

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, January 6, 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,

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

2. Reading of Notice

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

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

3. Approval of Agenda

Motion by Charlie Peters, seconded by Julia Hogan, Approval of Agenda.

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

4. Approval of Minutes - Regular Meeting - December 2, 2021

Motion by Preston Bauer, seconded by Charlie Peters, to approve the minutes of December 2, 2021.

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

II. House Keeping Items

1. Election of 2022 Board of Adjustment Chair

Motion by Preston Bauer, seconded by Charlie Peters, to approve the election of Michael Streiff as the Chair of the Board of Adjustment for 2022.

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

2. Election of 2022 Board of Adjustment Vice Chair

Motion by Charlie Peters, seconded by Preston Bauer, to approve the election of Jill Ellingson as the Vice Chair of the Board of Adjustment for 2022.

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

3. **Appointment of 2022 Board of Adjustment Secretary**

Motion by Charlie Peters, seconded by Julia Hogan, to delegate the Board of Adjustment secretary duties to Environmental Services Staff for 2022.

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

4. **2022 Meeting Schedule**

Motion by Preston Bauer, seconded by Charlie Peters, to approve the 2022 Meeting Schedule as presented by Staff.

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

5. **Public Comment Time Limit**

Motion by Charlie Peters, seconded by Preston Bauer, to approve a 3 minute time limit per person for individual public comment at the 2022 Rice County Board of Adjustment meetings.

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

III. Old Business

1. **Variance/Ceplecha - Section 33, Wheatland Township**

Darla Ceplecha has applied for a 600-sqft variance from the 120-sqft building size limitation to allow for a 720-sqft garage also requested is a 2-ft variance from the 10-ft setback required between buildings. The property is described as: Part of Government Lot 1 and part of the SW1/4 of the NW1/4 in Section 33, Wheatland Township, Rice County, Minnesota. The property address is: 10845 Union Lake Trail, Montgomery, MN 56069. PID#: 01.33.2.50.001. The property is Zoned NES, Natural Environmental Shoreland.

Motion by Charlie Peters, seconded by Preston Bauer, to approve the Variance request with the following conditions and findings for Darla Ceplecha. This property is located in Section 33 of Wheatland Township.

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

CONDITIONS OF APPROVAL – (Ceplecha)

1. The variance is to allow for a 720-sqft garage to be 8-ft from an existing garage, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The proposed building shall be for personal accessory storage use only and will not be used for any residential, business or other uses.
4. Building is not to have any plumbing or septic connections.
5. Variance shall be void if a building permit for the proposed garage 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).

The BOA asked the applicant, Darla Ceplecha (DC), to come forward to add comments or answer questions regarding the request.

DC - This will go right behind the garage with no electricity or plumbing. This will just be storage for trailer, boat and lawn mowers.

MS - Are you aware of the 6 conditions?

DC - 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- It seems reasonable. It is well screened from both road and lake, and the setback is further than other items on the property. I'll make a motion to approve.

PB - Yes it is a large lot on Natural Environment lake, over 7 acres and well screened.

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 two findings that were previously stated in the discussion - this is a large parcel and it is well screened from the roadway and the lake.

Motion made, seconded, and approved unanimously.

IV. New Business

1. Variance/Reiland - Section 21, Wells Township

Matthew Reiland, on behalf of landowner Johnson Reiland Builders, has applied for a 26-ft variance from the 120-ft Lake setback limitation to allow for a new house in a Planned Unit Development (PUD) to be built 94-ft from Roberds Lake. The property is described as: Lot 5, Block 2, Winjums West Shore Addition, Rice County, Minnesota. PID#: 10.21.2.26.006. 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 Matthew Reiland, on behalf of landowner Johnson Reiland Builders. The property is zoned GDS, General Development Shoreland.

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

CONDITIONS OF APPROVAL – (Reiland)

1. The variance is to allow for a home to be located 94-ft from Roberds Lake as shown on the submitted site plan, subject to compliance with all other Ordinance regulations.
2. Grading of soil between the proposed home and the shore impact zone (37.5-ft from the lake) is allowed but no grading in the shore impact zone is permitted.
3. A detailed drainage plan must be developed and then implemented showing runoff water is handled in a manner that will not have negative impacts on the lake, steep slope area and neighboring properties.
4. Vegetation removal in the shore impact zone shall be limited to that required for a stairway system to

- access the lakeshore, with a maximum area of 10-ft in width for vegetation removal.
5. Other than the up to 10-ft wide path for lake access the shore impact zone (land within 37.5-ft of the lake) shall be maintained in a non-mowed natural vegetative buffer condition.
6. Variance shall be considered void if building permits are not obtained and construction commenced within one year of the variance approval.
7. 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, Matthew Reiland (MR), to come forward to add comments or answer questions regarding the request.

MR - Trent summed this up well. This allows for the house to have everything on one level for handicap parents to come visit. Being closer to the lake allows for the driveway to have less slope.

MS- Are you aware of the 7 conditions?

MR - Yes.

PB - With condition #2 just ask that if you have an excavator that has any questions that they contact county staff on that one.

MR -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 - This was a PUD that required the 120 feet but owners of development weren't savvy with that. We have granted others in this area. I'll make the motion.

CP - Confer with Preston, I know this particular builder has done well with houses around Circle Lake and understands the shore impact zone. I'll 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: Similar distance back as neighboring properties and the project is not disturbing the shore impact zone.

Motion made, seconded, and approved unanimously.

V. Adjournment

Hearing no other items before the BOA, a motion was made by Hogan, second by Bauer, to adjourn the meeting at 6:49 pm. Motion carried 4-0.

Respectfully Submitted

Julie Runkel

Director

Board of Adjustment Chair

A handwritten signature in black ink, appearing to read "Michael Streiff", is written over a horizontal line.

Michael Streiff