

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, November 7, 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: Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards, Clerk MacKenzie Klett.

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

B. Motion by Garrett Johnson, seconded by Matt Purfeerst, 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 Charlie Peters, 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 Matt Purfeerst, to approve the minutes of October 10, 2024

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

II. New Business

1. Variance/Hopkins - Section 21, Forest Township

Jason Hopkins has requested the following variance:

- A 4-ft variance from the 14-ft peak height limitation to allow for a detached garage with an 18-ft peak height.

The property is described as: Lot 1, Block 1, Hillcrest on South Shore, Section 21, Forest Township, Rice County, Minnesota. PID# 06.21.4.03.001. The property address is 4120 127th Ct W, Faribault, MN 55021. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Matt Purfeerst, seconded by Charlie Peters, to approve the Variance request with the following conditions and findings for Jason Hopkins. The property is located in Section 21 of Forest Township.

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

CONDITIONS OF APPROVAL – Hopkins

1. The variance is to allow for a detached garage with an 18-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 building 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, Jason Hopkins (JHopkins), to come forward to add comments or answer questions regarding the request.

JHopkins - We are hoping to have our garage peak up a little higher, it's just a standard 6/12. It's not like the pitch is extremely high, it's pretty standard.

JH - Are you aware of the 4 conditions in front of you?

JHopkins - Yes, I am.

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 am familiar with this site, it is pretty well shielded and back from the lake quite a ways. Need a taller shed.

MP - It seems like we have a lot of these come through.

JH - It is a unique site for it being Recreational Developmental Shoreland with a larger lot and being pretty far back from the lake itself.

MP - And if you look at the contours it looks like it gets pretty steep closer to the lake. I motion to approve with the 4 conditions.

CP - 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:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? **Yes***
- *The proposed use is an allowed use in the zoning district in which the property is located? **Yes***
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? **Yes***
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? **Yes***
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner? **Yes, the contours of the lake shore lot***
- *The variance, if granted, will not alter the essential character of the locality? **Yes, not blocking anyone's view of the lake behind them***
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? **Yes***

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

Motion made, seconded, and approved unanimously.

2. Variance/Ernste - Section 1, Shieldsville Township

Dwayne Ernste has requested the following variances:

- An 11-ft variance from the 14-ft peak height limitation to allow for an agricultural storage building with a 25-ft peak height.
- A 2800-sqft variance from the 1200-sqft size limitation to allow for a 4000-sqft agricultural storage building.

- A variance from the limitation of two accessory buildings per property to allow for an additional agricultural storage building.

The property is described as: Parts of Government Lots 5 & 6 and Part of the SE1/4 of the SW1/4, all in Section 1, Shieldsville Township, Rice County, Minnesota. PID# 09.01.3.75.003. The property address is 7685 Dodd Rd, Faribault, MN 55021. The property is Zoned NES, Natural Environmental Shoreland.

Motion by Charlie Peters, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Dwayne Ernste. The property is located in Section 1 of Shieldsville Township.

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

CONDITIONS OF APPROVAL – Ernste

1. The variance is to allow for a 4000-sqft agricultural shed with a 25-ft peak height, and having more than two detached buildings, subject to compliance with all other ordinance regulations.
2. The application plans submitted shall be followed.
3. A septic compliance inspection shall be completed by the earlier of the issuance of a permit for the building or June 1, 2025.
4. Variance shall be void if a permit for the proposed shed is not obtained 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, Dwayne Ernste (DE), to come forward to add comments or answer questions regarding the request.

DE - We just want to put up a machine shed.

JH - Are you aware of the 5 conditions that are in front of you?

DE - Yes.

JH - And you are okay with all of them?

DE - I have done them all already.

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 - This one is kind of easy. It is an existing operating dairy farm. It's been that way forever.

JH - It is unfortunately zoned NES.

CP - I think his closest neighbor is his son and the cemetery, and they own the rest of the property around that area. I don't see an issue with it.

