

*Blue Earth County Board of Adjustment Members:  
Chair Lyle Femrite, Bill Anderson, Kurt Anderson, Charles Grams and Perry Wood*

**AGENDA**

**Blue Earth County Board of Adjustment**

Wednesday, April 4, 2012

**7:00 P.M.**

Commissioners Room, Blue Earth County Courthouse  
204 South Fifth Street, Mankato, Minnesota

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES – March 7, 2012 Regular Meeting**
- 3. APPROVAL OF AGENDA**

**4. NEW BUSINESS**

**BOA 04-12**

**Manning Family Trust**, Variance to reduce the required centerline setback to State Hwy 30 from 130 feet to 119 feet and to reduce the required side yard setback from 50 feet to 45 feet for the purpose of replacing an existing single family dwelling and to provide a location for a proposed attached garage. The property is located in the NE 1/4 of the SE 1/4 of Section 6, Mapleton Township and is Zoned Agricultural.

- 5. OTHER BUSINESS**
- 6. ADJORNMENT**

**MINUTES**  
**Blue Earth County Board of Adjustment**  
**Regular Meeting**  
**Wednesday, March 7, 2012**  
**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 Lyle Femrite, Kurt Anderson, Bill Anderson, Chuck Grams and Don Gerrish. Land Use and Natural Resources staff member Sara Isebrand was present.

**2. APPROVAL OF MINUTES**

Mr. Grams made a motion to approve the minutes from the January 4, 2012 meeting of the Board of Adjustment. Mr. Gerrish seconded the motion which carried unanimously.

**3. APPROVAL OF AGENDA**

**4. NEW BUSINESS**

**BOA 02-12**

**Mike Wolff**, Request for a variance from 1,500 feet to 520 feet from an existing feedlot to an existing house for the replacement of a new more efficient hog barn in the SE 1/4 of the SW 1/4 Section 14, LeRay Township, Agricultural Zoned District.

Ms. Isebrand presented the staff report. The applicant was present and had nothing to add. There was no other public comment.

There was little discussion from the Board of Adjustment members. Mr. Gerrish made a motion to waive the variance checklist. Mr. Bill Anderson seconded the motion to waive the checklist.

Mr. Kurt Anderson made a motion to approve the request to reduce the required feedlot to dwelling setback from 1,500 feet to 520 feet for the purpose of replacement of a new more efficient hog barn. Mr. Bill Anderson seconded the motion which carried unanimously.

**BOA 03-12**

**Smiths Mill Implement**, Variance to allow for the continuation and expansion of a pre-existing legal non-conforming use located in part of the NE 1/4 of the NE 1/4 of Section 25, LeRay Township. The property is zoned Highway Business and Shoreland. The variance will allow for the remodeling and expansion of an existing building which will encroach approximately one foot closer to the center line of County Road 184.

Ms. Isebrand presented the staff report. The applicant was present and had nothing to add. There was no other public comment.

There was little discussion from the Board of Adjustment members. Mr. Bill Anderson made a motion to waive the variance checklist. Mr. Grams seconded the motion to waive the checklist.

Mr. Bill Anderson made a motion to approve the request to reduce the required feedlot to dwelling setback from 1,500 feet to 520 feet for the purpose of replacement of a new more efficient hog barn. Mr. Grams seconded the motion which carried unanimously.

**5. OTHER BUSINESS**

There was a brief discussion of the resignation of Board of Adjustment member Don Gerrish as this was his last meeting.

**6. ADJORNMENT**

There was no further business. Mr. Kurt Anderson made a motion to adjourn the meeting which was seconded by Mr. Bill Anderson. The motion carried and the meeting was adjourned at 7:24 P.M.

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Board of Adjustment Chair

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Board of Adjustment Secretary

**Applicants**

Manning Family Trust  
1248 Encina Street  
Hayward, CA 94544

**Request and Location**

The applicants are requesting a variance to reduce the required centerline setback to State Hwy 30 from 130 feet to 119 feet and to reduce the required side yard setback from 50 feet to 47 feet for the purpose of replacing an existing single family dwelling and attached garage. The property is located in the NE 1/4 of the SE 1/4 of Section 6, Mapleton Township and is Zoned Agricultural.

