

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, May 1, 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 6:00p.m.

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

Staff present were: Director Julie Runkel (*via Zoom*), 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 Garrett Johnson, seconded by Ken Engen, Reading of the Notice

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

C. Motion by Matt Purfeerst, seconded by Jim Cihak, Approval of the Agenda

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

D. Motion by Ken Engen, seconded by Garrett Johnson, to approve the minutes of April 3, 2025

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

II. New Business

1. Variance/Lien - Section 36, Northfield Township

Sean Simonson, on behalf of landowner Douglas & Karen Lien Trust, has applied for the following variances:

- A 29-ft variance from the 100-ft minimum lot width to allow for creation of a parcel with a 71-ft lot width
- A 12-ft variance from the 20-ft property line setback to allow for an existing garage located 8-ft from a side property line
- A 11-ft variance from the 20-ft property line setback to allow for an existing home located 9-ft from a side property line

The property is described as: Part of the NE1/4 of the SW1/4, Section 36, Northfield Township T111N R19W, Rice County, Minnesota. Current PID# 08.36.3.50.003. Property address: 12271 145th St E, Dennison, MN 55018. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to approve the Variance request with the following conditions and findings for Sean Simonson, on behalf of landowner Douglas & Karen Lien Trust. The property is located in Section 36 of Northfield Township.

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

CONDITIONS OF APPROVAL – Simonson (Lien Trust)

1. The variance is to allow for the existing home and garage to be separated from the parent parcel onto a minimum 1.03-acre parcel having a minimum lot width of 71-ft with the garage being 8-ft and the house being 9-ft from the west property line, subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan shall be followed.
3. Variance shall be void if the parcel split is not recorded onto a new separate deed 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:

Senior Planner Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

JH - I am guessing the house was built prior to current Zoning setback requirements?

JE - Yes. I don't know about the house specifically, but the parcel was created in the early 1990's.

MP - As far as septic, is it complaint with the small acreage?

JE - Yes, we did receive information on a secondary site yesterday. It is a tight fit. I will note that in the staff report, in condition #1, we have a minimum acreage of 1.03 to allow flexibility if the applicant wants to go larger to give themselves a little more breathing room.

The BOA asked the applicant, Sean Simonson (SS), to come forward to add comments or answer questions regarding the request.

SS - Just trying to parcel this off. My in-laws built a house on a piece they parceled off just over a year ago, to the south. We are wanting to parcel off the building site that they used to own from the ag land because I cannot afford to buy all of it with the ag land, but I can afford to buy the house. This is the last step in our process. If this goes through, we can finally record a deed and get a loan to pay my in-laws off.

JH - Are you aware of the 4 conditions?

SS - Yes. We did finally get the secondary septic location figured out yesterday. I sent the drawing in and received an email back stating everything was accepted.

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's a unique parcel.

MP - There really isn't much they can do with it.

GJ - Nothing is changing other than cutting the home site off of the ag portion.

JH - It is a hardship made by the shape of the property. They obviously were not thinking about that in the '90s when they created it.

GJ - We just changed the minimum lot width last year, from 50ft to 100ft. I will 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, it's a preexisting home and lot that was created in the '90s***
- *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:

JE: You mentioned it before, but I want to reiterate that the minimum parcel size did increase from 50ft to 100ft in the last year or two.

Motion made, seconded, and approved unanimously.

2. **Variance/Walker - Section 4, Wells Township**

Dawn and Kirk Walker have applied for the following variances:

- A 17-ft variance from the 20-ft Road Right of Way setback to allow for garage and deck additions to an existing home located 3-ft from a Road Right of Way
- A 5-ft variance from the 10-ft side property line setback to allow for garage and deck additions to an existing home located 5-ft from a side property line
- A 39-ft variance from the 75-ft lake setback to allow for garage and deck additions to an existing home located 36-ft from Wells Lake

The property is described as: Lots 1, 2, and 7 Frydenlund's Subdivision in Section 4, Wells Township, Rice County, Minnesota. PID# 10.04.1.26.008. Property address: 4280 Delano Ct, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Matt Purfeerst, seconded by Jim Cihak, to approve the Variance request with the following conditions and findings for Dawn and Kirk Walker. The property is located in Section 4 of Wells Township.

