

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday December 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 and Barry Jacques. 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 October 3rd, 2018 regular Board of Adjustment meeting. Mr. Jacques seconded the motion and the motion carried unanimously.

3. NEW BUSINESS

BOA 08-18

Kyle Phillips - Request for review and approval of an After-The-Fact Variance to reduce the required setback from the top of a bluff from 30 feet to 14 feet to accommodate an already constructed storage shed. The property is zoned Rural Residence and is located in part of the Southwest Quarter of the Southeast Quarter of Section 12, Rapidan Township.

Mr. Leary presented the staff report.

The applicant was present and provided the Board with the following information:

1. The pre-existing yard shed was in poor condition and was at the top of the bluff.
2. The replacement shed is a pre-fab structure.
3. He was unaware that a permit was required.
4. A lot of work was done to provide a stable foundation for the structure and the location is farther away from the bluff than the original structure.
5. The topography around the neighbor's shed is graded so that water flows onto his property.
6. The base for the replacement yard shed was designed to slow the water flow to protect the stability of the bluff.
7. Several other sheds in the neighborhood encroach upon the bluff setback.
8. To move the shed will make it difficult to access the septic mound for service work.
9. The new yard shed requires a base for the warranty.
10. Placing the shed on the other side of the property will also create issues with the septic mound. The shed was ordered with a design that is specific for the current location.
11. The shed on the neighbor's property is closer than 10 feet to the property line.

There was no other public comment.

Mr. Kurt Anderson indicated the structure with skids could be moved.

Mr. Bill Anderson agreed with the need for erosion control and opined that the structure base could remain. Mr. Anderson added that the Board must look at the individual site rather than the sheds on neighboring

properties. Mr. Anderson suggested that the removal deadline could be extended to August 1st to accommodate possible wet weather conditions.

Mr. Kurt Anderson acknowledged the compliant septic system. He asked if the current septic system was in place prior to the placement of the shed. The applicant indicated that the septic system was installed in 2008. Mr. Anderson stated that if the structure was placed without impact to the septic mound, it could also be relocated without impact to the septic mound. He added that it is an unfortunate situation. It sends a message to the rest of the county. He further added that as a portable building, it would be relatively painless to relocate compared to other structures that have been moved.

The Board moved on to the Findings of Fact Checklist.

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

Name of Applicant: Kyle Phillips Date: 12/05/2018

Parcel #: R48.13.12.402.004 Variance Application #: BOA 08-18

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? Mr. Kurt Anderson and Mr. Jacques indicated NO 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”)? Mr. Kurt Anderson, Mr. Femrite and Mr. Jacques indicated NO 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? Mr. Kurt Anderson, Mr. Femrite and Mr. Jacques indicated NO 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? Mr. Kurt Anderson, Mr. Femrite and Mr. Jacques indicated NO.
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.

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

1. Did the applicant act in good faith? Was there any attempt to comply with the ordinance? All indicated NO.
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 YES.
4. Are there similar structures in the area? All indicated YES.

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.

There was no further discussion and no further questions.

Mr. Bill Anderson made a motion to deny the requested variance. Mr. Jacques seconded the motion and the motion carried unanimously.

BOA 09-18

Kyle Meyer - Request for review and approval of Variance to reduce the required setback from the centerline of a Township Road from 65 feet to 56 feet for the purpose of constructing a living space addition. The property is zoned Rural Residence and is located in the Southeast Quarter of the Southwest Quarter of Section 10, Decoria Township.

Mr. Rohlfing presented the staff report.

The applicant was present. He stated he had looked at other floorplan options, but the proposed plan is the best. He added that going with the township's 60-foot option would be too small.

Jim Elmer stated he is a neighbor to the Meyer's and indicated his support of the variance request.

There were no other public comments.

Mr. Femrite indicated that at the township meeting, the applicant was asked if they would be opposed to a setback of 60-feet and there was no apparent opposition from the applicant.

Mr. Kurt Anderson stated he had reviewed the plans and agrees with staff on the speed of the traffic. He added that taking four feet off the plan is possible, but he would not recommend it. He said the basement bedrooms with egress windows would be very small and the main floor would receive a major impact if reduced in size. Mr. Anderson opined that adding on to the front of the home seems to be the most reasonable. He also cautioned the applicants on their window design and encouraged them to reconsider the size and type due to ingress concerns.

The Board moved on to the Findings of Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Kyle Meyer Date: 12/05/2018

Parcel #: R35.14.10.379.002 Variance Application #: BOA 09-18

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? Mr. Bill Anderson and Mr. Kurt Anderson 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”)? Mr. Bill Anderson, Mr. Kurt Anderson and Mr. Jacques indicated YES.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? Mr. Bill Anderson, Mr. Kurt Anderson and Mr. Jacques indicated YES.
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? Mr. Bill Anderson, Mr. Kurt Anderson and Mr. Jacques indicated YES.
5. Will the issuance of the variance maintain the essential character of the locality? Mr. Bill Anderson, Mr. Kurt Anderson and Mr. Jacques indicated YES.
6. Does the need for the variance involve more than economic considerations? Mr. Bill Anderson, Mr. Kurt Anderson and Mr. Jacques indicated YES.

There was no further discussion and no further questions.

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

4. ADJOURNMENT

Mr. Jacques made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion and the meeting was adjourned at 7:57 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date