

MINUTES

Blue Earth County Board of Adjustment

Regular Meeting

Wednesday, May 6, 2020

7:15 p.m.

1. CALL TO ORDER

The virtual meeting was called to order at 7:00 p.m. by Chairman Kurt Anderson. Board of Adjustment members participating in the virtual meeting included Kurt Anderson, Bill Anderson, Barry Jacques and Joe Smentek. Staff members Mark Manderfield, Garrett Rohlfling, and George Leary also participated.

2. APPROVAL OF MINUTES

Mr. Smentek made a motion to approve the minutes for the March 4, 2020 regular Board of Adjustment meeting. Mr. Bill Anderson seconded the motion and the motion carried unanimously.

3. APPROVAL OF AGENDA

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

4. NEW BUSINESS

BOA 03-20

Marks Farms Inc. – Request for review and approval of a variance to reduce the side yard setback from 50 feet to 45 feet and to reduce the rear yard setback from 50 feet to 5 feet to accommodate a manure storage building. The property is zoned agricultural and is in the Northwest Quarter of the Northwest Quarter of Section 14, Mapleton Township.

Mr. Rohlfling presented the staff report.

The applicant participated in the virtual meeting and had no additional comment.

There was no other public comment.

Mr. Smentek made a motion to move to the findings-of-fact checklist.

Mr. Bill Anderson seconded the motion.

The Board moved on with the findings-of-fact checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Marks Farms Inc.

Date: 03/04/2020

Parcel #: R44.24.14.100.007

Variance Application #: BOA 03-20

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 controls call for extensive areas of the County to be preserved for Agricultural related uses. This variance request is to help an existing agricultural related use to be expanded and improved. For this reason, 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 Land Use Plan encourages agricultural practices that support environmental conservation and protection. The proposed manure storage shed will help with any potential runoff concerns and help with dry turkey litter from blowing around near an open ditch. Therefore, it appears the variance is consistent with the intent of the comprehensive plan.

3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.

All indicated yes. The property is located in the Agricultural district and contains an ongoing agricultural use. The expansion of the existing use should be considered to be a reasonable request. The proposed location appears to make a more efficient use of the property and therefore the request appears to be a reasonable one that is not permitted by an official control.

4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.

All indicated yes. The oddly shaped parcel, location of the load-out conveyor, and proximity of County Ditch #35 are all unique circumstances that were not created by the landowner. The barns were in place prior to most feedlot regulations which has limited the distance between the barns the property lines.

5. The variance will not alter the essential character of the locality.

All indicated yes. The character of the locality is agricultural in nature. Therefore, it appears a variance allowing the construction of a manure storage shed will not alter the character of the locality.

6. The practical difficulty includes more than economic considerations alone.

All indicated yes. The practical difficulty is related to the current location of the confinement barns, storage buildings, and County Ditch #35. The presence of all three make the construction of a manure storage shed difficult without some type of variance. The proposed storage shed allows the property owner to improve his agricultural production while further reducing contamination and runoff from the existing concrete pad.

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 by a roll call vote.

BOA 04-20

Donovan Appel and Daniel Appel – Request for review and approval of a variance to reduce the minimum lot area standard from 40 acres to 10 acres for constructing one total confinement swine finishing barn capable of housing 3000 finishing pigs or 1200 Blue Earth County defined animal units. The property is zoned agricultural and is in part of the Southeast Quarter of the Southeast Quarter of Section 13, Lyra Township.

Mr. Rohlfing presented the staff report.

The applicant was available by phone and had no additional comment.

Mr. Kurt Anderson mentioned that the feedlot ordinance had been reviewed by the Planning Commission. Due to the COVID-19 virus, the County Board was unable to act on the ordinance amendment.

Mr. Bill Anderson asked if the ordinance approval would have any impact on the variance.

Mr. Leary indicated he did not think it would have an impact.

Mr. Smentek made a motion to move to the findings-of-fact checklist.

Mr. Bill Anderson seconded the motion.

