

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, July 11, 2024 at 6:00 PM**

I. Call to Order

A. Roll Call

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

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

Staff present were: Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards,
Administrative Coordinator Anna Aguilar, Clerk MacKenzie Klett.

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

B. Motion by Charlie Peters, seconded by Ken Engen, Reading of the Notice

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

C. Motion by Ken Engen, seconded by Garrett Johnson, Approval of the Agenda

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

Item 5 requested to table until September 5th

D. Motion by Charlie Peters, seconded by Garrett Johnson, to approve the minutes of May 30, 2024.

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

II. Old Business

1. Variance/Saemrow - Section 7, Morristown Township

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

- 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.

The property is described as: Part of the SE1/4 and Part of the NE1/4, 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 Ken Engen, 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, Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None

CONDITIONS OF APPROVAL – (Saemrow)

1. The variance is to allow for a new two compartment earthen basin. One compartment being 150'x400' and the other 330'x400' for a total of approximately 13.4 million gallons, 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.

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 - So I guess this proposed lagoon is part of a 25-year process we have had in place to get into environmental compliance with our dairy site. Our dairy was first built in 1994, and then we expanded in 1999. Since the time of the original construction, rules have changed for permitting based upon our size and state and federal regulations. Now we need to be able to control all the runoff on our site, and we need additional manure storage just to be compliant with our current permit. So that is the reason for the new earthen storage structure for manure. Tonight you will hear more on the CUP permit; there will be more details coming later on this project, but as far as the position and the need for the variance, it was a very detailed process to try and position and place this basin based upon our need to control all the run-off for our site and have the right elevations for the necessary containment. As was stated earlier, we did have to do some property transfers to make the correct position a reality, so this has been a long process to get to this position and a lot of thought was put into it for the variance.

GJ - Have you had any discussions with the property owner that is getting the variance with?

WS - Yes, we have. The property owner is Debbie Kuball to the north and her son, Nate, is the next farm to the north. He is also a dairy farmer. We have spoken with them, and they have said they are 100% in agreement that we should go ahead and get the variance.

MP - Are you aware of the 5 conditions?

WS - Yes I am.

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

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

GJ - Obviously needs to be able to expand and become compliant with all the state feedlot regulations. And obviously the Kuball's to the north there can understand that, and they are alright with that.

KE - That would be the biggest thing, I think is neighbors.

MP - Right, it looks like they have a very good plan laid out too. They put a lot of work into this.

CP - I agree, become compliant with state regulations. So they have to do it.

GJ - I motion to approve with the 5 conditions.

KE - 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 GJ with the conditions as stated above and with no additions by staff:

Motion made, seconded, and approved unanimously.

III. New Business

1. Variance/Rodin - Section 35, Northfield Township

Anthony Rodin has requested the following variance:

- A 9-ft variance from the 16-ft peak height limit to allow for a storage building with a 25-ft peak height.

The property is described as: Lot 2, Block 1 of Nerstrand Woods Acres 2nd Addition, Section 35, T111 N, R19W, Northfield Township, Rice County, Minnesota. PID# 08.35.3.26.005. The property address is 11013 Kellogg Court, Nerstrand, MN 55053. The property is Zoned RR, Rural Residential.

Motion by Charlie Peters, seconded by Ken Engen, to approve the Variance request with the following conditions and findings for Anthony Rodin. The property is located in Section 35 of Northfield Township.

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

CONDITIONS OF APPROVAL – (Rodin)

1. The variance is to allow for a 50-ft by 100-ft personal storage shed with a 25-ft peak height, subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan/building plans shall be followed.
3. Variance shall be void if a 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, Anthony Rodin (AR), to come forward to add comments or answer questions regarding the request.

AR - I am trying to put up a pole building that I can park an RV or a 5th-wheel motor home in. I need the height for a 14ft door. That's the minimal height I need to get the 14ft door. I can't work on things as fast as I used to, so having something inside makes it a lot easier for me to work on stuff now.

CP - Is it replacing that old shed?

AR - Yes, that old shed is going to come out and then replace it with an L-shaped shed that will be a little bit longer and face the road. I won't be clearing out any of the trees, the trees will stay. I will be working on the open land.

MP - And you are at the bottom of the hill? You are not obstructing anyone's views?

AR - Nope, the people to the east of me, there is a solid tree line on each side of their driveway before my house. And to the south of me it's up a hill where their house looks completely down on top only during the winter when the trees don't have anything on them. Otherwise, I can't see their house from my house. And across the street you can see that there is nobody past the wetland, and then a row of trees before there are houses.

