

**Applicants**

Hansen Family Trust  
9484 113<sup>th</sup> Ave  
Oakes, ND 58474

**Request and Location**

The applicants are requesting a variance to reduce the minimum lot width requirement of 125 at the building setback line to 50 feet for the purpose of creating a four-lot subdivision in a Rural Townsite Zoned District. The property is located in the SW Quarter of the SW Quarter of Section 03, Rapidan Township.

**Legal Description**

Lot 2 Block One of the Rapidan School Subdivision. T-107-N, R-27-W.

**Zoning**

The property is zoned Rural Townsite.

**General Site Description and Project Proposal**

The applicants own two properties. The furthest north property consists of 1.0 acres. Current development on this property consists of one storage building. The second property consists of 4.66 acres and includes the former Rapidan School and a large open area. The applicants hope to eventually re-subdivide the property. The 1.0 acre lot will likely be combined with a portion of the larger lot and will include the former school building. Three other buildable lots will likely be proposed. To accommodate future re-platting intentions, the applicants are requesting a variance to reduce the minimum lot width requirement of 125 at the building setback line to 50 feet. Approval of this request will allow for a 50 foot wide panhandle area to serve as access to a larger open area (approximately 1.25 acres) in the southeast corner of the property.

**Existing Land Use within 1/4 Mile**

**North:** Five residences and crop land  
**South:** Multiple residences and CSAH 9  
**East:** Crop land  
**West:** CSAH 33, multiple residences, and crop land

**Access**

If the variance is approved, access points to the property will likely be changed. Access proposals will require approval from the County Hwy Department.

**NATURAL RESOURCES INFORMATION**

**Topography**

The topography of the area is flat.

**Floodplain**

The proposal is not within a floodplain area.

### **Shoreland**

The proposal is not within a shoreland area.

### **Township Review**

The applicants met with the Township Board at their November 14<sup>th</sup> meeting. The Township Board has recommended approval of the proposed extended narrow driveway intended to serve as access for a future development lot.

### **Environmental Health Staff Comments**

**Septic Review-** A compliance inspection waiver form has been utilized in place of a compliance inspection for the old school. The system for the school has been verbally stated that it will not meet compliance and that Mr. Hansen plans to legally abandon the system within 10 months of this application. This waiver was presented on November 28, 2011.

Continued use of any portion of the school for living space or any other uses that would generate sewage requires that a compliant septic system be installed. This will be addressed with the development of the property.

The variance will be part of a future proposed plat. At the time of platting the future requirements for septic systems on the lot or lots will be addressed.

**Well Review-** The enclosed site plan indicates a well which needs to be sealed located on the north side of the old school building. This well had previously been issued a maintenance permit by the County until Mr. Hanson placed this well back into use. This variance request does not have an impact to the well situation on this property; however, if the well needs to be sealed then the applicant should work with the County to have this properly sealed so it no longer poses an issue for future development of this property.

**Wetland Review-** The variance in and of itself will not impact any wetlands that may be on site. However, the future plat for a four lot subdivision that may take place will require a wetland delineation. At that time it will be determined if any wetlands are on site that will need to be protected.

### **Applicable Sections of the County Land Use Ordinance**

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

(f) Lot width regulations: A minimum width of 125 feet at the building setback line and a minimum depth of 175 feet for lots with approved individual sewer systems.

### **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**

Also included as attachment A-3: Letter of Practical Difficulty

11/15/11

I am requesting a variance to reduce the required frontage to a publically dedicated road from 125 feet down to 50 feet. The practical difficulties of the lot as it currently exists are as follows:

- There is a large open area that is no longer used as a playground for the school. This area is large enough to accommodate three building sites that will meet the lot area standards of the county code. However, the third lot as proposed will not meet the required road frontage of 125 feet.
- Without approval of this variance, the lot that will likely include the former school building will be odd shaped and may leave a fair amount of unusable space that could become unsightly due to improper management.
- Although not necessarily a practical difficulty, by allowing the existing flag shaped lot to the north (that presumably is buildable) to be combined with the former school building, the lot will become more suitable for future use than as a standalone lot. The two lots if combined as proposed will complement each other. This will also allow for a larger area for possible septic drainfield areas.
- Again, not necessarily a practical difficulty, it is my belief that this proposal makes better use of this property than other four-lot plat options I have considered for this property. If this variance request is approved, it will allow me to divide this area in an efficient and practical way.
- It is my opinion that the development of three or four lots for residential purposes will be of benefit to Rapidan Townsite.

Loren Hansen  
On behalf of the Hansen Family Trust

### **Opinions**

Staff has developed the following opinions:

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. With the exception of the farmland parcels located within the Rapidan Rural Townsite Zoned District, the applicant's own the second largest parcel within Rapidan Townsite. It is the opinion of staff that the applicant's suggestion that approval of the variance will allow more efficient and practical use of the property makes sense while meeting all of the other requirements of the code relating to lot dimensions and SSTS requirements.

