

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, March 3, 2022 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 6:31 p.m.

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

Members absent were: Julia Hogan

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

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

B. Motion by Preston Bauer, seconded by Jill Ellingson, to approve the Reading of Notice for the March 3, 2022 meeting.

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

C. Motion by Charlie Peters, seconded by Jill Ellingson, to approve the March 3, 2022 Agenda.

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

D. Motion by Preston Bauer, seconded by Jill Ellingson, to approve the February 3, 2022 regular meeting minutes.

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

II. New Business

1. Variance/Creger - Section 27, Shieldsville Township

Trent and Michelle Creger have applied for a 208-sqft variance from the 1200-sqft building size limitation and a 10-ft variance from the 16-ft height limit to allow for a 1408-sqft shed with a 26-ft peak height. The property is described as: Lot 1, Block 1 Cedar Creek Estates in Section 27, Shieldsville Township, Rice County, Minnesota. The property address is: 9396 201st Court W., Faribault, MN 55021. PID#: 09.27.4.51.006. 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 Trent and Michelle Creger.

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

CONDITIONS OF APPROVAL – Creger

1. The variance is to allow for a 1,408-sqft shed with a 26-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 used for personal onsite accessory 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.

Hearing Minutes:

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

The BOA asked the applicant, Trent & Michelle Creger (TC & MC), to come forward to add comments

or answer questions regarding the request.

TC - The shed is going to be a storage shed with a 13ft x 24ft finished room inside. The room is for my daughter, who is an art student, for her to do her art in that shed. The rest will be for storage. It will have the same siding and stone as our house. It will not just be a pole shed, structurally it will be stick built and more than a pole barn.

MS - Are you aware of the 5 conditions?

TC - 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 - The shed is far enough back from the lake. It looks like it is second tier. Well wooded and it does not obstruct view. I have no issues with it.

PB - I agree. They have plenty of land and it is farther back from the lake. That covered porch that is part of the shed adds into the overall square footage. I will motion to approve with the 5 conditions.

CP - 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:

- *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: The lot size is over four times the lot size for this district.

Motion made, seconded, and approved unanimously.

2. **Variance/Sandberg - Section 22, Forest Township**

Katherine Sandberg has applied for a 42-ft variance from the 100-ft Lake setback to allow for a deck to be 58-ft from Circle Lake. The property is described as: Lot 2, Shorewood Estates in Section 22, Forest Township, Rice County, Minnesota. The property address is: 3721 Culver Trail, Faribault, MN 55021. PID#: 06.22.3.76.015. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Jill Ellingson, seconded by Preston Bauer, to approve the Variance request with the following conditions and findings for Katherine Sandberg.

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

CONDITIONS OF APPROVAL – Sandberg

1. The variance is to allow for a deck to be located 58-ft from the Ordinary High Water Line of Circle Lake, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. At least 40-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.

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:

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

The BOA asked the applicant, Katherine Sandberg & Nalani McCutcheon (KS & NM), to come forward to add comments or answer questions regarding the request.

NM - The current deck is narrow with the bulk of it being on the west side of the house. The footings are old and there is heaving. We are proposing to remove the west portion of the deck and rebuild the entire deck on the front of the house. We would go out 14 feet instead of 7. This would allow us to use the deck better.

PB - Are you aware of the 5 conditions?

LM - 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 is straight forward. They will encroach a little more on the lake but those lots are all nonconforming and are all on a community septic. They are trying to make the lot work.

JE - I can understand wanting a deck on the lake side. I will motion to approve with the 5 conditions.

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

TM: The deck is replacing the existing deck and the vegetative buffer condition is there to soften the view from the lake.

Motion made, seconded, and approved unanimously.

3. Variance/Wolfgram - Section 36, Shieldsville Township

Matthew Wolfgram has applied for a 6% variance from the 25% lot impervious surface limitation and a 61-ft variance from the 75-ft Lake setback to allow for a home addition onto the existing home that is located 14-ft from Cedar Lake. The property is described as: Lots 13 and 14 Cedar Shores Subdivision

in Section 36, Shieldsville Township, Rice County, Minnesota. The property address is: 20110 Geneva Ct, Faribault, MN 55021. PID#s: 09.36.1.26.002 & 09.36.1.26.001. 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 Matthew Wolfgram.

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

CONDITIONS OF APPROVAL – Wolfgram

1. The variance is to allow for a home addition located 14-ft from Cedar Lake and to be constructed on a lot that would have a 31% impervious surface coverage, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. At least 50-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.
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:

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

CP - Are the two lots combined?

TM - That is my understanding.

CP - I was going to say if they were not combined, they need to be. Do they meet the impervious surface limit?

TM - With the two lots combined, they are over but that is a part of this variance request. If the lots were separate, it would be higher.

PB - They are currently at 31% impervious surface?

TM - Yes, and that is what they are proposing to stay at.

The BOA asked the applicant, Matthew Wolfgram (MW), to come forward to add comments or answer questions regarding the request.

MW - It was built as a cabin and we are trying to make it into a year-round home. There is currently a loft above the garage, so we are trying to build two rooms and an office since my wife works from home from time-to-time and needs client-therapist privacy. We are trying not to increase the impervious surface coverage from current. We are a good distance from the lake.

MS - Are you aware of the 5 conditions?

MW - Yes. I went over them with our contractor and he said they are all within reason.

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 - My main concern was if the lots were separate, they would need to be combined, but since they are combined, I have no issue with it and will motion to approve this item.

JE - I agree. Since they are not increasing impervious surface, 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*

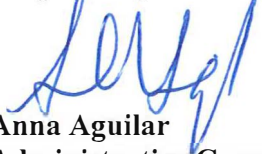
The findings were read by Peters with the conditions as stated above.

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 6:55 pm. Motion carried 4-0.

Respectfully Submitted


Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair


Jill Ellingson