

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday August 7, 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 Kurt Anderson, Bill Anderson, Lyle Femrite, and Barry Jacques. Staff members Aaron Stubbs, Garrett Rohlfing and George Leary were also present.

2. APPROVAL OF MINUTES

Mr. Kurt Anderson made a motion to approve the minutes for the July 3rd, 2019 regular Board of Adjustment meeting. Mr. Jacques seconded the motion and the motion carried unanimously.

3. NEW BUSINESS

BOA 09-19

United Pentecostal Church - Request for review and approval of a Variance to reduce the required side yard setback from 50 feet to 30 feet for the purpose of constructing an addition to the existing church. The property is zoned Agricultural and is located in part of the Northwest Quarter of the Northwest Quarter of section 17, LeRay Township.

Mr. Rohlfing presented the staff report.

The applicant was present. He informed the Board that they recently completed the purchase of the property.

There was no other public comment.

Mr. Kurt Anderson indicated that he is also on the LeRay Township Board. He stated that the township road maintenance person was concerned with winter snow removal of the nearby road due to the proposed location of septic system. He suggested the applicants consider changing the drainfield location.

Mr. Bill Anderson applauded the church for its growth.

The Board moved on to the Findings of Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: United Pentecostal Church

Date: 08/07/2019

Parcel #: R39.10.17.100.003

Variance Application #: BOA 09-19

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. The variance is in harmony with the general purpose and intent of the official control.
All indicated Yes. The stated purpose of the Agricultural District is to preserve agricultural related uses, prevent scattered development, and preserve woodlands and scenic value. The request is for an addition on an existing church that will not impact any agricultural uses, will not develop in a new location, and will not impact any woodland areas or scenic value. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the Comprehensive Plan.
All indicated Yes. The Blue Earth County Land Use Plan includes a goal that states, "Blue Earth County will maintain its agricultural areas by limiting new development to reduce conflicts between farm and non-farm uses and by adopting performance standards for certain agricultural uses to better protect its natural resources. If approved the variance will allow for the addition to the church to remain in an area that has not been farmed for several years. A church is an allowed use in the agricultural district and it should not create any conflict with agricultural uses and/or natural resources. Therefore, the request appears to be consistent with the intent of the comprehensive Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
All indicated Yes. Churches are a conditional use 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 a side-yard setback standard.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
All indicated Yes. The plight of the applicant stems from the placement of the church, which was decided on by the current owner. The current layout of the existing church and the need for expansion has caused the need for the variance. The prospective buyer has stated the church congregation is growing rapidly and that there is no other way to make the sanctuary bigger to cover current and future needs. For these reasons, the plight of the landowner appears to be due to circumstances unique to the property, not created by the applicant.
5. The variance will not alter the essential character of the locality.
All indicated Yes. The proposed variance is for an addition to the existing church; therefore, the variance will not alter the essential character of the locality.
6. The practical difficulty includes more than economic considerations alone.
All indicated Yes. The practical difficulty on this property is related to the lack of space in the existing sanctuary. The purpose of the variance is to increase the size of the sanctuary to accommodate a rapidly growing Church and its current and future needs. Therefore, it appears the practical difficulty includes more than economic considerations alone.

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 Andersons seconded the motion and the motion carried unanimously.

BOA 10-19

Dennis Turtle - Request for review and approval of a Variance to reduce the required setback from the center of a Private Road from 65 feet to 25 feet and to reduce the required setback from the toe of a bluff from 5 feet to 0 feet, to accommodate the construction of a single-family dwelling w/ an attached garage. The property is zoned Rural Townsite and is also within the Urban Fringe Overlay District for the City of Mankato. The property is described as Lots 1-6, Block 31 of South Bend Townsite. All located in part of the Northeast Quarter of the Northeast Quarter and part of the Northwest Quarter of the Northwest Quarter of Section 22, South Bend Township.

Mr. Stubbs presented the staff report.

The applicant was present. He told the Board that the former house was a good fit for the neighborhood.

There was no other public comment.

Mr. Kurt Anderson thanked staff for the thorough review of the report.

The Board moved on to the Findings of Fact Checklist.

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

Name of Applicant: Dennis Turtle Date: 08/07/2019

Parcel #: R50.08.22.232.004 Variance Application #: BOA 10-19

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. The variance is in harmony with the general purpose and intent of the official control.
All indicated Yes. In this case the official control is related to the required setback from the center of a private road and the toe of the bluff. This neighborhood has five other homes along Neubert Lane that do not meet the currently required setback. Neubert Lane is a Private Road with a cul-de-sac at the end, it is not an open route for thru traffic. The layout of the road and the proximity of neighboring homes creates a speed calming environment, safety should not be a concern. The required setback from a toe of a bluff is also related to safety. There is an existing retaining wall on the hillside of the property. This wall will have to be certified for structural integrity prior to the issuance of any future permits. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.

2. The variance is consistent with the intent of the comprehensive plan.
All indicated Yes. The County’s Land Use Plan, as adopted in 2018, includes a Housing Goal to have adequate separation between residential and non-residential uses. The Plan also includes an Objective to consider cluster type development with shared systems to reduce impacts to the environment. This property has an existing shared well and a septic system that is currently code

compliant. In addition, no new driveways or other roads will need to be created to support its location. Therefore, this request appears to be in harmony with the County's Land Use Plan.

3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.