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 minimum lot width requirement of 125 at the building setback line to 50 feet for the purpose of creating a four-lot subdivision in a Rural Townsite Zoned District, contingent upon the following condition:

1. That the septic system serving the former school building be properly abandoned by August 31, 2012. Any future use of the property that generates sewage must be serviced by a compliant septic system.

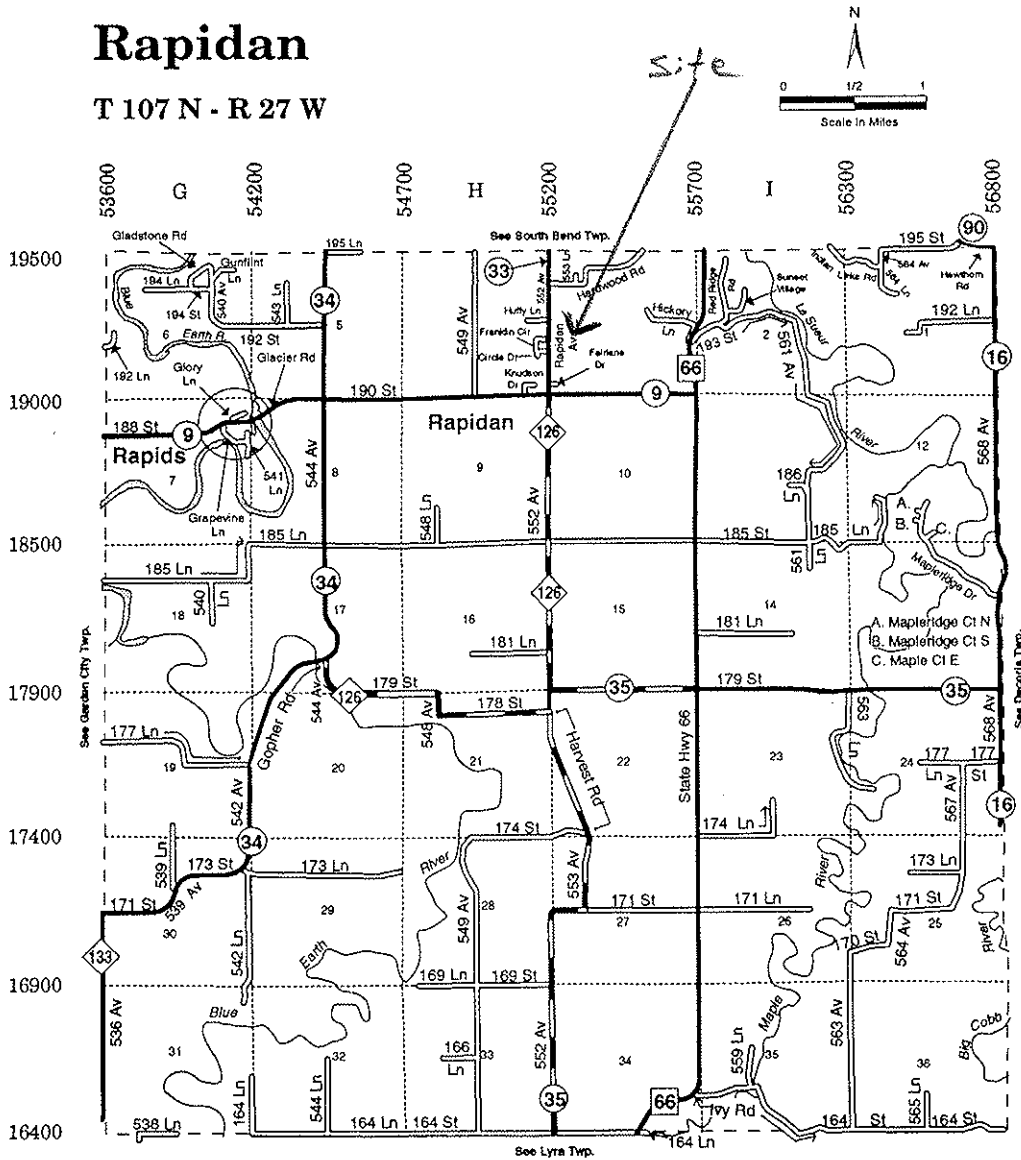
### **Attachments**

- A-1 Site Location
- A-2 Site plan of possible re-plat of the Rapidan School Subdivision
- A-3 Applicants Letter of Practical Difficulty
- A-4 Variance Checklist

