

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, June 30, 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 6:30 p.m.

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

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 Preston Bauer, seconded by Jill Ellingson, Reading of the Notice.

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

C. Motion by Jill Ellingson, seconded by Julia Hogan, Approval of the Agenda

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

D. Motion by Charlie Peters, seconded by Jill Ellingson, to approve the minutes of June 2, 2022.

RESULT: Approved, AYES: None, NAYS: None

II. New Business

1. Variance/Kiefer - Section 8, Forest Township

Kurt Kiefer has applied for a 20-ft variance from the 100-ft Road Right of Way setback to allow for a proposed shed to be located 80-ft from the Right of Way of County Road One. The property is described as: Part of the SW1/4 of the NW1/4 of Section 8, Forest Township, Rice County, Minnesota. The property address is: 5813 Millersburg Blvd. W., Lonsdale, MN 55046. PID#: 06.08.2.50.001. 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 Kurt Kiefer. The property is located in Section 8 of Forest Township.

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

CONDITIONS OF APPROVAL – Kiefer

1. The variance is to allow for a 32-ft by 32-ft shed to be located 80-ft from the Road Right of Way (ROW) of County Road 1, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be considered void if building permits are not obtained and construction commenced 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, Kurt Kiefer (KK), to come forward to add comments or answer questions regarding the request.

KK - I have some additional photos if you would like to see them. I picked this location because I do not want the shed in my back yard. I will be using the existing drive to access this.

MS - You are aware of the 4 conditions?

KK - Yes.

Chair Streiff opened the public testimony portion of the item to the public and the following commented:
Sheryl Westerhouse (via Zoom chat) - What is the size of the building?

CP - According to condition #1, it looks like it will be 32-ft by 32-ft.

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

Discussion:

CP - I drive by this site twice a day. It is the best spot. It is well shielded from the road and if he moved it back any farther, it's wooded and goes downhill fast. I will 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: No further comments from Staff.

Motion made, seconded, and approved unanimously.

2. **Variance/Purfeerst Farms - Section 9, Richland Township**

Jim Purfeerst, on behalf of landowner Purfeerst Grain Inc., has applied for 25-ft and 27-ft variances from the 100-ft Road Right of Way setback to allow for a proposed shed and a proposed grain bin to be located 73-ft and 75-ft from the Right of Way of County Road 80. The property is described as: Part of the NE1/4 of the NE1/4 of Section 9, Richland Township, Rice County, Minnesota. The property address is: 22136 Jacobs Ave., Kenyon, MN 55946. PID#: 16.09.1.00.001. The property is Zoned A, Agricultural.

Motion by Preston Bauer, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Jim Purfeerst, on behalf of landowner Purfeerst Grain Inc. The property is located in Section 9 of Richland Township.

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

CONDITIONS OF APPROVAL – Purfeerst Farms

1. The variance is to allow for a 90-ft diameter by 88-ft high grain bin and a 25-ft by 100-ft shed to be added to the grain handling system on the property at less than the 100-ft Road Right of Way setback, subject to compliance with all other Ordinance regulations. The closest point of the grain handling system, being the existing scale, is 40-ft from the Road Right of Way

2. Approved site plan shall be followed.
3. Prior to September 1, 2022 the landowner shall have a septic compliance inspection completed on any onsite septic systems. If the systems are not in compliance they shall be brought into compliance by not later than June 1, 2023.
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).

The BOA asked the applicant, Jim Purfeerst (JP), to come forward to add comments or answer questions regarding the request.

JP - We had a wind storm come through on April 12th where 7 of our bins were damaged and insurance totaled 2 of them. We are looking to replace these bins and add on a new shed with a dump-pit that can handle a semi load at a time for our elevator.

MS - Are you aware of the 5 conditions?

JP - I am and I agree with them.

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 doesn't look like he is encroaching any further. They need to replace what was damaged.

PB - It looks like he is cleaning it up a bit too. I will motion to approve this with the 5 conditions.

CP - I will second that motion.

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: No further comments from Staff.

Motion made, seconded, and approved unanimously.

3. **Variance/Babcock - Section 14, Warsaw Township**

Benjamin Babcock has applied for a 14-ft variance from the 70-ft Road Right of Way setback and a 6-ft variance from the 16-ft peak height limit to allow for a proposed shed with a 22-ft peak height to be

located 56-ft from the Right of Way of Bagley Ave. The property is described as: Part of the SE1/4 of the NE1/4 of Section 14, Warsaw Township, Rice County, Minnesota. The property address is: 23310 Bagley Ave., Faribault, MN 55021. PID#: 14.14.1.75.002. The property is Zoned UR, Urban Reserve.

Motion by Jill Ellingson, seconded by Julia Hogan, to approve the Variance request with the following conditions and findings for Benjamin Babcock. The property is located in Section 14 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Babcock

1. The variance is to allow for 30-ft by 50-ft shed with a 22-ft peak height to be located 56-ft from the Bagley Ave Road Right of Way, subject to compliance with all other Ordinance regulations.
2. Submitted plans shall be followed.
3. This variance shall be void if a building permit for the 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, Benjamin Babcock (BB), to come forward to add comments or answer questions regarding the request.

BB - The wind and hail storm that came through in April damaged our machine shed. It is currently in the southwest part of the original homestead. We would like to replace that with a 30-ft by 50-ft. The current machine shed is located in one of the lowest spots on the property and is downhill from everything to include our home. The proposed location is flatter and will cost half as much to prepare the site. This location made the most sense as it moves the shed farther away from the creek and will alleviate some of our water issues that we have had with the base floor in the current machine shed. With the other buildings onsite, we have to encroach on the road right-of-way a little.

MS - So, its a better location for use and more cost effective?

BB - Much more cost effective.

MS - Are you aware of the 4 conditions?

BB - 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:

JH - It is a fairly narrow lot which restricts his options.

PB - I was unaware of the height restriction from the creek.

CP - It doesn't look like he is blocking anyone's view with the proposed height.

JE - There really isn't much around it. It looks like the best location on the property. 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 Ellingson with the conditions as stated above and with the following additions by staff:

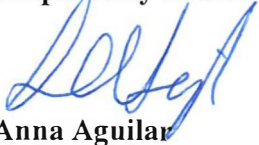
TM: No further comments from Staff.

Motion made, seconded, and approved unanimously.

III. Adjournment

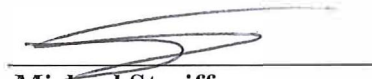
Hearing no other items before the BOA, a motion was made by Bauer, second by Ellingson, to adjourn the meeting at 6:53 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair



Michael Streiff