

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT**
*Commissioner's Room / Government Services Building
Thursday, January 9, 2025 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 6:03 p.m.

Members present were: Garrett Johnson, Matt Purfeerst, Kenneth Engen, Jim Cihak.

Members absent were: Julie Hogan

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

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

B. Motion by Garrett Johnson, seconded by Ken Engen, Reading of the Notice.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

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

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

D. Motion by Ken Engen, seconded by Garrett Johnson, to approve the minutes of December 5, 2024

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, NAYS: None, ABSTAIN:
Jim Cihak

II. House Keeping Items

1. Motion by Ken Engen, seconded by Garrett Johnson, to approve the election of Julia Hogan as the Chair of the Board of Adjustment for 2025.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

KE - I nominate JH as chair for 2025.

GJ - Second.

2. Motion by Garrett Johnson, seconded by Ken Engen, to approve the election of Matt Purfeerst as the Vice Chair of the Board of Adjustment for 2025.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

GJ - I motion to nominate MP as Vice Chair for 2025.

KE - I will second.

3. Motion by Ken Engen, seconded by Garrett Johnson, to delegate the Board of Adjustment secretarial duties to Environmental Services Staff for 2025.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

KE - I motion to keep Staff as the BOA secretary.

GJ - I second.

4. Motion by Garrett Johnson, seconded by Ken Engen, to approve the 2025 Meeting Schedule as drafted by Environmental Services Staff.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

MP - I assume that it is staying the 1st Thursday of every month?

AA - Mostly. There are four months where it would be on the 2nd Thursday. This month (January), May, July, and October.

GJ - I motion to approve the meeting schedule as drafted.

KE - Second.

5. **Motion by Garrett Johnson, seconded by Ken Engen, to approve a 3 minute time limit per person for individual public comment at the 2025 Rice County Board of Adjustment meetings.**

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

MP - I motion to keep the public comment time at 3 minutes.

KE - I'll second.

III. New Business

1. **Variance/Voight - Section 33, Northfield Township**

Nathan Voight, on behalf of landowners Terry and Laura Bartsch, has applied for the following variance:

- A 60-ft variance from the 100-ft Road Right of Way (ROW) setback to allow for a deck addition onto an existing home. The proposed deck will be 40-ft from the ROW of Ibson Ave.

The property is described as: Part of the SW1/4 of the SW1/4, Section 33, T111N, R19W, Northfield Township, Rice County, Minnesota. PID# 08.33.3.50.001. Property address: 14935 Ibson Ave, Nerstrand, MN 55053. 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 Nathan Voight, on behalf of landowners Terry and Laura Bartsch. The property is located in Section 33 of Northfield Township.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Voight (Bartsch)

1. The variance is to allow for a replacement deck and deck addition onto an existing home located 40-ft from the Road Right of Way (ROW), 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(s) for the proposed deck 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, Nathan Voight (NV), to come forward to add comments or answer questions regarding the request.

NV - Essentially, I am trying to replace the existing deck because it is rotting and falling down. It is becoming a safety risk and it doesn't meet current code with where the railing is. Unfortunately with the way it is on the house, it doesn't work well for the homeowner either. We are looking to extend it down the side of the house, the same width. It is 8ft wide right now, we are just looking to extend it to the north on the house to make it more useable. That brings us in for the variance issue. The entire house is in the setback, so no matter what side we put it on would need a variance. If you look at the existing floor plan that was provided, it's not conducive to put the deck anywhere else on the house. There is either kitchen cabinets, a bathroom, or stairway in the way. We feel it is worth trying for this variance because there really isn't another great option for the location of the deck on this home.

MP - You aren't actually getting any closer to the road?

NV - Technically we are getting closer to the road. We are not making the deck any wider, but as we move to the north, Ibson Ave angles right there. Because of the angle of the road, we are getting closer. We're not looking to build the deck any farther away from the house, just with extending down the house, it brings it closer to the road.

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 - I like that they are not going any wider with the deck. Yes, running it down the house brings it a little closer to the road, but they are not extending any further from the house and it needs to be replaced.

KE - I think it is just fine.

MP - With the way the house is laid out, it is the most logical spot and the road does curve right there. I'm for it.

GJ - I motion to approve with the 4 conditions.

KE - I'll 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, replacing a deck along a house that is already in the setback.***
- *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 Johnson with the conditions as stated above.

Motion made, seconded, and approved unanimously.

2. **Variance/Richie - Section 3, Warsaw Township**

Michael and Mary Richie, on behalf of landowner Cannon Lake Cabins LLC and KGN Enterprises LLC, has applied for the following variance:

- A 25-ft variance from the 75-ft lake setback to allow for replacement of a cabin. The replacement cabin will be located 50-ft from the Ordinary High Water (OHW) mark of Cannon Lake.

The property is described as: Part of Government Lots 2 and 3 in the NW1/4 of Section 3, Warsaw Township, Rice County, Minnesota. PID#s 14.03.2.75.003 and 14.03.2.75.908. Current cabin address is: 3622 Cannon Lake Trail, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Ken Engen, seconded by Jim Cihak, to approve the Variance request with the following conditions and findings for Michael and Mary Richie, on behalf of landowner Cannon Lake Cabins LLC and KGN Enterprises LLC. The property is located in Section 3 of Warsaw Township.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Richie

1. The variance is to allow for a cabin with attached garage to replace the existing cabin and garage structures on the property to be located no closer than the existing cabin from Cannon Lake, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. At least 50-ft of the lot's shoreline within 10-ft landward of the water shall be established and maintained in a natural condition as an un-mowed native vegetative lake buffer.
4. Tree removal must be limited to the minimum amount necessary for the construction and

maintenance of the new building.

