

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, September 2, 2021 at 6:30 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Michael Streiff at 6:30 p.m.

Members present were: Michael Streiff, Preston Bauer, Charlie Peters, Jill Ellingson, John McCarthy.

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

Others present: see Sign-in sheet and Registrant List (*no participants via Zoom*).

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

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Jill Ellingson, John McCarthy, NAYS: None

C. Motion by Jill Ellingson, seconded by John McCarthy, Approval of the Agenda.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Jill Ellingson, John McCarthy, NAYS: None

D. Motion by John McCarthy, seconded by Preston Bauer, to approve the minutes of July 29, 2021.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Jill Ellingson, John McCarthy, NAYS: None

II. New Business

1. Variance/Gill - Section 15; Wells Township

Bryan Gill has applied for a 5% variance from the 25% lot impervious surface limitation to allow for a replacement home to be built on a lot that would have a 30% impervious surface coverage. The property is described as: Part of Government Lot 3 in the SE1/2 of Section 15, Wells Township, Rice County, Minnesota. The property address is: 17959 Roberds Lake Blvd, Faribault, MN 55021. PID#: 10.15.4.50.012. The property is Zoned GDS, General Development Shoreland.

Motion by Preston Bauer, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Bryan Gill. The property is located in Section 15 of Wells Township.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Gill

1. The variance is to allow for a replacement house and garage to be built on a lot that would have a 30% impervious surface coverage, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed, including relocation of the shared drive and removal of existing building.
3. A 200-sqft raingarden or other short term stormwater retention feature shall be installed and maintained on the parcel. The feature shall be established by not later than May 1, 2022 and shall be maintained after that time.
4. Variance shall be considered void if building permits are not obtained and construction commenced within one year of the variance approval.
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).

MS - The home replacement is a direct replacement?

JH - They are shifting it to meet the side yard setback of 10-ft but they are planning for it to be around the same size.

The BOA asked the applicant, Bryan Gill (BG), to come forward to add comments or answer questions regarding the request.

BG - I don't have anything to add but am happy to answer any questions you have.

MS - Are you aware of the 5 conditions?

BG - Yes.

JM - The 30% impervious surface request, the existing property already has that amount of impervious surface?

BG - Correct, as it sits the property would not meet the impervious surface limit. The size of the variance request is about the size of a 20-ft by 20-ft approach to the garage.

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

Chair Streiff closed the public testimony portion of the item to the public.

Discussion:

PB - This will allow them to make the necessary improvements. I will motion to approve this with the 5 conditions as documented.

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:

- *Proposed use is allowed in the property's zoning district;*
- *Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan;*
- *Applicant proposes to use the property in a reasonable manner not permitted by the Ordinance;*
- *The request stems from circumstances unique to the property, not one created by the landowner;*
- *If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties;*
- *This is the minimum variance necessary to afford relief;*
- *Adequate sewage treatment and water capabilities can be provided;*
- *The variance would have no significant impact on public health or safety; and*
- *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.

Motion made, seconded, and approved unanimously.

2. Variance/Johnson - Section 12, Richland Township

Stevan & Theresa Johnson have applied for a 38-ft variance from the 100-ft Road Right of Way setback limitation to allow for a 20-ft by 24-ft home addition to be located 62-ft from the Larson Ave Road Right of Way. The property is described as: Part of the W1/2 of the SW1/4 of Section 12, Richland Township, Rice County, Minnesota. The property address is: 22682 Larson Ave, Kenyon, MN 55946. PID#: 16.12.3.25.003. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Jill Ellingson, to approve the Variance request with the following conditions and findings for Steven & Theresa Johnson. The property is located in Section 12 of Richland Township.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Johnson

1. The variance is to allow for a 20-ft by 24-ft home addition to be added on to an existing home that is located 62-ft from the Larson Ave Road Right of Way, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be considered void if building permits for the proposed addition are not obtained within one year of the variance approval.
4. 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 - The addition does not get any closer?

JH - No. The house has been there for a while and the road right-of-way got larger, so they are expanding out but not getting closer to the road.

JE - Does the shed on the property also have a variance?

JH - Not that I am aware of. It either meets setbacks or was built before the 2004 ordinance update. The property had a variance back in 2006 for the grain bins.

The BOA asked the applicant, Stevan & Theresa Johnson (SJ & TJ), to come forward to add comments or answer questions regarding the request.

SJ - We would like to replace a small bedroom with a bigger one.

MS - Are you aware of the 4 conditions?

SJ - Yes.

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

Chair Streiff closed the public testimony portion of the item to the public.

Discussion:

CP - They are not any closer and they are esthetically pleasing as far as their yard. I will motion to approve this item.

JE - I will second that motion.

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:

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

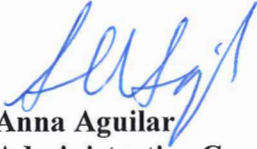
The findings were read by Peters with the conditions as stated above.

Motion made, seconded, and approved unanimously.

III. Adjournment

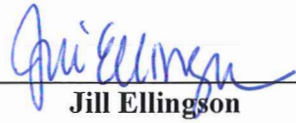
Hearing no other items before the BOA, a motion was made by Bauer, second by Ellingson, to adjourn the meeting at 6:43 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair



Jill Ellingson