

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, May 2, 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 6:05 p.m.

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

Staff present were: 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 Garrett Johnson, Reading of the Notice

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

C. Motion by Garrett Johnson, 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 Charlie Peters, seconded by Garrett Johnson, to approve the minutes of April 4, 2024.

RESULT: Approved, AYES: None, NAYS: None

II. New Business

1. Variance/Miller-Morgan - Section 17, Morristown Township

Mandy Miller and Dustin Morgan have requested the following variances:

- A 2160-sqft variance from the 1200-sqft building size limitation to allow a 3360-sqft shed.
- A 11-ft variance from the 14-ft peak height limitation to allow for a shed with a 25-ft peak height.

The property is described as: The S1/2 of Government Lot 1, Section 17, Morristown Township, Rice County, Minnesota. PID# 13.17.3.50.002. The property address is 23913 Lake Ave, Waterville, MN 56096. The property is Zoned NES, Natural Environmental Shoreland.

Motion by Matt Purfeerst, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Mandy Miller and Dustin Morgan. The property is located in Section 17 of Morristown Township.

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

CONDITIONS OF APPROVAL – Morgan

1. The variance is to allow for a 3360-sqft shed with a 25-ft peak height, subject to compliance with all other ordinance regulations.
2. The application plans submitted shall be followed.
3. Variance shall be void if a building permit for the proposed shed is not obtained 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, Dustin Morgan (DM), to come forward to add comments or answer questions regarding the request.

DM - The picture doesn't show it, but as far as neighbors, we don't have any to the south and to the west is farmland. We are going to build it down 20 feet from the road because it was a gravel pit at one point, but yet we are still up from the lake about 50 feet from water level. We are not blocking any views of the lake, and we can't see the neighbors because of the berm to the north.

JH - Are you aware of the 4 conditions?

DM - Yes.

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 - Looking at the pictures and the lay of it, it will be well shielded because the road is higher and there are no neighbors.

KE - It looks like the most logical spot for it.

GJ - The big parcel helps a lot, so there will be more room, and it will also be far from the lake.

MP - They are building it farther from the lake.

MP - Motion.

CP - 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, the old gravel pit is lower*
- *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, it is a lakeshore lot with significant slopes*
- *If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties; yes, he cannot see his neighbors*
- *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; 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.

Motion made, seconded, and approved unanimously.

2. **Variance/Stuge - Section 35, Erin Township**

Mike Stuge has requested the following variances:

- A 10% variance from the 25% lot impervious surface limitation to allow for home and garage additions to an existing home on a lot with a current 35% lot impervious surface coverage.
- A 25-ft variance from the 75-ft lake setback to allow for home and garage additions to an existing home located 50-ft from Shields Lake.

The property is described as: Part of Government Lot 4, Section 35, Erin Township, Rice County, Minnesota. PID# 05.35.2.50.001. The property address is 14400 Irwin Path, Lonsdale, MN 55046. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Matt Purfeerst, to approve the Variance request with the

following conditions and findings for Mike Stuge. The property is located in Section 35 of Erin Township.

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

CONDITIONS OF APPROVAL – Stuge

1. The variance is to allow for a 23-ft by 25-ft home addition onto an existing home located 50-ft from Shields Lake, subject to compliance with all other Ordinance regulations.
2. The variance is to allow for a home addition onto a lot with a 35% lot impervious surface coverage.
3. Approved site plan shall be followed.
4. A certificate of survey verifying setbacks, impervious surface percentage, and floodplain elevations shall be submitted with permit applications.
5. A septic compliance inspection, showing the onsite septic system to be in compliance shall be submitted with permit applications.
6. 600-sqft of raingarden(s) or other short-term stormwater retention feature(s) shall be installed and maintained on the parcel. The feature(s) shall be established by not later than September 1, 2024 and shall be maintained after that time.
7. Variance shall be considered void if permits are not obtained for the addition and construction commenced within one year of the variance approval.
8. Failure to comply with the terms of this variance may result in termination of the Variance.
9. Vegetation shall be established and maintained in all areas north of the driveway.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA).

JH - This addition wouldn't increase the impervious surface coverage?

TM - Yes, it wouldn't be adding any.

GJ - Trent, how much do you think that northwest corner would add in if you don't think the applicant took into account?

TM - 20x20 or 20x30, about 600 square feet.

The BOA asked the applicant, Mike Stuge (MS), to come forward to add comments or answer questions regarding the request.