KE - Neither do I.

CP - If there are no other comments, I 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:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance*

and consistent with the Comprehensive Plan? Yes

- *The proposed use is an allowed use in the zoning district in which the property is located? Yes*
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? Yes*
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? Yes*
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner? Yes*
- *The variance, if granted, will not alter the essential character of the locality? Yes*
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? 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 the proposed size and number of buildings is proportionate to the size of the farming operation on site.

Motion made, seconded, and approved unanimously.

3. **Variance/Northrup - Section 35, Webster Township**

Nathan Northrup has requested the following variance:

- A 15-ft variance from the 20-ft property line setback requirement to allow for a detached shed to be located 5-ft from a side property line.

The property is described as: Part of the NW1/4 of the SW1/4, Section 35, Webster Township, Rice County, Minnesota. PID# 02.35.3.25.004. The property address is 9068 Canby Ct, Northfield, MN 55057. 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 Nathan Northrup. The property is located in Section 35 of Webster Township.

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

CONDITIONS OF APPROVAL – Northrup

1. The variance is to allow for a 4000-sqft personal accessory use shed to be located 5-ft from a side property line, subject to compliance with all other Ordinance regulations.
2. Approved site plan 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).

JH - Do you know the reasoning behind the shape of this lot? Why was it set back so far from Canby Ct? Would that be a question for the applicant?

TM - This was done before the applicant. This was a transfer right that created this parcel. I believe this one was done in 2006, so it was one of the earlier transfers that was done.

JH - It was an early one.

TM - The shape of the parcel. I know that some of that was dictated by the setback from the ag building. At least at the time, it was a horse barn, so it had a 100ft setback, so the property line kind of jogs around it. And again, it was maximized out at 2.5 acres, which was the largest we allowed. I do know the area that you are seeing south of the parcel gets a little lower. You can even see the wet area in the photo. So that may have been some of the reason to find suitable septic sites and avoid that with the building site.

GJ - This might also be a question for the applicant, but being that you could double the lot size now, could you re-plot it with a wider driveway, a 100ft width along the driveway.

TM - We did discuss that a little bit as an option. We looked at it with the applicant, but the problem wouldn't be adding the land to the south, that can be done. The problem would be to the north. You have to keep that remaining parcel connected to itself. The connection requirement when we changed the parcel size and lot width went from a 50ft requirement to 100ft. So you would have to move that line further to the south and I believe that would be butting up to the septic location and create problems that way. And if they were to propose leaving that narrower, then it would have been a variance for lot width. It would have been 2 steps to do that instead of the 1 to do it this way.

MP - So they have 1 ag shed on the property now, and they cannot put another shed on because it has to be only for ag use?

TM - The shed on the parcel without the house is restricted to ag use only.

The BOA asked the applicant, Nathan Northrup (NN), to come forward to add comments or answer questions regarding the request.

NN - Trying to put up a building to put my toys away, and I want to get the building as far away from the house as possible. As TM mentioned earlier, I can't pass the border onto the ag land due to what I am going to put inside the building. So I am kind of stuck.

JH - Did you look at shrinking the building size to meet the requirement of 20 feet?

NN - Yes, I did, but we have too much stuff. I need the square footage. We have looked at going longer and storage and narrower, but you end up seeing it out the windows of the home, and just for aesthetics, if we can do the size we want to but not obstruct the view from the home. And then it makes my wife happy.

CP - Do you own the property around it?

NN - I do own the property around it, and I cannot answer as to why it is shaped that way. We built last summer and before we built we explored if we could reshape and do things differently. With the timing we had to leave our other home and get moved down here, we just couldn't go through the timely process it would take to explore that.

JH - Are you aware of the conditions associated with this variance?

NN - 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:

JH - I get the need for a larger detached garage, but there are other adjustments that could be done to meet the setback. I just have an issue that maybe down the line that land gets sold and it would technically be a different property owner.

CP - It could be.

