

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY BOARD OF ADJUSTMENT  
Commissioner's Room / Government Services Building  
Thursday, November 4, 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, Administrative Coordinator Anna Aguilar.

Others present: see Sign-in Sheet and Registrant List.

**B. Motion by None, seconded by None, 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 Preston Bauer, seconded by Charlie Peters, to approve the minutes of October 7, 2021.**

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

**II. New Business**

**1. Variance/Kline (Harriman) - Section 6, Wells Township**

Gordy Kline, on behalf of landowner Charles Harriman, has applied for a 12-ft variance from the 50-ft road right of way setback limitation to allow for porch, kitchen and garage additions onto an existing home. The proposed addition will be 38-ft from the Shieldsville Blvd road right of way. The property is described as: Part of Government Lot 5 in Section 6, Wells Township, Rice County, Minnesota. The property address is: 15412 Shieldsville Blvd, Faribault, MN 55021. PID#: 10.06.2.50.004. The property is Zoned RDS, Recreational Development Shoreland.

**Motion by John McCarthy, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Gordy Kline, on behalf of landowner Charles Harriman. The property is located in Section 6 of Wells Township.**

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

**CONDITIONS OF APPROVAL – Kline (Harriman)**

1. The Variance is to allow for porch, kitchen and garage additions to the existing home with the closest point of the finished project being 38-ft from the Road Right of Way, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be void if a building permit for the additions 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.
5. A detailed impervious surface site plan shall be submitted verifying the 25% impervious with the building permit submittal.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA).  
CP - Is this for the porch addition or all three?

TM - It is for all 3 because the existing house is within the setback from the road and addition of over 25% of the bulk area of the structure, it requires a variance.

The BOA asked the applicant, Gordy Kline (GK), to come forward to add comments or answer questions regarding the request. *via Zoom*

GK - retired contractor - I am trying to put this together for my sister who lives in Kentucky and would like to move back home. She lost her husband last year and she would like to retire back home here. The reason for the additions is because the current living quarters are really tight. The existing living room is so small that she might be able to put a couch in there and that would be it. The kitchen/dining area is really small. We want to open it up with a 16'x24' kitchen addition. Then take some walls out of the inside to give her more living space. The porch addition would add another 272 sqft of living space for her. The kitchen will be of decent size after the addition. The existing tuck under garage will be remodeled and opened up and be made into a living area. She has about a 7' x 8' family room in the basement currently. That would open it up for her to have a decent-sized family room in the basement.  
MS - Are you aware of the 4 conditions?

GK - Yes.

JM - The drawings do not show any access to the garage. I assume they are going to be a driveway in there?

GK - You will see from the photos that there is a handicap ramp and there is a shared road with half of it on this property and half on the property to the west. That accesses up to the back.

JM - So the plan is to access the garage from that shared road?

GK - Correct.

JM - The drawing that was submitted does not show that access or how big it will be for the impervious surface.

GK - It is gravel and pre-existing.

PB - Do you plan on removing the trees to build the additions?

GK - No, I do not plan on removing any of the trees.

PB - You plan on accessing the garage to the south?

GK - There is a parking, tarred area right at the handicap ramp that will continue to be used for access.

PB - How will the vehicles access the garage?

GK - The tarred path that is there will be used and goes straight into the garage. There will be no trees removed.

JM - I may be missing something, but usually you access the garage on the long side. That would be the side facing the current shared driveway and there are a several trees in that area.

GK - There is one big maple tree that is right alongside the tarred area. There is another tree on the south side of the proposed garage which is far enough away from the new garage access area. I think it is 6 or 7 feet from that tree.

MS - TM can you clarify on the map?

*TM showed where the access would be on photos based on site plan submitted.*

GK - Yep, and the tarred area is right next to the big tree, so we will not have to tear it out to access the garage.

TM - It seems based on the dimensions submitted in the application, the proposed garage addition is north of the pre-existing drive access there, so it looks like there would have to be a new access created north of the tree you are referring to.

GK - Yes.

PB - Is there a concern for impervious surface?

TM - They do have to stay under 25% of the lot area and they are not proposing a variance to go over that. If the new access puts them over, they will need to remove other existing impervious surface to stay under the 25%.

JM - Do we know where they are at right now for impervious surface without the new driveway access?

TM - I have not been a part of the building plan for that but they have to stay under the 25%. I believe they are under it right now and are probably real close to the 25% with the additions.

MS - The applicant will have to pay close attention to that.

TM - The impervious surface will be close. That will be checked as part of the building permit process.

MS - With the access to that new garage area, if there are any changes to where that tree needs to be removed or the impervious surface changes, you are right at the limit. You meet it today but if you

change any of that, you will want to contact P&Z Staff to make sure you adjust your plan appropriately.  
GK - Understood.

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:

JM - I would like to add a condition that a detailed site plan be submitted to P&Z Staff prior to approval of the building permit that shows they will be staying under the 25%.

MS - So adding and additional, 5th, condition?

JM - Correct.

*TM read draft wording of condition, "a detailed impervious surface site plan shall be submitted verifying the 25% impervious with the building permit submittal".*

PB - Condition #2 states an approved site plan will be followed, does that cover it?

JM - This is not a site plan.