MS - So the brief description, it's basically just building a garage onto the front. It's going onto the existing impervious surface of the driveway, so I am not increasing the impervious surface. We bought the house about 2 years ago and haven't changed much. There was a previous survey done in 2008 or 2009 that I used for my measurements. Regarding the 4-5 inch river rock in the northwest corner, I didn't count that in the impervious surface. I am willing with the new plan to not park in that area and sod the northwest corner.

JH - I read in your narrative you are going to narrow the driveway.

MS - Yes, that is part of the plan. I don't plan on hardening any more surfaces. I don't want water ponding west of the pole born. There are some holding areas off of the road near the property line where the water drains before it goes into the lake.

JH - Are you aware of the 8 conditions?

MS - Yes. I did talk to a surveyor, and I was wondering what changed from the last survey?

JH - That I do not know, I have not seen that survey.

MP - How close are you going to get to the road with this addition?

MS - There are 3 of us on the road and I maintain that road. It is probably 50-60 feet from the road. I am the one that maintains that road. I plow it in and out every year and the 3 of us share the maintenance on it.

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 - We will need to figure out a raingarden for the conditions. The survey will take care of the impervious.

JH - We need to set it before a motion.

GJ - As far as percentage?

JH - I'd be more comfortable going with what staff found, even if it is river rock, they were comfortable enough to state in the report that it is 40%.

GJ - Keep it at that or with narrowing the driveway do you want to leave it at 35%?

JH - You'd hate to have them end up being over and then having to come back.

MP - It's going to be a benefit if you can eliminate that northwest corner and then if he narrows the driveway it might not be much of a percentage increase.

KE - Especially if he goes in and sods or reseeds alongside the driveway once they are done. Then they are bringing it down in that aspect.

GJ - If staff estimates it at 40% and we set it at 35% then you are pushing the narrowing of the driveway and getting rid of the northwest corner.

JH - That means they would have to get rid of enough impervious surface coverage to meet that 35%.

GJ - I'm okay either way.

MP - He's not increasing it at all with the garage, so it is a tradeoff. I don't know how big the raingarden would be.

CP - I was going to ask staff what they suggest.

TM - It depends on what you go with for impervious. An idea would be to go with the 35% as requested and add a condition for that area to be vegetated. It has been typical for about 600 square feet for raingardens and that area being converted could be used for that.

CP - We all agree 35% impervious surface and a 600 square foot rain garden.

JH - And adding on a condition that vegetation shall be established and maintained in all areas north of the driveway.

JH - Will the applicant come back forward?

MS - Would I be able to turn that northwest corner into the raingarden?

JH - Yes, it just needs to be established.

CP - I motion to recommend approval with the 9 conditions including 35% impervious surface and a 600 square foot rain garden.

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; 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.

Motion made, seconded, and approved unanimously.

3. **Variance/Saemrow - Section 7, Morristown Township**

Wayne Saemrow, on behalf of landowner Saemrow Dairy, has requested the following variances:

- A 390-ft variance from the 1320-ft home setback to allow for a proposed earthen manure storage basin to be 930-ft from a neighboring home.
- A 17-ft variance from the 70-ft Road Right of Way setback requirement to allow for a shed addition to be 53-ft from the Road Right of Way of Lake Ave.

The property is described as: Part of the SE1/4 and Part of the NE1/4 of Section 7, Morristown Township, Rice County, Minnesota. PID# 13.07.4.00.001 & part of 13.07.4.25.001. Property address is 22490 Lake Ave, Waterville, MN 56096. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Wayne Saemrow, on behalf of landowner Saemrow Dairy. The property is located in Section 7 of Morristown Township.

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

CONDITIONS OF APPROVAL – Saemrow

1. The variance is to allow for a 20'x40' addition to an existing ag shed to be located 53-ft from the Road Right of Way, subject to compliance with all other Ordinance regulations and conditions.
2. Approved site plan shall be followed.
3. Site is to comply with all Rice County and State livestock regulations prior to livestock use of the buildings.
4. A building permit shall be obtained and construction of the building started within one year of variance approval or the variance will be void.
5. Failure to comply with the terms of this variance may result in termination of the Variance.
6. Septic compliance inspection shall be completed prior to issuance of building permit. If the system is found non-compliant, the septic must be replaced within one year.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA).

The BOA asked the applicant, Wayne Saemrow (WS), to come forward to add comments or answer questions regarding the request.

WS - The expansion would be to our machine shop. We are looking to add capacity to our shop. As you look on our property there are other buildings that are closer to the right of way. It would be a 20 ft expansion to our shop.

JH - Are you aware of 5 conditions?

WS - Yes.

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:

TM - There are two parts, the first part is the earthen basin and the second would require a modification to the first condition if that is tabled.