GJ - Could you do something in the middle like 10ft? That would give more wiggle room.

MP - I guess I don't have a problem with the 5ft. We have seen a couple try to come with 0ft, so there is a little space here at 5ft. I know all the 0ft have been denied.

JH - I know but it's not really a hardship due to the land, it is more of a hardship because the property owner wants a larger shed. I understand where you are coming from MP but looking more at why a variance is requested, it's more for a want not a need. That is how I look at it.

CP - I guess being that he owns all the property and that parcel to the south wet spot that you can see in the aerial, I don't know if you'd be able to build in that spot.

GJ - I would feel a little better at 10 feet. If that property were ever to be sold to someone else, I am not

sure that you could service the side of a building in 5ft.

JH - That's a good point.

GJ - Probably won't ever be in different hands, so I can see that point too. But there is always a chance.

JH - We have that 20ft setback within the county zoning code for a reason.

JH called applicant up to the stand

NN - My understanding is I can't sell the other property. My utilities come off the ag land.

JH - Is there an easement that goes through the property?

NN - We asked that question because we were told that it is like one parcel even though it's ag versus residential.

JH - So if you were ever to sell you'd have to sell both?

NN - Exactly. Because my power is to the barn, that's where my meter is and then it goes to the house. And my natural gas is on both the ag and the residential as well.

Applicant left the stand

CP - I don't have an issue, he owns both parcels. You can't combine them at this point?

TM - Because that was done with a transfer right they are not allowed to be combined. Under the rules they can be separated, it sounds like there are some practical issues with separating them, but there is nothing in the rules that prevents that. One of the things a couple of you have mentioned is maybe going to 10ft, I don't know if you want to discuss that with the applicant. The 20ft really is in the rules to allow service to buildings without infringing on the neighboring property. There are certainly limitations with 5ft. I don't believe there are any doors proposed on that side of the building but it is still not enough room to drive a vehicle down either. If you did want to explore that option, it might be a good discussion to have the applicant come back up to explore that possibility.

JH - I am not sure if we have consensus over keeping it at the requested 5ft. I agree with GJ on the 10ft setback but if we have more consensus with keeping the requested 5ft, then I guess I'll entertain a motion.

KE - Being that the two properties are owned by the same person and one can't be sold without the other, you could look at it as one property. Yes, there is the property line separating them but I think it is still like putting a shed on one property. That's the way I see it.

MP - TM, can you provide clarification? Is that true that he couldn't sell one without the other? Couldn't you just move the utilities coming in?

TM - Yes, you could certainly split them, they are not allowed to be combined. Again, there are practical difficulties of figuring out his utilities and some other things. It was originally a single parcel but when they put the transfer right on there, they were required to split it and now required to keep it separate that way.

MP - I agree with KE's point. In my opinion, it's kind of one big property. Yes, there is a property line. If that property ever got sold off, 5ft would be tight, but it is still 5ft. I am in favor of the way he has it laid out. And this way provides him with roughly 30ft from the house. 25ft would get pretty close to the house. This provides the most flexibility away from the house, which he said was a priority for him.

CP - I guess I would go with that, I would be more comfortable at 10ft, but I do see it as one parcel.

JH - I will entertain a motion if we have consensus.

MP - I motion to approve with the 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:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? **Yes, the purpose of the setback is mostly for two separate parcels, where this one is owned by both***
- *The proposed use is an allowed use in the zoning district in which the property is located? **Yes***
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance? **Yes***
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance? **Yes***
- *The plight of the landowner is due to circumstances unique to the property not created by the*

landowner? *Yes*

- *The variance, if granted, will not alter the essential character of the locality? Yes*
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone? Yes*

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

Motion made, seconded, and approved unanimously.

4. **Variance/Borash - Section 19, Walcott Township**

Benjamin Borash has requested the following variance:

- A 10-ft variance from the 20-ft property line setback to allow for a shed to be located 10-ft from a rear property line.

