

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY BOARD OF ADJUSTMENT  
Commissioner's Room / Government Services Building  
Thursday, May 29, 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, Jim Cihak

Members absent were: Garrett Johnson, Kenneth Engen

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

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

**B. Motion by Matt Purfeerst, seconded by Jim Cihak, Reading of the Notice**

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

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

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

**D. Motion by Jim Cihak, seconded by Matt Purfeerst, to approve the minutes of May 1, 2025.**

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

**II. New Business**

**1. Variance/Burmeister - Section 17, Wells Township**

Debra Burmeister, on behalf of landowner Southeast Shoreline French Lake Cooperative, has applied for the following Variances:

- A 88-ft variance from the 120-ft lake setback to allow for replacement of an existing cabin located 32-ft from French lake.
- A 15-ft variance from the 20-ft road setback to allow for replacement of an existing cabin located 5-ft from a private road.

The property is described as: Lot 1, Block 1, SESFLC Addition, Wells Township, Rice County, Minnesota. PID#s 10.17.2.76.916 & 10.17.2.76.001. Property address: 5989 177th St W 16, 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 Debra Burmeister, on behalf of landowner Southeast Shoreline French Lake Cooperative. The property is located in Section 17 of Wells Township.**

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

**CONDITIONS OF APPROVAL – Burmeister**

1. The variance is to allow for a replacement cabin to be located 32-ft from French Lake and 5-ft from a private roadway, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Proper permits shall be obtained prior to any onsite construction.
4. At least 25-ft of the 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.
5. Variance shall be void if a building permit for the proposed building 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.

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**Hearing Minutes:**

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

JH - I know that the previous cabin is gone now, but in your report you said the cabin would be similar.

TM - It will likely but probably very similar.

The BOA asked the applicant, Brian Erickson (BE), to come forward to add comments or answer questions regarding the request.

BE - We are just replacing the cabin that was there, we are doing the exact same footprint. I don't know what the discrepancies are about, maybe just because of getting the distances off Beacon and the shoreline impact zone.

JH - Was there a deck previously?

BE - We are doing the same size deck, and same size cabin. It was a trailer house, so it was 12ft wide and I think the deck was 10ft. So, same footprint basically.

JH - Are you aware of the 6 conditions?

BE - 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:

MP - It seems like every other meeting we have one of these in this area. It's always tight.

JH - It's a downside to some of these Co-ops. A lot of them were built prior to our updated zoning ordinance, so it's hard to meet setback requirements.

MP - Especially for where the road is.

JH - From what the applicant's representative said, it will have the same layout and look like the previous cabin.

JC - And the fact that he stated that it will have the same footprint is important to me in this kind of condition.

MP - I would agree, it'll be the same footprint and I understand trying to update. Especially from a trailer house, trying to update to something more permanent, if that's what they are trying to do. I am okay with this.

JH - Staff, there were no comments from the DNR regarding this, right?

TM - No.

JH - I know there were some comments from the DNR on a different one. I guess there weren't any outstanding issues that came up from other entities.

MP - I motion to approve with the 6 conditions with an amendment to the first condition to 32ft.

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, community septic**
- *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 road is close, and the lot is small**
- *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: It is a replacement cabin of a very similar size. There is very limited space between the roadway and the lake to actually fit anything in there. And if you go to the other side of the roadway, it's a steep hill which would result in the cabin being way back if they were to try and go beyond that.

Motion made, seconded, and approved unanimously.

## 2. **Variance/Keys - Section 5, Warsaw Township**

Kleese Construction, on behalf of landowners Ryan and Jessie Keys, has applied for the following Variance:

- An 8-ft variance from the 20-ft side property line setback to allow for a detached garage/shed located 12-ft from a side property line.

The property is described as: Part of the NE1/4 of the NW1/4, Section 5, Warsaw Township, Rice County, Minnesota. PID# 14.05.2.00.002. Property address: 21240 Elmore Ave, Faribault, MN 55021. 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 Kleese Construction, on behalf of landowners Ryan and Jessie Keys. The property is located in Section 5 of Warsaw Township.**

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

### **CONDITIONS OF APPROVAL – Keys**

1. The variance is to allow for a 32-ft by 48-ft shed to be located 12-ft from the south property line, 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 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).

MP - In that last picture, was that the existing shed?

TM - I believe that is a structure on the neighboring property. There are a couple of longer, narrow lots in that area. If you see it zoomed out, that is actually a neighboring shed that is behind the property almost.

JH - This might be more of a question for the applicant, but does the topography of the property restrict it from going elsewhere to meet the setback regulations? Or do they just want it in this spot because of the location?

TM - I think that would be a good question for the applicant. My impression, from the site, is that you might be able to get a shed way in the back yard. But then you have to do the extra driveway. This is minimizing some of the driveway location, more so than the topography.

