

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, March 2, 2023 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, Charlie Peters, Garrett Johnson, Matt Purfeerst.

Members absent were: Julia Hogan

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

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

B. Motion by Matt Purfeerst, seconded by Charlie Peters, Reading of the Notice

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

C. Motion by Garrett Johnson, seconded by Matt Purfeerst, to approve the Agenda for March 2, 2023.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

D. Motion by Charlie Peters, seconded by Garrett Johnson, to approve the minutes of February 2, 2023.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

II. New Business

1. Variance/Kaderlik – Section 35, Shieldsville Township

Duane Kaderlik has applied for a 10-ft variance from the 10-ft side property line setback requirement to allow for a proposed home addition to be located 0-ft from a property line. The property is described as: Lot 9, Heines Cedar Lakeview 2nd addition in the NW1/4, Section 35, Shieldsville Township, Rice County, Minnesota. The property address is: 20055 Cedar Lake Trail, Morristown, MN 55052. PID#: 09.35.2.01.016. The property is Zoned GDS, Shoreland.

Motion by Charlie Peters, seconded by Matt Purfeerst, to deny the Variance request. The property is located in Section 35 of Shieldsville Township.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA).
MS - Who owns the adjoining lot?

TM - I believe it is owned by a few people as a lake access lot.

MS - It's not owned by the applicant?

TM - No, it is not owned by the applicant. I am unsure if they have a share or not, but he does not own it.

The BOA asked the applicant, Duane Kaderlik (DK) and Dusti Kaderlik (DusK), to come forward to add comments or answer questions regarding the request.

DK - The lot next to it is owned by everyone that has a lot across the street. About six homes.

DusK - Only one person uses it, but it's available to six. We would really like 10 feet because an extra 10 feet on the house is huge. You can obviously see that we are not young, and we bought this house without being able to bring in a builder or an architect, and after we bought it they said we could bring them in and then they said we couldn't go any direction. We can't go toward the lake because the septic is there, and we can't go to either side or the front, so the only thing we could do is build up. Going up means a staircase, which takes up even more space in the small house. So we're ending up with, if you look at the plans, very small rooms on that side and not even a full bathroom on the main floor, and I would like a full bathroom on the main floor. I know it sounds like I'm being needy, but it's 2023 and most people wouldn't want a vanity this big and the toilet right there and no storage. It's important to us even though it sounds frivolous to everyone else and they probably think I'm crazy.

MS - Have there been any discussions with the group that owns that lot?

DK - Not really.

DusK - We know all the neighbors. Everybody has gone south, and they said they're rooting for us because they want us to live out there. If you haven't heard anything, we haven't. They all know that we bought it because when we bought it they wanted us to.

MP - I see in the packet that you're going to be doing a second story addition as well? Is that part of the plan?

DK - Right.

DusK - We have to.

MP - So it's a 10-foot addition plus a second story addition?

DusK - The rooms on that side are 13' x 12'. You can hardly fit a bed or a couch in a 13' x 12' room. They're very small rooms. Turning 13' into a 23' would make a huge difference. The second story is needed because there's really not enough room for bedrooms, either. Who would want a 13 x 12 bedroom?

MS - What is the need? It's a very sizable expansion.

DusK - What's the need for the big expansion? I've always wanted a master suite, and most people do. If you watch HGTV or anything, most people *do* want a master suite these days. Though the only way I could even have that is if we went up.

MP - I see you're going right to the property line. Is the actual building going to be right on the property line? How are you going to maintain that side without trespassing?

DusK - Once it's built there will be doors on the back side and the garage door has another door on the other side so we don't really plan on going that way. I know that to get things down there, something is going to have to go that way, because there is no other way, but anybody that bought that place would have to, because you have to understand that this place was not touched for thirty years. Never finished. The floors are just plywood. Nothing is done. No matter who bought it, they'd have to do a lot of work to it. No matter what, someone would have to put something back there. After that, I don't plan on going on their lot ever, because it's not my lot and I don't have a reason to walk that way. But there could be the issue of mowing the lawn, I suppose, but I don't care if they mow the lawn next to my house. There won't be any houses there. It's a non-buildable lot.