The property is described as: Part of the W1/2 of the SE1/4, Section 19, Walcott Township, Rice County, Minnesota. PID# 15.19.4.25.002. The property address is 24715 Albers Ave, Faribault, MN 55021. 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 Benjamin Borash. The property is located in Section 19 of Walcott Township.

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

CONDITIONS OF APPROVAL – Borash

1. The variance is to allow for a 30-ft by 40-ft shed to be located 10-ft from the north property line, subject to compliance with all other Ordinance regulations.
2. Approved site plan 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, Benjamin Borash (BB), to come forward to add comments or answer questions regarding the request.

BB - Looking to put up a pole shed for storage of things for property maintenance. The location of the house is kind of in the center of the property which limits the building site. The large open area to the west of the house is where my septic field is. And due to drainage issues, I can't build anywhere on the west side of the house. So this is really the only level area to build. The east side of the house is a pretty significant slope where I can't build either.

JH - Are you aware of the 4 conditions?

BB - Yes I am.

CP - Is there any reason why on the site plan, it looks like you have it turned the long way? Is there a reason it is turned that way and not flipped 90 degrees so you could meet the setback?

BB - Mostly because of the slope of the property. It slopes east to west and would probably require some pretty significant fill. I am not even sure drainage wise, but I am sure it would take some pretty significant excavation. And I am also not sure with the existing building that is there, that is a shed that was brought in on skids that would probably have to be removed to fit that. The proposed location is basically right on the edge of where the yard falls off very steep, so I can't move it to the west anymore.

And if you turn that building, I am not even sure it would fit between that steep slope and the existing structure.

TM - I just wanted to add that the access is on the south side of the proposed building, the access is on the 30ft side.

BB - Yes, that is correct.

TM - So if you turned that you would have to come around one of the sides.

BB - That is correct.

CP - That clears it up for me, thank you.

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 - It is a pretty small parcel and limited with area, especially with the septic field on the west side.

GJ - I do feel, obviously, with the last item I thought 10ft was better. I can see this one with 10ft and obviously, this shed is quite a bit smaller. It's not like we have a huge shed and could go much smaller to meet the setback from the property line.

CP - And I can see why you can't turn it because of the doors, which makes sense.

JH - And it does have screening from the main roadway with the trees to the west as well.

GJ - I motion with the 4 conditions.

CP - 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:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan?* **Yes**
- *The proposed use is an allowed use in the zoning district in which the property is located?* **Yes**
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance?* **Yes**
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance?* **Yes**
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner?* **Yes, the lot is small and the septic field lays in a spot that makes it hard to place the shed**
- *The variance, if granted, will not alter the essential character of the locality?* **Yes**
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone?* **Yes**

The findings were read by GJ with the conditions as stated above and with the following additions by staff:

TM: Pointing out that the home and septic locations, as well as the drainage and access options are pretty limited on the property. And that the proposed building size is in proportion with the lot and the area.

Motion made, seconded, and approved unanimously.

5. Variance/Klapperich - Section 18, Walcott Township

Julie Klapperich has requested the following variance:

- A 46-ft variance from the 100-ft Road Right of Way Setback to allow for an agricultural storage

building to be located 54-ft from the Road Right of Way of County Road 45.

The property is described as: Part of the NW1/4 of the SE1/4, Section 18, Walcott Township, Rice County, Minnesota. PID# 15.18.4.75.003. The property address is 23765 Albers Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

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

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

CONDITIONS OF APPROVAL – Klapperich

1. The variance is to allow for a 56-ft by 38-ft agricultural storage shed to be located 54-ft from the Road Right of way of Albers Ave (County Road 45), subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. A septic system compliance inspection for all onsite septic systems shall be completed prior to continuation of work on the building. If any systems are found to not be in compliance they must be improved/replaced with a compliant system by no later than November 1, 2025.
4. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

GJ abstained from this item due to a professional relationship

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

MP - The house is owned by the same people or family that are currently building the shed?

