

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday, December 7, 2022

6:30 p.m.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mr. Bill Anderson. Board of Adjustment members participating in the meeting included Bill Anderson, Dusty Riley and Taryn Surdy. Staff members Garrett Rohlfiing and John Considine also participated.

2. APPROVAL OF MINUTES

Mr. Riley made a motion to approve the minutes of the October 5, 2022, Board of Adjustment meeting. Ms. Surdy seconded the motion which carried unanimously by voice vote.

3. APPROVAL OF AGENDA

Mr. Rohlfiing stated there was no change to the agenda.

4. NEW BUSINESS

BOA 23-22

William Bielen - Request for review and approval of a series of variances to allow the construction of an access path leading to Lake Ballantyne. The property is zoned Rural Townsite and is in the Shoreland of Lake Ballantyne. The project location is Lot 3 Block 1 of Hager's Lake Ballantyne Subdivision. Property address is 112 Jacks Drive, Madison Lake, MN.

Mr. Rohlfiing presented the staff report.

William Bielen was present. He stated his desire to be able to continue use of the lake despite his health condition. He added that the area in front of the house is steeper and has no erosion issue. He stated he does not want to make a problem and wants the lake access to be a success.

Fred Friederichs representing the township board expressed concerns on erosion control and future maintenance. He indicated the Bielen property is one of the steepest in the township. Mr. Friedrichs also indicated concern with the possible precedence that may be set with approval of the variance.

Terry Opie neighbor to the north of property empathized with the situation of Mr. Bielen. He agreed with the township comments and expressed concern with the lack of engineering and the proximity to his property line. He added that four feet is enough width for a UTV or ATV and that anything wider will increase erosion potential.

There was no further public comment.

Mr. Anderson asked for comments from the other Board of Adjustment members. The members indicated concerns with erosion potential and engineering. The members also indicated the report was detailed and the exhibits are clear.

The Board moved on to the Findings-of-Fact checklist.

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

Name of Applicant: William Bielen

Date: 12/7/2022

Parcel #: R37.05.28.351.006

Variance Application #: BOA 23-22

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. Is the variance in harmony with the general purposes and intent of the official control?
Yes (X) No ()

Why or why not?

In the Shoreland Chapter, the maximum width of an impervious surface path is to help control stormwater runoff and allow sufficient room for natural vegetation and screening around shore impact areas. Even though this request is to increase the allowed width, the applicant's plan is to keep the path screened from the lake. Additionally, facilities such as ramps, lifts or mobility paths for physically handicapped persons are allowed for achieving access to shore areas as long as performance standards are complied with. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.

2. Is the variance consistent with the intent of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)?

Yes (X) No ()

Why or why not?

The County Land Use Plan includes a Natural Resources Objective that states: “Stormwater and stormwater runoff should be managed to prevent or minimize flooding, pollution, erosion and sedimentation in downstream receiving waters, drainage areas or property.” The vegetation removal and dirt work in the area are proposed to keep the soil on the bluff and limit the erosion that is starting to take place. With the installation and maintenance of proper erosion control and the revegetation of the impacted area, the proposal appears to be in harmony with the County Land Use Plan.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not?

The proposed Shoreland Access Path project appears to be a reasonable request in the Rural Townsite zoning district to protect an applicant's existing riparian rights due to the applicants deteriorating health conditions.

4. Is the need for the variance due to circumstances unique to the property and not created by the landowner?

Yes (X) No ()

Why or why not?

This property has a steep hillside between the house and Ballantyne Lake. The slope on this property drops approximately 30 feet before reaching the lake. Although steep slopes are fairly common in Blue Earth County, the steepness of this slope coupled with limited lot width that does not have any area of gradual slope, represent circumstances that are unique to this property and not created by the landowner.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not?

The surrounding uses include several single-family residential homes with similar topography on their property. Therefore, the variance appears unlikely to alter the essential character of the locality.

6. Does the need for the variance involve more than economic considerations?

Yes (X) No ()

Why or why not?

The applicant states the need for the variance is to preserve and enhance the existing use and safety of the property after being diagnosed with a health condition. The need for the fill and path to be placed in the bluff and shore impact zone is to provide a safe conduit for the transportation and a stable base that will not erode into Ballantyne Lake. Therefore, the practical difficulty includes more than economic considerations alone.

The answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

There was no further discussion and no further questions.

Mr. Riley made a motion to adopt the findings as outlined by staff and to approve the variance with the conditions recommended by staff.

Ms. Surdy seconded the motion. The motion carried with members Taryn Surdy and Dusty Riley voting in support of the motion.

5. OTHER BUSINESS

- **Election of 2023/2024 Vice Chairperson** – Due to the small number of members present, the election of a Vice Chairperson was tabled until the January meeting.

- **Reappointments of BOA Terms** – Mr. Considine indicated the County Board will take up staff's recommendation of approval of reappointments at the December 13th County Board meeting.

ADJOURNMENT

Ms. Surdy made a motion to adjourn the meeting. Mr. Riley seconded the motion, and the meeting was adjourned at 7:04 p.m.

Board of Adjustment Chair

Date

Board of Adjustment Secretary

Date