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

CONDITIONS OF APPROVAL – Walker

1. The variance is to allow for an attached garage and deck addition to the existing home with none of the additions encroaching into the required setback further than the existing home, subject to compliance with all other ordinance regulations.
2. The site plans submitted shall be followed.
3. The lot's northwest 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. A septic system compliance inspection shall be completed prior to issuance of permits for the additions. If the system is found to be not in compliance a compliant system shall be installed within 1-year of the variance approval date.
5. Variance shall be void if a building permit for the proposed garage addition and deck 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:

Senior Planner Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

MP - That garage addition is tying right into the backside of the house, correct?

JE - Yes, they are making it deeper.

JH - Do we have impervious surface limits on General Development Shoreland properties?

JE - Yes, we do.

JH - Is it 25%?

JE - That is correct.

JH - Are they close to that limit with the proposed additions?

JE - I am not sure of the exact percentage they will be at, but they have plenty of room because of it

being three platted lots that have been combined. So, the area to the south side offsets the impervious. JH - Have we received any public comments? It really would probably only be from the neighbor to the west.

JE - No, we have not received any comments on this property.

JC - How was that road right-of-way (ROW) established? By a survey?

JE - That is a platted subdivision, so the roadway was established with the plat. We did discuss the possibility of the applicant working with the township to vacate that roadway ROW to eliminate that, but they want to move ahead with the project and the vacation process can take time.

The BOA asked the applicant, Dawn Walker (DW), to come forward to add comments or answer questions regarding the request.

DW - I don't really have anything to add. I want to add a garage, shed and deck addition.

JH - Did you hear any issues from your neighbor?

DW - No, I actually talked to her before starting this process.

JH - Are you aware of the 6 conditions?

DW - 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:

KE - They aren't getting any closer to the lake, which is the biggest thing. You can't move the house and garage away from the side property line.

JH - That is the downside to some of these older lake properties that were built back in the '80s and '90s. They built a lot closer to property lines back then. It makes it hard to add on to the structure.

GJ - Obviously, the house is where it is, and they aren't encroaching any further than the house.

MP - And they are within the impervious limit which has been an issue on past items. I motion to approve with the 6 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***
- *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:

JE: No additional comments from Staff.

Motion made, seconded, and approved unanimously.

3. **Variance/Kubes - Section 3, Webster Township**

Randy Kubes, on behalf of landowner Endurance Investments LLC, has applied for the following variance:

- A 56% variance from the maximum 10% land area allowance for a cluster development of 3 lots or more to be located in a quarter-quarter section with a 72 or higher Crop Productivity Index (CPI). This is to allow for a 3-lot cluster to be created with 66% of the lot area in a quarter-quarter section over 72 CPI.

The property is described as: Part of the NW1/4, Section 3, Webster Township, Rice County, Minnesota. PID# 02.03.2.75.001. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Matt Purfeerst, to approve the Variance request with the following conditions and findings for Randy Kubes, on behalf of landowner Endurance Investments LLC. The property is located in Section 3 of Webster Township.

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

CONDITIONS OF APPROVAL – Kubes (Endurance Investments LLC)

1. The Variance is to allow for 66% of a three-lot Transfer Development Right (TDR) cluster development to be located within ¼ ¼ sections with a Crop Productivity Index (CPI) greater than 72, subject to compliance with all other Ordinance regulations.
2. All proposed driveways shall provide shared access within the plat.
3. The submitted preliminary plat shall be closely followed.
4. The conservation easement required by Ordinance for the TDR cluster development shall be enlarged to also include all of Outlot A outside of the TDR sending area.
5. Subject to preliminary and final plat approval, recording of the plat and conservation easement shall occur within 1-year of variance approval or this variance shall be void.
6. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

Senior Planner Jeremy Edwards (JE) presented the request to the Board of Adjustment (BOA).

