

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, October 7, 2021 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Vice Chair Jill Ellingson at 6:00 p.m.

Members present were: Charlie Peters, Jill Ellingson, John McCarthy.

Members absent were: Michael Streiff, Preston Bauer.

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.

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

RESULT: Approved, AYES: Charlie Peters, John McCarthy, Jill Ellingson, NAYS: None

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

RESULT: Approved, AYES: Charlie Peters, John McCarthy, Jill Ellingson, NAYS: None

D. Motion by Peters, seconded by McCarthy, to approve the minutes of September 2, 2021.

RESULT: Approved, AYES: Charlie Peters, John McCarthy, Jill Ellingson, NAYS: None

II. New Business

1. Variance/Dean - Section 21, Wells Township

Thomas Dean has applied for a 25-ft variance from the 120-ft Lake setback limitation to allow for a deck to be added to an existing home and an 8-ft after the fact variance to allow for the existing home to be located 112-ft from Roberds Lake. The deck will be 95-ft from Roberds Lake. The property is described as: Lot 9, Block 1, Winjums West Shore Addition in Section 21, Wells Township, Rice County, Minnesota. The property address is: 4675 180th Ct W, Faribault, MN 55021. PID#: 10.21.2.26.010. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by John McCarthy, to approve the Variance request with the following conditions and findings for Thomas Dean. The property is located in Section 21 of Wells Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Dean

1. The variance is to allow for an existing home to be located 112-ft and a deck to be located 95-ft from the Ordinary High Water Line of Roberds Lake, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Other than a 10-ft wide path for lake access, the shore impact zone (land within 37.5-ft of the lake) shall be preserved in a natural vegetative buffer.
4. Variance shall be void if a building permit for the proposed deck is not obtained 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).
CP - Can you go back to the aerial view of the 3 lots?

JH went back.

CP - The 8-ft was just an error?

JH - The homeowner was not aware that it was not 120-ft.

JM - Can you go back to the photo of the proposed deck? Is that where it would be built? Must not have been originally planned?

JH - I don't think so, but the applicant can answer that.

The BOA asked the applicant, Thomas Dean (TD), to come forward to add comments or answer questions regarding the request.

TD - We want to put a deck on and need a variance to go towards the lake. The left side of the house is where the door is, so we need to come out a little and then towards the lake. The survey sheet I have says 120-ft and my builder says it is at 120-ft, but county staff were out and measured 112-ft.

JM - Is the deck going to be built off the main floor?

TD - Yes.

JM - So there was no plan for the deck originally?

TD - No there was, that is why the door is there on the side. I asked why and they said it was because they are not supposed to build closer to the lake.

JM - Is this a spec house?

TD - Yes.

JM - So it was not built for you?

TD - No. We were looking at the lot and the house became available, so we bought it.

JE - You are aware of the 5 conditions?

TD - Yes.

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:

JM - I am concerned by this. I can understand why the homeowner wants it. This addition has had a number of variances in the short time I've been on and it seems like this development just ignores the zoning requirements and then asks after the fact, and that concerns me. I will probably vote for this request with the understanding that it was not this homeowners design, but I hope I don't see another Winjum West Shore addition request.

CP - I agree with JM. If you use a string line, it was set back further compared to others in the area. I motion for approval with the 5 conditions.

JM - I 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: No further comment from Staff.

Motion made, seconded, and approved unanimously.

2. **Variance/Dolezal (Kappelmann) - Section 3, Warsaw Township**

Dean Dolezal, on behalf of landowner Kenneth & Denise Kappelmann, has applied for a 50-ft variance from the 50-ft road right of way setback limitation, a 57-ft variance from the 75-ft lake setback limitation and a 2-ft variance from the 14-ft accessory structure height limitation for a 30-ft by 36-ft replacement garage with a peak height of 16-ft to be located 18-ft from Cannon Lake and 0-ft from the road right of way of County Road 12. The property is described as: Part of Government Lot 1, Section 3, Warsaw Township, Rice County, Minnesota. The property address is: 3990 Cannon Lake Trail, Faribault, MN 55021. PID#: 14.03.2.25.002. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Jill Ellingson, to approve the Variance request with the following conditions and findings for Dean Dolezal, on behalf of landowner Kenneth & Denise Kappelmann. The property is located in Section 3 of Warsaw Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, NAYS: John McCarthy