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

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

CP - Like he said, it is a replacement and it's shielded very well from all the neighbors.

KE - I don't see an issue, there are other sheds in the area with the same height.

CP - I motion for approval with 4 conditions.

KE - 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 no additions by staff:

Motion made, seconded, and approved unanimously.

2. **Variance/Berger (Williams) - Section 22, Wells Township**

Matthew Berger, on behalf of landowners Bruce and Lynn Williams, has requested the following variance:

- A 42-ft variance from the 75-ft lake setback to allow for a deck addition onto an existing home resulting in the deck being 33-ft from Roberds Lake.
- A 3% lot impervious surface limitation variance to allow for a lot with a 28% impervious surface coverage.

The property is described as: Lot 34 in Manley Park Subdivision, Section 22, Wells Township, Rice County, Minnesota. PID# 10.22.2.76.034. The property address is 3769 Chappuis Trail, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Matthew Berger, on behalf of landowners Bruce and Lynn Williams. The property is located in Section 22 of Wells Township.

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

CONDITIONS OF APPROVAL – (Berger(Williams))

1. The Variance is to allow for a 12-ft by 24-ft deck addition on the lake side of the home and to allow for a lot impervious surface coverage of 28%, subject to compliance with all other regulations and conditions.
2. The application site plan shall be followed.
3. A certificate of survey verifying existing and proposed elevations of the house and deck shall be submitted with the building permit application for the deck.
4. Variance shall be void if a building permit for the deck is not obtained within one year of the variance approval.
5. At least 50% of the shoreline within 10-ft landward of Roberds Lake shall be established and maintained in a natural unmown condition as buffer.
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).

GJ - I do have a question: in 2021, when there was 31% impervious. Did anything ever get built? Obviously, the garage is there, but how come that doesn't stand now? Why are we asking for 28%?

TM - I believe they recalculated some of those numbers and that is what is determined to be there.

GJ - Okay, so they are reducing it, if it was granted at 31%?

TM - I think that is what was granted and thought to be needed at the time back then when building the garage. This is a more accurate number or what they have come up with for a number on it.

The BOA asked the applicant, Matthew Berger (MB), to come forward to add comments or answer questions regarding the request.

MB - We just want to replace what was an existing deck before the storm came. It is a little bit smaller than what was there, actually. As far as the impervious, the water will still go through the deck on to the ground. We will be no closer to the lake than what was existing.

MP - Are you aware of the conditions?

MB - Yes.

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

James Fisher - *Fairfax Way* - It has been tough not to say anything beyond just the impervious surface issue. We have zoning regulations for impervious surface for a purpose to maintain and reduce the amount of runoff that we have on any site throughout the county. And I think recently we have learned our lesson a little bit by not paying attention to some of our run-off. Even for a quick calculation, if one goes out to look at a site, you know right now what's supposed to be there for impervious surface. Now, if you give variances for impervious surfaces, it throws that calculation off. If we do need to give a variance for this, I think we need to include a condition for stormwater mediation. Perhaps a 1/2-inch per 12 hours of this additional 3%, we're talking 1/3 of a gallon per square foot. If we have to give a variance. I like to see very judicious variances, and we have heard that before. Thank you.

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

CP - Please put the conditions up.

MP - When they are calculating impervious surfaces, is that something that the applicant is requested to do or is it staff that calculates that?

TM - We have a form that the applicant fills out, and we look over that and verify that it seems appropriate. But we do not go out and do surveying on the property or anything like that. I would point out that one of the potential conditions here, 3, doesn't deal with the impervious, that is for floodplain potential. With this lot appearing to be cut out quite a bit to the lake, it might have brought the floodplain in closer, so we needed to make sure that the elevations are proper for everything, for the existing and deck with that. Decks are done with the deck footing, so depending on where they put the deck, that is the elevation we are looking at.

GJ - TM, also just wondering even if we were to throw out everything on the impervious surface would he still be granted the 31%?

TM - The 31% was for the previous structure and everything there on that older one. So it wouldn't allow for this deck to go on at that point.

KE - This deck is smaller than the previous one, correct?

TM - I am not sure of the size, I believe it's fairly similar. If you didn't grant the impervious surface amount, but did grant the lake setback amount, they would have to find a way to get down to 25% on the lot to be able to do the deck.

GJ - I guess the calculations of the whole property were 31% with the old deck, new garage and everything.

KE - Now it'll be dropped to 28%.

GJ - Yeah, that is the way I read that.