JH - There are how many home sites?

JE - The overall plat has 5 total home sites. Three are utilizing the cluster, two of which are located on the west side in the high CPI area and the other one is located to the northeast.

JH - Is staff aware of any similar instances like this in the past?

JE - This is the first variance of this kind with this particular rule. This is a regulation that we just put into place last year.

JH - I mean ever with our previous rules.

JE - We never had a rule like this before. This is definitely a first.

MP - Where is lot 4?

JE - It is to the south. It has a very lengthy driveway. In my understanding, the intention behind this was to avoid having to build a cul-de-sac or road to put all of the lots on and this layout, allows them to stay out on the existing roadways.

The BOA asked the applicant, Randy Kubes (RK), to come forward to add comments or answer questions regarding the request.

RK - *Kubes Realty* - I represent the owners of the property. JE can you pull up the soils map?

JE pulls up the soils map.

RK - The main reason for the variance is to keep all the home sites on less desirable soils. In the areas where we are planning on putting the homes, the soil rating in those quarter-quarter sections is 72 or slightly higher, but in the spots where the homes are being proposed the soil ratings are 66 or 68. The idea and the theme of using the soil classifications for placing homes is to try to preserve farmland. If

we took the driveways and made them long back to the easterly quarter-quarters of this property, then we would be wasting more farmland by creating those long driveways. We prefer to have the driveways shorter and put them right by the road to put these homes where the soil ratings are low. That's why we are requesting the variance, because the soils are meeting the expectations of the ordinance being under 72, it's just that it is identified in these 5-acre lots and it preserves more farmland this way.

JC - I have a question regarding lot 4. You are still going to have a driveway going all the way back to access wherever the building site will be on that one?

RK - Yes. That is 1 in 40 building eligibility, and we have to get to it somehow. We are keeping it on the property line as much as possible to try to stay out of the ag field as much as possible.

JC - But that driveway will probably end up on some of the higher CPI rated ground?

RK - The driveway will go through that south 40, but that quarter-quarter does not have a lot of high CPI.

JC - I realize that, but getting access to it, the driveway will go through some of the high CPI areas, correct?

RK - Along the property line, as you can see on the map, there are only a couple of areas where it's green or where the productivity is higher. The other colors correlate with lower CPI ratings.

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

1. Kevin Docken - *Cannon City Blvd* - I am speaking on behalf of my brother. He lives on Dalton Ave which is the property just to the west. I have a couple of concerns, 1) with this development and additional green space added, what is the plan for water runoff? Where is that going to go? I think one of the photos showed the property across Dalton Ave which is my brother's. It is currently flooding yearly based on rainfall, and it has increasingly gotten worse with the development in Elko. Water continues to come towards that property. What is the plan for future runoff? 2) How does this fit into Rice County's 2040 Comprehensive Plan? Knowing that this is prime ag land, which in my opinion should be, and I am speaking on this because that property across Dalton Ave, it's history. That is almost a 150-year-old farm, in the Docken name. I don't think that is what anyone intends for that property. I grew up there and have been there for 60 years. I would hate to see it impacted. I am a little concerned at what Rice County may open up by doing something like this.

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

Discussion:

JH - I know, at least with some of the water runoff questions, that is addressed in the preliminary plat which we will see during the Planning Commission meeting tonight, as well as a final plat in the future, so this is not the last time we will see this. Could the applicant come forward to answer the concerns?

Applicant came back up.

RK - Historically, when a 5-acre lot gets created, it goes from row crop into some type of grass and grass holds more water than row crops. We are not anticipating the impervious surface to create more runoff than a crop field would. Again, we are trying to put these 5-acre lots in areas where it's not highly desirable farmland. If you go out there, you will see that it is undulating and knob hills. This is the best use of the property for the building eligibilities to be placed on.

