

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, April 6, 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, Julia Hogan, Garrett Johnson, Matt Purfeerst.

Staff present were: Director Julie Runkel (*via Zoom*), 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 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 Matt Purfeerst, seconded by Charlie Peters, Approval of the Agenda

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

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

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

II. New Business

1. Variance/Voegele (Supancic) - Section 29, Warsaw Township

Jeff Voegele, on behalf of J Steven Supancic, has applied for a 70-ft variance from the 100-ft property line setback to allow for replacement of an agricultural livestock building 30-ft from a property line. The property is described as: Part of the NW1/4 of Section 29, Warsaw Township, Rice County, Minnesota. The property address is: 5664 250th St W, Faribault, MN 55021. PID#: 14.29.2.00.001. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Matt Purfeerst, to approve the Variance request with the following conditions and findings for Jeff Voegele, on behalf of J Steven Supancic. The property is located in Section 29, Warsaw Township.

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

CONDITIONS OF APPROVAL - Voegele (Supancic)

1. The variance is to allow for a 50-ft by 300-ft livestock building to be 30-ft from a property line, subject to compliance with all other Ordinance regulations.
2. All septic systems located on the subject parcels shall have a compliance inspection completed before issuance of a building permit. If any systems are found to be non-compliant a compliant system shall be installed before November 1, 2023.
3. Approved site plan shall be followed.
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).
JH - Did you receive any concerns from the neighboring parcel to the west that it butts up to?
TM - I do not believe we received any comments at all on this one.
CP - Is it the same owner as the property, the 30ft is from?

The BOA asked the applicant, Jeff Voegelé (JV), to come forward to add comments or answer questions regarding the request.

JV - other than the pictures, it is pretty self-explanatory. I would like to improve our environment around our area and the reason I'm doing the building in that area is there is a run-off and I can make a catch basin in the center of the building to run any over burden and liquid into the lagoon on the south side of that, I guess it is pretty self-explanatory.

MS - Any dialogue with that closest neighbor there from the setback?

JV - The previous building has been there for about 50 years and I've never had any issues, we have got along utilizing the existing space we had because the rest of the building site is designed into that corner over the years and I would like to maintain that.

MS - Are you aware of the 5 conditions on the screen?

JV - Yes! I'm in the process and communicating with people on what to do for that.

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 cleans it up quite a bit, there was a previous building there on site, and looks like he has a lot of stuff outside he would like to get stored inside. Anytime you can put a roof over any manure pit, it takes care of the run off, it's a better deal to me.

JH - The prior building has been located there for many years.

CP - I'll motion to approve this item.

MP - I'll 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: The proposed location is needed to fit into the management of the existing livestock operation.

Motion made, seconded, and approved unanimously.

2. **Variance/Metzdorff - Section 33, Morristown Township**

Thomas Metzдорff has applied for a variance from the number of allowed detached buildings, a 2460-sqft size variance and an 8-ft height variance from the 1200-sqft size limitation and 14-ft peak height

limitation to allow for an additional 3660-sqft agricultural livestock building with a 21-ft peak height. The property is described as: Part of the W1/2 of the SW 1/4, Section 33, Morristown Township, Rice County, Minnesota. The property address is: 10833 270th St W, Waseca, MN 56093. PID#: 13.33.3.25.001. The property is Zoned NES, Shoreland.

Motion by Matt Purfeerst, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Thomas Metzдорff. The property is located in Section 33 of Morristown Township.

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

CONDITIONS OF APPROVAL - Metzдорff

1. The variance is to allow for a 2880-sqft agricultural pole shed with a 26-ft peak height on the property, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The proposed building shall be for agricultural use only and will not be used for any residential, business or other uses. Any future change in use will require a new variance and building permitting.
4. All septic systems located on the subject parcels shall have a compliance inspection completed before issuance of a building permit. If any systems are found to be non-compliant a compliant system shall be installed before November 1, 2023.
5. Variance shall be void if a building permit for the proposed shed is not obtained within one year of the variance approval.
6. 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, Thomas Metzдорff (ThM), to come forward to add comments or answer questions regarding the request.

