comments.

There was no public comment. Mr. Femrite stated it seems like a reasonable setup and nice arrangement that is efficient. Kurt Anderson had no questions. Bill Anderson indicated he was familiar with the site and it seems like a solid plan. Mr. Jacques concurred.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Rodger Matzke Date: 12/07/2016

Parcel #: R48.13.15.100.007 Variance Application #: BOA 01-17

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

- 1. Is the variance in harmony with the general purposes and intent of the official control? Kurt Anderson said yes as outlined by staff.

2. Is the variance consistent with the goals and policies of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)? All same reason.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated yes, making best use of the property.
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? All indicated yes.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated absolutely.
6. Does the need for the variance involve more than economic considerations? All indicated yes.

Following the discussion, Bill Anderson made a motion to approve the variance with the conditions outlined by staff.

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

**BOA 02-17**

**Ronald Schroeder** - Request for review and approval of a multiple component variance to allow for the adjustment of property lines for the purpose of separating an existing house and accessory structures from an existing grain storage facility. The setbacks will include a reduction of the side yard variance for a grain storage bin from ten feet to one foot, reduction of a setback from a property line to a feedlot building from 50 feet to one foot, and reduction of the required parcel size for a feedlot from ten acres to 5.66 acres for an existing feedlot. The property is zoned Agricultural, and is located in part of the Southwest Quarter of the Northwest Quarter of Section 16, Danville Township.

Chris Meeks presented the staff report.

The applicants were present and had no further comments except that the report covered it well.

There was no public comment. Board of Adjustments had no questions. Mr. Femrite was concerned with maintenance of buildings over time. With present ownership this may not be a problem. Kurt Anderson stated one motive is to keep a relative in farming so this may not be an issue.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Ron Schroeder                      Date: 12/07/2016

Parcel #: R34.25.16.100.011      Variance Application #: BOA 02-17

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

1. Is the variance in harmony with the general purposes and intent of the official control? All indicated yes as outlined.
2. Is the variance consistent with the goals and policies of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)? All indicated yes.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated yes.
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? All indicated yes.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated yes.
6. Does the need for the variance involve more than economic considerations? All indicated yes.

Following the discussion, Mr. Jacques made a motion to approve the variance.

Bill Anderson seconded the motion and the motion carried unanimously.

### **BOA 03-17**

**Todd Johnson** - Request for review and approval of a variance to reduce the required setback from the centerline of a county road from 130 feet to 90 feet for the replacement and expansion of an existing residential structure. The property is zoned Agricultural and is located in the Northwest Quarter and the Northern Half of the Southwest Quarter of Section 35, Judson Township.

Aaron Stubbs presented the staff report.

The applicants were present and had no further comments.

Glen Mendenwald was concerned with winter snow problems causing problems with the road. If closer to the road, it will make it worse. His opinion was the house could be moved back to original spot or further back. No other public comments. Mr. Femrite indicated that the new house is further back from the original spot. Mr. Stubbs commented that its six feet back further but the porch is to the same location of existing house. Mr. Femrite asked the applicant if they could move the house further back. Mr. Johnson commented, no it would encroach on existing buildings. Mr. Femrite indicated that it seems to be using the property effectively.

The Board moved on to the Findings of Fact Checklist.

### **FINDINGS OF FACT**

#### **SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Todd Johnson Date: 12/07/2016

Parcel #: R38.07.35.100.002 Variance Application #: BOA 03-17

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

7. Is the variance in harmony with the general purposes and intent of the official control? All indicated yes.
8. Is the variance consistent with the goals and policies of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)? All indicated yes.
9. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated yes.
10. Is the need for the variance due to circumstances unique to the property and not created by the landowner? All indicated yes.
11. Will the issuance of the variance maintain the essential character of the locality? All indicated yes.
12. Does the need for the variance involve more than economic considerations? All indicated yes. Kurt Anderson stated all answers were based on staff report.

Following the discussion, Bill Anderson made a motion to approve the variance under the conditions.

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

**BOA 04-17**

**Donavin and Mandy Taber** - Request for review and approval of an after-the-fact variance to increase the maximum allowed height of a residential structure in the Agricultural district from 35 feet to 48 feet to accommodate a 14' x 14' addition to the top of an existing residential structure. The property is zoned Agricultural and is described as Lot 1, Block 1 of Taber Subdivision Number 2. The property is located in the Southeast Quarter of the Southwest Quarter of Section 22, Le Ray Township.

Aaron Stubbs presented the staff report.

The applicants were present and had no further comments.

Applicants must apply for an after the fact construction permit before continuing construction. Mr. Femrite stated that certainly a roof could have been added over the flat area, but rather added useable space. Kurt Anderson agreed with Mr. Femrite on the roof. However this may not be an option considering the work has taken place. No public comments were made. They believed there was not a wanton disregard of rules and would likely have contacted staff. Kurt Anderson stated staff did well with outlining. Bill Anderson said he would have preferred a roof only. Mr. Femrite indicated as Board of Adjustments, we have the task of looking at these situations, concerned with disregard of requirements of the county. Mr. Jacques stated the roof could have been lower. It is a big home already and they did stop construction when advised.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Donavin & Mandy Taber Date: 12/07/2016

Parcel #: R39.10.22.300.007 Variance Application #: BOA 04-17

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers “Yes” to each of the six questions set forth below.

1. Is the variance in harmony with the general purposes and intent of the official control? Kurt Anderson and Mr. Jacques indicated yes.
2. Is the variance consistent with the goals and policies of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)? All indicated yes.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated yes.
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? Kurt Anderson and Mr. Jacques indicated yes.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated yes.
6. Does the need for the variance involve more than economic considerations? All indicated yes.

**FINDINGS OF FACT  
SUPPORTING/DENYING AN AFTER-THE-FACT VARIANCE**

If the Board of Adjustment answers “Yes” to all 6 questions on the Findings of Fact Supporting/Denying a Variance document, then the Board of Adjustment shall take into consideration and weigh the following criteria:

1. Did the applicant act in good faith? Was there any attempt to comply with the ordinance? All indicated yes.
2. Did the applicant make a substantial investment of money into the project? All indicated yes.
3. Did the applicant fully complete the project? All indicated no.
4. Are there similar structures in the area? All indicated not according to the staff report.
5. Would the benefit to the county be outweighed by the burden on the applicant, if the applicant is required to comply with the ordinance? All indicated no. Bill Anderson indicated he would have been opposed if Eagle Lake had a shorter ladder.

Following the discussion, Kurt Anderson moved to approve.

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

**5. OTHER BUSINESS**

The Board briefly discussed quarter-quarter sections vs. what is sometimes referred to as a 40. It was acknowledged that in many instances the quarter-quarter section of land does not actually include exactly 40 acres.

**6. ADJOURNMENT**

Mr. Jacques made a motion to adjourn the meeting. Mr. Grams seconded the motion and the meeting was adjourned at 8:15 p.m.

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Board of Adjustment Chair

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Board of Adjustment Secretary