

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday September 5, 2018

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, Barry Jacques and Joe Smentek. Staff members Aaron Stubbs, Garrett Rohlfing, George Leary, and Meghan Bajula-Hagen were also present.

2. APPROVAL OF MINUTES

Mr. Kurt Anderson made a motion to approve the minutes for the May 2nd, 2018 regular Board of Adjustment meeting. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

3. NEW BUSINESS

Tom Lyons - Request for review and approval of a Variance to reduce the required Buildable Area from 1 acre (43,560 ft²) to 0.09 acres (4,092 ft²). The proposed reduction in the Buildable Area will help facilitate a future request to split this property. The property is zoned Rural Townsite and is also located within the Shoreland Overlay District of Lake Ballantyne. This portion of the property is located in part of the Southeast Quarter of the Northeast Quarter of Section 28, Jamestown Township.

Mr. Stubbs presented the staff report.

The applicant was present. He stated that he looked at different options to build on the property and to provide one acre of buildable area would require a parcel of approximately three acres.

Mark Origer expressed concerns over the large project and two dwelling within forty feet of each other. The buildable area is in a bad location relative to his property. Mark Origer expressed concerns of bluff impact issues. He stated he is a civil engineer and works with ravine and bluff stabilization. He opined that there will be impacts on bluffs and wetlands. He suggested that there is another option for buildable area. Mr. Origer stated that he and Tom Lyons had discussed a purchase option, however the next day Mr. Lyons backed out. He further expressed concerns with impact on his property, wetlands, and wildlife and stated that he should not be responsible for Lyons property impacts.

Mr. Lyons commented that he and Mark Origer shook hands but did not have an agreement. Mr. Lyons indicated the area was formerly a pasture. He also commented on the DNR not correctly understanding the proposal that there will only be one house on the lot, not two. He added that the runoff goes into wetland buffer before it gets to the creek.

No other public comments.

Mr. Femrite indicated he was on site earlier in the day. Mr. Femrite described what he saw on-site from a stormwater runoff perspective. He stated the house to the north sits well above the Lyons Property and that runoff from the north parcels runs onto Lyon's property and into the wetland area below. He added that it is unlikely water will flow onto the neighbor's property. Mr. Femrite further added that provisions could be added to control the water so that it would not impact the neighbor. He indicated the area seems stable and the area around the garage is flat.

Mr. Kurt Anderson asked if approved and platted, does remaining parcel have any buildable rights? Mr. Stubbs stated at some point zoning turns to agriculture and density is limited to one home per 40 acres. May not have the ability to provide the required 150' of road frontage.

Mr. Kurt Anderson asked about access to the remaining agriculture lands. Tom Lyons stated that access to farmland is provided by an easement across neighboring property.

Mr. Smentek thought a site visit would help. Mr. Kurt Anderson indicated he would support that motion. Mr. Smentek motioned for a site visit. Mr. Kurt Anderson seconded the motion and the motion was carried unanimously. There were no further comments from members of the Board of Adjustment.

The meeting was recessed at 7:43 p.m. The Board of Adjustment will resume the meeting on-site September 13th at 7:30 a.m. The Board of Adjustment indicated to the public that a decision would likely be made on-site.

The meeting resumed on-site at 7:30 a.m. September 13, 2018. All members of the Board of Adjustment were present. Staff members Aaron Stubbs, Garrett Rohlfing, George Leary, and Meghan Bajula-Hagen were also present.

Mr. Femrite provided some opening comments.

Mr. Origer showed the Board the property line location and explained the watershed. He indicated that future development of the site would require fill.

Mr. Femrite asked about requiring a Stormwater Pollution Prevention Plan (SWPPP) or grading plan.

Mr. Stubbs indicated a SWPPP could be included as a condition. However, an erosion control plan would be required for future development proposals.

Mr. Smentek asked if the existing structure could be rebuilt. Mr. Leary responded that yes, it could be rebuilt.

Mr. Origer asked the group to review the area at the bottom of the slope near the wetland. Some of the group went to the area.

There was some discussion on the possibility of a walkout basement. Mr. Leary indicated a walkout could be constructed since it is outside the shoreland impact zone and provided it is outside of the bluff impact zone.

Mr. Origer was asked if he had a walkout basement to which he replied "yes."

Mr. Origer again expressed his concern with site drainage and future site conditions.

Mr. Kurt Anderson indicated the Board is only reviewing the buildable area variance.

Mr. Smentek stated he had no further questions. He opined there may be better development options for the site.

Mr. Jacques and Mr. Bill Anderson both indicated they were ok with the request.

Mr. Kurt Anderson concurred with Mr. Smentek's comments.

The Board moved on to the Findings of Fact Checklist.

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

Name of Applicant: Thomas Lyons Date: 09/13/2018

Parcel #: R37.05.28.200.010 Variance Application #: BOA 05-18

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 and 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 indicated yes and as outlined by staff.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated yes and as outlined by staff.
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? All indicated yes. Mr. Femrite added that the lot has existed for a long time. Mr. Kurt Anderson concurred with the reasons stated by staff.
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.

There was no further discussion and no further questions.

Mr. Smentek made a motion to accept the findings of fact as outlined by staff and the checklist completed by the Board. Mr. Kurt Anderson seconded the motion and the motion carried unanimously.

4. ADJOURNMENT

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

Board of Adjustment Chair Date

Board of Adjustment Secretary Date