

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, September 3, 2014
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, Lyle Femrite, Chuck Grams and Perry Wood. Planning & Zoning staff members Mark Manderfeld, Mike Schulte and George Leary were also present.

2. APPROVAL OF MINUTES

Mr. Grams made a motion to approve the minutes from the August 13th, 2014 special meeting of the Board of Adjustment. Mr. Wood seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA

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

4. NEW BUSINESS

BOA 11-14

Daryle & Constance Pomranke - Request for a variance to reduce the required centerline setback from Limestone Lane, a township road, of 65 feet to 50 feet for the purpose of constructing a detached garage. The site is zoned Conservation and is located on Lot 3 Block 2 of Cedar Meadows No. 3 Subdivision in the Southeast Quarter of the Southeast Quarter of Section 18, Decoria Township.

Mr. Manderfeld presented the staff report.

The applicants were present. Mr. Pomranke stated he was not fully aware of the regulations, but the area proposed is the best location to use. He added that the design has been changed or turned so that only a corner of the proposed structure will be within the required setback. He also indicated that to add on to the existing garage would be in violation of the covenants of the homeowners association. Mr. Pomranke also stated that the slope near the existing garage is more severe than depicted in the photos and the location of power is also an issue.

There was no other public comment.

Mr. Femrite indicated the site is more like a back yard and the rock formation is an issue.

Mr. Wood stated that the property to the east has a similar structure.

The Board moved on to the 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. Wood – Yes. Mr. Femrite stated it could be answered both ways. Mr. Anderson stated there are not many sites with front and rear frontage. He asked the applicant when Limestone Road was constructed. Mr. Pomranke answered that it was constructed 15 to 20 years ago.*
2. Has the applicant thoroughly explained the need for a variance from the official controls? *Mr. Anderson and Mr. Grams both answered yes.*

3. Is the alleged practical difficulty due to circumstances unique to this property? *Mr. Anderson, Mr. Grams and Mr. Femrite all answered yes due to two frontages and the rock formation.*
4. Were the circumstances causing the practical difficulty created by someone other than the landowner or previous landowners? *Mr. Anderson – yes due to the creation of Limestone Road.*
5. Does the alleged practical difficulty involve more than economic considerations? *Mr. Anderson and Mr. Femrite – yes.*
6. Without the variance, is the owner deprived of a reasonable use of the property? *Mr. Grams and Mr. Anderson – Yes.*
7. Is the request the minimum variance necessary to afford relief? *Mr. Anderson stated that it is a subjective question. He added that the site will not affect the rock outcroppings or trees.*
8. Will the issuance of the variance maintain the essential character of the locality? *All members indicated yes. Mr. Anderson stated there was no public comment.*
9. Will the public health, safety and environment be preserved if the variance is approved? *All indicated yes. Mr. Anderson stated it is not a hazard to the public. Mr. Femrite stated it is not a high speed road and Mr. Wood commented that with the hedge does not present a safety issue. Mr. Anderson added that the property covenants have placed a restriction on it. There is no public safety issue and that it is a very unique property.*

There was no further discussion by the Board. Mr. Anderson made a motion to approve the requested variance with the added condition that the applicant shall obtain a construction permit prior to commencement of construction. Mr. Wood seconded the motion which carried unanimously.

BOA 12-14

Janet Belgard and Pat Juergens (deceased) - Request for a variance to reduce the required setback of a dwelling to a property line from 50 feet to 26 feet and from a detached accessory building from 10 feet to 2 feet. The proposal will enable a proposed subdivision of the property to be reviewed without strict application of the required setback standards. The property is zoned agricultural and is located in the northwest quarter of the southeast quarter of section 33, Shelby Township.

Mr. Leary presented the staff report. He added that the applicant has also asked the Board to consider a variance to allow for the construction of a deck on the north side of the existing home to the south. The proposed deck would not be any closer to the proposed property line than the existing closest corner of the garage. The home sits at an angle to the proposed property line.

The applicant was present and had nothing to add

There was no comment from the Township and no other public comment.

Mr. Femrite stated it is a unique design to settle an estate.

Mr. Grams stated there is no other option.

Mr. Anderson opined that it is a reasonable request and made a motion to proceed without review of the findings-of-fact checklist. Mr. Grams seconded the motion which carried unanimously.

There was no further discussion by the Board. Mr. Anderson made a motion to approve the requested variance with the added provision to allow for a deck to be placed north of the existing southern home. Mr. Wood seconded the motion which carried unanimously.

5. ADJOURNMENT

There was no further business. Mr. Wood made a motion to adjourn the meeting. Mr. Anderson seconded the motion which carried unanimously and the meeting was adjourned at 7:53 p.m.

Board of Adjustment Chair

Board of Adjustment Secretary