

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, January 7, 2009
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 Bill Anderson, Lyle Femrite, Chuck Grams and Don Gerrish. Land Use and Natural Resources staff present were Sara Isebrand and George Leary.

2. APPROVAL OF MINUTES

Mr. Anderson made a motion to approve the minutes of the December 3, 2008 Board of Adjustment meeting. Mr. Grams seconded the motion which carried unanimously.

3. APPROVAL OF AGEND

Ms. Isebrand indicated there was no change to the agenda.

4. NEW BUSINESS

BOA 18-08

Norma Goettlicher - Request for variances to replace a non-conforming manufactured home with a stick-built home. Said property in the Rural Townsite and Shoreland Zoning Districts and is located in portions of the SW Quarter of the NE Quarter, SE Quarter of the NE Quarter, NW Quarter of the SE Quarter and the NE Quarter of the SE Quarters of Section 28 Jamestown Township.

Mr. Leary presented the staff report.

The applicant was present. She stated that when they attempted to repair the pre-existing manufactured home, the walls and roof began to fall in. They decided at that time to construct new. She added that in 2007 she had applied for a construction permit. She stated that a well is shared with a neighbor. Ms. Goettlicher also stated that the same measurements from the old structure were used for the new structure.

Attorney Karl Friedrichs spoke on behalf of the applicant. Mr. Friedrichs discussed a memorandum document he provided to the Board and discussed the following items:

1. The County Code allows for the granting of a variance.
2. The cabin is for seasonal use.
3. There is no increase to the structure footprint.
4. The use has not been abandoned, it has been in seasonal use for years

5. The poor condition of the pre-existing structure left the applicant with no option but to start with new construction.
6. The proposed structure will have one less bedroom than the pre-existing structure.
7. No building will be moved in.
8. The applicant had a permit to redo the roof and add new siding.
9. The applicant is planning to construct a structure that will look much better.
10. Mr. Friedrichs referenced the Stadvold vs. Ottertail County Case and stated that this is an area variance request.
11. This property is a unique case due to the small lot.
12. The county road is above the cabin. Mr. Friedrichs stated that even if the structure is two feet closer to the road, he did not feel that it is an issue.

Mr. Friedrichs referenced some of the findings of fact as used by the Minnesota Counties Insurance Trust. He stated that the proposal will have less impact on governmental services due to the proposed improvements. He indicated there will be no change to the general character of the area – the surrounding lots have seasonal cabins and a mix of year around homes. Mr. Friedrichs stated that his client had not created the need for the variance as the lot dates back to 1959.

Mr. Friedrichs stated that his client had discussed the matter with Planning & Zoning staff many times and she has attempted to comply with the ordinance.

Mr. Friedrichs again referenced the Stadvold case stating that the Board should consider the amount of work that has already been completed by the applicant.

Mr. Friedrichs provided the Board with handouts that pertained to other building permits and variances issued to other properties on Lake Ballantyne. The properties discussed by Mr. Friedrichs included the following:

1. 1991 - Deuser/Melby obtained a variance to reduce the setback to the road. 1998 obtained a construction permit for a porch addition.
2. 1996 - Tom Lyons obtained a construction permit for a boathouse.
3. 2001 - Wade Henzel obtained a construction permit to replace the roof on a seasonal cabin.
4. 2002 - Wally Wolff obtained a variance to reduce the setback to the OHM for the construction of a 3,100 square foot year around home.

5. 2005 - Jerald Denn obtained a construction permit to reconstruct the foundation under an existing seasonal cabin and the rooflines of the cabin wings were also altered.
6. 2007 - Darla Christensen obtained a construction permit for a boathouse. The height of the boathouse is 16 feet.
7. 2008 - Francis and Kay Wilaert obtained an after-the-fact variance for the addition of a deck and overhang to an existing structure.
8. 1980's - Lyle Loe constructed a new home.
9. Snelson's made improvements to their cabin and added new siding.
10. Schauer's altered an existing cabin.

Mr. Friedrichs concluded with a request asking the Board to approve the request because it was a pre-existing structure and the site will look better.

Jan Lyons stated that a variance had been granted for their boathouse. She added that their intent is to make the area look better.

Jim Kimble stated that he owned property to the west. He indicated that he had no problem with the request. However, he had to go through a number of steps for his proposal. He added that what is fair for one should be fair for all.

Kathryn Lyons stated that she wanted people to continue improving their property. She added that municipal sewer will come through the area soon and that temporary use of a holding tank should be allowed.

Karl Friedrichs added that if municipal sewer was available, his client would hook on to it.

There was no further public comment. Chairman Femrite closed the public comment period of the meeting and turned it back to the Board.

Mr. Leary asked the Chair if he could comment on Mr. Friedrichs statements. The Chair agreed and Mr. Leary made the following comments:

1. Consider the use abandoned as the pre-existing manufactured home has been removed from the site.
2. No construction permit has been issued. What was given to Ms. Goettlicher was a permit posting copy. The intent was to provide something that would keep the neighbors from calling. A construction permit is not required for simple siding and window projects or roof repair.