5. Prior to issuance of a final certificate of occupancy for the new structure a certificate of survey verifying that the as built lowest floor elevation is meeting the required 982.8-ft elevation requirement shall be submitted to Rice County Environmental Services.
6. Variance shall be void if a building permit for the proposed structure is not obtained within one year of the variance approval.
7. The existing cabin and garage structures being replaced shall be removed.
8. 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).

TM - We were hoping a survey would have been completed, but it has not, so we are recommending revising condition #1 to say not getting any closer than the existing cabin is with the replacement.

MP - How much higher to they have to bring the cabin up?

TM - I don't remember the elevations off hand. I think it was somewhere between 1 to 3ft. The neighboring property is at the correct elevation but it is kind of tough to tell.

KE - They are basically taking the garage and cabin and moving them together?

TM - They are both going away, and they are building new.

KE - But the space in the middle is where it is going?

TM - No, they are planning to build where the existing cabin is. Right now, it looks like the garage structure does not meet any of the setbacks. The new building will.

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

MR - TM did a very nice job of explaining everything. Are there any questions I can answer for you?

MP - Are you ok with the wording change to condition #1?

MR - We estimated this based on the lines on Beacon. The survey is pending. Our goal is to not get any closer to the water. We estimated that we are 50ft from the water, but if the survey shows that the waterline is different than that on Beacon, we will not get closer. I just don't know that 50ft from the water is accurate.

MP - So you are ok with changing the wording?

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 - My questions were answered.

TM - JE pointed out that I did have the elevations in the Staff Report. The proposed cabin will be about 2.8ft higher than the existing one. The garage, if it were staying in the current location, would need to come up over 4ft.

MP - That storm was a huge storm and caused a lot of damage. I like that they are updating it and making it one building. My only ask, it's not a condition, is that when there is construction, because it sounds like there will be a lot along that road this summer, try to keep the construction off the road so traffic can go through freely.

GJ - I am pleased that they are sticking with a similar footprint. Combining the two, but still sticking to a similar footprint to what is already there.

MP - And they are not getting closer to the lake.

KE - I motion to approve with the 8 conditions.

JC - 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:

- *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 Engen with the conditions as stated above.

Motion made, seconded, and approved unanimously.

3. **Variance/Updike - Section 10, Northfield Township**

Jeremy Updike has applied for the following variance:

- A 35-ft variance from the Road Right of Way (ROW) setback to allow for a proposed shed to be located 35-ft from the ROW of Jacobs Ave.

The property is described as: Part of the NW1/4 of the NW1/4, Section 10, Northfield Township, Rice County, Minnesota. PID# 08.10.2.25.004. The property address is: 10461 Jacobs Ave, Northfield, MN 55057. 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 Jeremy Updike. The property is located in Section 10 of Northfield Township.

RESULT: Approved, AYES: Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Updike

1. The variance is to allow for a 60-ft by 80-ft shed located 35-ft from the Road Right of Way (ROW), subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan/building plans shall be followed.
3. A driveway permit shall be obtained from Northfield Township for the proposed additional driveway.
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 November 1, 2025.
5. Variance shall be void if a permit(s) for the shed is not obtained within one year of the variance approval.
6. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

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

The BOA asked the applicant, Jeremy Updike (JU), to come forward to add comments or answer questions regarding the request.

JU - TM did a good job of explaining what I am trying to do. There was a previous shed there. We lost it during the tornado back in 2018. The plan is to build a larger shed, parallel with the road so it does not detract from the property's value. With how the property is laid out with the septic, this location is really

the only spot we can build it. I am happy to answer any questions you may have.

GJ - What's the reason for going so much larger than the previous shed?

JU - I am planning to stay here for a long time and I grew up on a farm, so I am building a shed for the things I will likely have in the future - boats, trailers. I do have a camper that I store at my dad's in southwestern Wisconsin. It would be great to not have to haul that back and forth each year.

MP - Is the septic on the south side of the house?

JU - Yes, in the upper right. I submitted a hand drawn aerial that shows the property.

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 - As far as location, it looks like a good spot with everything else on the property. I can understand the want to store things in there. I wish we could go a little smaller on the width of the shed and back it off a little from the road, but I understand trying to get bigger equipment in there. This is a little different with it being on a gravel road.

KE - I agree.

MP - A 60' x 80' is a nice size shed. He had one there before. I know this one is bigger, but now-a-days it takes a bigger shed to fit bigger things.

GJ - I motion to approve with the 6 conditions.

KE - I'll 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, positioning between the ponds and septic force the proposed location.*
- *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 Johnson with the conditions as stated above.

Motion made, seconded, and approved unanimously.

IV. Adjournment

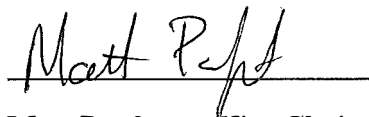
Hearing no other items before the BOA, a motion was made by Engen, second by Cihak, to adjourn the meeting at 6:31 pm. Motion carried 4-0.

Respectfully Submitted



Anna Aguilar
Administrative Coordinator

Board of Adjustment



Matt Purfeerst, Vice Chair