All indicated Yes. This property is located in a residential area where most properties have a steep hillside on some portion of their property. This property was last developed in 2002 before a fire destroyed the house. Even though the house was removed, the well and septic system remain. A Variance to rebuild in a previously developed location to make use of an existing shared well and septic system appears to be a reasonable request that is not allowed by an official control.

4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.

All indicated Yes. This property is a series of lots that were originally platted in the 1850's. Over time, private roads and driveways were built in areas that overlap those previously platted lots. As front yard setback standards were established, neighborhoods such as this one were out of compliance with those regulations. The presence of the Private Road pushes any future development back towards the hillside and into the required setback. The location of the Private Road represents a circumstance that is unique to this property and not created by the landowner.

5. The variance will not alter 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 properties that do not meet the required setback from the center of the Private Road. It is unlikely that reducing the required setback from 65 feet to 25 feet will be noticed by anyone in the vicinity. Therefore, it appears the issuance of the variance will not alter the essential character of the locality.

6. The practical difficulty includes more than economic considerations alone.

All indicated Yes. The practical difficulty in this request is related to the location of a Private Road and being able to meet the required setbacks. If the road was constructed in the location where it was platted, the future construction appears to be approximately 100 feet from the center of the road. However, the way it was constructed actually crosses the applicant's property and pushes any development towards the steep slope on the opposite side. No development can occur on this property without a Variance because of the current regulations. Therefore, it appears as if the practical difficulty in this request includes more than economic considerations alone.

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. Jacques seconded the motion and the motion carried unanimously.

BOA 11-19

William & Arvis Groebner - Request for review and approval of a Variance to increase the width of an impervious Lake Access Path from 4 feet to 5 feet. The property is zoned Rural Residence and is located within the Shoreland Overlay District of Lake Washington. The property is described as Lot 8, Block 1 of the Gurni Subdivision, a portion of the now vacated CSAH 2 and an unplatted parcel, all located in part of the Northwest Quarter of the Northwest Quarter of Section 20, Jamestown Township.

Mr. Stubbs presented the staff report.

The applicant was present and had no additional comment.

There was no other public comment.

Mr. Kurt Anderson thanked staff for the thorough review of the report. He also thanked the applicant for contacting staff prior to commencement of the project.

The Board moved on to the Findings of Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: William and Arvis Groebner

Date: 08/07/2019

Parcel #: R37.05.20.101.005

Variance Application #: BOA 11-19

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. The variance is in harmony with the general purpose and intent of the official control.
All indicated Yes. In the Shoreland Chapter, the maximum width of an impervious surface path is to help control stormwater runoff and allow sufficient room for natural vegetation and screening around shore impact areas. Even though this request is to increase the allowed width, there are drain tiles installed along the path to control runoff and the applicants have allowed the path to be screened from the lake. In addition, there is approximately 13 feet between the end of the path and the edge of the lake. This area is also heavily vegetated and screened from the lake. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the comprehensive plan.
All indicated Yes. The County’s Land Use Plan, as adopted in 2018, includes a Natural Resources Goal to protect, enhance and restore aquatic and natural resources for current and the future generations... In addition, the Plan includes an Objective to manage stormwater runoff to prevent or minimize erosion and sedimentation in receiving waters. This project will remove an aggregate base and replace it with a concrete path. In addition, the removal of the aggregate base will allow the drain tile to perform as designed within the project. Therefore, this request appears to be in harmony with the County’s Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
All indicated Yes. This property is located in a residential area where most properties have a steep hillside between the house and the lake. Although there are still some locations that use stairs to provide access to the lake, most homes in this area have an access path. Increasing the width of a

path, in a location that has drain tiles installed and adequate vegetation to help slow down and filter runoff before it reaches the lake, appears to be a reasonable request that is not allowed by an official control.

4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.

All indicated Yes. This property has a steep hillside between the house and the Lake Washington. The slope on this property drops nearly 50 feet before reaching the lake. A slope this steep requires the path the wind back and forth in order to maintain safe speed during descent. The width of the property limits the available curvature for the turns needed within the path. Although steep slopes are fairly common in Blue Earth County, the steepness of this slope coupled with limited width, represent circumstances that are unique to this property and not created by the landowner.

5. The variance will not alter 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 properties that use an impervious path as a means of accessing the lake. The current path was designed by an engineer and incorporated drain tile to help manage stormwater runoff. As noted by the DNR, this access path is screened from the lake and the lake side of the property is heavily vegetated. It is unlikely that increasing the width from 4 feet to 5 feet will be noticed by anyone in the vicinity. Therefore, it appears the issuance of the variance will not alter the essential character of the locality.

6. The practical difficulty includes more than economic considerations alone.

All indicated Yes. The practical difficulty is related to maintaining safety and water quality. It appears as if the practical difficulty includes more than economic considerations alone.

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.

4. OTHER BUSINESS

Mr. Rohlfing discussed a change to a recent variance involving a feedlot proposal near Mapleton. He informed the Board that the applicant is considering increasing the number of finishing pigs in the proposed barn from 1,800 to 2,400. Mr. Rohlfing indicated the change would not impact any setbacks and asked if the Board wanted the variance request to be brought back to them for review.

The consensus of the Board was that they did not see a need for further Board of Adjustment review.

5. ADJOURNMENT

Mr. Jacques made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion and the meeting was adjourned at 7:45 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date