

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, January 4, 2024 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by acting Chair Julia Hogan at 6:00 p.m.

Members present were: Charlie Peters, Julia Hogan, Matt Purfeerst, Kenneth Engen.

Members absent were: Garrett Johnson

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

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

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

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

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

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

D. Motion by Charlie Peters, seconded by Matt Purfeerst, to approve the minutes of December 7, 2023.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

II. House Keeping Items

A. Motion by Charlie Peters, seconded by Matt Purfeerst, to approve the election of Julia Hogan as the Chair of the Board of Adjustment for 2024.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

B. Motion by Charlie Peters, seconded by Julia Hogan, to approve the election of Matt Purfeerst as the Vice Chair of the Board of Adjustment for 2024.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

C. Motion by Charlie Peters, seconded by Matt Purfeerst, to delegate the Board of Adjustment secretarial duties to Environmental Services Staff for 2024.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

D. Motion by Matt Purfeerst, seconded by Charlie Peters, to approve the 2024 Meeting Schedule as drafted by Environmental Services Staff.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

E. Motion by Charlie Peters, seconded by Matt Purfeerst, to approve a 3 minute time limit per person for individual public comment at the 2024 Rice County Board of Adjustment meetings.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

III. New Business

1. Variance/Fraki - Section 4, Wells Township

Scott Fraki has requested the following variances:

- A 1200-sqft variance from the 1200-sqft building size limitation to allow for a 2400-sqft shed.
- A 9-ft variance from the 14-ft building peak height limitation to allow for a shed with a 23-ft peak height.

The property is described as: Part of Government Lot 1 and Part of the SW1/4, Section 4, Wells Township, Rice County, Minnesota. PID#10.04.3.50.002. The property address is: 15904 Shieldsville Blvd, Faribault, MN 55021. 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 Scott Fraki. The property is located in Section 4 of Wells

Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – Fraki

1. The variance is to allow for a 2400-sqft personal use storage building with a 23-ft peak height to be located on the property, subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan shall be followed.
3. Building is to be used only for personal accessory storage.
4. Variance shall be void if a permit for the proposed shed is not obtained within one year of the variance approval.
5. Septic compliance must be provided to Rice County Environmental Services prior to issuance of a building permit for the shed.
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, Scott Fraki (SF), to come forward to add comments or answer questions regarding the request.

SF - What we have is a 15 acre property that currently has a lot of buckthorn and dead elm, so we have equipment to clean up the land. We don't have a place to park equipment by the house and there isn't a place to build there. We need somewhere to store equipment, a travel trailer, and other personal watercraft so that they are not sitting out by the highway. Just a storage building.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

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

Discussion:

CP - I'm familiar with the site, and it's far enough back from the lake. You can't see the lake from the proposed building site. It's actually the best place he could put the shed, and the peak height is not that tall. I don't see any issues with the proposed building site.

MP - I like his comment about getting his stuff in a shed, so you don't see trailers and equipment while driving down Highway 21. It's nice to have a shed to put stuff in.

JH - It is a lot larger than other recreational shoreland lots.

CP - I'll make a motion for approval with the 6 conditions.

MP - I will second that.

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; **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, lot is very large and is way off the lake***
- *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; and **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 CP with the conditions as stated above and with the following additions by staff:

TM: No additional comments from Staff.

Motion made, seconded, and approved unanimously.

2. **Variance #1/Steeves, Section 6, Cannon City Township**

Zach Steeves, on behalf of landowners, has requested the following variance:

- A 20-ft variance from the 20-ft property line setback to allow for a mining operation to be operated up to a property line.

The property is described as: Part of the N1/2 of the NE1/4 and Part of the E1/2 of the NW1/4, Section 6, Cannon City Township, Rice County, Minnesota. PID#11.06.1.25.001. The property address is: 1503 150th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Zach Steeves. The property is located in Section 6 of Cannon City Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – (Steeves)

1. The variance is to allow for mining up to the south property line where mining is shared with the mining operation to the north.
2. The mineral extraction mining operation shall be restricted to the area on the applicant's submitted site plan, subject to compliance with all setback requirements except the 0-ft lot line setback with the shared south mining property line.
3. Prior to additional mining the applicant must consult with the Rice SWCD to verify onsite wetland compliance.
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 - Why weren't the parcels able to be combined?

TM - I think it's best for the applicant to address that. I'm not sure of the full details.

MP - When you say right to the line, is there a slope requirement?

TM - Assuming the variances are approved on both sides, they can mine right through the line.

MP - And if they weren't?

TM - If they weren't, even the sloping is supposed to be back 20 feet, so we would have a 40-foot strip in there. Originally, this site was permitted on the north property only, and they mined across the line and had to try to address that in the revised permit earlier this year.

The BOA asked the applicant, Zach Steeves (ZS), to come forward to add comments or answer questions regarding the request.