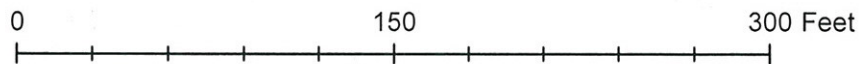
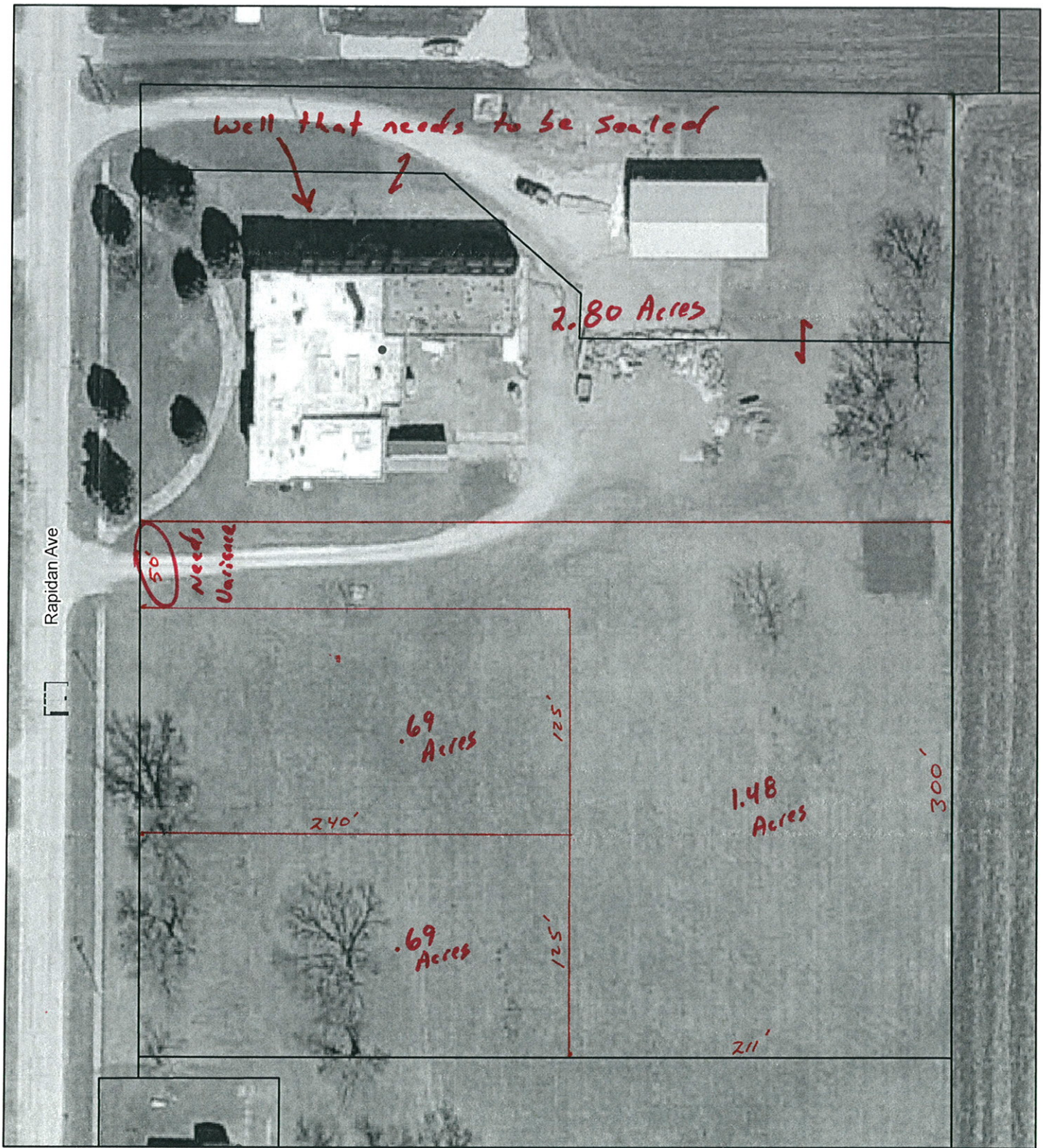
**Attachment A-1  
General Location Map**

# Rapidan

T 107 N - R 27 W



	U.S. Highway		Township Road
	State Highway		Railroad
	County State Aid Highway		Section Line
	County Road		Township Boundary

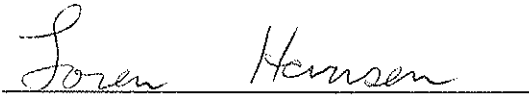


Disclaimer: This map was created using Blue Earth County's GIS and was created for specific internal County uses. It is intended to be used for reference purposes only and does not represent a land survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied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

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A handwritten signature in cursive script that reads "Loren Hansen". The signature is written in black ink and is positioned above a horizontal line.

Loren Hansen

On behalf of the Hansen Family Trust

**BLUE EARTH COUNTY BOARD OF ADJUSTMENT**

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

Name of Applicant: Hansen Family Trust Date: 12/07/11 Variance Application # BOA 09-11

Parcel # R48-13-03-351-019

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