**Legal Description**

Lot 1, Block 1, Duncanson-Morris Subdivision, Blue Earth County, Minnesota. T-105-N, R-26-W.

**Zoning**

The property is zoned Agricultural.

**General Site Description, Site History, and Land Use Information**

The property includes the applicant's home and one outbuilding. Records from the County Assessor's office indicate the existing house was constructed in 1900. In 2002, the house was lifted and a new basement was poured. This basement is still in good shape and with some modification, would suit a replacement home very well. The existing basement is of irregular shape due to the configuration of the existing home. It is also located within the required 130 foot setback to the centerline of State Hwy 30. In order to square up the foundation for the proposed home, additions will be made to the west and northeast portions of the existing basement. State Hwy 30 runs at a slight angle to the house. The existing closest point of the house is 120 feet from the centerline. Due to the angle of State Hwy 30 and the proposed extension of the basement, the closest point of the proposed home will be approximately 119 feet from the centerline. The applicants are also proposing an attached garage. The proposed garage will sit at a 30 degree angle to the house. As a result, the extreme southeast corner of the garage will encroach approximately three to four feet into the required 50 foot property line setback.

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

**North:** State Hwy 30 and crop land.  
**South:** Crop land.  
**East:** One residence at approximately 80 feet and crop land.  
**West:** Crop land.

**Access** No change in access points is proposed. Existing access is to and from State Hwy 30.

## **NATURAL RESOURCES INFORMATION**

### **Topography**

The topography of the area is fairly flat.

### **Floodplain**

The proposal is not within a floodplain area.

### **Shoreland**

The proposal is not within a shoreland area.

### **Township Review**

In a letter dated March 2, 2012, the Mapleton Township Clerk indicated the applicants had met with the Township Board and the Board had no opposition to the requested variances.

**City of Mapleton Review** - the City of Mapleton was asked to comment because the structure is within two miles of the city limits. In a letter dated March 18, 2012, the City Administrator indicated the city had no issue with the proposed variances.

**Mn/Dot Review** – In an email dated March 26, 2012, Steve Schoeb indicated Mn/Dot has no setback requirement. As long as the structure is outside of the Right of Way, it is out of MN/Dot jurisdiction.

**Environmental Health Review** – See attachment A-4.

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

Sec. 24-113. Height, yard and lot area, width and depth regulations.

(b) *Front yard regulations.* There shall be a front yard setback in the A district of 130 feet from the centerline of all... state highways...

### **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**

Please see attachment A-3: Letter of Practical Difficulty

In summary: to accommodate the proposed 30' x 54' home and to use the existing basement, a variance is needed. The basement is relatively new and is in good condition. It would be a hardship to remove the existing basement and replace it. The garage is proposed to sit at a 30 degree angle due to the location of the well head to the south. Constructing the garage at a 90 degree angle to the house would create an issue of vehicles hitting the well head.

**Opinions**

Staff has developed the following opinions:

1. That the applicants have demonstrated a need for a variance to reduce the required setback to the center line of the road in order to utilize the existing basement.
2. That the applicants have demonstrated a need for a variance to reduce the required setback to the side yard property line due to the location of the existing well.
3. 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, without conditions, to reduce the required centerline setback to State Hwy 30 from 130 feet to 119 feet for the purpose of replacing an existing home and to reduce the side yard setback from 50 feet to 47 feet for the purpose of constructing an attached garage.