CP - It's not a 3 or 4-season room either. Like he said, it is a deck. I like condition 5 that they always

throw in. So, as long as they maintain that with the shoreline, I don't really see any problem. Like you said before it was 31% and now with recalculations, it's 28%.

MP - I did read in the application packet that they are going to do, I forgot the name of the type of footing but it's more of an auger-type footing, so less soil disturbance in the shoreland area.

GJ - I make a motion to approve.

CP - I will second.

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, building a smaller deck than existing*
- *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 GJ with the conditions as stated above and with the following additions by staff:

TM: I just want to make sure that motion and second were with the 6 conditions correct?

CP - Yes.

Motion made, seconded, and approved unanimously.

3. **Variance/Kaderlik - Section 35, Shieldsville Township**

Duane Kaderlik has requested the following variance:

- A 7% impervious surface coverage variance to allow for a home replacement resulting in a lot with a 32% impervious surface coverage.

The property is described as: Lot 9 in 2nd Addition to Heine's Cedar Lakeview Subdivision, Section 35, Shieldsville Township, Rice County, Minnesota. PID# 09.35.2.01.016. The property address is 20055 Cedar Lake Trail, Morristown, MN 55052. The property is Zoned GDS, General Development Shoreland.

Motion by Charlie Peters, seconded by Ken Engen, to approve the Variance request with the following conditions and findings for Duane Kaderlik. The property is located in Section 35 of Sheildsville Township.

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

CONDITIONS OF APPROVAL – (Kaderlik)

1. The variance is to allow for a replacement home on a parcel resulting in a 32% lot impervious surface coverage, subject to compliance with all other Ordinance regulations.
2. Applicants submitted site plan shall be followed.
3. A 1500-sqft unmown natural vegetative buffer area shall be created and maintained on the parcel. Buffer area is to include at least 50% of the lake frontage and extending at least 20-ft landward.
4. Variance shall be considered void if 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).

MP - I have a question, I am a little confused. In the written application it says they are looking for an outdoor deck. But then it looks like a 2-story house on the staff report.

TM - Yeah, it was kind of confusing from the material received. We had to go through that with the applicant to figure out what they actually wanted to propose. They had many different ideas about remodeling the house with the deck or total replacement. The deck is kind of the one thing they have added outside the foot print, but the structure being replaced itself triggers the impervious surface variance being needed.

MP - So the current deck is not included in the impervious surface, so their 7% does not include that?

TM - That deck out there right now would count as impervious surface right now. The new structure is, again, 176 sqft larger than the current one with the deck on it.

KE - On the staff report you have it currently at 31% and going to 32%.

TM - Yes, it is increasing that 176 sqft.

The BOA asked the applicant, Duane Kaderlik (DK), to come forward to add comments or answer questions regarding the request.

Corey Jenö (CJ) - I am speaking on behalf of Duane and Dusty Kaderlik. The house was never to code, they have TGI's, floor trusses, just kind of a mix-up. There are a couple of walls that are tall and very improper. They want to undo it and live there. It's a small addition, but it would be all new and would be brought into code. All the setbacks are met, they have been through a rigorous time that has taken more than a year and a half to get through. Just looking for that small area to make it more livable.

CP - So it's not a total rebuild? It's basically just remodel of the second story?

CJ - What we are proposing, and again these poor homeowners have been through a rigorous amount of stuff, what we would like to do is keep the full foundation, take everything off of it, there are 6 feet being added on the back of the house. And we would put a full new foundation in on that back 6 feet and then build it.

DK - Some walls in the house are bowed out.

MP - Are any of the neighbors two-stories right now? Or are they all similar styles to this current one? I am just wondering about people behind you because it looks like there are a lot on the east side.

DK - There are ones behind, one next to us.

CJ - I think so.

MP - Is there anybody to the east on the other side of the road that their view would be obstructed from the second story?

CJ - No, it is such a great grade down to their house, I don't know how much more would be in the vision sight.

DK - Right now it's just the trees across the street from the backside, or front side, whatever way you see it.

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

James Fisher (JF) - *Fairfax Way* - Once again, stormwater management. I think that this is a really simple thing that we can begin to do to bring the entire zoning procedure into compliance by having the idea that we are going to stick with what we have for standards, maybe design around the standards. I get that we might have to change. One thing I forgot last time was that there is precedence for denying these things. Just a couple of months back, Winjum's development on Roberds lake, I sat here, and we went through this and we maintained the impervious surface, so thank you.