CP - Can you tell me if the plans in the packet are for a remodel or a teardown and new house?

DusK - It's a remodel because we're trying to keep as much as we can of the house.

DK - The foundation is good, even though after 30 years, nothing inside was finished. It was kind of a shock after we got in there. It was a rush to bid, we wanted to bring in a carpenter beforehand, but we didn't have time.

DusK - Twelve people were bidding on this house at once, and it came down to two. We bid \$50 over so that's how we ended up getting this. It was crazy. Lake property goes in a couple days and you don't really have a whole lot of time to think. It is going to be our dream house, our last house that we're ever going to live in, so I really would like that extra ten feet to have a normal bathroom and have a couple more rooms on that side. If you look at the upstairs, they are very small rooms, too, 12' x 13', they're small.

MS - How did this actual design come together? Did you explore anything with an architect? Can you make it fit within the zoning?

DusK - That is the architect plan. That's what they came up with.

MS - Is this the only plan you've looked at, with getting it to work within the zoning code?

DusK - No matter what, there's no space. I'd like a 2023 kitchen, too.

DK - We have two plans, one with the 10 feet and one without the 10 feet, but the rooms and bathroom

are tiny.

DusK - Nobody would want that. I don't have that now, I can't imagine going to bathrooms that small without a bathtub on the main floor. If one of us got sick or had surgery, to go upstairs to the bathroom to take a bath or shower would be a major ordeal - it couldn't happen.

DK - Basically, it boils down to being a regular, normal sized house or more of a cabin type.

DusK - If you wanted it for a cabin, it would be great, but if you want it for a normal sized house, it's very small.

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 - I have issues with being on the property line. Regarding the common lot, I know of two on Circle Lake that were taken over, sold second-tier and were built on, I know, as a new homeowner, I wouldn't want a house on the property line. It looks like a pretty narrow lot already. Regarding the size of the bedrooms, I do a lot of home inspections in Lonsdale, and there are a lot of 10.5' x 11' bedrooms in new homes. I think pushing the property line is far-fetched.

MP - I am concerned with the access to the lake, too. If future owners ever want to bring anything down, it's going to be hard for them to pull docks or boats or anything in and out of that property without going on an adjoining property. That's my main concern, along with maintenance. There's always maintenance on sides of structures. How are they going to be able to do that without going on the neighbor's property, if it's ever sold.

MS - I agree with your comments. I don't remember ever approving a zero setback to a lot line. I could be wrong, but that just seems off to me, to be right on the line of the lot. To your point, if the other lot gets sold, puts you in a different spot.

CP - If there's no other comment, I will make a motion to deny

MP - I 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 not met by this proposal:

- Request is not 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 manner not reasonable.
- If granted, this variance would have a significant impact on the surrounding properties.
- This is not the minimum variance necessary to afford relief.
- Special privileges would be conferred to the applicant that are denied owner of other lands, structures, or buildings in the same district. Don't recall any zero lot line approvals.
- If allowed to be built on the property line, this would require them to go on the neighbor's property to do construction and any maintenance.
- As proposed it would block the needed access to get to the water for dock removal, and other features.
- As proposed it would impact potential uses on the neighboring lot. The neighboring lot could be built on at some point in time.
- The applicant has other options to add space to the home without this variance. They could expand upward and toward the roadway and still meet setbacks.
- The site contains an existing functioning home at this time.

The findings were read by CP with the conditions as stated above and with the following additions by staff:

TM - What I'm hearing from your discussion is a number of concerns about maintenance. If you allowed this to be built on the property line, it would actually require them to go on the neighbor's property to do any maintenance, and certainly to do any construction that would be a concern as well. It would block the needed access to get to the water for dock removal, and other features. The impact on the neighboring lot was mentioned. Even though nothing is built on it currently and it is owned by a group, it could still potentially be built on at some point in time. It was also pointed out that there are other options. They actually could expand upward and toward the roadway and still meet setbacks. Also, there is an existing and functioning house at this time.

Motion made to approve the denial, seconded, and approved unanimously.