**Attachments**

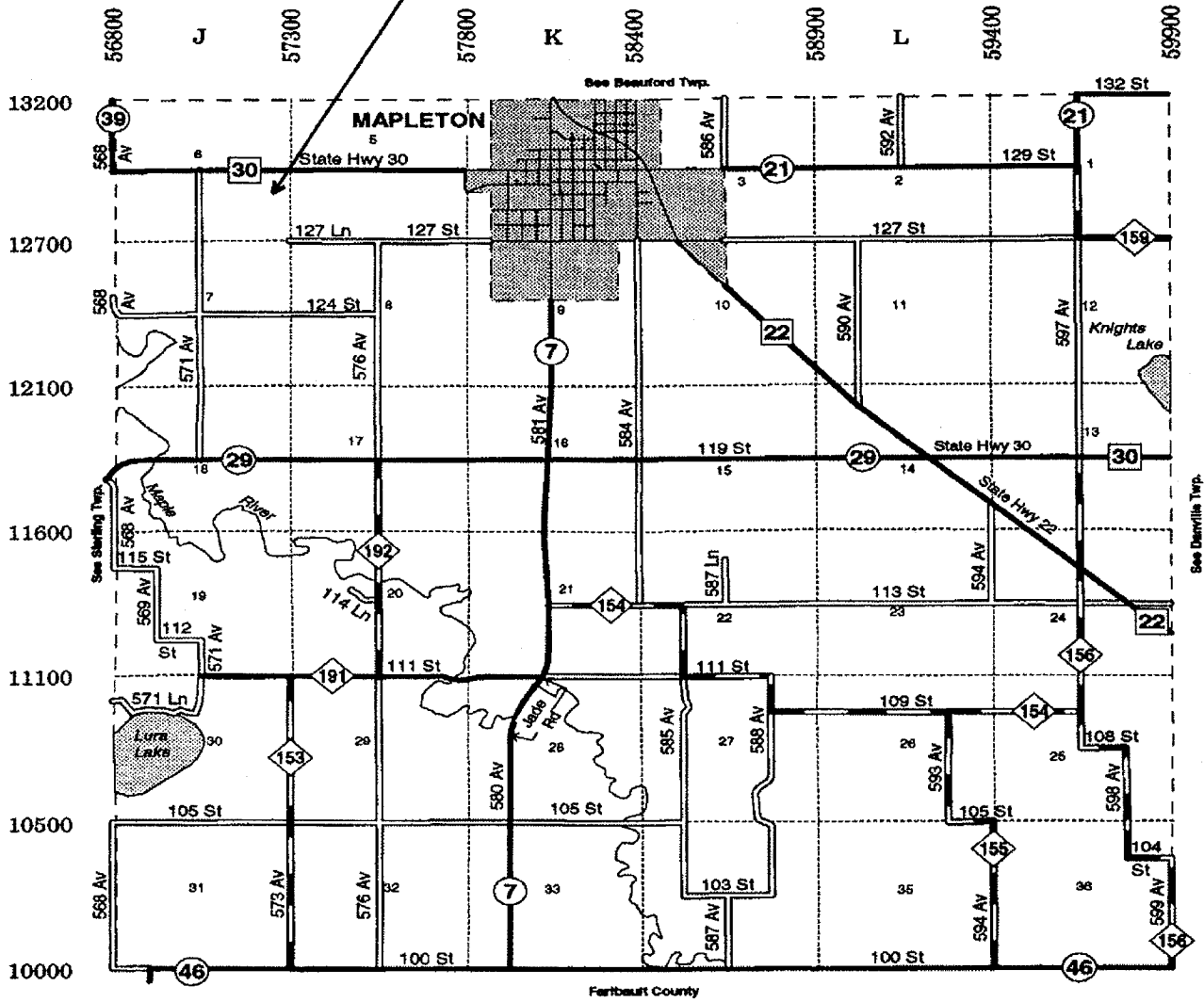
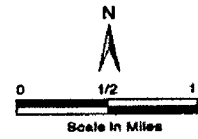
- A-1 Site Location
- A-2 Site Map
- A-3 Applicants Letter of Practical Difficulty
- A-4 Environmental Health Comments
- A-5 Variance Checklist

