

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, December 1, 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 6:45 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, Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar..

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

B. 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

C. Motion by Julia Hogan, seconded by Preston Bauer, Approval of the Agenda.

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

D. Motion by Charlie Peters, seconded by Julia Hogan, to approve the minutes of November 3, 2022.

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

II. New Business

1. Variance/Walker – Section 30, Wheeling Township

Kenneth Walker has applied for a 40-ft variance from the 100-ft Road Right of Way (ROW) setback and a 30-ft variance from the 70-ft rear property line setback to allow for an addition onto an existing home. The property is described as: Part of the SW1/4 of the NW1/4, Section 30, Wheeling Township, Rice County, Minnesota. PID#: 12.30.2.20.001. The property address is: 19425 Gates Ave., Faribault, MN 55021. 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 Kenneth Walker. The property is located in Section 30 of Wheeling Township.

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

CONDITIONS OF APPROVAL – Walker

1. The variance is to allow for a home addition on the east side of the existing home to be 40-ft from the east property line with the existing house being 60-ft from the Road Right of Way of Gates Ave., 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.

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Hearing Minutes:**

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

The BOA asked the applicant, Kenneth Walker (KW), to come forward to add comments or answer questions regarding the request.

KW - We would like to add on a bedroom to the house and we hope you approve it.

MS - You are aware of the 4 conditions?

KW - 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 - I am familiar with this property. It is a large field behind it. The minimum requirement is an acre. It will not bother anything.

JH - They do have restrictions with the width of the lot so it limits them adding on.

PB - I will motion to approve with the 4 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 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/Duncan – Section 19, Forest Township**

Brian Duncan has applied for a 78-ft variance from the 100-ft Road Right of Way (ROW) setback to allow for a replacement home to be located 22-ft from a ROW. The property is described as: Part of the NE1/4 of the SE1/4, Section 19, Forest Township, Rice County, Minnesota. PID#: 06.19.4.00.001. The property address is: 12524 Fairbanks Ave., Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Julia Hogan, to approve the Variance request with the following conditions and findings for Brian Duncan. The property is located in Section 19 of Forest Township.

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

CONDITIONS OF APPROVAL – Duncan

1. The variance is to allow for a replacement single family dwelling to be located 42-ft from the Road Right of Way of Fairbanks Ave. and 50-ft from the rear property line, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The onsite septic system shall be shown to be in compliance with County/State regulations or a new system permit will be obtained prior to issuance of the building permit for the new home.
4. The property shall be in compliance with onsite vehicle and other outside storage requirements

prior to issuance of the building permit for the new home.

5. The existing home shall be properly removed.
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).
JH - The highway department submitted a letter requesting the home be pushed farther back from the road. What is the reason why they cannot push the home back further?

TM - I believe it was partially because of the septic, but that would be a good question for the applicant.

MS - This is a complete demo?

TM - Yes.

The BOA asked the applicant, Brian Duncan (BD), to come forward to add comments or answer questions regarding the request.

BD - The reason for the location is because the back setback is 70-ft but with the road ROW and the setback, we have 35-ft to build a house. We could push it back a little but there really isn't much room.

JH - So you picked the location because of the rear setback?

BD - That and the mound is back there. We could move it back west 20-ft.

JH - Ok. The reason is because the Highway Department has a concern with if they construct a new road, you don't want to have an issue with a new house there.

CP - I agree with JH. People really move on that road.

PB - So if you moved it back 20-ft, it would be at 42-ft?

BD - We can try.

JH - You are also removing that shed?

BD - Yes, that shed will be gone.

MS - Are you aware of the 7 conditions?

BD - 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 - I think the adjustment with the additional 20-ft will help be farther from the road ROW.

CP - I agree, so if we could change condition #1 to 42-ft?

TM - I would have to adjust it to say, 50-ft from the rear property line as well.

CP - I will make a motion with the change to condition #1 to start 42-ft from the road ROW and 50-ft from the rear property line.

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:

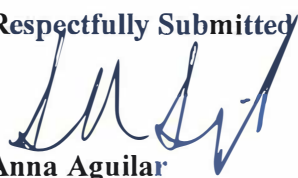
TM: No further comments from Staff.

Motion made, seconded, and approved unanimously.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Hogan, second by Bauer, to adjourn the meeting at 7:02 pm. Motion carried 4-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair



Michael Streiff