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

MP - Question for staff, condition 3 has a 20 foot inland buffer, the first we had with the other variance in shoreland had a 10 foot. Why is there a discrepancy?

TM - The previous item was dealing with much smaller lot, probably less than half the size of this lot. We kind of look at it to equal about half of the frontage, have the buffer amount sometimes, try to match up with the amount of impervious that we are over as well. So those are some of the differences with that as well. This one has that square footage but it does allow it to be split up as well, so it could be part on one side part on another, but overall it is trying to match up with the lot size and some of the impervious requested.

CP - I remember denying that one with the side yard variance and I am glad that we can make all of the setbacks now with this. I guess 176 sqft really isn't an issue with me, but I see Mr. Fishers concerns with everybody going over the 25%, if we have flood concerns like we've had the past three weeks.

Otherwise I think it's a good plan, I don't have an issue with it.

CP - I motion to approve with the 5 conditions.

KE - 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: Just pointing out that they are limited in what they can do because they are trying to maintain that foundation for the most part.

Motion made, seconded, and approved unanimously.

4. **Variance/Ramsey - Section 9, Cannon City Township**

MacKenzie Ramsey has requested the following variance:

- A 53-ft variance from the 70-ft rear property line setback to allow for a home addition onto a home located 17-ft from a rear property line.

The property is described as: Part of the SW1/4 of the SW1/4, Section 9, Cannon City Township, Rice County, Minnesota. PID# 11.09.3.50.001. The property address is 16940 Coe Trail, Faribault, MN 55021. The property is Zoned WS, Wild and Scenic.

Motion by Ken Engen, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for MacKenzie Ramsey. The property is located in Section 9 of Cannon City Township.

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

CONDITIONS OF APPROVAL – (Ramsey)

1. The variance is to allow for an addition onto the north side of the existing dwelling which is located 17-ft from the rear property line, 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).

The BOA asked the applicant, MacKenzie Ramsey (MR), to come forward to add comments or answer questions regarding the request.

MR - We are looking to build a 3 stall 1-1/2 deep garage with a family room above. We are an adult foster care, so we have clients that live on the lower level and I have a 3-year-old son who is very rowdy, and we are expecting another child. Their sleeping rooms are right under our main living room, so that is why we are also looking to add another family room above the garage.

MP - Are you aware of the conditions that go along with this?

MR - Yes.

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

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

KE - Not encroaching on the property lines any more than it already was, so I don't see an issue.

CP - It does look well shielded too. It would be an improvement to get rid of carport and add the addition.

MP - It makes a lot of sense.

KE - I motion to approve with 5 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*
- *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 KE with the conditions as stated above and with no additions by staff.

Motion made, seconded, and approved unanimously.

5. **Variance/Sunderlin - Section 16, Forest Township**

Sam and Dean Sunderlin have requested the following variances:

- A variance from the number of detached buildings on a riparian parcel to allow for an additional storage building.
- A 432-sqft variance from the 1200-sqft size limitation to allow for a 1632-sqft storage building.
- A 14-ft variance from the 14-ft height limitation to allow for a storage building with a 28-ft peak height.

The property is described as: Part of Government Lot 008, Section 16, Forest Township, Rice County, Minnesota. PID# 06.16.1.75.001. The property address is 4190 Circle Lake Trail, Faribault, MN 55021. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Ken Engen, seconded by Garrett Johnson, to table the Variance request for Sam and Dean Sunderlin until the September 5, 2024 Board of Adjustment meeting. The property is located in Section 16 of Forest Township.

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

Motion made, seconded, and approved unanimously.

6. **Variance/Peterson - Section 13, Webster Township**

Ryan Peterson has requested the following variances:

- A 15-foot variance from the 20-ft setback to allow for a storage shed to be 5-ft from a side property line.
- A 15-ft variance from the 20-ft setback to allow for a storage shed to be 5-ft from a rear property line.

The property is described as: Part of the NE1/4 of the SW1/4, Section 13, Webster Township, Rice County, Minnesota. PID# (part of) 02.13.2.50.002. Property address is 1743 57th St W, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Ryan Peterson. The property is located in Section 13 of Webster Township.

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

CONDITIONS OF APPROVAL – (Peterson)

1. The variance is to allow for a 30-ft by 60-ft shed to be located 5-ft from the west and north property lines, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The 2.5-acres parcel shall be recorded onto a separate deed and shall remain on a deed separately from the remaining ownership.
4. A septic system compliance inspection shall be completed prior to issuance of any building permits. If the system is found to not be in compliance, a compliant system must be in place by not later than July 1, 2025.
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).

