

Applicant

Welcome Memorial Trust
18032 527th Ave
Garden City, MN 56034

Request and Location

The applicants are requesting a variance to reduce the rear yard setback from 30 feet to zero feet. The property is zoned Rural Townsite and is located in the NW ¼ of the NW ¼ of Section 26, Garden City Township. T-107-N, R-28-W.

Legal Description

The property is located in the NW ¼ of the NW ¼ of Section 26, Garden City Township.

Zoning

The property is zoned Rural Townsite.

General Site Description, Site History, and Land Use Information

Welcome Memorial Trust owns the northern portion of the former Lake Crystal Welcome Memorial School building located in Garden City, an unincorporated Rural Townsite. The east portion of this building includes an auditorium and library. The west portion includes locker rooms, music room, and band room. The bigger plan is to sell the west portion of this building to 22LLC. The proposed property line will bisect the building currently owned by the Welcome Memorial Trust. Therefore, a request has been made to reduce the required rear yard property line setback from 30 feet to zero feet.

Existing Land Use within 1/4 mile of the receiving quarter-quarter

North: Wooded open space and five residences

East: CSAH 38, multiple residences and the Watonwan River

South: Multiple residences, and the Watonwan River

West: Multiple residences and the Watonwan River

Access No change in access points is proposed.

Surface Hydrology

The area the building sits on is fairly flat. Drainage from the site flows to the east, south, and west. The property is not located in Floodplain.

Township Review - At the time this report was written, no comment had been received from the Township.

Environmental Health Review - See Attachment A-3

Applicable Sections of the County Land Use Ordinance

Sec. 24-193. Height, yard and lot area, width and depth regulations.

(d) *Read yard regulations.* There shall be a rear yard having a depth of not less than 30 feet in the RT District.

Sec. 24-47. Board of adjustment.

(d) *Powers and appeals.*

(1) *Powers.* The board of adjustment shall have power to grant a variance to any of the provisions of this chapter to the extent of the following and no further:

a. To vary or modify the strict application of any of the regulations or provisions contained in this chapter in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this chapter.

(e) *Findings required.* The board of adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the board of adjustment may require:

(1) That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.

(2) That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Applicant's Statement of Hardship

The use of the building is no longer the same as it was when used for school purposes and the west portion of the building is seldom used. 22LLC has a potential use for the western portion of this building. In order to split the building with a property line, Blue Earth County Planning & Zoning is requiring a variance. Without a variance, the building cannot be split and the west portion of the building continues to sit idle.

Opinions

Staff has developed the following opinions:

1. That due to the layout of the building there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.

2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Recommendations

Staff recommends **approval** of the request to reduce the required rear yard setback from 30 feet to zero feet for the purpose of splitting the existing building, contingent upon the following conditions:

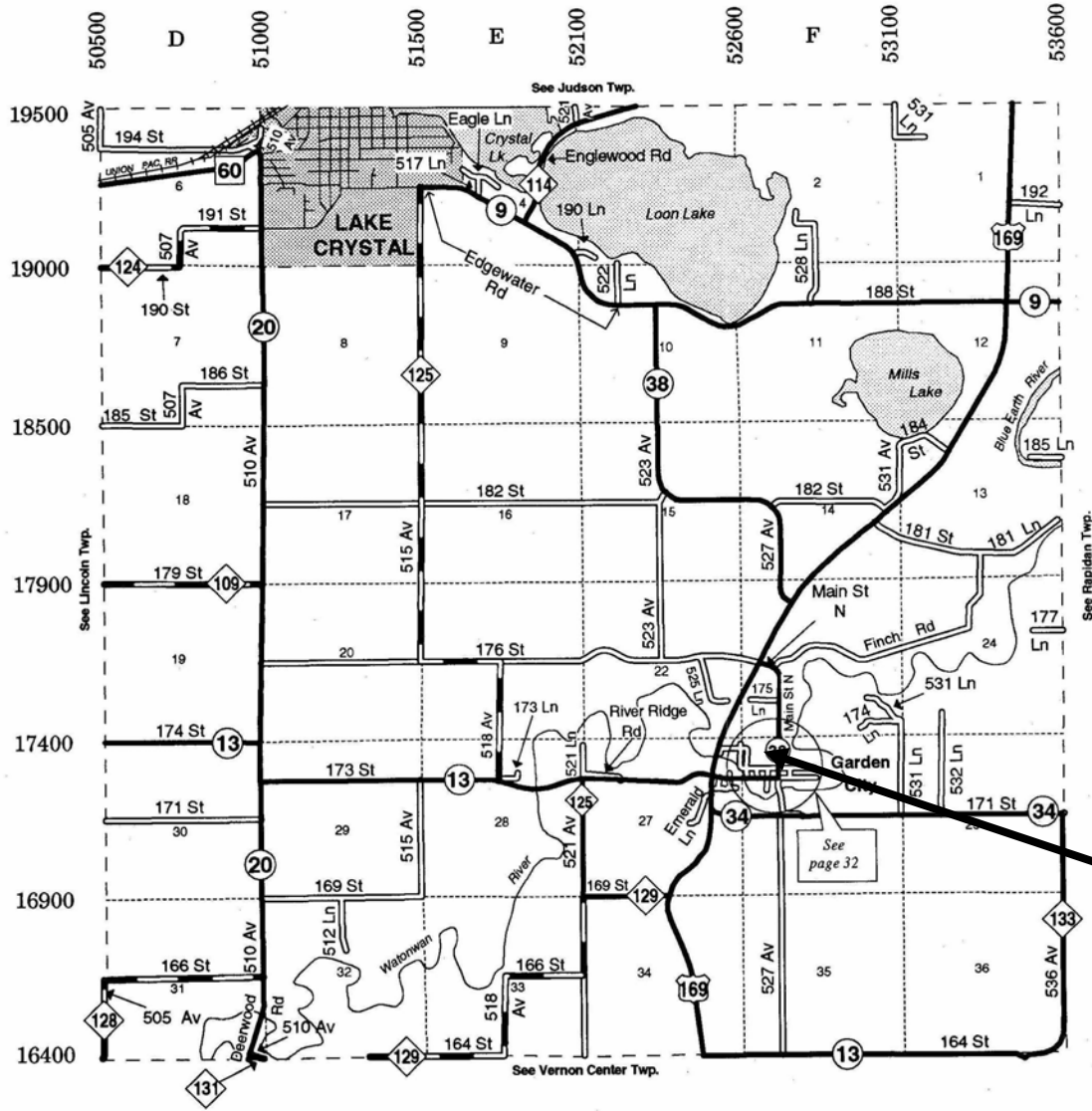
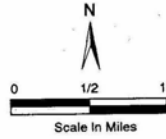
1. That the owners comply with all plat review requirements of the county code of ordinances.

