

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday, September 4, 2019

7:00 p.m.

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Lyle Femrite. Board of Adjustment members present were Kurt Anderson, Bill Anderson, Lyle Femrite, Barry Jacques and Joe Smentek. Staff members Aaron Stubbs, Garrett Rohlfing and George Leary were also present.

2. APPROVAL OF MINUTES

Mr. Smentek made a motion to approve the minutes for the August 7th, 2019 regular Board of Adjustment meeting. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

3. NEW BUSINESS

BOA 12-19

Joseph Fisher - Request for review and approval of a Variance to reduce the required setback from the center of County State Aid Highway 28 from 130 feet to 105 feet to accommodate a Detached Accessory Structure. The property is zoned Agricultural and is described as Lot 1, Block 1 of the Dieteman's Subdivision. The property is located in the northeast corner of the Southeast Quarter of the Northwest Quarter of Section 8, McPherson Township.

Mr. Stubbs presented the staff report.

The applicant was present and had no comment.

There was no other public comment.

There was little discussion by the Board of Adjustment.

The Board moved on to the Findings of Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Joseph Fisher

Date: 09/04/2019

Parcel #: R45.15.08.100.004

Variance Application #: BOA 12-19

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers "Yes" to each of the six questions set forth below.

1. The variance is in harmony with the general purpose and intent of the official control.
All indicated Yes. In this case the official control is related to the required setback from the center of a County State Aid Highway. These setback requirements are typically related to safety along roads which allow traffic to move at an increased speed. The layout of the road and surrounding topography do not create sight line issues for drivers of through traffic, safety should not be a concern. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the Comprehensive Plan.
All indicated Yes. The Blue Earth County Land Use Plan, as adopted in 2018, include an Agricultural Objective to “preserve agricultural land for future agricultural uses by limiting conversion to non-agricultural uses.” The proposed Variance will allow construction to occur in an area closer to the existing house and will not create a scenario where the property may need to be expanded. Therefore, the request appears to be consistent with the intent of the Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
All indicated Yes. This property was created in 1977 and prior to the adoption of the current zoning regulations. The sub-standard size and its topography create a unique issue for its owner when trying to provide a location for storage space needs while using the property as efficient as possible. The location of the existing driveway, residential dwelling, septic system, and the overall size of the property represents a series of circumstances that are unique to this property and not created by the landowner.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
All indicated Yes. The plight of the applicant stems from the placement of the church, which was decided on by the current owner. The current layout of the existing church and the need for expansion has caused the need for the variance. The prospective buyer has stated the church congregation is growing rapidly and that there is no other way to make the sanctuary bigger to cover current and future needs. For these reasons, the plight of the landowner appears to be due to circumstances unique to the property, not created by the applicant.
5. The variance will not alter the essential character of the locality.
All indicated Yes. The essential character of the locality is agricultural in nature. The property has had a structure located within the required front yard setback since 1991. It is unlikely that allowing a detached garage to be constructed at the same distance from the road as the house will alter the essential character of the locality. Therefore, it appears the issuance of the variance will not alter the essential character of the locality.
6. The practical difficulty includes more than economic considerations alone.
All indicated Yes. The practical difficulty in this request is related to the location of an existing house, driveway, and septic system, and being able to meet the required setbacks from the roadway. If the property were to be created using today’s regulations it would be more than double in size. In addition, the house would be further west which means the driveway would also be extended back further. There is an existing Accessory Structure on the property. However, that structure does not meet the current setback regulations and any expansion would also require the approval of a Variance. Therefore, it appears as if the practical difficulty in this request includes more than economic considerations alone.

There was no further discussion and no further questions.

Mr. Smentek made a motion to approve the variance and to adopt the findings as proposed by staff.

Mr. Jacques seconded the motion and the motion carried unanimously.

4. ADJOURNMENT

Mr. Jacques made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion and the meeting was adjourned at 7:15 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date