CP - So the transfer has not been done on the 2.5 acres?

TM - The transfer was approved back when it was done in 2013 I believe, but the split had never been followed through on creating the 2.5 that was required as part of that. So all of the permits issued and

everything for that but they need to get that as a separate piece and maintain it that way.

CP - So at this point in time, how hard would it be with our new zoning to up that to 3 or 4 acres?

TM - So there would be two things involved in it, one it would have to come back as a WOP again to approve that larger size piece. The other thing that is probably more problematic is maintaining road frontage with that residue parcel. When that was laid out, it was laid out under the standards of allowing a 50ft lot width and now the standards are a 100ft lot width, again between the red and the neighboring piece. So to maintain that with its frontage, it would need a variance to either the house setback or that property line setback, so it would require a couple of different things beyond just the WOP.

CP - So just going back farther would not?

TM - Yeah, you could through the WOP process and extend that north line back and maybe alleviate that portion of the variance, but then you create the variance issue with the parcel not meeting the minimum lot width.

CP - Got it, thank you.

The BOA asked the applicant, Ryan Peterson (RP), to come forward to add comments or answer questions regarding the request.

RP - I am just looking to replace the shed that is already there. Since this has been done, TM and way back when Wade was here, we split this property up to transfer building rights so that was all done. I have pulled several permits since, so I didn't realize that had to be followed up on so that's not going to be a problem. There is a shed on there that you can see in the background, that small red utility shed, I am just looking to tear that down and build a larger one in the same exact location.

CP - You own the property to the North?

RP - Yes, I do, I own everything around it. And TM was right, I think where I am proposing to put this would be 60ft from the western line, so I'd be within that 100ft requirement now.

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

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

MP - It looks like the only spot he can really go with the shed, he owns the ground all around it.

CP - Yeah, he owns the property to the back and everything around it. It would have been nice to have a bigger lot size with the TDR, but that is in the past.

GJ - I do think it helps that the TDR sending site is back there. Obviously, 5 feet is better than none, but what if in the future someone wants to build a driveway there, well you can't build there anyway.

CP - I motion for approval with the 5 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*
- *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: Pointing out it didn't show well in the photos, but the land between the road and house wouldn't be suitable for a shed due to the topography.

Motion made, seconded, and approved unanimously.

7. **Variance/Nugent (Pumper) - Section 9, Forest Township**

RT Construction, on behalf of landowner William Pumper, has requested the following variance:

- A 35-ft variance from the 100-ft setback to allow for a pole shed to be 65-ft from the road Right of Way.

The property is described as: Part of the SE1/4, Section 9, Forest Township, Rice County, Minnesota. PID# 06.09.4.25.002. The property address is 4387 Millersburg Boulevard W, Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Charlie Peters, seconded by Ken Engen, to approve the Variance request with the following conditions and findings for RT Construction, on behalf of landowner William Pumper. The property is located in Section 9 of Forest Township.

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

CONDITIONS OF APPROVAL – (RT Construction(Pumper))

1. The variance is to allow for a 30-ft by 40-ft shed to be located 65-ft from the County Road 1 Road Right of Way, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. 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, Ryan Nugent (RN), to come forward to add comments or answer questions regarding the request.

RN - As you can see here, he is just trying to get a bigger garage and keep it in line with the house the way it is. It would let him put his stuff away a little bit more and keep it close to the house so he doesn't have to walk too far away. And like I said, it wouldn't be any closer to the road than anything else that is on his property right now.

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

Vice Chair Purfeerst closed the public testimony portion of the item to the public.

Discussion:

CP - I am very familiar with the property, I drive by it daily. And like he said the one to the east and directly across the road have had variances with sheds. The highway department did not comment at all. I know that he has a connex out there to store stuff in, this would be a much better fit and more aesthetic for the area. It's a good plan.

MP - And just with the contour of the lot it looks like the most logical spot versus trying to go down to the bottom and trying to build something down there. Looks like a good plan.

CP - I motion to approve with the 3 conditions.

KE - 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*

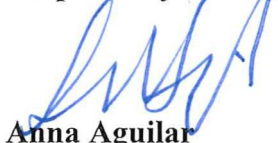
The findings were read by CP with the conditions as stated above and with no additions by staff.

Motion made, seconded, and approved unanimously.

IV. **Adjournment**

Hearing no other items before the BOA, a motion was made by GJ, second by KE, to adjourn the meeting at 6:55 pm. Motion carried 4-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment Vice Chair



Matt Purfeerst