

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, October 2, 2025 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Acting Chair Garrett Johnson at 6:00 p.m.

Members present were: Garrett Johnson, Kenneth Engen, Jim Cihak

Members absent were: Julia Hogan, Matt Purfeerst

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 Ken Engen, seconded by Jim Cihak, Reading of the Notice

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

C. Motion by Jim Cihak, seconded by Ken Engen, Approval of the Agenda

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

AA - Item #3, Purfeerst is requesting to table until the November 6th meeting. Item #5 Schneider is requesting to withdraw their item. With these changes the new Agenda would have 3 new business items.

D. Motion by Ken Engen, seconded by Jim Cihak, to approve the minutes of September 4, 2025.

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

II. Old Business

1. Variance/Tuchek - Section 7, Wells Township

Thomas Tuchek has requested the following Variances:

- A 10-ft variance from the 10-ft side property line setback to allow for roof additions over decks, replacement of decks, and replacement of cabin roof and siding, on an existing cabin located 0.24-ft from the south side property line.
- A 43-ft variance from the 75-ft lake setback to allow for roof additions over decks, replacement of decks, and replacement of cabin roof and siding, on an existing cabin located 32-ft from French Lake.

The property is described as: Part of Outlot 11, French Lake Park in Section 7, Wells Township, Rice County, Minnesota. PID# 10.07.3.01.051. The property address is: 6690 French Lake Trail, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Ken Engen, seconded by Garrett Johnson, to approve the Variance request with the following conditions and findings for Thomas Tuchek. The property is located in Section 7 of Wells Township.

RESULT: Approved, AYES: Garrett Johnson, Ken Engen, NAYS: Jim Cihak

CONDITIONS OF APPROVAL – Tuchek

1. The variance is to allow for replacement of the attached decks, roofs constructed over the decks and replacement of the roof and siding on a cabin located 32-ft from French lake, and 0.24-ft from the south property line, subject to compliance with all other ordinance regulations.
2. Any portions of the structure extending over the property line shall be removed no later than 60-days after variance approval.

3. 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.
4. Variance shall be void if building permits for the construction 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.
6. A certificate of survey verifying the 0.24-ft setback is being met at all portions of the structure shall be completed and submitted to Rice County Environmental Services. This 0.24-ft distance shall be the closest point of the cabin, including overhangs, to the property line.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Board of Adjustment (BOA). TM - The closest point identified on the survey; I believe it was the deck post at the .24ft. If you do go forward with the variances, I do have a couple of suggested changes with the conditions.

The BOA asked the applicant, Thomas Tucheck (TT), to come forward to add comments or answer questions regarding the request.

TT - You have everything in front of you, there really is nothing I can add. The neighbor to the south that is the closest, said it doesn't negatively affect them, so they are fine with it.

GJ - Are you aware of the 5 conditions?

TT - Yes, I got them.

GJ - Do you know if the point of the survey is to the deck post or the overhang?

TT - I believe it is to the post, so we would be 9 inches over the line. The property lines are goofy out there.

JC - Is the overhang only 9" past the post?

TT - Yes, and it is 11ft in the air so it really doesn't affect anybody walking by it or anything.

GJ - I just want to point out if this is granted, that neighbor to the south may not always be there. There could be a fence .24ft from your deck at some point.

TT - I am aware of that.

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

Acting Chair Johnson closed the public testimony portion of the item to the public.

Discussion:

KE - I guess it comes down to whether the neighbor has an issue with it.

GJ - They may not always be the neighbor, TM, the survey is from the deck post?

TM - We are not able to grant a variance for anything to be over the property line. If you were to grant this, I do have some adjusted wording for the conditions. In condition #1, stating that this is a zero lot line setback. And a modification to the survey condition stating any structure over the property line would have to be removed within 60 days of approval and that may take another survey to verify.

JC - Was the most current survey signed and certified?

TM - Yes, we do have the signed certified copy. That is the one showing the .24ft. A lot of times with approvals like this, it is required to have a survey done to verify the setback.

JC - Can we see the picture of the corner of the deck again?

JE pulled up picture.

JC - We know it's over, whether it is 9" or more doesn't really matter at this point. And we cannot grant a variance for over the property line?