Attachment A-1  
General Location Map

# Mapleton

T 105 N - R 26 W

*Site*



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

**SURVEY SERVICES, INC.**

PROFESSIONAL LAND SURVEYORS

www.surveyservicesinc.com

**WARREN P. SMITH**

LICENSED LAND SURVEYOR, PRESIDENT

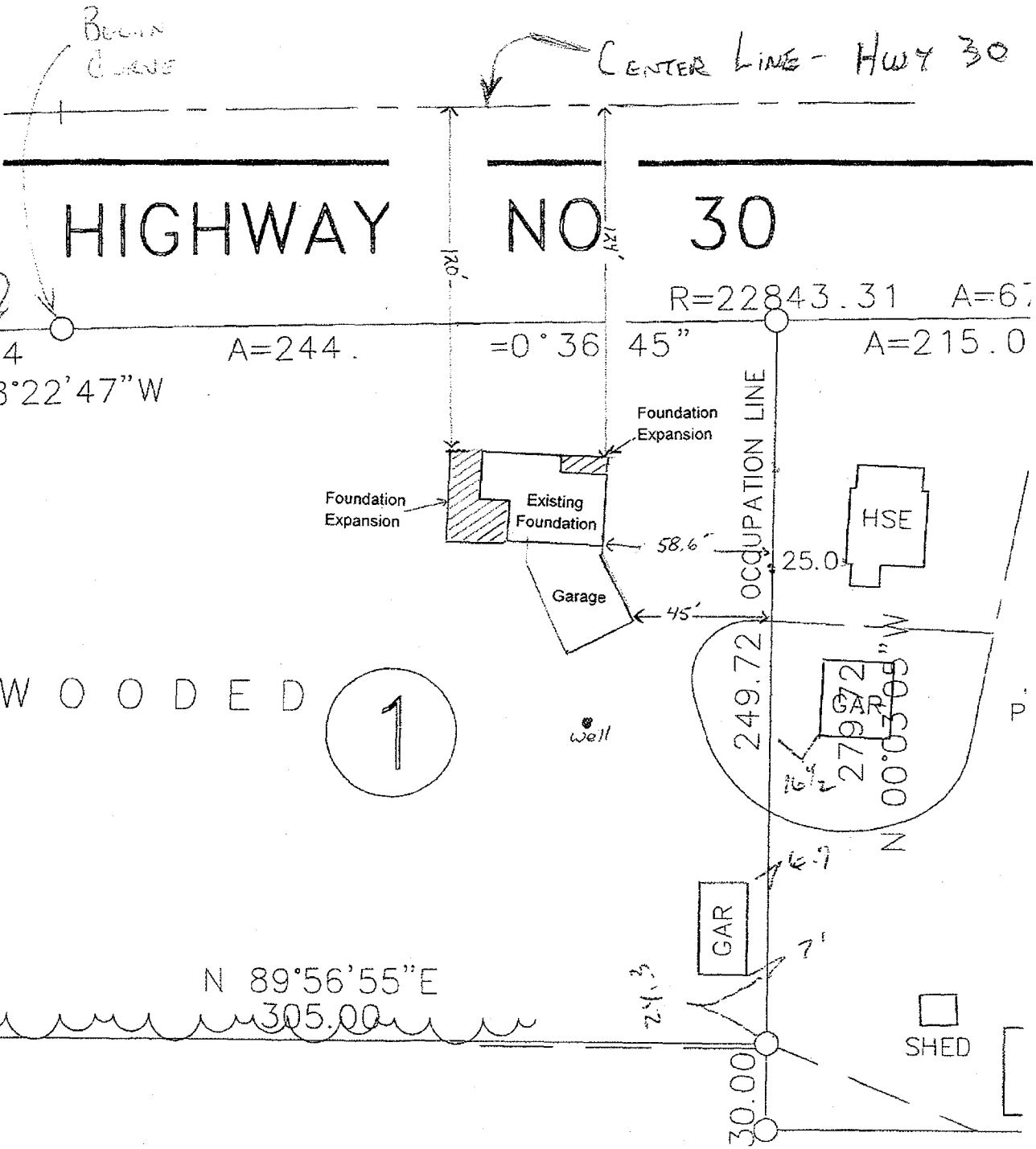
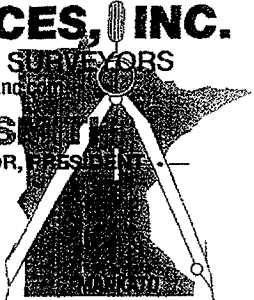
CELL (507) 420-3236

