

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, July 29, 2021 at 6:30 PM**

I. Call to Order

A. Roll Call

The meeting was called to order electronically by Vice Chair Jill Ellingson at 6:30 p.m.

Members present were: Jill Ellingson, Preston Bauer, Charlie Peters.

Members absent were: Michael Streiff, John McCarthy

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Environmental Planner Julia Hogan, Administrative Coordinator Anna Aguilar.

Others present: see Registrant List.

B. Motion by Peters, seconded by Bauer, Reading of the Notice.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters Jill Ellingson, NAYS: None

C. Motion by Bauer, seconded by Peters, Approval of the Agenda.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Jill Ellingson, NAYS: None

D. Motion by Peters, seconded by Bauer, to approve the minutes of July 1, 2021.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Jill Ellingson, NAYS: None

II. Old Business

1. Variance/Langdon - Section 5, Erin Township

James Langdon has applied for a 4,000-sqft variance from the 2,000-sqft home occupation building size limitation to allow for business use buildings totaling 6,000-sqft. The property is described as: Part of the SW1/4 of the SE1/4 of Section 5, Erin Township, Rice County, Minnesota. The property address is: 9733 Kent Ave, Montgomery, MN 56069. PID#: 05.05.4.50.003. The property is Zoned A, Agricultural.

Motion by Bauer, seconded by Peters, to approve the Variance request with the following conditions and findings for James Langdon. The property is located in Section 5 of Erin Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Jill Ellingson, NAYS: None

CONDITIONS OF APPROVAL – Langdon

1. The Variance is to allow for an additional 6,000-sqft accessory structure with a 40-ft peak height on the property, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The onsite septic system shall be shown to be in compliance with County/State standards by the earlier of the, issuance of a building permit or before January 1, 2022. If the onsite system is found to not be in compliance a compliant system shall be installed by not later than July 1, 2022.
4. The proposed building shall be used for personal onsite accessory use and, if approved, a Conditional Home Occupation business.
5. Variance shall be void if a building permit for the proposed building is not obtained within one year of the variance approval.
6. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

Environmental Planner Julia Hogan (JH) presented the request to the Board of Adjustment (BOA).

PB - This is for equine in the Ag district, how does that all tie together?

JH - There is a CUP with this on the Planning Commission tonight, for an Equine Therapy business.

The BOA asked the applicant, James Langdon (JL), to come forward to add comments or answer questions regarding the request.

JL - It is my wife's business. She is a licensed Social Worker and has been doing some Equine Therapy and would like to expand the business with an arena to work with clients and have a small office off of the arena. For the barn, we are working with Lester Buildings. It will look like an old fashion barn to make it fit in as much as possible.

PB - There are 6 conditions, are you aware of them?

JL - I am.

Vice Chair Ellingson opened the public testimony portion of the item to the public and no one spoke.

Vice Chair Ellingson closed the public testimony portion of the item to the public.

Discussion:

CP - Erin Township called me today and had nothing but good stuff to say about it. It is the first driveway after the asphalt and they do not believe it will be a traffic issue. The plans for the barn look great, so the Township was impressed with that. They had no issues, and I have no issues with it.

PB - It is in the AG district with 40-acres and the business is contingent on the CUP. I have no objections. I will make a motion with the 6 conditions.

CP - I will second.

The Board of Adjustment reviewed the variance application and found that the applicant has established that all of the following criteria from Section 503 of the Zoning Ordinance amendment are met by this proposal:

- 1. Proposed use is allowed in the property's zoning district;*
- 2. Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan;*
- 3. Applicant proposes to use the property in a reasonable manner not permitted by the Ordinance;*
- 4. The request stems from circumstances unique to the property, not one created by the landowner;*
- 5. If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties;*
- 6. This is the minimum variance necessary to afford relief;*
- 7. Adequate sewage treatment and water capabilities can be provided;*
- 8. The variance would have no significant impact on public health or safety; and*
- 9. Special privileges are not conferred to the applicant that are denied owner of other lands, structures, or buildings in the same district*

The findings were read by Bauer with the conditions as stated above and with the following additions by staff:

JH: No further comments from Staff.

Motion made, seconded, and approved unanimously.

III. New Business

1. Variance/Williams - Section 22, Wells Township

Bruce Williams has applied for a 2-ft variance from the 20-ft road right of way setback limitation, a 1-ft variance from the 14-ft accessory structure height limitation and a 6% variance from the 25% lot impervious surface limitation for a 30-ft by 38-ft replacement garage with a peak height of 15-ft to be built 18-ft from Chappuis Trail on a lot that will have a 31% impervious surface coverage. The property is described as: Lot 34, Manley Park, Section 22, Wells Township, Rice County, Minnesota. The property address is: 3769 Chappuis Trail, Faribault, MN 55021. PID#: 10.22.2.76.034. The property is Zoned GDS, General Development Shoreland.

