

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, February 1, 2024 at 6:00 PM**

I. Call to Order

A. Roll Call

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

Members present were: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Kenneth Engen.
Members absent were: None

Staff present were: Director Julie Runkel (*via Zoom*), Zoning Administrator Trent McCorkell, Planner Jeremy Edwards, Clerk Laurie Johnson, Clerk MacKenzie Klett.

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: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen,
NAYS: None

C. Motion by Ken Engen, seconded by Matt Purfeerst, Approval of the Agenda

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

D. Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the minutes of January 4, 2024.

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

II. New Business

1. Variance/Jandro – Section 9, Richland Township

Luke Jandro has requested the following variance:

- A 355-ft variance from the 1000-ft setback to allow for a proposed home to be located 645-ft from a livestock operation.

The property is described as: Part of the S1/2, Section 9, Richland Township, Rice County, Minnesota. PID# 16.09.3.00.001. The property address for the home currently on the parcel is: 9542 230th St E, 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 Luke Jandro. The property is located in Section 9 of Richland Township.

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

CONDITIONS OF APPROVAL – Jandro

1. The variance is to allow for a new home to be located 645-ft from the registered livestock facility located to the southwest of the proposed home location, subject to compliance with all other Ordinance regulations.
2. Approved site plan 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, Luke Jandro (LJ), to come forward to add comments or answer questions regarding the request.

LJ - So our plan is to utilize that section of the property because the site is more hilly, and it won't affect the property as much if we use this location versus another location.

JH - Is that eastern portion of your original parcel pretty hilly then?

LJ - That section that is to the north of the neighboring property that is all hill. It's a very large hill.

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

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

Discussion:

MP - I know the property, it's a great spot to build a house. It's not going to affect the livestock facility I wouldn't think at all, and they are not using it right now. I think it's a great spot for the house.

CP - I agree.

MP - Trent, if we do make a motion here, with condition number 1 you want us to make a motion with the 645 ft limit?

TM - Yes, that is the number we want, that is the correct distance.

Mp - I move to approve with conditions and number 1 listing 645-ft away from the livestock facility.

GJ - I 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; yes, in ag district*
- *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, just constructing a house*
- *The request stems from circumstances unique to the property, not one created by the landowner; yes, I mentioned the big hill this is a good spot to build a house*
- *If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties; yes*
- *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 MP with the conditions as stated above and with the following additions by staff:

TM: Proposed home is very close to another home, which helps minimize impact. Other sites on that property would have a greater impact on ag production in the area, as they would be in crop fields. And they are still maintaining a pretty good distance to the livestock facility.

Motion made, seconded, and approved unanimously.

2. Variance/Remmey – Section 15, Shieldsville Township

Wes Remmey, has requested the following variances:

- A 790-sqft variance from the 1200-sqft structure size limitation to allow for a 1990-sqft structure.
- A 24-ft variance from the 14-ft peak structure height to allow for a structure with a 38-ft peak height.

The property is described as: Lots 3 & 4 in Wildwood subdivision, Section 15, Shieldsville Township, Rice County, Minnesota. PID#s 09.15.1.01.003 & 09.15.1.01.004. The property address is: 9310 Dodd Road, Kilkenny, MN 56052. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Charlie Peters, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Wes Remmey. The property is located in Section 15 of Shielsville Township.

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

CONDITIONS OF APPROVAL – Remmey

1. The variance is to allow for a 1990-sqft shed with a 38-ft peak height, subject to compliance with all other ordinance regulations.
2. The application plans submitted shall be followed.
3. The property shall be combined onto a single deed and tax parcel prior to issuance of any building permits.
4. A septic compliance inspection shall be completed by the earlier of the issuance of a building permit or August 1, 2024. Inspection shall identify the existence of an available alternative septic location. If the system is non-compliant, a compliant system shall be installed by not later than December 1, 2024.
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, Wes Remmey (WR), to come forward to add comments or answer questions regarding the request.

WR - We have got five points here. We are proposing to the Board of Adjustment a structure that is common and traditional in appearance in the immediate area. The lot isn't a typical lake lot due to its large size. Because of the proposed set back from the lake, in most situations its physical location is more in keeping with-in the sizing limitations of a tier two parcel. I think each lot is about 2.5 acres. Part of this process also requires the combining of the two, with the one that our home sits on, this means the lot in question no longer becomes eligible for a home and the proposed structure would physically encompass a footprint that is consistent with the size of a single-family home. So, because of the required combining of the two parcels the built environment on the land is equal or less than what it is currently zoned for. We also own adjoining lots of either side of the one our home is on and the other one, so our property actually encompasses more like 10 acres rather than what you think of with a typical lake lot of 150 x 300 feet. And as you've seen from some of the photos where the house sits is more of an agricultural environment than what one would typically think of for a lakeshore. The reason we are looking at locating the building up at the top there is it impacts its visibility from the lake and also would be very traditional, this is kind of a deviation in aesthetics just to make it blend in with the landscape.

CP - It looks like it's a gambrel style barn, like an old fashioned barn.

WR - Its a 1920 barn, I think in your packet you'll see pictures of barns in the immediate vicinity, the footprint is consistent with that and aesthetically that's what we want it to look like but as a new built barn. I don't know if any of you guys had to bail hay and stuff when you were kids but the barns 7 foot side walls would all fall down because you can't park cars in it, they're functionally obsolete and our goal was to make a higher first level, still have that gambrel and it can still be used for the garage space underneath and we're Americans, so you get stuff and the hay mow can be used for stuff because there is never enough stuff right.

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

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

Discussion:

CP - I am familiar with the area, there is a field due north of them and there are no close neighbors and its way back from lake.

JH - I think the main issues we normally look at for height and size variances are if it is going to hinder views for others in some way.

CP - I think it'll be pretty shielded from the lake and there are two roads due north of the property, basically a township road and a county road.

CP - I motion for approval.

GJ - I 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; 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*
- *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: The motion includes both variances and the 6 conditions correct?

CP - It did, yes.

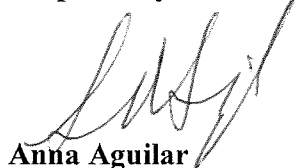
TM - I just have a couple of findings to add stating that they could've constructed and home on that separate parcel of similar size to what is proposed with the storage building. It is a long distance to the lake, it's about 700 feet and the building will be screened from the lake as well.

Motion made, seconded, and approved unanimously.

III. Adjournment

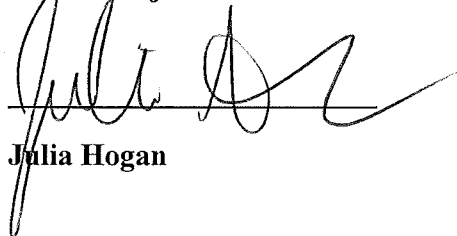
Hearing no other items before the BOA, a motion was made by GJ, second by KE, to adjourn the meeting at 6:19 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair



Julia Hogan