

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT**
*Commissioner's Room / Government Services Building
Thursday, March 6, 2025 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: Julia Hogan, Matt Purfeerst, Garrett Johnson, Kenneth Engen, Jim Cihak

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

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

B. Motion by Ken Engen, seconded by Matt Purfeerst, reading of the Notice

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

C. Motion by Garrett Johnson, seconded by Jim Cihak, approval of the updated Agenda

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

AA - Item #5, Ellingson, is requesting to table until the April 3rd meeting.

D. Motion by Garrett Johnson, seconded by Ken Engen, to approve the minutes of February 6, 2025

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

II. Admin Task

1. Revised 2025 Meeting Schedule

Fall MACPZA conference dates were published and they conflict with our original October meeting date.

Motion by Matt Purfeerst, seconded by Jim Cihak, to approve the revised 2025 Meeting Schedule.

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

AA - We had originally set up the October meeting to be the second Thursday of the month because of a conference that is usually the first week of October. They published the dates and published it for the second week. So, we are requesting to move the October meeting back to the first week of the month. October 2nd would be the change.

III. New Business

1. Variance/Moriarity - Section 12, Cannon City Township

Krissandra Moriarity has applied for the following variance:

- A 25-ft variance from the 100-ft setback requirement to allow for a replacement septic system to be located 75-ft from a stream.

The property is described as: Part of the S1/2 of the NW1/4 of the SW1/4, Section 12, Cannon City Township, Rice County, Minnesota. PID# 11.12.3.25.001. Property address: 6068 170th St E, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Krissandra Moriarity. The property is located in Section 12 of Cannon City Township.

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

CONDITIONS OF APPROVAL – Moriarity

1. The variance is to allow for a septic soil treatment/dispersal system be placed 75-ft from Prairie Creek, subject to compliance with all other Ordinance regulations.
2. The approved Septic Design/Site plan shall be followed.
3. Proper Septic permits shall be obtained prior to any onsite construction.
4. Erosion control measures to be employed and construction area seeded/mulched to deter erosion until vegetation established.
5. Variance shall be considered void if Septic permits are not obtained and construction commenced within one year of the variance approval.
6. Failure to comply with the terms of this variance will result in termination of the Variance.

Hearing Minutes:

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

JH - Were there any concerns from Soil and Water or the DNR?

TM - No, I don't believe we received any comments.

The BOA asked the applicant, Krissandra Moriarity (KM), to come forward to add comments or answer questions regarding the request.

KM - What TM said is true.

JH - So this is just to replace your non-compliant system?

KM - Yes.

JH - Are you aware of the 6 conditions?

KM - Yes.

JH - Are you able to comply with the conditions?

KM - Yes, it should be done in July.

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:

KE - In the photos he said the area was to the right-hand side of the driveway?

TM - Yes.

KE - In their plan in the packet they have it on the left-hand side of the driveway.

TM - We can pull up the aerial photo.

GJ - Either way it is the furthest spot.

JH - The stream is on the west side of the property.

KE - Yeah, and in their plan they have it on the left. TM was saying that the septic is going on the right side of the driveway, but it's actually the left.

TM - Yes, left side of the driveway. Not the right side.

GJ - Which actually puts it further away. It's the only option away from the creek.

JH - And the property needs a compliant septic and if this is the only spot that was found to be adequate.

MP - I agree with you 100%. I motion to approve with the 6 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:

- *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, it is surrounded by creeks and water and this is the farthest away they can get*
- *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.

2. **Variance/Quinnell - Section 4, Northfield Township**

Annalise and Keith Quinnell have applied for the following variance:

- A 40-ft variance from the 100-ft Road Right of Way (ROW) setback to allow for an addition to and remodeling of an existing house located 60-ft from the ROW of County Road 79.

The property is described as: The NW1/4 of Section 4, Northfield Township, Rice County, Minnesota. PID# 08.04.2.00.001. Property address is: 9115 90th St E, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Jim Cihak, to approve the Variance request with the following conditions and findings for Annalise and Keith Quinnell. The property is located in Section 4 of Northfield Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,

NAYS: None

CONDITIONS OF APPROVAL – Quinnell

1. The variance is to allow for remodeling to and additions onto an existing house. The house with additions will not be closer than 60-ft to 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. The applicant is to have a septic system compliance inspection completed by not later than June 1, 2025. If the system is found to be non-compliant, a compliant system must be in place within one year from the compliance inspection date.
4. Variance shall be void if a permit(s) for the proposed additions are not obtained and construction started within one year of the variance approval.
5. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

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

JH - Would you say this right of way is moderately larger than typical right of ways? Or is it pretty standard?

TM - I would say it looks fairly standard in that area. I don't have the distance right in front of me, but it looks pretty standard, and we can check that out.

The BOA asked the applicant, Annalise and Keith Quinnell (AQ & KQ), to come forward to add comments or answer questions regarding the request.

KQ - We are applying for this Variance permit for a small addition.