PHONE (507) 345-1003

FAX (507) 345-4604

warrenp@surveyservicesinc.com

531 S. FRONT ST. P.O. BOX 3406 MANKATO, MN 56002



Hwy. RIGHT OF WAY LINE

HIGHWAY NO 30

R=22843.31 A=67.45  
A=215.0

60.84  
S 88°22'47"W

A=244.

=0°36

45"

A-2

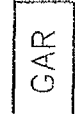
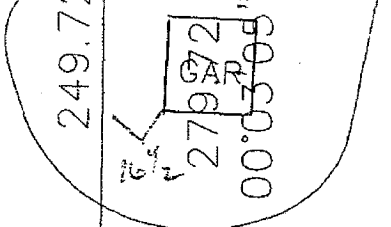
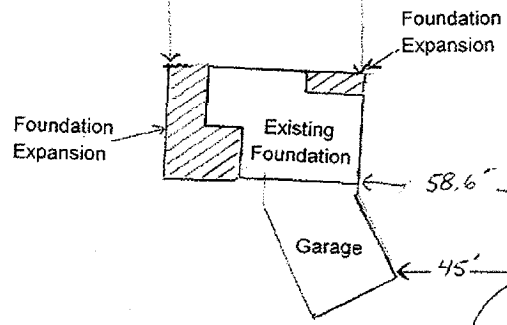
N 00°03'05"W  
242.67

WOODED 1



N 89°56'55"E  
305.00

OCCUPATION LINE



30.00



**Leary, George**

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**From:** sharon manning <shmanning@yahoo.com>  
**Sent:** Monday, March 12, 2012 4:13 PM  
**To:** Leary, George  
**Subject:** Re: questions re: variance application and process

Hi George,

Thanks for your reply. This is a follow-up to my email and our conversation.

The existing newer basement/foundation is an irregular shape with a 6 foot jog to the South on the North side East corner and a 10 foot jog to the E. on the West end. The length at the longest part East to West is 42 feet and at the widest point North to South is 30 feet. In order to build a conservation one story, two bedroom, energy-efficient home, the best, most cost effective design is just a straight rectangle. Using the widest part of the existing basement which is 30 ft and extending the West side by 12 ft., we have planned a home with the dimensions of 54ft by 30ft. we would need to square out the NE corner of the existing foundation that jogs to the South by 6 ft. in order to have a straight wall right-angle corner (rectangle) that allows for a simple straight roof line down the entire length of the house. The way the existing basement is located on the lot-- currently the NW corner sits approx. 121 feet from the centerline of Hwy 30 and with the 6 foot jog on the NE corner sits at 130 feet from the centerline. the North wall of the existing basement by the jog is approx. 123 ft. from the centerline. Our plan would extend a straight line basement wall from the existing NW corner to the West 12 feet and then continue a straight line from the jog to the East end of the house. Because the existing basement sits on the lot at a slight angle to Hwy 30 the proposed NW corner of the building extension would sit at approx. 120feet from the centerline of Hwy 30 and the straightened out NE corner would sit approx. 124 feet from the centerline.

If we were starting all anew, we certainly would have planned and placed the home Much differently. However, since there is a nearly new poured concrete wall basement in very good condition already in the ground, it would be a major hardship and total waste not to use it in our plan. The existing house does not have an attached garage.

