

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, June 2, 2022 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, Julia Hogan.

Members absent were: Michael Streiff, Preston Bauer

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

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

B. Motion by Charlie Peters, seconded by Julia Hogan, Reading of the Notice.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

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

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

D. Motion by Charlie Peters, seconded by Julia Hogan, to approve the minutes of May 5, 2022.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

II. New Business

1. Variance/Osnes - Section 22, Forest Township

Jack Hartigan, on behalf of landowner Carol Osnes, has applied for a 5% variance from the 25% lot impervious surface limitation and a 3 8-ft variance from the 100-ft lake setback to allow for replacement of existing retaining walls and stairs and for the addition of a paver deck. The property is described as: Lot 6, in Shorewood Estates, First Addition, Section 22, Forest Township, Rice County, Minnesota. The property address is: 3491 Culver Trail, Faribault, MN 55021. PID#: 06.22.4.26.006. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by Julia Hogan, to approve the Variance request with the following conditions and findings for Jack Hartigan, on behalf of Carol Osnes. The property is located in Section 22 of Forest Township.

RESULT: Approved, AYES: Charlie Peters, Jill Ellingson, Julia Hogan, NAYS: None

CONDITIONS OF APPROVAL – Hartigan (Osnes)

1. The variance is to allow for replacement of retaining walls, stairs, and the addition of a patio paver area within the wall areas as shown on the submitted site plan. The closest point of the walls/stairs being 5-ft from the side property line, 62-ft from Circle Lake and the resulting lot having a 30% impervious surface coverage, subject to compliance with all other Ordinance regulations.
2. Site plan shall be followed.
3. With the application of any construction permits for the wall, patio, or stairs the applicant must submit a certificate of survey verifying compliance with floodplain regulations. If the wall(s), stairs or grading is within the regulatory flood protection elevation (elevation 1011.1-ft or below) area a Minnesota floodplain certificate of no-rise shall also be submitted.
4. Prior to issuance of any construction permits the onsite septic system shall be shown to be in compliance or if the system is non-compliant a permit for a compliant system shall be obtained and that replacement system installed under the terms of that permit.
5. The landowner shall construct and maintain a 100-sqft or larger rain garden or other short

deration rainwater storage system on the property.

6. The landowner shall establish and maintain at least 25% of the lot's lakeshore frontage to a 10-ft landward extent as a non-mowed natural vegetative buffer.
7. Variance shall be considered void if construction permits are not obtained and construction commenced within one year of the variance approval.
8. 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 - The variance for impervious surface is for the patio?

TM - The variance request is for the patio and the retaining walls because the site is currently over on impervious surface and the patio will make it a little further over.

JH - Are the retaining walls going to be taller than they currently are?

TM - I think they plan to be a similar height, but the applicant could answer that.

The BOA asked the applicant, Jack Hartigan (JaH), to come forward to add comments or answer questions regarding the request.

JaH - *contractor* - We are removing and replacing the retaining walls. The lower and middle walls will be one block taller, so instead of a 3ft wall it will be 3.5ft above ground level and then we will be adding the patio on the second tier and readjusting the stairs on the left-hand side looking from the pond to the back of the house. There are existing stairs that have completely failed, causing ice buildup and stuff. We will be replacing them with natural stone and then adding a few steps on the right-hand side of the house. It is basically a rip and replace. We also plan to restore all the sod and greenery after.

JE - You are aware of the 8 conditions?

JaH - 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 - It is mainly a replacement with a little addition of impervious surface. They are on a community septic and they are not adding any buildings closer to the lake than what is already there. I will motion to approve this item.

JH - 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: Conditions #5 and # 6 should help with the increased impervious surface and the distance to the lake with some visual screening.

Motion made, seconded, and approved unanimously.

III. Adjournment

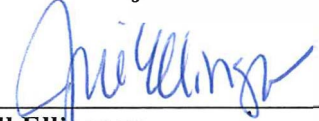
Hearing no other items before the BOA, a motion was made by Hogan, second by Peters, to adjourn the meeting at 6:10 pm. Motion carried 3-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair



Jill Ellingson