MS - To clarify, JM, you are making a motion to approve with the addition of a 5th condition?

JM - Yes.

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 McCarthy with the conditions as stated above and with the following additions by staff:

TM: The addition is creating a relatively small encroachment to the roadway and with the additions, the home will be of similar size to neighboring homes with their detached garages.

Motion made, seconded, and approved unanimously.

## **2. Variance/Misgen - Section 15, Wells Township**

Daniel Misgen has applied for a 1,600-sqft variance from the 1,200-sqft accessory structure size limitation and a 9-ft variance from the 16-ft accessory structure height limitation to allow for a 50-ft by 56-ft agricultural machine shed with a 25-ft peak height to be built on the property. The property is described as: Part of Government Lot 1 in Section 15, Wells Township, Rice County, Minnesota. The property address is: 17381 Roberds Lake Blvd, Faribault, MN 55021. PID#: 10.15.2.00.001. 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 Daniel Misgen. 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 – Misgen

1. The variance is to allow for a 2,800-sqft agricultural pole shed with a 25-ft peak height on the property, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The proposed building shall be for agricultural use only and will not be used for any residential, business or other uses.
4. Variance shall be void if a building permit for the proposed shed 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.

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**Hearing Minutes:**

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

The BOA asked the applicant, Daniel Misgen (DM), to come forward to add comments or answer questions regarding the request.

DM - I bought a new combine and it does not fit in my machine shed, so I have to build a new one.

MS - Are you aware of the 5 conditions?

DM - 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:

PB - It is a 130-acre farm that is in the general development shoreland district. The building size and height will not obstruct anything as far as the lake goes. I motion to approve this with the 5 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:

- *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 and with the following additions by staff:

TM: It is very well screened from the lake. The location of the shed will not impact views of the lake. There is a very clear existing Agricultural (AG) use of the property and the proposed shed is of proper size and height needed for AG equipment.

Motion made, seconded, and approved unanimously.

3. **Variance/Johnson (Reisinger) - Section 1, Webster Township**

Nick Johnson, on behalf of landowner Jim Reisinger, has applied for a 45-ft variance from the 70-ft rear yard setback limitation to allow for a 90-ft by 55-ft building to be located 25-ft from the rear property line. The property is described as: Part of the E1/2 of the NE1/4 of the NE1/4 of Section 1, Webster Township, Rice County, Minnesota. PID#: 02.01.1.00.006. The property is Zoned A, Agricultural.

**Motion by Charlie Peters, seconded by Preston Bauer, to approve the Variance request with the following conditions and findings for Nick Johnson, on behalf of landowner Jim Reisinger. The property is located in Section 1 of Webster Township.**

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

**CONDITIONS OF APPROVAL – Johnson (Reisinger)**

1. The variance is to allow for a 90-ft by 55-ft shed to be located 25-ft from the east property line, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be void if a building permit for the proposed additions is 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.

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**Hearing Minutes:**

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

The BOA asked the applicant, Nick Johnson (NJ), to come forward to add comments or answer questions regarding the request.

NJ - I want to be able to tuck the building further back to make everything easier with the layout of the land.

MS - Are you aware of the 4 conditions?

NJ - Yes.

TM - Did you discuss buying the land next to this? It is in another County so it will not erase that setback line, but I don't remember where you ended up with that.

NJ - No, that isn't going to happen.

Chair Streiff opened the public testimony portion of the item to the public and the following (no one) spoke:

Jim Reisinger - The property due east, I own. I own both parcels. One in Rice County and one in Dakota County. I have no objections. The lot next to this is 10-acres and has a building site on it, but the building site will be up by 86th at the far end of the property, so the building he is proposing will not interfere with any views or plans we have for the future house on that lot. That is why I told him that I would be fine with him buying the lot from me and moving the building over so it does not affect us in any way later on.

PB - Is there a home site on this property?

JiR - No. It is 3.16-acre site. I did request years ago to build on it but never did. It is two separate parcels.

PB - So there is not a home site?

JiR - No, there is no house site available. It is only available for a special exception business, not a house.

Caroline Fott - There were two mailings related to this parcel. Is the second part going to be heard tonight? Or another night?

AA - The conditional use permit will be heard tonight during the planning commission meeting that will follow this meeting.

CF - Thank you.

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

Discussion:

PB - They are asking for an shed and a 25-ft variance. It's nothing different than what we have approved before and there is nothing behind it other than wood and crop land. I don't see a reason to deny this.

CP - I agree and since the landowner to the East is not opposed to this, I will make a motion to approve this item.

PB - 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 Peters with the conditions as stated above and with the following additions by staff:

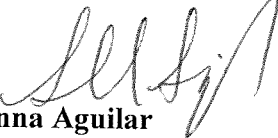
TM: The lot shape and County line limit building on this site and the proposal meets the full road right-of-way setback.

Motion made, seconded, and approved unanimously.

### III. Adjournment

Hearing no other items before the BOA, a motion was made by Bauer, second by McCarthy, to adjourn the meeting at 7:06 pm. Motion carried 5-0.

**Respectfully Submitted**

  
**Anna Aguilar**  
**Administrative Coordinator**

**Board of Adjustment Chair**

  
**Michael Streiff**