

**MINUTES**  
**Blue Earth County Board of Adjustment**  
**Regular Meeting**  
**Wednesday June 5, 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, and George Leary were also present.

**2. APPROVAL OF MINUTES**

Mr. Smentek made a motion to approve the minutes for the May 1st, 2019 regular Board of Adjustment meeting. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

**3. NEW BUSINESS**

**BOA 06-19**

**Noah & Stefanie Stock** - Request for review and approval of a variance to reduce the required 1500-foot feedlot to dwelling setback to 300 feet to allow the construction of an attached garage and living space addition to an existing single-family dwelling. The property is zoned Agricultural and is also within the Shoreland Overlay District of a protected stream. The site is located in part of the Northwest Quarter of the Southeast Quarter of Section 16, Beauford Township.

Ms. Rohlfing presented the staff report.

The applicant was present and had no additional comment.

There was no public comment.

Mr. Femrite suggested that it was a pretty straight forward request. Mr. Bill Anderson concurred.

The Board moved on to the Findings of Fact Checklist.

**FINDINGS OF FACT**

**SUPPORTING/DENYING A VARIANCE**

Name of Applicant: Noah and Stefanie Stock

Date: 06/05/2019

Parcel #: R30.19.16.400.006

Variance Application #: BOA 06-19

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. The feedlot-dwelling setbacks were established to prevent residential properties from encroaching on feedlots, or feedlots being constructed where they would negatively impact established residential properties. In this case, the feedlot and residential dwelling were once a combined parcel. In 2016, the house was split from the feedlot. The applicants were aware that there was a feedlot to the north when they purchased the property. Therefore, the construction of a building addition is in harmony with the intent of the official control.

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. Because the applicant is proposing to build an addition onto an existing home on a developed parcel rather than selecting a new site that would use an area that is currently cropland, the variance is consistent with the intent of the Land Use Plan.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated YES. Single-family dwellings and building additions are permitted to be constructed on agriculturally zoned land. Assuming the applicant will comply with all other applicable regulations, the property appears as though it will be used in a reasonable manner that would not be allowed based on feedlot-dwelling setback standards
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? All indicated YES. In 2016, the previous landowner split dwelling from the hog barns to the North. The current property owners purchased the property in 2017, therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner. The previous landowner built the house when previous official controls allowed for the construction without a Variance.
5. Will the issuance of the variance maintain the essential character of the locality? All indicated YES. The character of the locality is agricultural in nature with a mix of farmsteads and non-farm dwellings. The setback reduction between a feedlot structure and a residential dwelling will not alter the essential character of the locality.
6. Does the need for the variance involve more than economic considerations? All indicated YES. The applicant’s wish to construct a garage and living space addition to their existing home to accommodate their needs. Although the entire existing house is within the 1,500-foot setback, the applicants have determined this to be the only location that will work with the existing floor plan and location of existing utilities. Therefore, their reasons do not appear to be economic in nature.

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. Jacques seconded the motion and the motion carried unanimously.

### **BOA 07-19**

**Shannon & Katie Keohane** - Request for review and approval of a Variance to reduce the required setback from the center of a County Road from 130 feet to 84 feet to accommodate the construction of a 6’ x 43’ covered porch. The property is zoned Rural Townsite. It is also within the Shoreland Overlay Districts of Lake Ballantyne & Mud Lake, and the Urban Fringe Overlay District of the City of Madison Lake. The property is described as Lot 1, Block 1 of the Lyons Subdivision, all located within part of the Southeast Quarter of the Northeast Quarter of Section 28, Jamestown Township.

Mr. Stubbs presented the report.

The applicant was present and had no additional comments.

There was no public comment.

Mr. Femrite opined that it would be a good use of the property.

Mr. Kurt Anderson recalled from reviews of the 2018 variance and Subdivision Plat applications, there was some concern from a neighbor. He added the current proposal should lessen that impact. Mr. Anderson further added that the project is at an elevation well above the County Highway.

Mr. Smentek indicated the current house predates any setback requirements.

The Board moved on to the Findings of Fact Checklist.

#### **FINDINGS OF FACT**

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

Name of Applicant: Shannon and Katie Keohane Date: 06/05/2019

Parcel #: R37.05.28.200.014 Variance Application #: BOA 07-19

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. In the Zoning Chapter, setbacks from the different classifications of roadway are related to safety, speed, and the possible future expansion of the roadway. This request has been reviewed and approved by the County Public Works Department. Reducing the setback in this location will not negatively impact the safety or flow of nearby commuters. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
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. In the Blue Earth County Land Use Plan, one of the Development Objectives is to “Consider development that can be constructed with minimal impact to existing natural and built systems (e.g. wetlands and transportation)”. The proposed use will not impact existing natural and built systems. Therefore, the request appears to be consistent with the intent of the Land Use Plan.
3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? All indicated YES. This property is located in the Rural Townsite district, in this district Single-family dwellings are a permitted use. The required setback in this case is based on safety for traffic on County Road 187. The request has been reviewed by County Highway and has been determined not to be a visual impairment to nearby traffic. The construction of a Covered Porch on the property, to accommodate the owners, is a reasonable request. The proposed location appears to make an efficient use of the property and therefore the request appears to be a reasonable one that is not permitted by an official control.
4. Is the need for the variance due to circumstances unique to the property and not created by the landowner? All indicated YES. The County Assessor’s website lists the house on this parcel as being built in 1887. At that time, it probably made more sense to develop in the southern portion because the existing topography and wetlands would have been difficult to farm. In 1995, the previous owner agreed to allow a residential parcel to be created north of the existing house. It is possible that topography and the presence of wetlands also played a role in determining where to locate that house. The decision of where to locate the 1887 residential development, and the decision to allow the residential parcel to the north, along with the existing topography and wetland areas are what have led to the need for the variance. Neither of those development related decisions were made by the current landowner. Therefore, it appears the plight of the landowner is due to circumstances unique to the property, and not created by the landowner.

5. Will the issuance of the variance maintain the essential character of the locality? All indicated YES. The essential character of the locality is residential in nature. The area contains several other residential structures and is approximately 1,000 feet from the City of Madison Lake boundary. This structure has been in its current location for many years, and the issuance of this variance will not make the property appear any different to those residents in the area or those passing through the area. Therefore, it appears the issuance of the variance will not alter the essential character of the locality.
  
6. Does the need for the variance involve more than economic considerations? All indicated YES. The practical difficulty is related to the current location of the house in relation to County Road 187, the existing flat section of roof, and the lack of a covered entrance. The presence of all three issues make it difficult to remedy the situation without some type of Variance. The proposed Covered Porch allows the property owner to make better use of the property while not disturbing the current features. It appears as if the practical difficulty includes more than economic considerations alone.

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. Jacques 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 7:35 p.m.

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Board of Adjustment Chair                      Date

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Board of Adjustment Secretary              Date