JH - Is there a motion and a second to table the first part of the request?

GJ - I motion for the first part to be tabled until the May 30th meeting.

CP - I'll second that.

Motion made, seconded, and approved unanimously.

JH - Is there discussion on the second portion for the road right of way setback?

GJ - It's a tight operation on the site. I understand that with the size of equipment continuing to grow.

MP - It's a gravel road, so there is not a ton of traffic and no impact on visibility because it is a straight road.

CP - I agree, I have no issues.

JH - We will have to change the first condition.

TM - The first condition would be "The variance is to allow for a 20'x40' addition to an existing ag shed to be located 53-ft from the Road Right of Way, subject to compliance with all other Ordinance regulations and conditions." I also want to mention that Environmental Health with the County would also want a septic compliance condition.

JH - So we would have 6 conditions.

GJ - I move to approve with the 6 conditions and the updated first condition.

CP - I'll 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*
- *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; 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 GJ with the conditions as stated above.

Motion made, seconded, and approved unanimously.

4. **Variance/Morris - Section 18, Cannon City Township**

Chad and Stephanie Morris, on behalf of landowners Michael and Julie Karp, have requested the following variances:

- A 5-ft variance from the 16-ft peak height limitation to allow for a shed with a 21-ft peak height.
- A variance from the restriction on grading a slope of 18% or greater to allow for grading of 24-32% slopes to allow for construction of a shed and house.

The property is described as: Lots 14 and 15, Block One, First Addition to Oakwood Hills subdivision, Section 18, Cannon City Township, Rice County, Minnesota. PID#s 11.18.4.51.002 & 11.18.4.51.003. The property is Zoned RR, Rural Residential.

Motion by Charlie Peters, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Chad and Stephanie Morris, on behalf of landowners Michael and Julie Karp. The property is located in Section 18 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Morris

1. The variance is to allow for grading and filling of a steep slope for an 1800-sqft shed with a 21-ft peak height and a house, subject to compliance with all other ordinance regulations.
2. The application site plan shall be followed.
3. Engineered plans for the grading, filling and drainage shall be submitted to Rice County Environmental Services office prior to issuance of any building or grading permits. Drainage plan must show no negative impact on nearby properties.
4. Two suitable onsite septic locations must be shown to exist and be maintained through the building process.
5. Driveway permits shall be obtained and submitted with any grading, filling, or building permits.
6. Variance shall be void if building and grading permits for the proposed shed and house are not obtained within one year of the variance approval.
7. 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).

MP - There was a letter on the water. Did we receive any follow-up?

TM - Yes, we did receive a letter for you to take into consideration. Seeing that was a significant water drainage already there was condition requiring engineered plans to show the grading and water is properly handled so that it is not impacting the neighbor.

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

CM - Regarding the first variance is the 5ft addition to a shed, we have a camper and boat so we need a taller shed with a 14 foot side wall and with trusses at 21ft height. Regarding the second part with the steep slope, we are building a single family home. We are proposing building to the front of the property at the beginning of the slope and the slope would go down around the home to create a walkout basement. We would use the lower part of the ravine as a walkout area and keep the house far enough to the front of the property to not affect that water flow. We understand we have to have an engineer confirm that.

JH - Are you aware of 7 conditions?

CM - Yes.

Chair Hogan opened the public testimony portion of the item to the public and the following spoke:

Preston Bauer - *Cannon City Township Supervisor* - Eiler Avenue - With regard to the grading and filling is the proposal to bring material in and access the Township road, would it require a CUP?

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

Discussion:

JH - Do you have insight on that Trent?

TM - Yes, based on the site plan it will take fairly involved filling in the area. That is included with the building permit. For access they will need township approval for driveways.

CP - So the fill would that be with the building permit?

TM - Any fill associated with the house would be included with that permit. If they were to try to do the grading without the building permit it would become an IUP.

CP - When they get the driveway permits through the Township they could include conditions if they choose.

KE - The photo of the house with the sign that said Oak Wood Trail, that is an access off Highway 3. The other access would be off Alvey Trail and through that housing area that the Township takes care

of.

JH - I understand wanting a taller shed, but we do have a height limit with it being new construction.

KE - Do we know the height of the shed next to it?

JH - I'm getting at it being a new build.

MP - I was looking at the lot and back behind it is a field, a valley to the road, and next to it is a shed, so it's not blocking a view.

JH - I'm just getting at the zoning code.

CP - I don't have a problem with the height of the shed. I see why these are the last 2 lots to be sold in that cul-de-sac with the grades. I make a motion for approval with the 7 conditions.

