

Applicants

Mike Wolff
21245 622nd Ave
Eagle Lake MN 56024

Request and Location

The applicant is requesting a variance to reduce the required feedlot to dwelling setback from 1,500 feet to 520 feet from an existing feedlot. The site is located in the Agricultural District in the SE ¼ of the SW ¼, Section 10, LeRay Township.

Legal Description

The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) and the West 25 acres of the South Half (S ½) of the Southeast Quarter (SE ¼) all in Section Fourteen (14), Township One Hundred Eight (108) North, Range Twenty-five (25) West, Blue Earth County, Minnesota, EXCEPT that part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) in Section Fourteen (14), Township One Hundred Eight (108) North, Range Twenty-five (25) West, shown as Parcel 9B on Minnesota Department of Transportation Right of Way Plat Numbered 07-62 as the same is on file and of record in the office of the County Recorder in and for Blue Earth County, Minnesota, containing 0.09 acre, more or less, AND EXCEPT the South 8 feet of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼), in Section Fourteen (14), Township One Hundred Eight (108) North, Range Twenty-five (25) West, Blue Earth County, Minnesota.

And

The South 8 feet of the Northeast quarter of the Southwest quarter and the South 8 feet of the West half of the Northwest quarter of the Southeast quarter all in Section 14, Township 108, Range 25.

Zoning

The property is zoned Agricultural.

General Site Description, Site History, and Land Use Information

The current parcel consists of 64.88 acres. The parcel consists of the applicant's home, storage buildings and existing hog buildings. This parcel has a current feedlot permit. If approved, the applicant intends to replace one total confinement swine finishing barn with a more efficient barn. The barn will have the dimensions of 41 feet x 220 feet. The current manure storage structures will be used for the new structure as well. The applicants will be demolishing an inefficient 'H' shaped barn between the house and this existing barn if this request is approved. This process will be done within one year or sooner. The applicant has a request for the Planning Commission at their March meeting to construct a new 51 feet x 168 feet barn that will be located on the south east side of the farm yard. The neighbor to the north had a variance approved in 2003 to reduce the feedlot to dwelling setback from 1,500 feet to 430 feet to replace a home that had burned down. That request was measured from the location of the new home to the 'H' shaped barn. Since that barn will be coming down the variance request is for the barn to the east of it. The request is to reduce the setback from 1,500 to 520 feet.

Existing Land Use, ½ Mile

North: Crop land, one resident (520 feet to the NE barn) and County Road 48.

East: Crop land and a wetland.

South: Crop land, one resident (1,015 feet to the SW barn) and County Road 48.

West: Crop land and County Road 48.

Access No change in access points is proposed.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area is flat to gently rolling.

Floodplain

The proposal is not within a floodplain area.

Shoreland

The proposal is not within a shoreland area.

Wetlands

According to the National Wetlands Inventory, there is a wetland to the east of the hog barns.

Township Review

In an email dated January 14, 2012, the LeRay Township Board indicated they had no objection to the proposal as long as the applicant follows all County and State regulations.

Environmental Health Staff Comments

See Attachment A-3.

Applicable Sections of the County Land Use Ordinance

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.

Sec. 24-47. (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.

Sec. 6-144. - Feedlot-dwelling setback.

The setback requirements for a dwelling and a feedlot are mutual. The distance between a feedlot and a dwelling is measured from the nearest wall of any confinement building, the nearest edge

of any manure storage structure, or the nearest fence line of any open confinement lot to the nearest wall of a dwelling. The feedlot-dwelling setback is established as follows:

(2) Setback distances for feedlots, 51 animal units or greater, are established as follows:

d. A 1,500-foot feedlot-dwelling setback is required between:

1. North azimuth 310 degrees and north azimuth 30 degrees.
2. North azimuth 130 degrees and north azimuth 190 degrees.

Applicant's Statement of Hardship

The building in is need of repair and will be replaced if the request is approved. The feedlot is currently in existence and the home to the north was replaced in 2003 after a variance was approved for a reduction from 1,500 feet to 430 feet.

