

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday October 3, 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. Jacques made a motion to approve the minutes for the September 5th, 2018 regular Board of Adjustment meeting. Mr. Smentek seconded the motion and the motion carried unanimously.

3. NEW BUSINESS

BOA 06-18

Esther Kunz - Request for review and approval of a Variance to reduce the required rear yard setback from 50 feet to 19.5 feet for the purpose of adding a living space addition to an existing home. The property is zoned Agricultural and is located in part of the Eastern Half of the Southeast Quarter of Section 9, Decoria Township.

Mr. Stubbs presented the staff report.

The applicant was present.

No public comments.

Mr. Kurt Anderson asked where the septic system placement was.

Applicant responded that a new one would be installed.

The Board moved on to the Findings of Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Esther Kunz and Shawn Kunz

Date: 10/03/2018

Parcel #: R35.14.09.476.001 Variance Application #: BOA 06-18

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.
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.

BOA 07-18

SN Mankato LLC and W W Land Company - Request for review and approval of a Variance to increase the allowed three-foot horizontal to one-foot vertical backslope grade to two-feet horizontal to one-foot vertical as part of a ravine stabilization project. The property is zoned Highway Business and is within the Urban Fringe Overlay District of the City of Mankato. The site is located in the southeast corner of the Southwest Quarter of the Northeast Quarter of Section 19, South Bend Township.

Mr. Leary presented the staff report.

Applicants present and commented he has been working on the project for many years. During this time the Ravine system has and still is expanding and threatening a power transfer pole and they are no longer able to use the road that goes past the ravine. Other properties that directly impact this ravine are cooperating with the project.

Bill Douglas with Bolton Menk commented that there is an existing MnDOT culvert that presents a problem with getting the 3 to 1 slope. The Culvert is the limit on how far they can go down. They would have to extend the culvert out by about 30’ or more to get the 3 to 1 slope. They plan to do better than 2 to 1 as much as they can. Project was discussed further.

No other public comments.

Mr. Kurt Anderson said it was straight forward and had no questions.

The Board moved on to the Findings of Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: SN Mankato LLC & W W Land Company LLC

Date: 10/03/2018

Parcel #: R50.08.19.200.021, R50.08.19.200.010, R50.08.19.200.017 Variance Application #: BOA 07-18

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.
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. Mr. Smentek commented that missing in the report was the location of the MNdot pipe that the owner had no part in, adds to this.
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. Mr. Smentek comments that again the MnDOT pipe applies to number 6.

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 with the additions mentioned on the record. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

Applicant commented that there are many Ravine Systems that need work in the County. A lot of time and money goes into the engineering to fix Ravine system issues. Could the County have a canned program for Ravine system piping that would not all the time, money, engineering and permits.

4. ADJOURNMENT

Mr. Smentek made a motion to adjourn the meeting. Mr. Jacques seconded the motion and the meeting was adjourned at 7:32 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date