

**MINUTES**

**Blue Earth County Board of Adjustment**

**Regular Meeting**

**Wednesday May 1, 2019**

**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 April 3rd, 2019 regular Board of Adjustment meeting. Mr. Jacques seconded the motion and the motion carried unanimously.

**3. NEW BUSINESS**

**BOA 03-19**

**Travis & Angela Caven** - Request for review and approval of a Variance to reduce the required setback from the centerline of a County Road from 130 feet to 53 feet for the purpose of constructing an 8' x 21' covered porch on to the front of the dwelling. The property is zoned Rural Townsite and is described as the west 22' of Lot 24 and all of Lot 25 of the Amended Auditor's Plat of Rapidan Station. All located in part of Southeast Quarter of the Southeast Quarter of Section 4, Rapidan Township.

Ms. Hagen presented the staff report.

The applicant was present and had no additional comment.

Township was present and had no additional comments.

There was no public comment.

Mr. Smentek asked if there were any previous Variances or if the property predated regulations.

Mr. Stubbs stated there were no previous Variances.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Travis & Angela Caven

Date: 05/01/2019

Parcel #: R48.13.04.477.006

Variance Application #: BOA 03-19

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. Mr. Smentek indicated 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. Mr. Smentek indicated 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. Mr. Smentek indicated 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. Smentek indicated as outlined by staff. Mr. Smentek also added that the house was built before the 130’ setback.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated YES. Mr. Smentek indicated as outlined by staff.
6. Does the need for the variance involve more than economic considerations? All indicated YES. Mr. Smentek indicated as outlined by staff.

There was no further discussion and no further questions.

Mr. Kurt Anderson made a motion to approve the variance and to adopt the findings as proposed by staff. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

#### **BOA 04-19**

**Eric Jaeger** - Request for review and approval of a Variance to reduce the minimum lot area standard from 40 acres to 10 acres, for the purpose of constructing one new total confinement swine finishing barn. The proposed expansion would increase the total animal units to 1,040, which has caused the need for a variance. The property is zoned Agricultural and is located in part of the Northeast Quarter of the Southwest Quarter of Section 8, Mapleton Township.

Mr. Rohlfiing presented the report.

The applicant and owners were present and had no additional comments.

There was no public comment.

Mr. Smentek asked if there would be a change to the Manure Management Plan.

Mr. Rohlfiing answered yes with pending Conditional Use Permit.

Mr. Kurt Anderson indicated that it seemed appropriate to expand existing feedlot.

Mr. Femrite agreed with Mr. Kurt Anderson’s previous comment.

Mr. Smentek also agreed as long as the MMP is updated.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Eric Jaeger

Date: 05/01/2019

Parcel #: R44.24.08.300.006

Variance Application #: BOA 04-19

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. Mr. Smentek indicated 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. Mr. Smentek indicated 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. Mr. Smentek indicated 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. Smentek indicated as outlined by staff.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated YES. Mr. Smentek indicated as outlined by staff.
6. Does the need for the variance involve more than economic considerations? All indicated YES. Mr. Smentek indicated as outlined by staff.

There was no further discussion and no further questions.

Mr. Smentek made a motion to approve the variance and to adopt the findings as proposed by staff. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

**BOA 05-19**

**Thomas & Trisha Moran** - Request for review and approval of a Variance to reduce the required setback from the centerline of a County Road from 130' to 62' to accommodate the construction of a Detached Accessory Structure. The property is zoned Agricultural and is described as Lot 2 of the Seppman Heights Subdivision, all located in part of the Northwest Quarter of the Northwest Quarter of Section 18, South Bend Township.

Mr. Stubbs presented the staff report.

The applicants were present and had no additional comment.

There was no public comment.

Mr. Femrite indicated that the staff report was straight forward. He agreed with the need to preserve farmland and that this Variance made the best use of the property.

Mr. Kurt Anderson stated that with the property elevated from the road there would not be an issue with traffic.

Mr. Smentek asked if there were any past variances for this home.

Mr. Stubbs answered no.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Thomas & Trisha Moran Date: 05/01/2019

Parcel #: R50.08.20.102.002 Variance Application #: BOA 05-19

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. Mr. Smentek indicated 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. Mr. Smentek indicated 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. Mr. Smentek indicated 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. Smentek indicated as outlined by staff. Mr. Smentek also added that the house was built before the 130’ setback.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated YES. Mr. Smentek indicated as outlined by staff.
6. Does the need for the variance involve more than economic considerations? All indicated YES. Mr. Smentek indicated as outlined by staff.

There was no further discussion and no further questions.

Mr. Jacques made a motion to approve the variance and to adopt the findings as proposed by staff. Mr. Smentek seconded the motion and the motion carried unanimously.

**4. ADJOURNMENT**

Mr.Smentek made a motion to adjourn the meeting. Mr. Jacques seconded the motion and the meeting was adjourned at 7:42 p.m.

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Board of Adjustment Chair                      Date

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Board of Adjustment Secretary              Date