

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, June 3, 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.

2. APPROVAL OF MINUTES

Chuck Grams made a motion to approve the minutes from the May 6, 2009 Regular Meeting of the Board of Adjustment. Don Gerrish seconded the motion which carried unanimously.

3. APPROVAL OF AGEND

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

4. NEW BUSINESS

BOA 03-09

David Lynch – Request for a variance to reduce the required setback to the centerline of County State Aid Highway 53 from 130 feet to 103 feet for the purpose of constructing a new basement under an existing home and to replace and enlarge an existing entryway. The property is located in the Agricultural Zoned District and is located in the SW ¼ of the SW ¼ of Section 13 Medo Township.

Mr. Leary presented the staff report.

The applicant was present and had nothing to add.

Mr. Femrite stated that the home had been in place for a number of years. He added that to move it would be expensive and impractical.

Kurt Anderson indicated that the applicant will incur a significant expense to construct a new basement. He added that the entryway addition will not move closer to the road than the existing structure and that the required septic upgrade will be a benefit.

Mr. Grams made a motion to approve the applicants requested variance. Kurt Anderson seconded the motion and the motion carried unanimously.

BOA 04-09

Norma Goettlicher - Request for a variance to use a sewage holding tank in place of a code-complying septic tank and drainfield at the site of a proposed year-round cabin. The site is zoned Rural Townsite and Shoreland and is located in portions of the SW Quarter of the NE Quarter, SE Quarter of the NE Quarter, NW Quarter of the SE Quarter and the NE Quarter of the SE Quarters of Section 28 Jamestown Township.

Mr. Leary presented the staff report.

The applicant was present. She stated to the Board of Adjustment that the use of the holding tank was an issue with the original variance request. She asked the Board to approve the requested variance so she could finish and enjoy the cabin.

Karl Friedrichs, an attorney representing the applicant provided the Board with some handouts. He advised the Board that this request is similar to other permit applications that have received approval by staff to use a holding tank. He also provided a document from Jadd Seppmann & Sons Well Drilling that indicated his belief that the septic treatment system he proposed to Environmental Health would likely encounter freezing problems during the winter months.

Mr. Friedrichs questioned one of the recommended conditions of approval that required an incoming water meter considering that another recommended condition required pumping records.

There was no other public comment.

Mr. Leary indicated that there are some differences between the applicant's request and the permits that Mr. Friedrichs referenced. He added that the condition recommending an incoming water meter is a way to validate that the water usage and the volume pumped and hauled are in sink.

Mr. Femrite asked the applicant about her construction plans specifically in reference to the original structure footprint.

Ms. Goettlicher stated that the proposed structure would be of the same footprint as the original mobile home and addition.

Kurt Anderson commented on the applicant's willingness to cooperate with the footprint requirements. He also commented on the need for the condition requiring a water meter. Mr. Anderson indicated that Mr. Leary had reviewed the checklist that listed the findings in support of a variance. He questioned the need for the use of the checklist because of his belief that the questions could in fact be answered and argued either way. Mr. Anderson commented on the pending extension of municipal sewer. He cautioned the applicant on coming back in the future with a holding tank variance request due to financial reasons associated with the hookup to municipal sewer. He continued with a motion to approve the applicant's request to use a holding tank for a year-round cabin. Mr. Grams seconded the motion.

Bill Anderson asked if the Board should consider a sunset clause. The other Board members agreed that a five-year sunset clause would be in order. Mr. Anderson accepted it as an amendment to his motion.

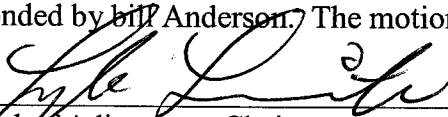
Mr. Gerrish inquired about the questioned footprint of the cabin and how that variance request is all footprint, by that that different from the request for a variance to use a holding tank.

Mr. Femrite stated that the footprint variance request had been decided at an earlier meeting and that it was not part of the present request.

There was no further comment and the Board of Adjustment voted 5 to 0 in support of the variance and the motion carried.

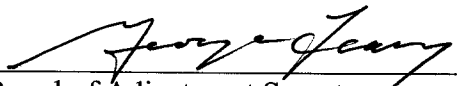
5. ADJOURNMENT

There was no further business. Kurt Anderson made a motion to adjourn the meeting which was seconded by Bill Anderson. The motion carried and the meeting was adjourned at 8:00 P.M.



Board of Adjustment Chair

07-01-09
Date



Board of Adjustment Secretary

07-01-09
Date