

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, September 2, 2009
7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:00 P.M. by Lyle Femrite. Board of Adjustment members present were Bill Anderson, Kurt Anderson, Lyle Femrite, Chuck Grams and Don Gerrish. Land Use and Natural Resources staff present was George Leary and Sara Isebrand.

2. APPROVAL OF MINUTES

Chuck Grams made a motion to approve the minutes from the August 5, 2009 Regular Meeting of the Board of Adjustment. Bill Anderson seconded the motion which carried unanimously.

3. APPROVAL OF AGEND

Mr. Leary indicated that item BOA 14-09 was withdrawn.

4. NEW BUSINESS

BOA 12-09

Peter Blethen and Jenifer Clock – Variance to reduce the lot width requirement from 150 feet to 50 feet along the access portion of a proposed lot. All other lot dimensions will meet the minimum requirements. The property is located in the Conservation Zoned District and is located in the SE ¼ of the NW ¼ of Section 11 LeRay Township.

Mr. Leary presented the staff report.

Peter Blethen was present and stated that Lot 6 of the concept plan will meet the minimum lot size requirements. He added that requiring a lot width of 150 feet, additional farmland will be used up.

There was no other public comment.

The Board asked the applicant about future development of the area.

Mr. Blethen stated that in addition to his existing home, he had six development rights to work with. He added that by proceeding with an eventual plat proposal, he is attempting to secure hookups for the pending extension of sewer.

Kurt Anderson stated that the lot width requirement in question is for individual sewage treatment systems and asked about the width requirement if municipal sewer is provided.

Ms. Isebrand stated that the lot width requirement is reduced to 75 feet with municipal sewer.

Kurt Anderson commented with the anticipated extension of sewer and in consideration that the variance request is for the access portion only it appears to be a fairly straight forward request.

There was some additional discussion on the access portion of Lot 6. Mr. Leary reviewed the proposed condition of the variance that considers the access portion of the lot as non-buildable.

There was no further review and the Board moved on to the variance checklist.

Findings of Fact Supporting an Area Variance

An area variance may be granted only where the strict enforcement of county zoning controls will result in “practical difficulty”. A determination that a “practical difficulty” exists is based upon the consideration of the following criteria as defined by the Minnesota Supreme Court in In re the Matter of the Decision of County of Otter Tail Board of Adjustment to Deny a Variance to Cyril Stadvold and Cynara Stadvold.:

1. Is the request a substantial variation from the requirements of the zoning ordinance? Why or why not?
Kurt Anderson – Yes, reducing the width requirement from 150 feet to 50 feet is substantial.
2. Will the request have an adverse effect on government services? Why or why not?
Kurt Anderson – No.
3. Will the requested variance effect a substantial change in the character of the neighborhood or will it result in a substantial detriment to neighboring properties? Why or why not?
Chuck Grams and Don Gerrish – No. Kurt Anderson stated that one could argue that it could effect a substantial change considering that 150 feet of farmland could possibly be taken out of production without the variance.
4. Is there another feasible method to alleviate the need for a variance? (Economic considerations play a role in the analysis under this factor) Why or why not?
Kurt Anderson – Yes, one hundred feet of additional farmland could be added and could remain tilled. Lyle Femrite added that may not be a very feasible option.
5. How did the need for a variance arise? Did the landowner create the need for the variance? Explain.
Yes

In light of all of the above factors, would denying a variance serve the interests of justice? Why or why not?

Kurt-Yes

Don-Yes

There was no further discussion on the request.

Kurt Anderson made a motion to approve the requested variance.

Don Gerrish seconded the motion which was unanimously approved.

BOA 13-09

Gregg Anderson - Request for a variance to reduce the required setback to the ROW of State Hwy 60 from 100 feet to 5 feet for the purpose of constructing a detached garage. The property is located in

the Rural Townsite Zoned District and is located in the SE ¼ of the SW ¼ of Section 14 South Bend Township.

Mr. Leary presented the staff report.

The applicant was present and concurred with the staff report.

Mr. Gerrish inquired about the speed limit on State Hwy 60 nearby. The applicant indicated that the speed limit is 50 mph in that area. Mr. Gerrish added that there is some potential for vehicles to run off the road in that area. The applicant stated that he has thought about that.

The variance checklist was not used by the Board.

Kurt Anderson made a motion to approve the requested variance.

Chuck Grams seconded the motion which was unanimously approved.

5. ADJOURNMENT

There was no further business. Don Gerrish made a motion to adjourn the meeting which was seconded by Kurt Anderson. The motion carried and the meeting was adjourned at 7:38 P.M.

Board of Adjustment Chair

Date

Board of Adjustment Secretary

Date