JH - Can you speak to the types of additions you are looking to add to the property in a little more detail?

KQ - On the front, towards the road, is an 8ft privacy porch. And off the backside, we are adding on a laundry room and entrance. Also, an attached garage to it. There is a garage there now but it is detached.

JH - And you are keeping the detached?

KQ - No, we plan to tear that out to put the attached garage in.

GJ - Are you taking the original front porch off the house and then replacing it with the new one? Or is that going to be further past it?

KQ - You mean towards the road?

GJ - Yes, towards the road.

KQ - There is no porch on there right now.

GJ - So that is part of the house that is sticking out?

KQ - Yes, that addition was put on in the 70s.

JH - There are 5 conditions associated with this Variance request. Have you seen them and are you able to comply with them?

KQ - Yes.

TM - It will be 40ft from the right of way based on your plans. I was assuming it was a 6-foot addition based on your plans.

KQ - Yes.

TM - You had mentioned it would be 8ft.

KQ - Maybe it is 6ft, I'm not looking at the plans right here. It is just a small little privacy porch.

TM - So it will be 40ft from the right of way?

KQ - Yes.

JH - So are you following the plan that was submitted?

KQ & AQ - 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 - It is an older home.

GJ - And a lot of the addition is going away from the road, except the small porch in the front.

MP - I understand the want for privacy, it is a busy road and they do have a bit of tree cover there but it is a busy road.

GJ - A majority of the addition is away from the road.

JH - That's a downside of having an older home, you can't control where it was originally built. And changes have occurred on the road way systems too.

GJ - A lot of them end up super close to the road. I motion to approve with the 5 conditions.

JC - 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, it's an old existing farm house that they are adding on to**

- *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 no additions by staff.

Motion made, seconded, and approved unanimously.

3. **Variance/Gerhart - Section 16, Wells Township**

Lisa Gerhart has applied for the following variance:

- A 35-ft variance from the 75-ft Lake setback to allow for a new home to be located 40-ft from Roberds Lake.

The property is described as: Part of Government Lot 5 in the SW1/4, Section 16, Wells Township, Rice County, Minnesota. PID# 10.16.3.50.007. Property address is: 17817 180th St W, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Ken Engen, seconded by Garrett Johnson, to table the Variance request for Lisa Gerhart to the April 3, 2025, Board of Adjustment meeting. The property is located in Section 16 of Wells Township.

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

Hearing Minutes:

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

JH - I read in the report that the cabin burned down on the property a few years ago. Was that cabin located closer to the lake than what is currently being requested? I'm just curious.

TM - There was actually a cabin there that burned some time ago. And there was a variance applied for a year or two after the fire happened to replace it. That was a little bit closer than this building is my understanding.

JH - Okay, so it was closer to the lake than this building.

TM - Yes, this one is a little bit further back than that was. It appears to be fairly similar to the neighboring properties to the north and the south side.

MP - TM, can you talk about them possibly going for a two-story house? Are there any other two-story houses close to this one? Have we approved a two-story house right next to the lake in this area?

TM - I believe there are some in that area. A lot of them are based on topography, so you get walk-out homes that are more inside hills than the lakeside, which is typically in this area. It's not unusual though. With this site, if they were to try to keep it at a single story with the same space, they would probably have to look at an impervious surface Variance because I believe it's going to be pretty close already.

MP - The property to the west, is that buildable?

TM - Do you mean across the roadway?

MP - Yes, across the road to the west.

TM - Across the roadway, that is a fairly big parcel, so it probably does qualify. I can't tell you 100% if it does or not. Some of those were involved with the Planned Unit Development that is further to the south, so some of that land may be restricted. Certainly, size wise it would qualify. I believe it does rise quite a bit from that. We can go back to the photo to look at it.

MP - I am just worried to have a house blocking their view.

KE - That goes up pretty good.

JE - The parcel to the west of the roadway is currently an outlot as part of the PUD.

TM - So it is currently non-buildable, unless they make some changes to that.

The BOA asked the applicant, Lisa Gerhart (LG), to come forward to add comments or answer questions regarding the request.

Applicant not present in person or via Zoom.

Discussion:

JH - We have a couple questions for the applicant so I feel that we should move this to the end of this meeting or table it until the April 3rd meeting. We only have one more new business item since item #5 asked to be tabled until April 3rd.

GJ - I motion to table this item for the April 3rd meeting.

KE - I second.

GJ - I amend my motion to the end of the meeting.

KE - I second that.

Applicant still not present.

JH - I do know the commission has some questions for the applicant and would not feel comfortable moving forward without that applicant being present. I will entertain a motion for tabling to the April 3, 2025, Board of Adjustment meeting.

KE - I motion to table this item to the April 3rd meeting.

GJ - I second.

Motion made, seconded, and tabled unanimously.

4. **Variance/Giles - Section 23, Webster Township**

Collin Giles, on behalf of landowner Beaver Creek Bluffs LLC, has applied for the following variance:

- A 79-ft variance from the 100-ft min parcel width to allow for creation of a parcel with a 21-ft minimum width.

