

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT**
*Commissioner's Room / Government Services Building
Thursday, August 3, 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, Matt Purfeerst.
Members absent were: Garrett Johnson

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

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

B. Motion by Matt Purfeerst, seconded by Julia Hogan, Reading of the Notice

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

C. Motion by Charlie Peters, seconded by Matt Purfeerst, Approval of the Agenda

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

D. Motion by Julia Hogan, seconded by Charlie Peters, to approve the minutes of June 29, 2023.

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

II. New Business

1. Variance/Pruitt- Section 31, Forest Township

Zachary Pruitt, on behalf of landowner Lake Mazaska North Shore Cooperative, has requested approval of the following variance(s):

- A 90-ft variance from the 100-ft lake setback to allow for an attached garage addition to an existing cabin located 10-ft from Lake Mazaska. The property is described as: Part of the N1/2, Section 31, Forest Township, Rice County, Minnesota. PID#s: 06.31.2.25.001 & 06.31.2.25.913. The property address is: 6551 143rd St W #12, Lonsdale, MN 55046. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by Matt Purfeerst, to approve the Variance request with the following conditions and findings for Zachary Pruitt. The property is located in Section 31 of Forest Township.

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

CONDITIONS OF APPROVAL – Pruitt

1. The variance is to allow for a garage addition to be attached to the existing onsite cabin located 10-ft from Lake Mazaska, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Proper permits shall be obtained prior to any onsite construction.
4. At least 25-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.
5. Variance shall be void if a building permit for the proposed building 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).

CP - That walkway is the closest point?

TM - That's close to where the porch would be.

JH - It will be more of a breezeway?

TM - Yes, an enclosed breezeway.

MS - The structure is about 10ft back.

TM - The proposed structure would be 22ft from the lake.

MP - How close does that get them to the road?

TM - They are required to maintain 20ft.

The BOA asked the applicant, Zachary Pruitt (ZP), to come forward to add comments or answer questions regarding the request.

ZP - I don't have much to add. I'm aware of the conditions.

Chair Streiff opened the public testimony portion of the item to the public and the following spoke. Rebecca Carson – *6564 Fairfax Way* - I'm here today with concerns about this variance because it is not an isolated incident. It is more of a precedents, not only on Mazaska, but on all of the lakes in the County. People are trying to make these cabins into year-round homes. The cabins were installed prior to current zoning but grandfathered buildings should have to follow current zoning if they want to make changes. This is RDS which is moderate existing use. How close is too close? Yes, it is the deck, but the Zoning Ordinance is worthless if we don't follow it. I know of 3 individuals that have followed the setbacks with their new buildings. It is not a hardship when someone purchases a property they know is non-conforming.

James Fisher - *6564 Fairfax Way* - Lakeshore zoning was created to protect the lakes. Variances may be in order but not because of lack of creativity or accumulation of too much stuff. We must start executing the 30-year-old comp plan to protect our lakes and properties. I am not confident in the safety of my property if every time I turn around there is a variance being requested and approved. I ask you not to allow this variance.

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

Discussion:

JH - They are getting rid of two existing sheds. I understand that variances are due to hardship, but it is cleaning up the area. It is not getting closer to the lake than any existing structures.

MS - The two existing structures are in rough shape.

JH - We did receive a letter from the Co-op saying they approved of this addition as well.

MP - If we ask them to move it closer to the driveway, that does limit parking.

MS - Encroachment on the lake isn't any further than it is currently.

CP - The Co-op put a septic system in for everyone. Across the road is a wetland. That is why the road got put where it is, making it harder for cabin owners.

JH - They are restricted by where that road is. If they had a little more space, we wouldn't be receiving so many variance requests on the lake.

CP - They are trying to clean it up.

MS - It would be an improvement.

CP - I will motion to approve with 6 conditions.

MP - 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 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: With Item #4 – It is a very limited area between the lake, road and wetlands. There is no land in that area that can meet the current setbacks. It is replacing existing structures.

Motion made, seconded, and approved unanimously.

2. **Variance/Tatge - Section 17, Richland Township**

Nicholas Tatge, on behalf of NLT Land LLC, has requested approval of the following variance(s):

- A 15-ft variance from the 100-ft Road Right of Way setback to allow for a livestock building addition to be located 85-ft from the Road Right of Way of County Road 19. The property is described as: Part of the S1/2 of the SE1/4, Section 17, Richland Township, Rice County, Minnesota. PID#: 16.17.4.75.001. The property address is: 8714 240th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to approve the Variance request with the following conditions and findings for Nicholas Tatge. The property is located in Section 17 of Richland Township.

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

CONDITIONS OF APPROVAL – Tatge

1. The variance is to allow for a 118x50-ft and 36x32-ft additions to the East end of the livestock building to be located 85-ft from the Road Right of Way of 240th St. E, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. A building permit shall be obtained and construction of the building started within one year or variance approval or the variance will be void.
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).

JH - I'm guessing the original portion of that barn was built prior to current zoning or why does this need a variance?

TM - The addition is actually getting closer.

The BOA asked the applicant, Nicholas Tatge (NT), to come forward to add comments or answer

questions regarding the request.

NT - The addition coming to the south would be a milk house with no cattle in it. The addition to the west will house more cattle. That's all I have.

Chair Streiff opened the public testimony portion of the item to the public and the following spoke. James Fisher – 6564 Fairfax Way - He did a good job on this. I believe this is why we have variances. His presentation is good. I got out of livestock because the ordinance is complicated. This is much more sound and in-compliance with the current zoning ordinance.

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

Discussion:

MP - The existing building is in compliance and he wants to add on, but is limited.

JH - They are working off an existing building and have limits to where they can add on to it.

MS - The cattle are not getting closer to the road and it looks like it is kept up well. Nice clean facility.

MP - I will motion to approve.

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 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: The motion was with the 4 conditions? Two findings associated with this is #2 which is in harmony and intent, pointing out this does promote agricultural use in an Ag district. #4 the building location is dictated by an existing building and the function of it as a livestock building.

MP - Motion is with the 4 conditions.

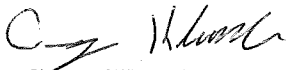
Motion made, seconded, and approved unanimously.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Peters, second by Hogan, to adjourn the meeting at 6:58 pm. Motion carried 4-0.

Respectfully Submitted

Board of Adjustment Chair



Cassy Klumb
Office Support Specialist



Michael Streiff