

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, February 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 6:32 p.m.

Members present were: Michael Streiff, Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst.

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.

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

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

C. Motion by Garrett Johnson, seconded by Matt Purfeerst, Approval of the Agenda.

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

D. Motion by Julia Hogan, seconded by Matt Purfeerst, to approve the minutes of January 5, 2023.

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

II. New Business

1. Variance/Kratochvil - Section 18, Wheatland Township

Paul Kratochvil has applied for a 27-ft variance from the 70-ft Road Right of Way setback requirement to allow for a proposed shed to be located 43-ft from the Road Right of Way of 50th St W. The property is described as: Part of the NW 1/4 of the NW 1/4, Section 18, Wheatland Township, Rice County, Minnesota. The property address is: 5055 LeSueur Ave, New Prague, MN 56071. PID#: 01.18.2.25.001. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Michael Streiff, to approve the Variance request with the following conditions and findings for Paul Kratochvil. The property is located in Section 18 of Wheatland Township.

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

CONDITIONS OF APPROVAL – Kratochvil

1. The variance is to allow for 3600-sqft shed to be located 43-ft from the Road Right of Way of 50th St W., subject to compliance with all other Ordinance regulations.
2. Approved site and building plans 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, Paul Kratochvil (PK), to come forward to add comments or answer questions regarding the request.

PK - I am proposing to build a shed at this location, and the reasoning for where I am requesting to put it is it would be a nice easy access off the driveway so I wouldn't have to propose a new driveway coming off 50th Street, one way in one way out, pretty simple.

MS - Are you aware of the four conditions?

PK - Yes.

MS - Those all make sense?

PK - Yes, absolutely.

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 - There was no objection from MnDOT. It looks like the terrain on the other side where he could have made setbacks falls off steadily, and the second driveway would be a hassle. This looks like the best place for it, in my opinion.

MP - Yes, keeping only one access seems like the most reasonable.

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 Streiff with the conditions as stated above and with the following additions by staff:

TM - By allowing this, it is allowing the maintenance of a single access to the roadway instead of two. The topography was already pointed out, and also this is a corner lot, so it does limit some of the options. This property has two frontages, and this one is actually closer to the lesser roadway for roadway classifications.

Motion made, seconded, and approved unanimously.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Johnson, second by Purfeerst, to adjourn the meeting at 6:40 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair



Michael Streiff