

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, September 7, 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 (*via Zoom*), Administrative Coordinator Anna Aguilar.

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

B. Motion by Charlie Peters, seconded by Garrett Johnson, 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 Julia Hogan, 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 August 3, 2023.

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

II. New Business

1. Variance/Michaelson - Section 36, Shieldsville Township

Cory Michaelson, on behalf of landowner Cory G Michaelson Trust, has requested approval of the following variance(s):

- A variance to allow for two additional detached buildings beyond maintaining the existing one allowed per riparian parcel.
- A 8400-sqft variance from the 1200-sqft size limitation with a 12-ft variance from the 14-ft peak height to allow for a 9600-sqft shed with a 26-ft peak height.
- A second 8400-sqft variance from the 1200-sqft size limitation with a 12-ft variance from the 14-ft peak height to allow for a separate 9600-sqft shed with a 26-ft peak height.

The property is described as: Part of the S1/2, Section 36, Shieldsville Township, Rice County, Minnesota. PID#: 09.36.4.51.003. The property is Zoned GDS, Shoreland.

Motion by Charlie Peters, seconded by Matt Purfeerst, to approve the Variance request with the following conditions and findings for Cory Michaelson. 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 – Michaelson

1. The variance is to allow for two additional 9600-sqft Agricultural use buildings with 26-ft peak heights to be located on the property, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. One building is to be used only for personal horse housing and riding and the other building only for agricultural shop and agricultural equipment storage use. No change in uses are to be done without separate county zoning and building approvals.

4. This variance shall replace the one approved in May 2023.
5. Variance shall be void if a building permit for the proposed sheds are 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 - The main access will be off of 210 St W and not Geneva?

TM - It will be off the South road.

MS - The earlier buildings were never built for the previous variance, this would be a replacement?

TM - Correct. If approved, one of the conditions states this will replace the previous variance. The previous variance location had the access on the road to the east, this variance location will access off the road to the south.

The BOA asked the applicant, Cory Michaelson (CM), to come forward to add comments or answer questions regarding the request.

CM - *gave handout to Board Members* - You can see on the document I gave you where the original approved locations were. As you may recall from the meeting in May, a neighbor expressed concern about flooding in that area. Since closing on the property, I have been able to walk the property and shoot some elevations and can understand that concern. That's the reason for wanting to move the location of the buildings. We would be using the access off of County Road 12 that TM references and where he took photos from. This location would serve a couple of purposes. It would get us up on higher ground and take care of the concern of the neighbor. I labeled all of the residences/neighbors. If it is of any concern, some of the residents are here today in support and I have emails from others. I have talked to each of the neighbors and walked them through what we are doing, answered their questions, and let them know what the long range plan is. The big question is with moving the location, we will be infringing on the 1,000ft setback to the lake. There are a number of other instances that I referenced around the lake. Depending on the feelings of the board, it looks like we would need to infringe about 145ft. We could infringe more and keep more Ag land in production or we could infringe less and take more Ag land out of production. I assumed that the 1,000ft setback was the most concerning, so I tried to stay with the least amount of infringement on that. Beyond that, I think I have addressed everything in the variance criteria questionnaire.

MP - This is for personal use, not a commercial stable?

CM - Correct, no training or boarding. Just our own horses with my wife and kids, 3-4 horses that we have had for the last 20 years. In talking with the neighbors, we did share that number with them and they didn't seem concerned. They said there are a lot more across the road that they smell, so they don't think they will notice ours.

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 - Previously with the location on the eastern side, there was concern from the neighbors over there.

JH - I remember there was some discussion in May on the placement of where the structures should go.

CP - It seems like no one is concerned about it being tucked up closer. It will be well shielded.

MS - It is going to be small, just 3-4 horses.

MP - I like that he is using the same access that is already there. My mind goes right away to with animals there will be flies bothering the neighbors, but there is a swamp in between which will bring more flies and mosquitos from that then 3-4 horses.

CP - I motion to approve with the 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: For finding #1 - it is an Ag use on a large parcel that is 40 times the minimum size for that district. For #2 - it is Ag storage and livestock in an active crop land property. For #4 - the topography and drainage does limit the locations and vegetation screens it to the lake. With #5 - there are other large Ag buildings in the area and the buildings are still a significant distance from the lake as proposed.

Motion made, seconded, and approved unanimously.

2. **Variance/Uittenbogaard - Section 19, Walcott Township**

Dennis Uittenbogaard has requested approval of the following variance(s):

- A 25-ft variance from the 100-ft property line setback to allow for a new property line to be located 75-ft from an existing livestock building.

The property is described as: Part of the NW1/4, Section 19, Walcott Township, Rice County, Minnesota. Current PID#: 15.19.2.00.001. The current property addresses are: 24230 & 24296 Albers Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Dennis Uittenbogaard. The property is located in Section 19 of Walcott Township.

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

CONDITIONS OF APPROVAL – Uittenbogaard

1. The variance is to allow for a new property line to be located 75-ft from an existing livestock building, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be void if the parcel split is not recorded within one year of the variance approval.
4. Remaining property shall comply with all zoning use and setback requirements.
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).

The BOA asked the applicant, Dennis Uittenbogaard (DU), to come forward to add comments or answer questions regarding the request.

DU - I am 78 yrs old and have sold my livestock facility. Nothing is changing, both the solar and

livestock facilities have been there, but now I have to have a boundary.

MS - Are you aware of the 5 conditions?

DU - 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:

GJ - Seems like an easy one.

MP - Straight forward.

CP - The space is just a little tight to meet the setback.

MP - I will motion to approve.

GJ - 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:

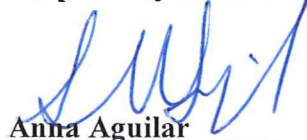
TM: For finding #1 - it is an existing livestock and solar site, both are allowed in that district. For #5 - this is just splitting the two existing uses apart. It will not appear any different, other than there will be a property line there.

Motion made, seconded, and approved unanimously.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Johnson, second by Hogan, to adjourn the meeting at 6:53 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair



Michael Streiff