The property is described as: Part of the E1/2 of the SE1/4, Section 23, Webster Township, Rice County, Minnesota. PID# 02.23.4.00.002. Current property address: 2143 70th St W, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to approve the Variance request with the following conditions and findings for Collin Giles, on behalf of landowner Beaver Creek Bluffs LLC. The property is located in Section 23 of Webster Township.

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

CONDITIONS OF APPROVAL – Giles

1. The Variance is to allow for a proposed parcel split resulting in the existing house parcel having a minimum lot width of 21-ft at a single point, subject to compliance with all other Ordinance regulations.
2. The existing driveway shall serve as a shared driveway to both parcels and a reciprocal use easement shall be recorded by the landowners.
3. The submitted survey shall be followed.
4. Subject to approval of the Wavier of Plat, a new deed shall be recorded for the 5.0-acre parcel within 1-year of the approvals or this variance shall 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).

JH - So it is the residual lot that has that.

TM - Yes, it is the residual lot that doesn't meet the minimum lot width. The proposed site, again it might not be drawn great, that does meet the 100ft requirement.

JH - This might be a question for the applicant, but do you know the reasoning behind the look of the lot?

TM - I am not sure the whole reasoning of some of the angles. We did have some discussions about that and different options on this property. Building on the south half of this lot qualifies for a right but you can't split it off because of the existing house on the north without the road frontage. So, the road

frontage and the driveway are kind of what is driving that portion of the request. It is an unusual parcel shape that is proposed.

JH - My last question, were there any concerns? Obviously, the neighbor to the southeast was notified with the public notice, did they have any concerns with the lot width?

TM - We did not receive any public comments.

The BOA asked the applicant, Collin Giles (CG), to come forward to add comments or answer questions regarding the request.

CG - As TM said I am filing for this variance so we can use a shared driveway to hopefully create a new parcel.

JH - Do you have a little background on the uniqueness of the lot?

CG - Yes, so when I had the surveyor out, we were trying to maximize as much space back where the house will actually be built. So, we wanted to keep it as narrow as we could coming all the way up and then again, keep that 100ft wrapping around instead of coming into the agricultural field. We wanted to stay to the south of the driveway where those pine trees are. So instead of squaring it up and taking some of that field away, we decided to stay to the south and then open up when we got back to where the house is going to be.

JH - That makes sense.

GJ - I am looking at the survey you submitted, I am just curious with where your septic is. I am sure you have it all planned out and that there is enough room to get around that with the driveway?

CG - Yes, I have met with the septic contractor, he actually came out a couple different times and there should be no problem with the driveway. He is actually going to be putting the driveway in as well.

JH - And then they are going to veer off from the existing driveway to the west.

CG - Yes, basically we are going to avoid the field at all costs.

JH - Are you aware of the 5 conditions?

CG - Yes.

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

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

Discussion:

GJ - I can understand the reasoning. More specifically, what we are looking at is the 21 ft lot width and the reasoning behind that. And I can understand all that.

JH - Yes, and it is a hardship due to the land, not because of the landowner creating this hardship. So, I mean, obviously, the neighbor to the southeast was notified with public notice and did not provide any comments.

GJ - Which the driveway was already there.

KE - Exactly.

GJ - I guess the only thing in the future that might be a kicker is setbacks if they wanted to add a shed or anything. But that is a bridge they can cross at that point.

JH - I do appreciate that they were trying to save some of that agricultural land as well.

GJ - Yes, for sure.

MP - I motion to approve.

JC - 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 driveway was already there. Will be using the existing driveway as a shared driveway and trying to save farmland.*
- 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 the following additions by staff:

TM - I just want to make sure the motion was with the 5 conditions.

MP - Yes, with the 5 conditions.

Motion made, seconded, and approved unanimously.

5. **Variance/Ellingson - Section 36, Shieldsville Township**

Larry Ellingson, on behalf of landowner Larry R & Denise M Ellingson Trusts has applied for the following variance:

- A 784-sqft from the 1200-sqft size limitation to allow for a 1984-sqft proposed garage.

The property is described as: Lot 1, Block 1, Hendrickson Estates 2nd Addition in the S1/2 of Section 36 Shieldsville Township, Rice County, Minnesota. PID# 09.36.3.77.001. Property address: 7581 209th St W, Morristown, MN 55052. The property is Zoned GDS, General Development Shoreland.

Motion by Garrett Johnson, seconded by Jim Cihak, to table the Variance request for Larry Ellingson, on behalf of landowner Larry R & Denise M Ellingson Trusts to the April 3, 2025, Board of Adjustment meeting. The property is located in Section 36 of Shieldsville Township.

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

IV. **Adjournment**

Hearing no other items before the BOA, a motion was made by GJ, second by KE, to adjourn the meeting at 6:35 pm. Motion carried 5-0.

Respectfully Submitted



MacKenzie Klett
Office Support Specialist

Board of Adjustment


Julia Hogan, Chair