

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, February 3, 2022 at 6:30 PM**

I. Call to Order

1. 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, Julia Hogan.

Members absent were: Jill Ellingson

Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell and Planner Jeremy Edwards.

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

2. Reading of Notice

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

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Julia Hogan, NAYS: None

3. Approval of Agenda

Motion by Preston Bauer, seconded by Julia Hogan, to approve the January 6, 2020 Agenda.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Julia Hogan, NAYS: None

4. Approval of Minutes - Regular Meeting - January 6, 2020

Motion by Charlie Peters, seconded by Preston Bauer, to approve the minutes of the January 6, 2022 Regular Meeting.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Julia Hogan, NAYS: None

II. New Business

1. Variance - Malecha - Forest Township

Gary T Malecha has applied for a 336-sqft variance from the 1200-sqft building size limitation and a 4-ft variance from the 14-ft height limit to allow for a 32-ft by 48-ft shed with an 18-ft peak height. The property is described as: Lot 1, Block 1 Malecha Addition in the North 1/2 of Section 27, Forest Township, Rice County, Minnesota. The property address is: 3446 131ST Court W., Faribault, MN 55021. PID#: 06.27.1.27.001. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by Preston Bauer, to approve the Variance request with the following conditions and findings for Gary T Malecha. The property is located in Section 27, Forest Township.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Preston Bauer, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – (Malecha)

1. The variance is to allow for a 1,536-sqft shed with an 18-ft peak height on the property, subject to compliance with all other Ordinance regulations. Approved site plan shall be followed.
2. The proposed building shall be used for personal onsite accessory use only and will not be used for any residential, business or other uses.
3. Variance shall be void if a building permit for the proposed shed 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.

Hearing Minutes:

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

The BOA asked the applicant, Gary Malecha (GM), to come forward to add comments or answer questions regarding the request.

GM – I just want a bigger shed for fish house and some other things to be stored in there. Parents next door passed away and don't want things scattered over there.

MS – Are you aware of the conditions?

GM – 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 – I'm familiar with this site and family around on neighboring parcels. It is not very visible and is a straightforward request. I'll make a motion to approve.

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: There is good tree screening between the location and the lake and neighbors. The site is a long distance to the lake. This parcel is more than 8 times the minimum size for the district. There are larger buildings on the neighboring property to the north.

Motion made, seconded, and approved unanimously.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Hogan, second by Bauer, to adjourn the meeting at 6:38 pm. Motion carried 4-0.

Respectfully Submitted

Board of Adjustment Chair

Julie Runkel

Environmental Service Director



Michael Streiff