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

RK - The variance request for 8ft is for a 30x40 recreation storage shed for the property owners. The topography question, the property does fall off into a little bit of a wet, low land area to the west in the

backyard. So, I think that is the best suitable location for it. We also did not want to get too far in the front yard, while keeping both the principal house structure and the shed pretty close. Outside of that, I think this is a pretty reasonable request, just 8ft from the south yard setback. I think member MP, the building you saw was the adjacent neighbor's structure which I think is 30ft + away from their property line. So, it's not as if we are stacking structures by each other.

JH - On the drawing that was submitted with the application, it shows the 48x32, is there nowhere to move that?

RK - I suppose there may be, but we are trying to stay parallel with the property line as far as true north goes. So that would be a possibility, we just thought we'd keep the building true north.

JH - Are you aware of the 4 conditions associated with this variance request?

RK - I am, yes. On that memo that was sent to me 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:

JH - I understand the want to have it true north and have it line up with the house, but you could probably move it around so a variance would not be needed.

MP - In my mind, they still have a 12ft setback from the property line. There is plenty of room to do maintenance on the shed, they are not going to be infringing on the neighbor's property. And the aesthetics of it, I think it would be weird to put it cockeyed in there, personally.

JH - I do understand, but we do have setback regulations for a reason. But it is a somewhat narrower lot compared to others within the zoning district.

JC - I am with you on the fact that we have things in place already, but maybe this is one of those times we are trying to build something where it probably shouldn't go. I am not going to say no to it based on that I guess.

MP - I motion to approve with the 4 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:

TM: The topography and wet conditions look like they are limiting the ability to put the structure behind the house. It is not an overly large structure for the Ag District and there are some fairly similar sized structures nearby probably with some similar setbacks as well.

Motion made, seconded, and approved unanimously.

3. **Variance/Lang - Section 3, Cannon City Township**

Kleese Construction, on behalf of landowner Hongyuan Lang Trust, has applied for the following Variance:

- A 13-ft variance from the 70-ft front property line setback to allow for a detached garage/shed located 57-ft from a front property line.

The property is described as: Part of the NE1/4 of the NW1/4, Section 3, Cannon City Township, Rice County, Minnesota. PID# 11.03.2.00.001. Property address: 15005 Darvey Ct, Faribault, MN 55021. The property is Zoned WS, Wild & Scenic.

**Motion by Jim Cihak, seconded by Matt Purfeerst, to approve the Variance request with the following conditions and findings for Kleese Construction, on behalf of landowner Hongyuan Lang Trust. The property is located in Section 3 of Cannon City Township.**

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

**CONDITIONS OF APPROVAL – Lang**

1. The variance is to allow for a 30-ft by 48-ft shed to be located 57-ft from the south property line, subject to compliance with all other Ordinance regulations.
2. Applicant submitted site plan/building plans shall be followed.
3. A septic system compliance inspection shall be completed and submitted to Rice County Environmental Services prior to issuance of a building permit. If the system is found to not in compliance a compliant system shall be required to be in place not later than 1-year from the variance approval.
4. Variance shall be void if a permit(s) for the 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.

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**Hearing Minutes:**

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

MP - How close until it gets to be a steep grade?

TM - Probably right where it gets wooded, it comes on pretty quick there.

JC - You say roadway, but that is just a personal driveway for this property?

TM - Yes, that is just the driveway. The very first photo was the roadway with the driveway coming off it.

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

RK - I think Staff did a pretty accurate job of explaining what our obstacles are in placing this building. This is a 30x40x12, there is no infringement on the bluff setback which would be to the north. As far as where that topography and elevation really start to drop off would be approximately 20 feet north of where our building will be placed. So, it's not as if we start losing elevation immediately, but in the idea of not requesting two variances, we slide the building to the south. Reiterating what Staff stated, it is a front yard setback, but it does not feel like it. We are keeping the building away from any additional structures on the site. And in the idea of keeping the green space on the east side of the parcel, that's why we dictated this spot as being a suitable location. The building will be storage and personal use by the owner only.

JH - Are you aware of the 5 conditions?

RK - 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:

JH - He answered my question, I was curious why they didn't move it east on the site. But it makes sense why they'd want to keep some of that open yard space on that end.

MP - And like he said, it's a front yard setback but there is a road going in-between the property line and the shed. It doesn't feel like a front yard exactly like he said.

JH - It is a unique property with it being in the wild and scenic zoning district and it being such a large parcel and pretty far away from neighboring structures. And it's also tucked back a little bit, not visible to public roadways.

JC - I motion to approve item #3 with the 5 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 JC with the conditions as stated above and with the following additions by staff:

TM: Even though this is a large property with 20 acres, it does have some very significant topography limitations. The proposed location will be keeping impacts away from the bluff and the bluff setback. This location minimizes the impacts on the onsite vegetation. The proposed location is separated from the front property line by the driveway. And it is a front property line setback, it is not a roadway setback.

Motion made, seconded, and approved unanimously.

4. **Variance/Dale - Section 4, Warsaw Township**

Roger Dale has applied for the following Variances:

- A 65-ft variance from the 75-ft lake setback to allow for an attached garage located 10-ft from Wells Lake.
- A 19.5-ft variance from the 20-ft Road Right of Way setback to allow for an attached garage located 0.5-ft from a Road Right of Way.
- A 5% variance from the 25% lot impervious surface limitation to allow for an attached garage on the property resulting in a 30% lot impervious surface coverage.