ThM - We are proposing to get a variance to build a horse barn, a steel building like a Lester type building. I checked with the feedlot officer because we do have a small herd of Bison on the property also. We have about 120 acres of continuous land along 3 sections. I checked last fall with Lester to see if we needed anything further, we were not aware we were in a natural shoreland district until now. I didn't realize that was called Pool Lake. People refer to it as Hands Marsh, it's about a 600 acre wetland area. You can see on the current picture there is a little bit of water, we aren't jet skiing out there, it is just a small duck area. We didn't realize we needed a variance, so you can see based on the photos, this is not a recreation lake where people have boats and jet skis, we are a farm, a working farm and we just want to build another barn for horses.

MS - You are aware of the 6 conditions?

ThM - 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 - Seems pretty straight forward to me, trying to build a new shed. I didn't know there was a lake there either. That's news to me, when I saw that I was surprised. It makes sense to me, he is improving the property.

JH - There is quite a bit of wetlands on the land but again this is outside of that area, I get it. It's a large parcel, so it depends on what it is zoned.

CP - I agree, there are no neighbors close.

MP - I'll motion to approve this item.
CP - I'll 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 Purfeerst with the conditions as stated above and with the following additions by staff:

TM: There is a fairly large distance to the lake and the proposed setback is more than twice the minimum and that the parcel is actually quite large, it is more than 20 times larger than the minimum.

Motion made, seconded, and approved unanimously.

3. **Variance/Jeno (Thomson) - Section 36, Shieldsville Township**

Cory Jeno, on behalf of Thomson Investments, LLC, has applied for a 38-ft variance from the 75-ft lake setback limitation for a house and garage addition onto an existing home that is located 37-ft from Cedar Lake. The property is described as: Lot 10, Cedar Shores Subdivision, Section 36, Shieldsville Township, Rice County, Minnesota. The property address is: 20150 Geneva Ct, Faribault, MN 55021. PID#: 09.36.1.26.005. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Julia Hogan, to approve the Variance request with the following conditions and findings for Cory Jeno, on behalf of Thomson Investments, LLC. The property is located in Section 36 of Shieldsville Township.

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

CONDITIONS OF APPROVAL - Jeno (Thomson)

1. The variance is to allow for a new home and garage addition to be located 37-ft from Cedar Lake, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. At least 10-ft of the shoreline within 10-ft landward of the water shall be established and maintained in a natural condition as an un-mowed native vegetative lake buffer.
4. A septic system compliance inspection report deeming the system as compliant must be submitted or, a septic system permit to bring the septic system into compliance must be issued before issuance of a building permit.
5. Variance shall be void if a building permit for the proposed addition is not obtained within one year of the variance approval.
6. 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 - So they are asking for the same exact variance?

TM - I believe it's the same variance yes. The previous one only had a discussion for a shed at that point, I think they were looking at having that remain and it would have been a part of the variance to be closer to the house.

The BOA asked the applicant, John Scott (JS), to come forward to add comments or answer questions regarding the request.

JS and Stephanie Thomson (ST), *the property name is under Thomas Investments LLC* - My parents bought the property in 1968 from Paul Gray whose widow lives to the north, our family has grown and we would like to add on to the cabin but of course away from the water. We are looking at adding on roughly about 25ft towards Geneva Court. We have the ok to put a 5,000 gallon septic in, we are taking out the shed and moving it about 20 feet to the south also with the garage other than that, nothing towards the water.

MS - You are aware of the 6 conditions on the screen?

KT - Yes we are!

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 remember this one. They are taking the smaller shed out, not encroaching any further on the lake.

JH - It was approved back in 2021 as well.

GJ - I think it makes sense.

CP - I'll motion to approve the item.

JH - I'll 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: There are other similar situations in the area. That this was previously approved in 2021 and that they are adding on to an existing building not getting closer to the lake.

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 6:54 pm. Motion carried 5-0.

Respectfully Submitted

Board of Adjustment Chair



**Cassy Klumb
Office Support Specialist**



Michael Streiff