My husband and I are retired and in our sixties. In our planning process we, of course, needed to plan for possible up-coming older age limitations, therefore the smaller one-story, energy-efficient, bedroom, bath and laundry all on one level home and we would need an attached garage. Again because of how the existing basement/foundation is located on the lot and the existing driveway is located on the East side, the only logical place to attach the garage is the SE corner area. This is by far Not where I would want it attached if I had any other choices because it takes away so much of the South side southern exposure and light. With the garage to be attached on the SE corner of the house, therefore, our floor plan tries to use whats left of the southern exposure and SW corner area of the house for the living area and puts the bedrooms behind the garage with the main entrance to the home in the middle of the South side. For our enjoyment and for the Safety of our grandchildren, we use the South as the Front of our home and main activity area and do not use the North side by the Hwy much. Since there would not be a reasonable entry into the house from the East (thru the bedrooms area) AND because the Well head is directly South of the existing basement SE corner, the attached garage needed to be placed at a 30 degree angle to the house to allow for driving entry into the garage from the South/SE-- to avoid hitting the well but yet allow for visitors to find their way to the Front door on the South side. By putting the garage at an angle, only a portion of the SE corner of the garage will extend slightly closer to the East side property line -- setback required 50 feet and the proposed SE corner of the garage would sit at approx. 47 feet from the East side line.

We have tried very hard to make our plans fit within all the existing conditions and requirements. all other possible layouts presented more problems and issues. Thank you for your help and consideration. Please do not hesitate to email or call for any further information.

Sharon Manning

A-4

**BLUE EARTH COUNTY  
ENVIRONMENTAL SERVICES**

Government Center, 410 South Fifth Street  
P.O. Box 3566, Mankato, Minnesota 56002-3566  
Phone: (507) 304-4381 Fax: (507) 304-4431

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**Environmental Health Section - Planning Application Reviews**

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<b>Date Printed:</b>	March 26, 2012	<b>Permit Number:</b>	PL2012030
<b>Property Owner:</b>	MANNING FAMILY TRUST	<b>Applicant:</b>	MANNING FAMILY TRUST
<b>Parcel Number:</b>	R44.24.06.400.006	<b>File ID:</b>	BOA 04-12

**Application Description:** Variance to reduce the required centerline setback to State Hwy 30 from 130 feet to 119 feet and to reduce the required side yard setback from 50 feet to 45 feet for the purpose of replacing an existing single family dwelling and to provide a location for a proposed attached garage. The property is located in the NE Quarter of the SE Quarter of Section 6, Mapleton Township and is Zoned Agricultural.

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**Septic Review**

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**Status:** Complete - Comments Received

**Comments:** The existing septic system for the existing house was found compliant under the pre 1996 standard. The system met the 24 inch separation but does not have the current equivalent to 36 inches. With a new house, the system components need to be brought up to current standards. This will require that the majority of the system be replaced. Pete Forrey of Forrey Septic systems and excavating has submitted a design for the replacement system. This permit will be addressed during the building permit process. P. Otterness 03/20/2012 8:14 AM

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**Well Review**

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**Status:** Complete - Comments Received

**Comments:** The enclosed site plan indicates on in-use well, unique # 750387, located south of the house. Prior to this new well being drilled this property was served by a well located on the neighboring property to the east. Based on the known well information this proposed new house and garage should not have a negative impact on the well situation on this property. grant 03/26/2012 3:36 PM

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**Wetland Review**

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**Status:** Complete - Comments Received

**Comments:** Based on an aerial photograph review of the soils the area consists of moderately well drained soils, the topography map does not show any areas of concern regarding wetland topography and the National Wetlands Inventory map does not show any wetlands in this area, therefore the location of the proposed house does not appear to impact any wetland(s). S. Feser 03/21/2012 4:21 PM

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**BLUE EARTH COUNTY BOARD OF ADJUSTMENT**

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

Name of Applicant: Manning Family Trust Date: 04/04/2012 Variance Application # BOA 04-12

Parcel # R44.24.06.400.006

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