

## MINUTES

### Blue Earth County Board of Adjustment

#### Regular Meeting

Wednesday, August 5, 2015

7:00 p.m.

#### 1. CALL TO ORDER

The meeting was called to order at 7:00 P.M. by acting Chairman Lyle Femrite. Board of Adjustment members present were Bill Anderson, Kurt Anderson, Lyle Femrite, Chuck Grams and Barry Jacques. Planning & Zoning staff members Chris Meeks, Aaron Stubbs, Ben Effah and George Leary were also present.

#### 2. APPROVAL OF MINUTES

Mr. Kurt Anderson made a motion to approve the minutes from the August 5, 2015 regular meeting of the Board of Adjustment. Mr. Jacques seconded the motion which carried unanimously.

#### 3. APPROVAL OF AGENDA

Mr. Leary indicated there was no change to the agenda. Mr. Leary advised the Board that staff had made some changes to the meeting format. Said changes included providing the public in attendance a copy of the Board of Adjustment Powers and the findings required.

#### 4. NEW BUSINESS

##### BOA 10-15

**Big Gain Incorporated** - Request for review and approval of a series of variance components to allow for the construction of a 90 foot by 160 foot warehouse addition located in part of the Northwest Quarter of the Northeast Quarter of Section 23, South Bend Township. The property is zoned Light Industrial and is located within the Urban Fringe Overlay District of the City of Mankato.

Mr. Stubbs presented the staff report.

The applicants were present and had no initial comment.

Roger Kannisto asked for clarification of the project. The chair provided him with the necessary clarification.

Todd Lonquist expressed his concern that the proposal did not meet the required findings of Section 24-48 (f) (1). Mr. Lonquist added that the additional impervious surface may in fact turn out to be a problem, contrary to the opinion provided by staff. Mr. Lonquist concluded his comments stating his opinion that the proposal will create an environmental impediment and will cause further noise pollution.

Mr. Leary commented that the impervious surface threshold was added to the ordinance in 2012. The amount of impervious surface area of this site had surpassed that long before it was added in 2012. He commented that the property is zoned Light Industrial and the neighborhood does include a number of manufacturing businesses and a mix of residential uses. He concluded stating during his six year tenure, he was not aware of any complaints relating to the Big Gain facility.

Mr. Femrite commented on the increased traffic adding that it is likely truck traffic would increase. He added if there was a concern from the region, there would be more people in attendance.

Mr. Femrite asked staff if any other concerns were received.

Mr. Leary stated he had received one other letter voicing concern with the proposal. He added the phone number provided with the letter was an inactive number.

Bill Anderson stated he had been at the facility numerous times and observed that warehouse is packed wall to wall with product. He added that with previous employment he was a supplier to the business, a competitor of the business and with current employment delivers product to the company. He added the company has been very good in the industry and that he looked forward to voting in favor of the proposals.

Mr. Femrite pondered the impact of totally relocating the facility and the costs likely to be associated with such a move. He added that consideration needs to be given for land use and use of the existing facility.

Bill Anderson commented on the changes taking place in the feed industry trending to the manufacturing of more small inclusion rate products which could ultimately decrease the amount of truck traffic.

Kurt Anderson stated he had worked at a neighboring industry and added there are a number of industrial uses in the area. He stated it is a light industrial area and Big Gain has been a good steward in the area and the addition of a warehouse is a benign proposal vs. the possible of a more intensive use proposal. Mr. Anderson added the facility is close to a major highway. Mr. Grams agreed the area is zoned Light Industrial.

Mr. Jacques indicated he was comfortable with the proposal as it is in the Light Industrial District and there is a mix of other industrial uses in the area.

The board moved on its Findings of Fact checklist.

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? Mr. Kurt Anderson and Mr. Bill Anderson – Yes

Why or why not? Because the area is zoned Light Industrial

2. Has the applicant thoroughly explained the need for a variance from the official controls? All - Yes

Why or why not? No additional comment

3. Is the alleged practical difficulty due to circumstances unique to this property? All - Yes

Why or why not? No additional comment

4. Were the circumstances causing the practical difficulty created by someone other than the landowner or previous landowners? Mr. Bill Anderson and Mr. Kurt Anderson – Yes

Why or why not? The Ordinance has changed

5. Does the alleged practical difficulty involve more than economic considerations? All - Yes  
Why or why not? No additional comment
6. Without the variance, is the owner deprived of a reasonable use of the property? Mr. Jacques and Mr. Bill Anderson – Yes  
Why or why not? No additional comment
7. Is the request the minimum variance necessary to afford relief? Mr. Grams - Yes  
Why or why not? Mr. Grams – it is needed if they are going to expand the business. Mr. Femrite – it is a business decision. Kurt Anderson – The design is based on how the rest of the business works.
8. Will the issuance of the variance maintain the essential character of the locality? All - Yes  
Why or why not? No additional comment
9. Will the public health, safety and environment be preserved if the variance is approved? All - Yes  
Why or why not? No additional comment

There was no further discussion.