JH sent the applicant back.

JH - I know there was a concern regarding the county 2040 Comprehensive Plan. The county has stated that it wants to preserve ag land, but the county also wants to bring residents in as well, I don't know if staff wants to expand on that?

JE - Of course, the intent of the 2040 Comprehensive Plan is to preserve as much valuable ag land as possible. To that, one of the recommendations, should you move forward with approving this variance, is a condition that all of Outlot A would be placed into a conservation easement that would prohibit future building on the outlot.

MP - Can you pull up the map?

JE pulled up the aerial.

JH - It does show in the preliminary plat a large chunk right in the middle of the whole parcel as Outlot A. That would remain in a conservation easement, which means that no buildings or additional structures would be allowed to be built within that outlot, correct?

JE - Yes, that is correct.

GJ - I am a little conflicted in the sense that this is a new ordinance regulation and I would hate to automatically approve the first variance we see on it, but I do think when they made that regulation it was for the clustered cluster developments, where this doesn't feel like a true cluster. It's pretty spread out. I do understand that those two 5-acre lots are going to end up on farmland that is not 72 CPI, but in the same sense, I really don't feel great about approving a variance to a brand-new ordinance either.

JC - I understand the soil-type issues, but by proposing this, you are making three of the quarter-quarters not very farm-able anymore based on today's world of agricultural. You are chopping them up and making it different than what it has been. I guess I have issues with this, if we are really doing our best work as far as preserving ag land, by allowing this.

JH - I understand the need for preserving ag land in the county, but I also see the need for residential development within the county as well. I think, with what is being planned for Outlot A, they are preserving quite a bit of ag land. It is not going to be a huge cluster of homes. It's a couple of lots with quite a bit of open land still remaining. Yes, I agree that it's not best to vote against what was recently passed for CPI, but I am also for residential development occurring within the county.

MP - I am fine with where the houses are proposed. I agree, it looks like they placed them in lower CPI areas, probably on a hill. Lot 4 is what gets me. Like JC mentioned, building a driveway across ties up a couple quarter-quarters, so I am kind of conflicted. But at the end of the day, they are putting the two homes close to the road, so they won't have long driveways to get to them. I wish lot 4 wasn't on here personally, but to JH's point, Outlot A is going to be a grassland area because of the conservation easement, so I am a little more for it then I am against it.

GJ - I do agree that the conservation easement does make it a little better. They won't be able to fill or build on that property in the future. As far as lot 4 goes, that's not really part of this variance.

JC - JE, I have a question about lot 1. Will the remaining part of lot 1 be able to be built on, or is it restricted to one dwelling?

JE - That lot is using its own building right and is required to be a minimum of 35-acres. So it could not be further subdivided.

GJ - I do think we will be able to hammer through additional runoff questions during the plat process. I motion to approve with the 6 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, they are placing the house in the lower CPI areas***
- *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:

JE: Just wanted to note that the TDR home sites themselves are located on low CPI soils even though the larger quarter-quarter section is considered high CPI. Additionally, Outlot A, which would have the conservation easement on it, would preserve 64-acres of farmland.

Motion made, seconded, and approved unanimously.

III. Adjournment

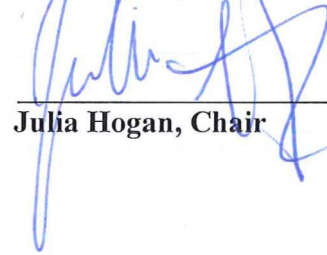
Hearing no other items before the BOA, a motion was made by GJ, second by KE, to adjourn the meeting at 6:42 pm. Motion carried 5-0.

Respectfully Submitted



**MacKenzie Klett
Office Support Specialist**

Board of Adjustment



Julia Hogan, Chair