The property is described as: Lot 11, Frydenlund's Subdivision, Warsaw Township, Rice County, Minnesota. PID#s 14.04.1.26.020 & 10.04.1.26.001. Property address: 21070 Dawson Ct, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

**Motion by Matt Purfeerst, seconded by Jim Cihak, to table the Variance request for Roger Dale to the July 10<sup>th</sup>, 2025 meeting. The property is located in Section 4 of Warsaw Township.**

RESULT: Approved, AYES: Julia Hogan, Matt Purfeerst, Jim Cihak, NAYS: None

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**Hearing Minutes:**

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

MP - How much closer would the proposed structure be to the lake than the existing structure?

TM - I'm not sure of the exact number, but I believe it's on the site plan.

JH - Yeah, it looks like it might extend out a little bit further towards the lake, at least from what the drawing shows.

TM - Another thing to mention is, I don't show any permitting was done for the shed that is there. So, while it is there, it may not have received any permitting ever.

MP - Is there another suitable site for the septic?

TM - It is just a holding tank, so it's possible that it could be relocated, but it is a pretty limited site. The total parcel is 5,600-sqft; the normal minimum size out there is 20,000-sqft, so we're at about 1/4 of the size.

JH - Would they even have room for a complete septic system here?

TM - No, not for a complete system. That's why a holding tank was allowed. If you can put a system in, they are required.

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

RD - I was just looking to get a permit for building a garage. I was not aware of the fact that the cabin would have to be raised, I don't think that's going to be possible. I would have to look at detaching it from the house, if that would be possible.

JH - Were you aware previously that a majority of your property is located within the floodplain?

RD - Yes.

JH - I am guessing the need for this garage is to have additional storage?

RD - Correct, and park cars. When the septic tank was put in, I had a concrete tank put in to allow for driving over it instead of a plastic tank. But this was all done before I bought the property, when the seller put it in.

JH - Okay, was the shed there previously?

RD - There was an existing shed there, and I replaced it because the roof was leaking.

JH - Were you aware that the holding tank was located near that shed?

RD - Yes.

JH - Are you aware of the 9 conditions associated with this variance?

RD - Yes, I have looked through them.

MP - Do you want us to go through with this if you don't want to raise the house and are considering detaching the garage? TM would that be a whole different application if he wants to detach it?

TM - If you want to look at that option we could do that, but the item would need to be tabled because there are going to be different variances involved with a detached building out there. One of the other things that I haven't been able to talk with the applicant about is that there might be some options either to add on to the structure, even though that would still need a variance lake side. Or to look into pursuing abandonment of some of that road right of way. So, there are some things from a Staff standpoint we may want to discuss with the applicant. But I don't see any ability without some kind of variance. If it's detached, it's typically a size and height variance along with the lake and property line setback, and impervious surface.

RD - I can lower the height; I had the rafters so I could have a loft in there for storage. But I can lower it. I don't have to have it that tall. That way I can detach it and wouldn't need the height variance then.

MP - Do you want us to table this while you consider the detached option? Or would you like us to go forward and vote on it as is?

RD - The raising of the cabin is not even an option, the only thing I can do is detach it and not have the loft up above.

JH - I think we should table it.

MP - I think you might want to table this. It sounds like, now that you know the cabin has to be elevated, you want to do a detached structure.

JH - And I think having additional conversations with Staff will help make it a little better than what is being presented to us now. Because what is presented right now is a lot of obstacles to vote for approval

on.

RD - None of the other variances are going to change though.

MP - Right, but for the ease of it, if you know it is not going to be attached, we should get it right so you don't have to come back. Tabling it might be the best option at this point, until you get a better plan put together. But I don't want to tell you what to do. We can absolutely vote on it, but if you're not sure if this is the set plan, I think you might want to bring it back next month.

RD - Do I have to reapply for variances?

MP - Staff can help with that.

TM - For Staff, we need a modified site plan with what you want to do and a detailed request as to what the variances would be at that point. Because they are certainly going to be different ones, but there will be variances involved with it. We can sit down and talk that over; it will need to be next week if we are going to stay on the agenda for the next meeting. We will have to find time to meet early next week to hammer out the details for the request if you'd like to do that.

JH - Would you like us to move forward with it this way?

RD - Yes.

JH - Okay, we will vote to table the item. Since it will be tabled, we will have time for public comment next month. We will table it, and you can speak with staff early next week to get it figured out.

RD - Okay, thank you.

MP - I motion to table item #4 to the July 10th meeting.

JC - I second.

Motion made, seconded, and approved unanimously.

### **III. Adjournment**

Hearing no other items before the BOA, a motion was made by MP, second by JC, to adjourn the meeting at 6:45 pm. Motion carried 3-0.

**Respectfully Submitted**



**MacKenzie Klett**  
**Office Support Specialist**

**Board of Adjustment**

  
**Matt Purfeerst, Vice Chair**