CONDITIONS OF APPROVAL – Dolezal (Kappelmann)

1. The variance is to allow for a 36-ft by 30-ft garage with an 16-ft peak height, from the current ground level, to be located 13-ft from the Ordinary High Water (OHW) line of Cannon Lake and 0-ft from the Road Right of Way (ROW) of County Road 12, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. A certificate of survey to verify the Road Right of Way and Lake OHW setbacks will be submitted prior to issuance of a building permit for the onsite construction.
4. The proposed building shall be used for personal onsite accessory storage use only.
5. Variance shall be void if a building permit for the proposed shed 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:

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA).

JM - How big was the original building proposed with the other Variance?

TM - They are proposing the same size building, but there just is not as much room between the right-of-way and the lakeshore there.

CP - The buildings being removed have already been removed?

TM - One is and one is still onsite, but it will be removed with the replacement of this garage.

CP - Do you know the existing square footage of those two buildings?

TM - The new building will be larger than each individual, but smaller than them together. In the packet was the previous site plan, they were proposing to be 35-ft from the water and 27-ft from the Road Right of Way. Part of the confusion was that their property line was shown out in the water, but that measurement is actually from the lakeshore area.

The BOA asked the applicant, Dean Dolezal (DD), to come forward to add comments or answer questions regarding the request.

DD - The project started last year when we originally came in for a variance. I went off the original plan and we met the setbacks, but the way the shoreline erosion runs there is about 1/3 that does not meet setbacks. We had the building inspector come out prior to us digging and we were told we needed another variance. We are meeting the setback on 2/3 of the building but we are not meeting it in the corner where the shoreline dips in too much. The inspector suggested moving it closer to the cabin but we would have to raise it 3-ft. We have had two surveys done on the property at this point. We have had the inspector out there 3 times to see what we can do and we have a certificate of no rise out of Albert Lea. We are removing two buildings in the floodplain to build one smaller building out of the floodplain.

CP - Are you aware of the 6 conditions?

DD - Yes.

JM - What were the sizes of the previous buildings?

DD - The one was a standard 2-car garage, so I'd say 24-ft by 24-ft, and the one that is still there would be 14-ft to 16-ft wide by 20-ft long and was an old cabin per-say because there is a kitchen there.

JM - So they were both smaller than the proposed building?

DD - They were smaller individually, but the proposed building is smaller in overall sqft.

JE - So you are reducing your building footprint?

DD - Yes.

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 - My question was about the overall square footage and they are raising it out of the floodplain.

CP - I agree. It looks like JM is doing the calculations.

JM - My math is about 800-sqft on the existing buildings and the new one is over 1000-sqft, math is showing about 100-sqft bigger.

CP - The sqft they provided were estimates. I like that the 2 old buildings are being removed and the highway department has no issues with it. I will motion with the 6 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:

TM: It is an old unusual shaped lot and they are removing two buildings to replace them with one structure.

Motion made, seconded, and approved.

3. Variance/Forster - Section 21, Wells Township

Charles Workman, on behalf of landowner Jeremiah Forster, has applied for a 42-ft variance from the 120-ft lake setback limitation and a 4% variance from the 25% impervious surface limitation to allow for a pool to be built 78-ft from Roberds Lake on a lot that would have a 29% impervious surface coverage. The property is described as: Lot 6, Block 2, Winjums West Shore Addition in Section 21, Wells Township, Rice County, Minnesota. The property address is: 4715 180th Ct W, Faribault, MN 55021. PID#: 10.21.2.26.007. The property is Zoned GDS, General Development Shoreland.

Motion by John McCarthy, seconded by Charlie Peters, to Deny the Variance request for Charles Workman, on behalf of landowner Jeremiah Forster with the following findings. The property is located in Section 21 of Wells Township.

Hearing Minutes:

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

JH - They did adjust the size and plan for their pool to reduce the variance request.

JE - What was the original impervious surface?

JH - With the home calculated to be right at the 25% impervious surface.