Mr. Bill Anderson made a motion to approve the requested variance as presented. Mr. Grams seconded the motion and the motion carried unanimously

#### **BOA 11-15**

**Brian & Stacey Jones** - Request for a variance to reduce the front yard setback from the centerline of a County State Aide Highway from 130 feet to 89 feet for the purpose of constructing an attached garage addition with a master bedroom and bath on the second floor to the north of an existing dwelling and a swimming pool to the south of the existing dwelling. The property is located in the Northeast Quarter of the Northeast Quarter of section 24, Judson Township and is zoned Agriculture. There are some portions of the property located within the Shoreland Overlay District.

Mr. Stubbs presented the staff report.

Ms. Jones addressed the Board. She indicated she and her husband had recently purchased the property adding that she had grown up in the immediate area and her parents and brother still live in the area. She indicated that one of her children enjoys raising ponies and another likes to swim so this would be a good mix for them. Ms. Jones added that the road was upgraded in 2008 and the project did impact the setback. She also indicated they had looked to the east, but the farmland drainage impacts that area.

Ms. Jones stated they are asking for the same variance on both sides of the home. They believe a pool will not impact the health safety and welfare of others in the area. She added they could go to another location, but this is the site they want rather than to travel up north.

There was no other public comment.

Mr. Jacques and Mr. Bill Anderson concurred that the road has been moved.

Mr. Kurt Anderson commented that it may in fact be best to have the pool close to the house for safety reasons.

The board moved on its Findings of Fact checklist.

1. Is the variance in harmony with the intent of the comprehensive plan, zoning ordinance and State Shoreland Management Rules? Mr. Kurt Anderson, Mr. Bill Anderson and Mr. Jacques – Yes

Why or why not? No additional comment

2. Has the applicant thoroughly explained the need for a variance from the official controls? Mr. Kurt Anderson, Mr. Bill Anderson and Mr. Grams – Yes

Why or why not? No additional comment

3. Is the alleged practical difficulty due to circumstances unique to this property? Mr. Kurt Anderson, Mr. Bill Anderson and Mr. Grams – Yes

Why or why not? No additional comment

4. Were the circumstances causing the practical difficulty created by someone other than the landowner or previous landowners? Mr. Kurt Anderson, Mr. Bill Anderson and Mr. Jacques – Yes

Why or why not? No additional comment

5. Does the alleged practical difficulty involve more than economic considerations? Mr. Kurt Anderson, Mr. Bill Anderson and Mr. Jacques – Yes

Why or why not? No additional comment

6. Without the variance, is the owner deprived of a reasonable use of the property? Mr. Femrite – No. Mr. Kurt Anderson stated there are multiple components. Mr. Bill Anderson said yes for the house component.

Why or why not? No additional comment

7. Is the request the minimum variance necessary to afford relief? Mr. Kurt Anderson said again there are multiple components. Mr. Femrite said yes and no.

Why or why not? No additional comment

8. Will the issuance of the variance maintain the essential character of the locality? Mr. Femrite, Mr. Grams and Mr. Kurt Anderson - Yes

Why or why not? No additional comment

9. Will the public health, safety and environment be preserved if the variance is approved? Mr. Kurt Anderson, Mr. Bill Anderson and Mr. Jacques – Yes

Why or why not? No additional comment

Mr. Kurt Anderson stated that the county did the right thing by updating Hwy 50. He added that he did not see anything negative regarding the request and that he supported the idea of the pool.

Ms. Jones stated anything on the east side would require moving the driveway and it would not be accessible from the home. She added that the pool company said the east side would not be the best because of the additional fill that would be required.

Mr. Femrite commented that the pool could likely be pushed 20 feet further east.

There was no further comment.

Mr. Kurt Anderson made a motion to approve the variance for the living space addition at 89 feet and to approve the swimming pool setback variance of 104 feet to the centerline of the road. Mr. Bill Anderson seconded the motion. The motion carried by a vote of 3 to 2 with board members Anderson, Anderson and Jacques voting in support of the motion and Femrite and Grams against the motion.

## **5. ADJOURNMENT**

There was no further business. Mr. Barry Jacques made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion which carried unanimously and the meeting was adjourned at 8:10 p.m.

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Board of Adjustment Chair

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Board of Adjustment Secretary