Opinions

Staff has developed the following opinions:

1. That the applicant has demonstrated a need to replace the hog barn.

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 feedlot to dwelling setback from 1,500 feet to 520 feet from an existing feedlot, contingent upon the following condition:

1. That the applicants obtain a construction permit prior to commencement of construction activities.

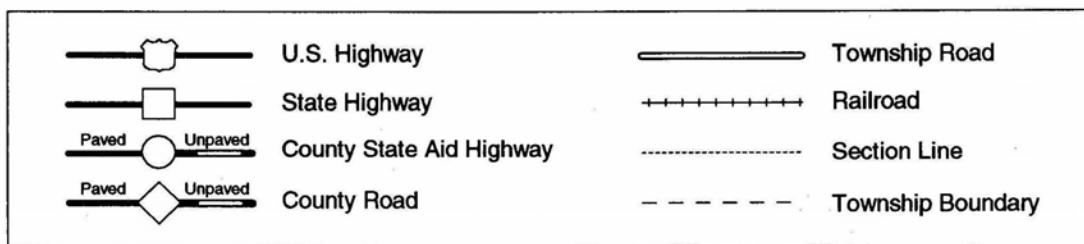
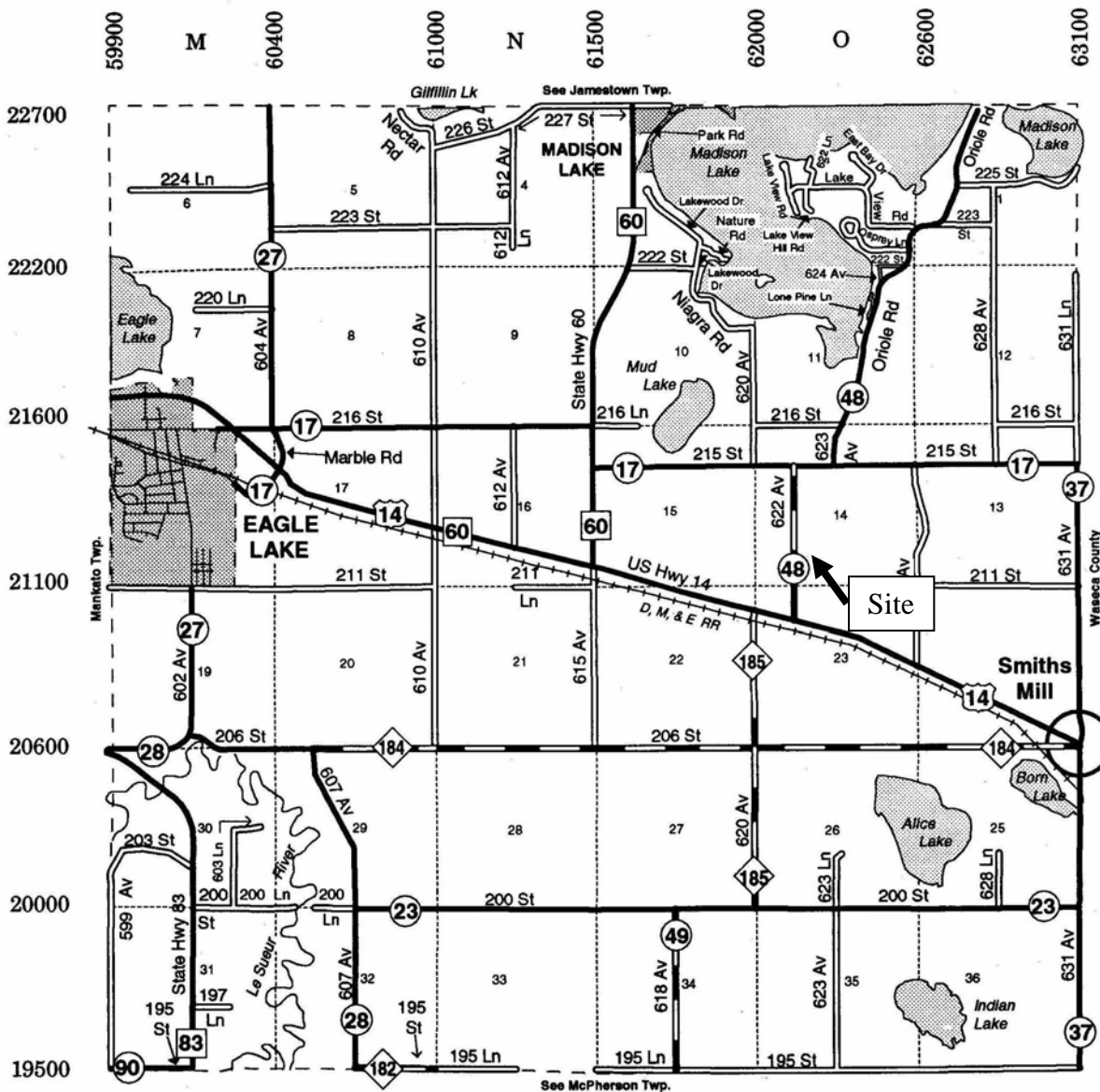
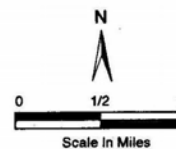
Attachments