TM - It is an in-ground pool?

JH - Yes.

The BOA asked the applicant, Charles Workman & Jeremiah Forster (CW & JF), to come forward to add comments or answer questions regarding the request.

CW - Mr. Forster made it very clear that when he bought this property they planned to put a pool in. He thought the contractor had already taken care of it with the previous variance with the house. When Jeremiah met with me, we started the process and contacted the County and found out there would need to be a variance for the pool. Once we drew the pool up with the pool deck, we had over 30% impervious surface, so then we shrunk it down to where it would still be a nice size for the family but still have a smaller impervious surface. We are aware of the conditions and are agreeable to them.

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:

JM - Unfortunately, the homeowner did not do his due diligence or relied on information that was incorrect. I think there is a reason for the 25% impervious surface, especially in the shoreland districts. I will be voting in opposition to this request.

CP - I know several years ago we had a very similar request on the south side of Cannon Lake and we denied it. We already did variance's for the setbacks in this Planned Unit Development and a pool is not essential. I disagree with this variance request in this particular instance.

JM - I motion we deny the request.

CP - 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:

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

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

TM: The site does allow for a reasonable use without a pool and the impervious surface limitations are important and needed for the protection of the lake.

Motion made to deny, seconded, and passed.

4. **Variance/Halverson - Section 31, Forest Township**

Mike Halverson has applied for 77-ft variance from the 100-ft lake setback limitation to allow for an existing cabin located 15-ft from Lake Mazaska to be moved back 8-ft and be placed 23-ft from the lake. The property is described as: Part of Government Lot 1, and Part of the W1/2 of Government Lot 2 in Section 31, Forest Township, Rice County, Minnesota. The property address is: 6551 143rd St W #3, Lonsdale, MN 55046. PID#: 06.31.2.25.001. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by John McCarthy, to approve the Variance request with the following conditions and findings for Mike Halverson. The property is located in Section 31 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Halverson

1. The variance is to allow for an existing cabin located 15-ft from Lake Mazaska to be moved back 8-ft and be placed 23-ft from the lake, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Proper permits shall be obtained prior to any onsite construction.
4. At least 10-ft of the shoreline within 10-ft landward of the water shall be established and maintained in a natural condition as an un-mowed 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).

The BOA asked the applicant, Mike Halverson (MH), to come forward to add comments or answer questions regarding the request.

MH (*via Zoom*) - We have owned this cabin for 6 years now and as you can see in the pictures, it is very close to the lake. For the sake of two things, one is we will be away from the lake, and two, it's sitting on skids right now. The area at the bottom of the hill gets a lot of water. We would like to move it back away from the lake and away from the property line, as well as place it on a crawl space with a cement floor.

CP - You are going to move the cabin? Not tear it down and rebuild?

MH - It will be moved.

TM - On the crawl space you are proposing, will it be above grade?

MH - It will be slightly below, but we have to bring in a lot of fill there and our neighbor did this back three years ago and the survey line is shot out there and we kind of know where we are at with that.

TM - I just wanted to make sure with that because the floodplain is pretty close there.

JE - You are aware of the 5 conditions?

MH - Yes.

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 - I am glad that he is moving it back. It will be less intrusive of the lake and he is trying to bring it out of the floodplain. I know the lots are very restrictive out there in the Coop, he's probably doing as much as he can with that lot.

JE - I agree and it is definitely an improvement.

CP - I will motion with the 5 conditions.

JE - I will second that.

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: No further comments from Staff.

Motion made, seconded, and approved.

5. Variance/Keilen - Section 35, Shieldsville Township

William Keilen has applied for a 5-ft variance from the 10-ft side yard setback limitation, a 592-sqft variance from the 1,200-sqft accessory structure size limitation, and a 1-ft variance from the 16-ft accessory structure height limitation to allow for a 28-ft by 32-ft addition onto an existing shed. The property is described as: Lot 1, Block 1, in Birchwood Acres, Section 35, Shieldsville Township, Rice County, Minnesota. The property address is: 20560 Cedar Lake Trl, Morristown, MN 55052. PID#: 09.35.3.02.001. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by John McCarthy, to approve the Variance request with the following conditions and findings for William Keilen. The property is located in Section 35 of Shieldsville Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Keilen

1. The variance is to allow for a 1,792-sqft shed with a 16.5-ft peak height to be located 5-ft from the south property line, subject to compliance with all other Ordinance regulations.
2. Submitted plans shall be followed.
3. A Certificate of Survey to verify the property boundaries and shed location shall be submitted prior to issuance of a building permit for the onsite construction.
4. The shed shall be used for personal onsite accessory storage use only.
5. This variance shall be void if a building permit for the shed addition 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).