Attachments

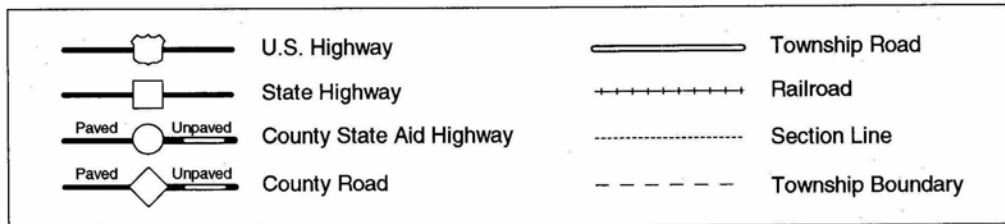
- A-1 Site Location
- A-2 Site Map
- A-3 Environmental Health Comments
- A-4 Variance Checklist

Garden City

T 107 N - R 28 W

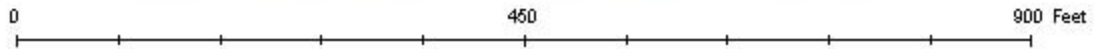


Site Location



A-2 Parcel Map

Proposed Split



**Blue Earth County Environmental Services Department
Land Use and Natural Resources Section
Post Office Box 3566
Mankato, Minnesota 56002-3566
Telephone: (507) 304-4381**

Environmental Health Review

September 20, 2010

R36.12.26.103.002

Welcome Memorial Trust – Request for a variance to reduce the required rear yard setback from 30 feet to 0 (zero) feet for the purpose of relocating property lines within an existing building. The property is zoned Rural Townsite and is located in the NW ¼ of the NW ¼ of Section 26, Garden City Township.

General: This proposal is the first step in a multiple step process to increase the use at the Welcome Manor facility.

Septic System: This proposed relocation of the property line would require that there be two identified septic system locations on the property. This is not physically possible as the current system is on separate property with an agreement. Any septic system expansion or drainfield replacement would require a similar set up on a property separate from the structure in question.

The current septic system servicing the property was found to be in compliance on xx/xx/xx. There is no portion of the compliance inspection that looks at specifically the size of the system. The compliance evaluates the components and the current state of use.

The change in property lines, from where they currently are to where they are proposed, will potentially allow for the expansion in use of the 22 LLC Welcome Manor Women's Center. At the time that this facility is expanded, the overall use of the facility will need to be addressed for the size of the septic system. There will be requirements, with an expansion for the sizing of all components in the septic system, to meet the current code.

The system will be required to meet the all aspects of MN Rule 7081. This will include the use of the entire building on both sides of the new property line as there is only one system for the entire facility. If the design flow exceeds 10,000 gallons, the system is required by State Rule to be State permitted.

Water Wells: There are two known wells servicing the property, both are permitted by the Minnesota Department of Health as a Non-Community public water supply. As of September 20, 2010, they were in compliance. There is also one well that was sealed on the property.

Wetlands: There are no apparent wetlands on this property.

Environmental Health Conditions That Need To Be Addressed As Conditions In The Variance: All aspects will be looked at with the planned expansion of Welcome Manor C.U.P