The Board moved on with the findings-of-fact checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Donovan Appel and Daniel Appel Date: 05/06/2020

Parcel #: R42.18.13.400.006 Variance Application #: BOA 04-20

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.
One of the purposes of the Agricultural District is to allow extensive areas of the county to be preserved in agricultural use. The request appears to be in harmony with the purpose in this zoning district, and therefore is in harmony with the general purpose and intent of the official control.

2. The variance is consistent with the intent of the Comprehensive Plan.
The Blue Earth County Land Use Plan supports the agricultural economy, which includes farming operations of all scales and those industries which directly support agriculture. The Land Use Plan includes an action item for County Staff to review the Feedlot Ordinance for a possible reduction in the minimum lot size requirement. Although the Feedlot Ordinance has not been amended by the County Board, it appears that the applicants request is consistent with the intent of the Comprehensive Plan.

3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
Feedlots are permitted to be constructed and operated on agriculturally zoned land. Assuming the applicant will comply with all other applicable regulations, the property appears as though it will be used in a reasonable manner that would not be allowed based on a minimum lot size requirement.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
The applicant has stated that he has searched for land to purchase but was unsuccessful, and his dad was only willing to sell him 10 acres. The applicant does not have any other land available to him that will accommodate a swine finishing barn, therefore the plight of the landowner is due to circumstances unique to the property, not created by the landowner.
5. The variance will not alter the essential character of the locality.
The essential character of the locality is agricultural in nature. Feedlots are a common use in this area. Because of this, it appears as though the variance would not alter the essential character of the locality.
6. The practical difficulty includes more than economic considerations alone.
The applicant is unable to acquire any additional land from his father to construct a swine finishing barn. He has searched for other land to purchase 40 acres in the area but was unsuccessful. Because of this, it appears the practical difficulty 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. Bill Anderson seconded the motion and the motion carried unanimously by a roll call vote.

BOA 05-20

Russell Groebner – Request for review and approval of a variance to reduce the required setback to a nearby feedlot from 1,500 feet to 650 feet to allow the construction of a living space addition to an existing home. The property is in the Southwest Quarter of the Northwest Quarter of Section 14, Sterling Township and is zoned Agriculture.

Mr. Leary presented the staff report.

The applicant participated in the virtual meeting and had no additional comment.

Mr. Smentek made a motion to move to the findings-of-fact checklist.

Mr. Jacques seconded the motion.

The Board moved on with the findings-of-fact checklist

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Russell Groebner

Date: 05/06/2020

Parcel #: R51.23.14.100.002

Variance Application #: BOA 05-20

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.
The feedlot-dwelling setbacks were established to prevent residential properties from encroaching on feedlots, or feedlots being constructed where they would negatively impact established residential properties. In this case, the feedlot and residential dwelling were in place prior to the adoption of the applicable section of the ordinance. Therefore, the construction of a living space addition is in harmony with the intent of the official control.
2. The variance is consistent with the intent of the comprehensive plan.
Because the applicant is proposing to build an addition onto an existing home on a developed parcel rather than selecting a new site that would use an area that is currently cropland, the variance is 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.
Single-family dwellings are permitted on agriculturally zoned land. In addition, the house and the proposed addition are modest in size. Assuming the applicant will comply with all other applicable regulations, the property appears as though it will be used in a reasonable manner that would not be allowed based on feedlot-dwelling setback standards.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
The layout of the existing home and the adoption of the applicable sections of the ordinance are circumstances unique to the property not created by the landowner.
5. The variance will not alter the essential character of the locality.
The character of the locality is agricultural in nature with a mix of farmsteads and non-farm dwellings. The setback reduction between a feedlot and a residential dwelling will not alter the essential character of the locality.
6. The practical difficulty includes more than economic considerations alone.
The applicant intends to create a more livable home with added value. The property includes nearly 10 acres. The entire existing house is within the 1,500-foot setback. As a result, the applicant has determined this to be the only location that will work with the existing floor plan and location of existing utilities. Therefore, the requested variance appears to include 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 by a roll call vote.

6. ADJOURNMENT

Mr. Smentek made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion and the meeting was adjourned at 8:02 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date