TM - I believe they are relatives but not the same site. This is actually proposed and permitted as an ag structure. This would not be allowed for this use on that smaller parcel with the house, it does have to be on a larger ag parcel and used exclusively for ag storage.

JH - So was that notch to make the right of way larger done most likely after the construction of that house to the south?

TM - I believe the right of way has been that way for quite some time. I don't know when that road cut would have gone in but I think it was quite a while ago.

JH - Okay, so it was mostly just a mistake on them thinking it was from the actual road itself, not from the property line?

TM - That is my understanding, yes.

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

DK - We were going to construct an ag shed so we found out the rules and we measured from the road with a tape. But there is a pretty good sized mountain so it was supposed to be 150ft but then we thought let's push it back 25ft. So now it is actually 178ft from the road. We made a mistake.

JH - It is a pretty large right of way which obviously is in the section of the road.

DK - It's a pretty good size mountain if you stand there. And when we built the house 25 years ago nobody said anything. You can see that the right of way is in our driveway and nobody ever said anything.

JH - You are the property owner of the house to the south?

DK - Yes.

TM - The house to the south, we believe is meeting setback requirements.

JH - Yeah, it's just the driveway that may cross over that.

CP - How are you going to access the new shed? From the north?

DK - No, from the south.

CP - Through the home site?

DK - Yes.

JH - So through the trees?

DK - It would be right on the west side of the trees.

JH - Of the last tree, okay.

DK - That's kind of why we moved it back another 25ft, we thought it'd give us a nice area to turn.

TM - I had a question, with all the other ag buildings on the parcel over to the east, why did you decide to go way to the west with this one? It is all on its own.

DK - It's more convenient. In the winter I'll bring the skid loader up and I have cattle on one side of the road and I have cattle there. And I can put the skid loader in there and I can blow the driveway out and I can go do chores. It seemed like a central location instead of always running down to the farm in the winter to get the skid loader or the pickup that has the snow plow on. It was a better deal, otherwise I wouldn't have a place to put it.

JH - Because you are farming that land directly east?

DK - Yes, so that's the reason.

JH - Are you aware of the 4 conditions in front of you?

DK - 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:

JH - I feel like we have seen a few of these over the years where there is a misunderstanding of where to measure from. A lot of people think it's from the legitimate roadway, not the property line which happens a lot more than you think.

CP - It is a huge right of way, it looks like over double the normal.

JH - Usually right of ways are not that large. And I understand the need of having it a little bit closer to the house in regards to easier access.

MP - I see no problems with it. We saw in the pictures it is a long ways from the road and I agree that is close access from the house. I am good with it.

KE - I motion to approve with the 4 conditions.

MP - 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:

- *The variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan?* **Yes**
- *The proposed use is an allowed use in the zoning district in which the property is located?* **Yes**
- *The proposed sewage treatment system is or can be made compliant with the Rice County Sewage and Wastewater Treatment Ordinance?* **Yes**
- *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance?* **Yes**
- *The plight of the landowner is due to circumstances unique to the property not created by the landowner?* **Yes**
- *The variance, if granted, will not alter the essential character of the locality?* **Yes**
- *The applicant has established that there are practical difficulties in complying with the Zoning Ordinance, not constituting economic considerations alone?* **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.

III. Adjournment

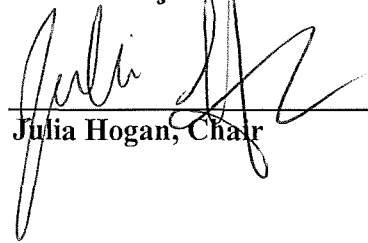
Hearing no other items before the BOA, a motion was made by CP, second by MP, to adjourn the meeting at 6:49 pm. Motion carried 5-0.

Respectfully Submitted



**MacKenzie Klett
Office Support Specialist**

Board of Adjustment


Julia Hogan, Chair