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, this is the minimum height needed for the shed*
- *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, shed height is consistent with height of camper and boats*
- *Adequate sewage treatment and water capabilities can be provided; yes*
- *The variance would have no significant impact on public health or safety; 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.

Motion made, seconded, and approved unanimously.

5. **Variance/Zabinski - Section 18, Cannon City Township**

Troy Zabinski has requested the following variance:

- A 10-ft variance from the 70-ft Road Right of Way setback to allow for an accessory dwelling unit to be located 60-ft from the Ames Trail Road Right of Way.

The property is described as: Part of the NE1/4 of the NE1/4, Section 18, Cannon City Township, Rice County, Minnesota. PID# 11.18.1.00.003. The property address is 16980 Ames Trail, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Ken Engen, to approve the Variance request with the following conditions and findings for Troy Zabinski. The property is located in Section 18 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Zabinski

1. The variance is to allow for an accessory dwelling unit to be located 60-ft from the Road Right of Way (ROW) of Ames Trail, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Prior to building permit issuance, the onsite septic system shall be shown to be in compliance with County regulations.
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 - So what is the topography like?

TM - Fairly flat between road and shed.

JH - What about further back?

TM - It drops off back there so they wouldn't be able to put it behind the shed. The only flat area is the yard.

CP - Where is the septic system?

TM - The proposed location was not going to impact that. The contour map is on screen now. You can see it gets steep behind the buildings.

JH - Behind the house is that a pool?

TM - That is what it looks like.

The BOA asked the applicant, Troy Zabinski (TZ), to come forward to add comments or answer questions regarding the request.

David Berens - *authorized agent* - 18th Avenue NW - It is a fairly routine site except when you go further back towards the gravel pit area, grades make that quite cumbersome to do a building. This building will join the storage shed in order to maintain drainage, which is the purpose of the minor setback request at this location.

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:

JH - I don't like to see variances for something that is newly adopted to the zoning code.

GJ - I agree, but I don't think we've seen a lot like this.

JH - I do understand the limitations with the topography of the land. I'm guessing an ADU was not in the original plan for the property owner. They could have made different adjustments if it had been allowed within the County.

CP - I'm sure the shed would have been smaller. It is on the same property still within 350 feet.

MP - It is on a gravel road, so you are not affecting a ton of traffic. I motion to approve.

KE - I second with 5 conditions.

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, it is in the 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*
- *The request stems from circumstances unique to the property, not one created by the landowner; yes, topography of the land does not allow it anywhere else*
- *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; 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.

Motion made, seconded, and approved unanimously.

6. Variance/Mullenberg - Section 19, Cannon City Township

Gene and Kristine Mullenberg, on behalf of landowner Willows Warehousing LLC, have requested the following variance:

- A 17-ft variance from the 100-ft Road Right of Way setback requirement to allow for modifications to a building located 83-ft from the Ames Trail Road Right of Way.

The property is Zoned LI, Limited Industrial.

The above entitled matter came to be heard before the Rice County Board of Adjustment on May 2, 2024 on a petition for a variance pursuant to the Rice County Zoning Ordinance.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Gene and Kristine Mullenberg, on behalf of landowner Willows Warehousing LLC. The property is located in Section 19 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Mullenberg

1. The variance is to allow for modifications to an existing building located 83-ft from the Ames Trail Road Right of Way, 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, Gene Mullenberg (GM), to come forward to add comments or answer questions regarding the request.

GM - We are requesting a variance to expand our plumbing business.

JH - You are aware of 4 conditions?

CP - You are going to be using that existing footprint?

GM - Yes.

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:

GJ - I like that they are using the existing building.

JH - Yes.

GJ - The existing building is already there, you are not going to move it further away.

MP - It looks like a great spot.

KE - I agree.

MP - I will make a motion to approve.

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; yes*
- *Special privileges are not conferred to the applicant that are denied owner of other lands, structures, or buildings in the same district; yes*

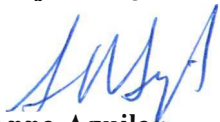
The findings were read by MP with the conditions as stated above.

Motion made, seconded, and approved unanimously.

III. Adjournment

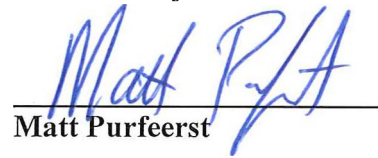
Hearing no other items before the BOA, a motion was made by KE, second by GJ, to adjourn the meeting at 7:00 pm. Motion carried 5-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair


Matt Purfeerst