Motion by Peters, seconded by Ellingson, to approve the Variance request with the following conditions and findings for Bruce Williams. The property is located in Section 22 of Wells Township.

RESULT: Approved, AYES: Preston Bauer, Charlie Peters, Jill Ellingson, NAYS: None

CONDITIONS OF APPROVAL – Williams

1. The variance is to allow for a 30-ft by 38-ft replacement garage with a 15-ft peak height to be located 18-ft from Chappuis Trail on a lot with a 31% impervious surface coverage, subject to compliance with all other applicable rules and regulations.
2. Approved site plan shall be followed.
3. Variance shall be void if a building permit for the proposed replacement garage is not obtained within one year of the variance approval.
4. At least 50% of the shoreline within 10-ft landward of the water shall be established and maintained in a natural condition as a native vegetative lake buffer.
5. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

Environmental Planner Julia Hogan (JH) presented the request to the Board of Adjustment (BOA).

PB - Are there any similar variances approved in this area?

JH - There are a number of variances along Roberds Lake.

JE - Is the size of the replacement garage the same size or larger?

JH - I believe it is larger, but the applicant can verify that.

The BOA asked the applicant, Bruce Williams (BW), to come forward to add comments or answer questions regarding the request.

BW - We have a two car garage that is 22-ft x 24-ft. The depth of the garage is not sufficient, I can hardly get my truck in there. I would like to expand it to a 3-stall garage with it being 8-ft deeper, which makes it a 3-stall garage rather than a 2-stall. The foot print will not go any closer to the road. It will be expanding to the West for the 3rd stall and deeper, which would be 8-ft more than it is right now.

PB - How much farther to the west?

BW - About 14-ft.

PB - So 30-ft x 38-ft?

BW - Correct.

CP - Is there a side yard setback?

JH - There is, but it is 10-ft and the site plan has this at 10' 6", so it meets that setback.

Vice Chair Ellingson opened the public testimony portion of the item to the public and no one spoke.

Vice Chair Ellingson closed the public testimony portion of the item to the public.

Discussion:

JE - It is getting bigger, but not appearing higher.

CP - 1-ft higher.

PB - It will be in front of their house, but does not impede view of the lake. Do they have a current survey to identify the property line pins?

TM - It is a platted lot so would have been surveyed at that time.

JE called applicant back up.

JE - Did you purchase the property like this?

BW - Yes we purchased it on the 1st of this year.

PB - Is there a current survey or are you able to identify the property lines?

BW - Yes, I have a survey I can go off of.

PB - I ask because you are close to needing a side yard variance.

CP - I can see the depth as an issue. Going 3-wide in the lakeshore district is what troubles me, but it is nice to have that too. There are no neighbors here or letters against it.

JE – Condition #6 of the findings of facts does ask if this is the minimum to afford relief. Can you rebuild and make it deeper without the 3rd stall?

BW - Not really. I have two vehicles, a boat, and a few snowmobiles, so it would be nice to have somewhere to put them in the winter.

JE -This is your permanent address, not a cabin?

BW - Yes.

PB - Is this a slab on grade so it will match the house?

BW - Yes and actually the current garage is 16-ft and the new one will be 15-ft, so shorter in height.

CP - That helps. I will make a motion to approve this with the 5 conditions.

JE - I will second.

The Board of Adjustment reviewed the variance application and found that the applicant has established that all of the following criteria from Section 503 of the Zoning Ordinance amendment are met by this proposal:

- 1. Proposed use is allowed in the property's zoning district;*
- 2. Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan;*
- 3. Applicant proposes to use the property in a reasonable manner not permitted by the Ordinance;*
- 4. The request stems from circumstances unique to the property, not one created by the landowner;*
- 5. If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties;*
- 6. This is the minimum variance necessary to afford relief;*
- 7. Adequate sewage treatment and water capabilities can be provided;*
- 8. The variance would have no significant impact on public health or safety; and*
- 9. Special privileges are not conferred to the applicant that are denied owner of other lands, structures, or buildings in the same district*

The findings were read by Peters with the conditions as stated above and with the following additions by staff:

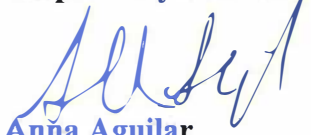
JH: It is a small increase on the impervious surface and the new garage will be lower than the existing garage.

Motion made, seconded, and approved unanimously.

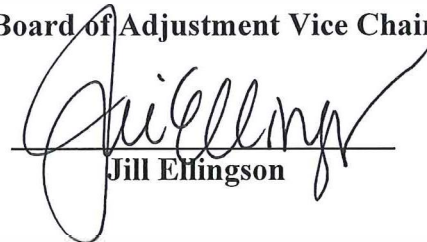
IV. Adjournment

Hearing no other items before the BOA, a motion was made by Bauer, second by Peters, to adjourn the meeting at 6:50 pm. Motion carried 3-0.

Respectfully Submitted


Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair


Jill Ellingson