

MINUTES
Blue Earth County Board of Adjustment
Regular Meeting
Wednesday, November 3, 2021
6:00 p.m.

1. CALL TO ORDER

The in-person/virtual meeting was called to order at 6:03 p.m. by Chairman Kurt Anderson. Board of Adjustment members participating in the meeting included Kurt Anderson, Bill Anderson, Joe Smentek, and Michael Riley. Staff members Garrett Rohlfling, John Considine III, and George Leary also participated.

2. APPROVAL OF MINUTES

Mr. Smentek made a motion to approve the minutes of the October 6th, 2021 Board of Adjustment meeting. Mr. Bill Anderson seconded the motion which carried unanimously by voice vote.

3. APPROVAL OF AGENDA

Mr. Leary indicated there were no changes to the agenda.

4. NEW BUSINESS

BOA 24-21

Jonathan & Peggy Kopischke and James Schlie - Request for review and approval of a variance to allow for a second dwelling in a quarter of a quarter section. The property is zoned agricultural and is located in part of the southeast quarter of the northwest quarter of Section 35, Decoria Township. The property address is 16652 592nd Ave, Mankato, MN.

Mr. Rohlfling presented the staff report.

The applicant was present. Mr. Schlie stated they have a special-needs daughter, and the Maple River School District is the best fit.

Mr. Lyle Femrite, Decoria Township Board Chair, stated that the applicant met with the Township at the October meeting. The Township asked for a five-year time length for removal of the existing home.

There was no other public comment.

Chairman Anderson asked for comments from the Board of Adjustment members.

Mr. Bill Anderson stated it was a straight-forward request. He asked if a construction permit had been obtained for the shed. Mr. Rohlfling responded that a permit had been obtained.

Mr. Smentek had no questions or comments.

Mr. Riley asked if removal of the house in 5 years was ok. The applicant replied “yes” to the question.

Chairman Anderson stated it was a reasonable request.

The Board moved on to the Findings-of-Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: James Schlie

Date: November 3, 2021

Parcel #: R35.14.35.100.003

Variance Application #: BOA 24-21

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. Is the variance in harmony with the general purposes and intent of the official control?
Yes () No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

Single family dwellings are a permitted use in the Agricultural district, however based on density standards a second dwelling on a parcel is not allowed. The proposed site is the most logical location for the family’s long-term plans which will utilize existing infrastructure. The existing dwelling will be removed when it is no longer in use and the property will then be compliant with the density regulation of the agricultural district. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.

2. Is the variance consistent with the intent of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)?
Yes () No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The Land Use Plan promotes the preservation of agricultural land to be used for agricultural purposes and to prevent scattered development. This request will utilize a developed site with no impact to existing natural and built systems. Therefore, the variance appears to be consistent with the intent of the Land Use Plan.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?
Yes () No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The proposed single-family dwelling is a permitted use in the Agricultural district but based on density regulations a second dwelling on a parcel is not allowed. When the existing dwelling is no longer in use it will be removed from the property. Therefore, it appears as though the property owner is proposing to use the property in a reasonable manner not permitted by an official control.

4. Is the need for the variance due to circumstances unique to the property and not created by the landowner?
Yes () No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The proposed single-family dwelling will utilize existing infrastructure and have no impact to existing natural and built systems. The applicants are purchasing the property from their family and the proposed increase in density will be temporary. Therefore, it appears there are circumstances unique to the property.

5. Will the issuance of the variance maintain the essential character of the locality?
Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The character of the area is primarily agricultural with a mix of non-farm dwellings. This parcel is currently developed and the construction of a second single family dwelling on a parcel for a temporary period should not alter the essential character of the locality.

6. Does the need for the variance involve more than economic considerations?
Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The applicants would like to utilize their family’s existing developed parcel for the construction of their new dwelling. The applicant intends to remove the existing dwelling because it is not suitable for his family’s needs. Therefore, the practical difficulty 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 based on the findings prepared by staff in the written report and with the conditions outlined by staff.

Mr. Riley seconded the motion and the motion carried unanimously by a roll call vote.

BOA 25-21

Jay T. Stencil - Request for review and approval for a variance to allow a pole-mounted small solar energy system within the Shoreland Overlay District of Lura Lake. The property is located at 56814 105th St., Mapleton, MN 56065.

Mr. Considine III presented the staff report.

The applicant was present. Mr. Stencil made the following comments:

- The location cannot be seen from the lake.
- Trying to offset some electricity costs.
- The location has no south facing roofs, therefore, there is a need for the pole-mounted system.

There was no other public comment.

Chairman Anderson asked for comments from the Board of Adjustment members.

Mr. Bill Anderson stated it was a straight-forward request and had no concerns.

Mr. Smentek stated it was a straight-forward request. There were no south facing roofs.

Mr. Riley had no questions or concerns.

Chairman Anderson commented that with the standards in place, the applicant has done a good job to avoid any issues.

The Board moved on to the Findings-of-Fact Checklist.

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

Name of Applicant: Jay T. Stencil
Parcel #: R51.23.25.400.001

Date: November 3, 2021
Variance Application #: BOA 25-21

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. Is the variance in harmony with the general purposes and intent of the official control?
Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

Pole-mounted and ground-mounted small solar energy systems are not allowed in the Shoreland Overlay District due to their potential impact on more densely populated neighborhoods and water quality. In this situation, the proposal will not likely impact any neighboring resident and not have an adverse effect on water quality. Therefore, the construction of a pole-mounted small solar energy system is in harmony with the intent of the official control.