2. **Variance/Peterson - Section 16, Wells Township**

Andrea Peterson has applied for a 14-ft variance from the 20-ft Road Right of Way setback requirement, a 29-ft variance from the 75-ft Roberds Lake setback requirement and an 8-ft variance from the 14-ft peak height limitation to allow for a shed with a 22-ft peak height to be 6-ft from the Road Right of Way and 46-ft from Roberds Lake. The property is described as: Lot 13 in Kasperek Bay subdivision in the SW1/4, Section 16, Wells Township, Rice County, Minnesota. The property address is: 17615 177th St W, Faribault, MN 55021. PID#: 10.16.3.01.009. The property is Zoned GDS, Shoreland.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Andrea Peterson. The property is located in Section 16 of Wells Township.

RESULT: Approved, AYES: Michael Streiff, Charlie Peters, Garrett Johnson, Matt Purfeerst, NAYS: None

CONDITIONS OF APPROVAL – (Peterson)

1. The Variance is to allow for a 1024.8-sqft shed with a 22-ft peak height located 6-ft from the Road Right of Way and 46-ft from Roberds Lake, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. A certificate of survey identifying all property lines, setbacks, elevations and impervious surface percentages shall be submitted prior to issuance of any building permits.
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).

CP - Is that a private road?

TM - I believe it's a platted public road but privately maintained.

The BOA asked the applicant, Andrea Peterson (AP), to come forward to add comments or answer questions regarding the request.

AP - We purchased this property two years ago and we live here as our primary residence with our family. It currently has just the house but has space on the lot for us to build a shed or garage. Prior to moving to this house, we owned a home in Owatonna that had four garage stalls. You might have noticed in the photos we have a lot of vehicles and boats and toys, so we are requesting to build a four-car garage to be able to park our vehicles and store boats and RVs and things. It's a larger garage and because of the size of the lot and the orientation between the roadway and the lake, no matter where we place the garage we would need a variance from the lake setback and the road setback. The six-foot road

setback sounds like it's very close, but that matches where the house is set back currently, on the corner that's closer to it. This aerial view shows where the road is maintained, its quite a bit further away from that and that's where utility poles and mailboxes are, outside of that road boundary, so it wouldn't be any closer to the road than the existing home. It would allow us better storage of our vehicles and also the ability to maintain them, which is one of our hobbies. Many of our vehicles are older, some are classics, so we would like the space in the garage in order to maintain them. We want to build this garage at our new primary home. We are selling the house in Owatonna where we are storing some boats and vehicles so we want the ability to bring them to this property where we are now living full-time.

MS - You are aware of the five conditions?

AP - 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:

MP - The layout seems to make sense. The height isn't going to restrict anything with the pond in the background and it seems they are very reasonable with the setbacks and where they're trying to set the garage.

CP - I agree with MP. There is a swamp across the road so we're not obstructing any views there. I do believe it's a privately-maintained road. The height is not way out of hand. I have no issues.

MS - The encroachments are consistent with the home.

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; Yes*
- *Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan; Yes*
- *Applicant proposes to use the property in a reasonable manner not permitted by the Ordinance; Yes*
- *The request stems from circumstances unique to the property, not one created by the landowner; Yes*
- *If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties; Yes*
- *This is the minimum variance necessary to afford relief; Yes*
- *Adequate sewage treatment and water capabilities can be provided; Yes*
- *The variance would have no significant impact on public health or safety; Yes*
- *Special privileges are not conferred to the applicant that are denied owner of other lands, structures, or buildings in the same district Yes*

The findings were read by MP with the conditions as stated above and with the following additions by staff:

TM - In your discussion, it was pointed out that the height would not block any other existing home or cabin views. It matches closely with the existing home setback to the roadway. Also, the lot size is conforming, but the shape of the lot is restrictive because of the setbacks that almost overlap.

Motion made, seconded, and approved unanimously.

III. Adjournment

Hearing no other items before the BOA, a motion was made by GJ, second by MP, to adjourn the meeting at 6:58 pm. Motion carried 5-0.

Respectfully Submitted



Laurie Johnson
Office Support Specialist

Board of Adjustment Chair



Michael Streiff