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

Attachment A-1 General Location Map

Le Ray

T 108 N - R 25 W



A-2 Wolff-Variance for Feedlot to Dwelling



Disclaimer: This map was created using Blue Earth County's GIS and was created for specific internal County uses. It is intended to be used for reference purposes only and does not represent a land survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by Blue Earth County or its employees.

BLUE EARTH COUNTY
ENVIRONMENTAL SERVICES

*Government Center, 410 South Fifth Street
P.O. Box 3566, Mankato, Minnesota 56002-3566
Phone: (507) 304-4381 Fax: (507) 304-4431*

Environmental Health Section - Planning Application Reviews

Date Printed:	February 16, 2012	Permit Number:	PL2012011
Property Owner:	WOLFF MICHAEL P & TERRI L	Applicant:	WOLFF MICHAEL P & TERRI L
Parcel Number:	R39.10.14.300.012	File ID:	BOA 02-12

Application Description: Request for a variance from 1,500 feet to 520 feet from an existing feedlot to an existing house for the replacement of a new more efficient hog barn in the SE 1/4 of the SW 1/4 Section 10, LeRay Township, Agricultural Zoned District.

Septic Review

Status: Complete - Comments Received

Comments: Location of the septic system in the site plan is correct. A compliance inspection indicated that the 1996 septic system is compliant. This inspection is valid until 04/05/2014. The location of the barn should not have any impact to this system or any replacement system for this property based on the proposed location. No bathroom/shower/laundry facilities are proposed for the new barn. If at any time there is an installation of a bathroom/shower/laundry facility in this or any other barn, a septic system would need to be designed and installed for that waste stream as the comingling of sewage and manure is not allowed. P. Otterness 02/10/2012 11:16 AM

Well Review

Status: Complete - Comments Received

Comments: The enclosed site plan indicates a well in-use and a sealed well. A review of the County records indicates that the new well, unique # 504552, was drilled in 1989 with the sealed well, unique # H79124, also sealed in 1989. Based on the known well information for this property the proposed construction of a new hog building requiring this variance should not have a negative impact on the well situation on this property. T Grant 02/08/2012 4:00 PM

Wetland Review

Status: Complete - Comments Received

Comments: There is a large wetland that exists approximately 200 ft to the east of the barn, however this variance request should not impact that wetland. S. Feser 02/08/2012 4:32 PM

BLUE EARTH COUNTY BOARD OF ADJUSTMENT

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

Name of Applicant: Mike Wolff Date: 03/07/2012 Variance Application # BOA 02-12
Parcel # R39.10.14.300.012

A variance may be granted only where the strict enforcement of county zoning controls will result in a practical difficulty. A determination that a "practical difficulty" exists is based upon consideration of the following criteria:

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? Yes () No ()
Why or why not? _____
2. Without the variance, is the owner deprived of a reasonable use of the property? Yes () No ()
Why or why not? _____
3. Is the alleged practical difficulty due to circumstances unique to this property? Yes () No ()
Why or why not? _____
4. Were the circumstances causing the practical difficulty created by someone or something other than the landowner or previous landowners? Yes () No ()
Why or why not? _____
5. Will the issuance of the variance maintain the essential character of the locality? Yes () No ()
Why or why not? _____
6. Does the alleged practical difficulty involve more than economic considerations? Yes () No ()
Why or why not? _____

Facts supporting the answer to each question, above, are hereby certified to be the Findings of the Board of Adjustment. This is in accordance with _____ of the Blue Earth County Shoreland Management Ordinance.

APPROVED () DENIED ()

DATED: _____
Chairperson, Board of Adjustment