

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, December 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

Don Gerrish made a motion to approve the minutes from the September 2, 2009 Regular Meeting of the Board of Adjustment. Bill Anderson seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA

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

4. NEW BUSINESS

BOA 15-09

Chris Fleming and Marvin Fleming – Variance to reduce the required setback to a bluff line from 30 feet to 15 feet for the purpose of constructing a machine shed in the Agricultural Zoned District in the NE ¼ of the NE ¼ of Section 33, Garden City Township.

Mr. Leary presented the staff report.

The applicants were present. Marvin Fleming provided some additional information on the placement of the proposed structure in relation to the abandoned manure storage pit on site stating that the west row of poles for the structure would be located in the middle of the previous manure storage pit. In theory, this should provide for a better base for the proposed structure.

Kurt Anderson asked if staff had visited the site and inquired about the condition of the bluff.

Mr. Leary stated that he had reviewed the site and the bluff appeared to be stable.

There was additional discussion regarding the proposed non-perforated tile. Mr. Femrite expressed concern with the possibility of vibration causing the tile to slide down the hillside. Options of burying or anchoring the tile or possibly using smooth PVC pipe were also discussed.

Bill Anderson commented that he has known the Flemings for a long time and they have always done things right.

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?
Lyle Femrite – No, due to the handling of the roof water and site drainage.
2. Will the request have an adverse effect on government services? Why or why not?
Lyle Femrite – 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?
Don Gerrish – No. Kurt Anderson – No.
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?
Don Gerrish – No. Kurt Anderson – No.
5. How did the need for a variance arise? Did the landowner create the need for the variance? Explain.
Lyle Femrite – Yes. Kurt Anderson – Yes.
6. (Added by staff) Has the applicant taken adequate precautions to protect the integrity of the nearby bluff? Explain.
Lyle Femrite – Yes. Kurt Anderson – Yes.
7. In light of all of the above factors, would denying a variance serve the interests of justice? Why or why not?
Lyle Femrite – No. Kurt Anderson – No.

There was no further discussion on the request.

Bill 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 7:20 P.M.

Board of Adjustment Chair

Date

Board of Adjustment Secretary

Date