2. Is the variance consistent with the intent of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The Land Use plan promotes the benefits of renewable energy systems and the opportunity to provide residents of the county with alternative options for powering their homes and businesses. In addition, the ground surface beneath the solar system will be vegetated to prevent any sediment from leaving the site. Therefore, the variance appears to be consistent with the intent of the Land Use Plan.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

Ninety-four percent of the property is in the Shoreland Overlay District. Placement of the solar array outside of the Shoreland Overlay District would likely negatively impact the functionality of agricultural production land. Small solar energy systems are becoming a popular option for providing a source of power for rural residents. Due to the limited residential density of the area, the project will have limited impact on neighboring residents. The property appears as though it will be used in a reasonable manner.

4. Is the need for the variance due to circumstances unique to the property and not created by the landowner?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

Placement outside of the Shoreland Overlay District would cause additional unnecessary land disturbance. Due to the limited development density and the minimal impact the proposal will have, it appears there are unique circumstances of the property that are preventing the proposed small solar energy system.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The character of the locality is agricultural in nature. The residential site is well screened from the lake with vegetation. Neighboring residences are over a quarter mile away from the project site and appear to be well screened with vegetation. The proposal should have minimal, if any, impact on the character of the neighborhood.

6. Does the need for the variance involve more than economic considerations?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The applicant is looking for a supplemental renewable energy source for their home. They have no other reasonable location on their property to construct a small solar system. Therefore, the requested variance appears to include more than economic considerations alone.

There was no further discussion and no further questions.

Mr. Riley made a motion to approve the variance based on the findings prepared by staff in the written report and with the conditions outlined by staff.

Mr. Bill Anderson seconded the motion and the motion carried unanimously by a roll call vote.

BOA 26-21

Cornelio Garcia - Request for review and approval of a variance to reduce the required setback to the centerline of a county road from 130 feet to 69 feet for a dwelling, reducing the setback to the centerline of a county road from 130 feet to 50 feet for a detached garage, reducing the rear yard setback from 5 feet to 1 foot for a detached garage, and to reduce the rear yard setback from 30 feet to 11 feet for a dwelling, for the purpose of remodeling a home that was damaged by fire and uninhabited for more than one year. The property is zoned Rural Townsite and is in the

Urban Fringe Overlay District of the City of Mankato. The property includes Lots 13 and 14 of Block 22 of the Riverside Park Addition Subdivision in the Southeast Quarter of the Southwest Quarter of Section 14, South Bend Township. The property is located at 306 South Bend Avenue, Mankato MN 56001.

Mr. Leary presented the staff report.

The applicant was present. Mr. Garcia stated he wants to clean up and repair the property.

There was no other public comment.

Chairman Anderson asked for comments from the Board of Adjustment members.

Mr. Bill Anderson, Mr. Smentek, and Mr. Riley had no questions or concerns.

Chairman Anderson stated he was familiar with the property and noted that it will sit idle if the variance is not approved.

The Board moved on to the Findings-of-Fact Checklist.

FINDINGS OF FACT

SUPPORTING/DENYING A VARIANCE

Name of Applicant: Cornelio Garcia

Date: November 3, 2021

Parcel #: R50.08.14.383.013

Variance Application #: BOA 26-21

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. Is the variance in harmony with the general purposes and intent of the official control?
Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The Rural Townsite (RT) district is established to allow a variety of residential densities in townsites. Remodeling the home to be used again as a single-family dwelling appears to be in harmony with the intent of the official control.

- 2. Is the variance consistent with the intent of the comprehensive plan (also referred to as the “Blue Earth County Land Use Plan”)?
Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The Land Use Plan includes a development objective that states: Consider development that can be constructed with minimal impact to existing natural and built systems (e.g. wetlands and transportation). The Blue Earth County Public Works Department indicated no concerns with the project provided the work does not encroach any closer to the road. Therefore, the variance appears to be consistent with the intent of the Land Use Plan.

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The required setbacks for the Rural Townsite District leave no buildable area on this property. The home is centered on the property. The neighborhood includes numerous residential structures and the alley is not used for access or passing through by vehicles of pedestrians. With no buildable area and limited impact on neighboring residents, the property appears as though it will be used in a reasonable manner.

4. Is the need for the variance due to circumstances unique to the property and not created by the landowner?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The existing setback requirements were not in place when the house was originally constructed on the property. As referenced in the response to question number 3, the property has no buildable area that meets the required setbacks. Without any development options on the property meeting the required setbacks, it appears there are unique circumstances of the property preventing the remodeling proposal without approval of a variance.

5. Will the issuance of the variance maintain the essential character of the locality?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The character of the neighborhood is a mix of residential dwellings, small business, and industrial uses. The proposal should have minimal, if any, impact on the character of the neighborhood.

6. Does the need for the variance involve more than economic considerations?

Yes (X) No ()

Why or why not? Mr. Smentek stated “Yes” for reasons outlined by staff in the written report for this application. Other Board members were all in agreement.

The use of the property has been idle since the second fire that occurred in 2013. The property has been an issue of the neighbors and of the township board ever since. Remodeling the home as proposed by the applicant will benefit the neighborhood and surrounding uses. 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 requested variance based on the findings prepared by staff in the written report and with the conditions outlined by staff. The motion included an amendment to the second condition to allow extensions of the construction permit to be issued by Planning and Zoning staff when necessary.

Mr. Riley seconded the motion and the motion carried unanimously by a roll call vote.

5. OTHER BUSINESS

Mr. Leary stated there was no other business.

6. ADJOURNMENT

Mr. Smentek made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion and the motion passed with all voting in favor by a voice vote. The meeting was adjourned at 6:43 p.m.

Board of Adjustment Chair Date

Board of Adjustment Secretary Date