ZS - Looking for variances to continue mining. With the previous IUP, we were supposed to combine the properties, but due to one property having an owner that does not want to sell, we haven't been able to combine. Hopefully that will be resolved during the time period of this variance, but at this time we weren't able to do anything about it.

MP - You are still planning to combine these properties?

ZS - That's the plan once we get ownership of the other property.

JH - But at this time, the other owner is fine with having the 0ft setback from the property line?

ZS - Well, he wouldn't really have any control, but there would be monetary compensation. But the whole overall issue should be resolved in a couple of months.

MP - Are you still actively mining that pit, even through the winter?

ZS - Well, we kind of closed up.

MP - I am just wondering if you could push back the process until spring once it's resolved.

ZS - It should have been resolved by now, but for myself, I can't speak to that. But it is their intention, that over the next two court dates, it should be resolved.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

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

Discussion:

CP - Ownership issues are a little shady, but the owners are not here and have not written letters, so they must be okay with it.

KE - That's my thought.

MP - Sounds like they are trying to figure it out and dealing with the court system. There is already mining taking place on both sides of the property line, it's owned by similar interests and I don't want to stop progress.

CP - Exactly. They have already mined through there, so they must have some agreements worked out. Hopefully they can work out the ownership issues.

JH - But at the same time, it's been a couple of years of having this issue and trying to get it fixed up.

Who knows, it could be another couple years.

MP - Yeah it's hard to say.

Applicant back up to the podium.

ZS - Controlling ownership, which is the same on both sides, have no objection to combining. They use it for their own gain. But one of the owners of the south property, who is not a controlling owner, has an issue with merging properties. Hopefully, that owner will be bought out of this property in the coming months. But he would have no say over what happens to this. It's just that as long as that 1/3 owner is in there, we can't merge the properties.

JH - But they are okay with the variance, right? They just aren't okay with merging the properties currently.

ZS - Yes.

CH - So it's an estate issue?

ZS - Yes. Same controlling owners, but there is one extra owner on the south property.

MP - I think that answered the question a little bit. They are both in financial gain to it. The owners are obviously in favor of it because he is representing the owners. So I am in favor of doing this.

MP - I motion to approve.

CP - I second.

TM - Motion includes the 4 conditions?

MP - Yes.

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; yes*
- *Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan; yes, as land and no neighbors the mining will affect*
- *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, property line will hopefully be resolved*
- *If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties; yes, already a pit on both sides*
- *This is the minimum variance necessary to afford relief; yes, both are large acre lots*
- *Adequate sewage treatment and water capabilities can be provided; yes*
- *The variance would have no significant impact on public health or safety; and 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: No additional comments from Staff.

Motion made, seconded, and approved unanimously.

3. **Variance #2/Steeves, Section 6, Cannon City Township**

Zach Steeves, on behalf of landowners, has requested the following variance:

- A 20-ft variance from the 20-ft property line setback to allow for a mining operation to be operated up to a property line.

The property is described as: Part of the S1/2 of the NE1/4, Section 6, Cannon City Township, Rice County, Minnesota. PID#11.06.1.75.001. The property is accessed from an address of: 1503 150th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Zach Steeves. The property is located in Section 6 of Cannon City Township.

RESULT: Approved, AYES: Charlie Peters, Julia Hogan, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – (Steeves)

1. The variance is to allow for mining up to the north property line where mining is shared with the mining operation to the north.
2. The mineral extraction mining operation shall be restricted to the area on the applicant's submitted site plan, subject to compliance with all setback requirements except the 0-ft lot line setback with the shared north mining property line.
3. Prior to additional mining the applicant must consult with the Rice SWCD to verify onsite wetland compliance.
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, Zach Steeves (ZS), to come forward to add comments or answer questions regarding the request.

ZS - I have nothing further to add.

Chair Hogan opened the public testimony portion of the item to the public and no one spoke.

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

Discussion:

CP - Same issue, just the other side of the property line

MP - I'll make a motion to approve with the 4 conditions.

CP - I second that.

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; yes*
- *Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan; yes, ag land with no neighbors*
- *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, there is clearly the property line going through there*
- *If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties; yes, it's already a gravel pit on both sides of the line*
- *This is the minimum variance necessary to afford relief; yes both lots are large*
- *Adequate sewage treatment and water capabilities can be provided; yes*
- *The variance would have no significant impact on public health or safety; and 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:

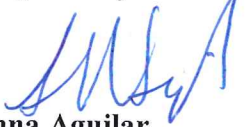
TM: No additional comments from Staff.

Motion made, seconded, and approved unanimously.

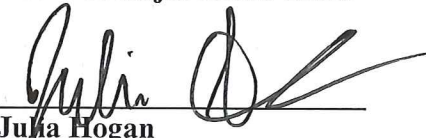
IV. Adjournment

Hearing no other items before the BOA, a motion was made by KE, second by MP, to adjourn the meeting at 6:27 pm. Motion carried 4-0.

Respectfully Submitted


Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair


Julia Hogan