

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, December 1, 2010
7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:14 P.M. by Lyle Femrite. Board of Adjustment members present were Kurt Anderson, Lyle Femrite, Chuck Grams, Bill Anderson and Don Gerrish. Land Use and Natural Resources staff present was George Leary and Sara Isebrand.

2. APPROVAL OF MINUTES

Mr. Kurt Anderson made a motion to approve the minutes from the November 3, 2010 meeting of the Board of Adjustment. Mr. Grams seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA

Mr. Leary indicated there was no change to the agenda.

4. NEW BUSINESS

BOA 12-10 Craig & Nikki Turek – Request for a variance to reduce the centerline setback of a Township Road from 65 feet to 45 feet and the side yard setback from 50 feet to 30 feet for the purpose of constructing a single family dwelling located in Lot 17, Block 1 Deer Meadows Subdivision, Sec. 20, Decoria Township.

Mr. Leary presented the staff report.

The applicants were present. Mr. Turek indicated he had recently received design plans that would straighten out the garage thereby increasing the setback to the centerline of the township road.

Mr. Bill Anderson asked the applicant how much would be gained by the possible change.

Mr. Turek responded that approximately nine feet could be gained.

Richard Anderson, a neighboring property owner of Lot 18, expressed his concern with the limited area for a backup septic drainfield. He questioned what would happen when the system fails. He also asked how there could be a hardship when the current setback requirements were in place when the applicant purchased the property.

Pete Forrey, the applicant's septic contractor, stated that the granting of the variance will have no impact on the septic system.

Mr. Leary asked the Chair if the applicant may want to change the centerline setback request from 45 feet to 54 feet.

Mr. Turek stated that they had just received the new design plans on Friday and they would not feel comfortable increasing the setback to 54 feet because the home will be close to the bluff and they want to have some leeway.

Mr. Leary indicated that if the applicants intend to reapply for a variance, the request must include a substantial change in order to be presented again within 12 months. He added that another option is for the applicant to ask for a continuation of the meeting to January so they could review the new design plans.

Mr. Turek indicated their wish to proceed with the current proposal.

Mr. Kurt Anderson asked if any input had been received from the Township.

Mr. Leary indicated that the applicants are scheduled to meet with the Township at their regularly scheduled December meeting. He added that the applicants did meet the application deadline for the December Board of Adjustment meeting and that the County is not required to have Township input, although in this instance a township road is impacted and it would be good to have Township input.

Mr. Gerrish stated that the county ordinance is in place for a reason and that the variance request is significant on two sides of the proposed home. He also stated his agreement with the septic concerns expressed by the neighboring property owner.

Mr. Kurt Anderson indicated that Richard Anderson, owner of Lot 18, is his brother and as a result he would abstain from voting. He did indicate his opinion that the point of hardship is self-inflicted.

Mr. Grams asked if the Board should wait for Township input.

Mr. Gerrish stated that the applicant was given the opportunity to continue the request to the next meeting but has chosen to move forward at this time.

Mr. Bill Anderson commented that the Lot (Lot 17) needs to accommodate the house and this may be the wrong lot to support the property owner's dreams. He also expressed his concern of developing the lot with the septic limitations.

Mr. Leary asked the chair if the applicant may be given one more opportunity to adjust the centerline setback request from 45 feet to 54 feet. The Chair refused.

Mr. Bill Anderson made a motion to deny the request as recommended by staff.

Mr. Gerrish seconded the motion which was unanimously passed with Board member Kurt Anderson abstaining from the vote.

Mr. Leary indicated that a letter would be sent to the applicants documenting the denial of the variance and advising them of their right to appeal the decision to district court within 30 days.

5. ADJOURNMENT

There was no further business. Mr. Bill Anderson made a motion to adjourn the meeting which was seconded by Mr. Grams. The motion carried and the meeting was adjourned at 7:52 P.M.

Board of Adjustment Chair

Board of Adjustment Secretary