JM - Can you go back to the garage door pictures?

JH went to photo.

JM - Thank you.

The BOA asked the applicant, William Keilen (WK), to come forward to add comments or answer questions regarding the request.

WK - It is doubling the size of the shed. It's a heated and insulated shed, so we can fit the skidloader, boat and truck in there.

JM - Have you had any discussions with your neighboring property owner about this?

WK - We have talked about it. There hasn't been a huge discussion about it, but we have talked about it.

JM - The shed is at an angle?

WK - Yes.

JM - The one corner is at 10-ft?

WK - The back side is at 13-ft and the front side is at 9-ft 2-in, which would put the new front side at about 5-ft.

JM - Is the access going to be changed? Or along the property line?

WK - There will be two new garage doors to enter from the driveway.

CP - From the north?

WK - Yes.

JM - So you will have a 90 degree for your entrance?

WK - Yes.

JE - Will the height be staying the same?

WK - Yes, at 16-ft 7-in.

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 - When you read through the variance there is a lot going on, but from the aerial there is a lot of room from the lake. With no comments from the neighbors, I will motion to approve this request with the 6 conditions.

JM - 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: No further comments from Staff.

Motion made, seconded, and approved.

6. Variance/Ag Partners Coop - Section 30, Warsaw Township

Ag Partners Coop has applied for a 17% variance from the 25% impervious surface limitation to allow for building expansions and additions to be added on to an existing site that exceeds 25% impervious

surface coverage. The property is described as: Part of the NE1/4 of the NW1/4 of Section 30, Warsaw Township, Rice County, Minnesota. The property address is: 6676 250th St W, Morristown, MN 55052. PID#: 14.30.2.00.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by John McCarthy, to approve the Variance request with the following conditions and findings for Ag Partners Coop. The property is located in Section 30 of Warsaw Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, John McCarthy, NAYS: None

CONDITIONS OF APPROVAL – Ag Partners Coop

1. The variance is to allow a 42% impervious surface lot coverage and for buildings and additions to be added onto existing gravel areas of the property, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be considered void if building permits are not obtained and construction commenced within one year of the variance approval.
4. Existing onsite stormwater controls are to be maintained.
5. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA). TM - The site was in compliance when they established this site. Before 2004, the AG district did not have an impervious surface limit. You will also see this during the Planning Commission meeting to ask for an amendment to their CUP.

The BOA asked the applicant, Ag Partners Coop (APC), to come forward to add comments or answer questions regarding the request.

APC (Dale Johnson) - It is to update the file. We are applying for an updated Conditional Use Permit and TM recommended we update the impervious aspect as well.

JM - Are any of the planned expansions requiring State Permits?

APC - Yes, the addition of the chemical shed requires approval from the State, which we have applied for and has been approved.

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 - I have been out to the site numerous times. It is clean and organized. I have no issues with it and will make a motion to approve this item.

JM - 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:

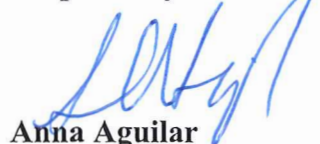
TM: They are not increasing impervious surface.

Motion made, seconded, and approved.

III. Adjournment

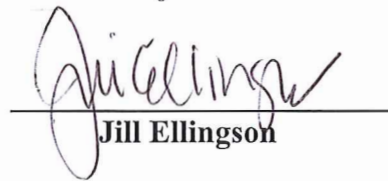
Hearing no other items before the BOA, a motion was made by McCarthy, second by Peters, to adjourn the meeting at 6:55 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair


Jill Ellingson