TM - I am not sure how you would do that.

GJ - I'm inclined to call the applicant back up to discuss options. I do think we should grant a variance but at what setback?

TM - There are 4 construction items that you are looking at with this. From my understanding, if this is denied, the structures that were there before could stay but the roof/overhangs would need to be removed.

Called applicant back up to the stand.

GJ - I would like to approve this, but we cannot approve a variance over the property line. What do you

think a reasonable setback would be?

TT - The .24ft.

GJ - Anything over that .24ft would have to be removed and brought back to that distance.

JC - And using that distance, it's to the post. The rim joists will need to be brought back to that distance.

TT - No, they are cut into, flush with the post.

GJ - I think either way, it's a tough situation. I can understand that in that development, the property lines don't match with how everything is laid out.

JC - A lot of these things would have been addressed if a building permit would have been pulled before. This one is a mess, there is no way around it.

GJ - I do think it is a unique situation with how that development is laid out. I am inclined to approve the .24ft setback. Either way, the deck was already there so they can have it. It is going to take a lot of work to get it cut back.

TM - I rewrote the conditions based on your discussion. If you would like to go forward with approval, condition #1 would change to 0ft. It would be .24ft, but that will round to 0ft for our purposes, but it seems important to at least list it when it's that close. Then adding the survey condition back in, so #6 would say a certificate of survey verifying the .24ft setback is adhered to shall be completed and submitted to Rice County Environmental Services. This distance shall be the closest point of the cabin to the property line, including overhangs.

JC - I have a hard time saying yes to this. I don't feel comfortable with it. I think we're kicking the ball down the road in the future. I'm okay as long as the setback that we're allowing is met with the survey.

GJ - I understand, but even if we deny this, the deck can stay.

KE - I motion to approve with the changes in the setback and the total of 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***
- *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, we just need to make sure the setback is met.***

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

TM: The previous deck appears to have been in the same location as the rebuilt version, and you're having the overhang line up with that. It has been surveyed to verify it's on the property. The properties out there are all narrow lots running at different angles to the homes.

Motion made, seconded, and approved 2-1 (Yes - KE & GJ, No - JC).

III. New Business

1. Variance/Anderson - Section 29, Warsaw Township

Christy Anderson has requested the following Variance:

- A 4-ft variance from the 16-ft peak height limit to allow for a shed with a 20-ft peak height.

The property is described as: Part of the SE1/4 of the SW1/4, Section 29, Warsaw Township, Rice County, Minnesota. PID# 14.29.3.75.003. The property address is: 25896 Elmore Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Ken Engen, to approve the Variance request with the following conditions and findings for Christy Anderson. The property is located in Section 29 of Warsaw Township.

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

CONDITIONS OF APPROVAL – Anderson

1. The variance is to allow for a 32-ft by 40-ft shed with a 20-ft peak height, 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. Existing tree cover between the shed and stream shall be maintained.
5. Variance shall be void if a building permit 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, Christy Anderson (CA), to come forward to add comments or answer questions regarding the request.

CA - I'm requesting a 4ft variance for the 16ft peak height because its within 300ft of the creek. It is 195ft from the creek.

GJ - Are you aware of the 6 conditions?

CA - Yes.

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

Acting Chair Johnson closed the public testimony portion of the item to the public.

Discussion:

GJ - We see these Ag properties sometimes that are close to water.

KE - I don't think the height is going to prevent anyone from seeing the stream.

JC - The lot is large enough, this should not be an issue down the road. I motion to approve item #1 of new business.

KE - I second with the 6 conditions.

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 Cihak with the conditions as stated above and with the following additions by staff:

TM: The height is needed to get the proper door height the applicant needs. It is well screened to the stream and to the property line. It's not a large variance, and there are similar height buildings in the area.

Motion made, seconded, and approved unanimously.

2. **Variance/Desjardins - Section 35, Shieldsville Township**

Chad Desjardins has requested the following Variances:

- A 5-ft variance from the 20-ft Road Right of Way setback to allow for a detached garage to be located 15-ft from the Road Right of Way of Cedar Lake Trail
- A 5-ft variance from the 10-ft side property line setback to allow for a detached garage to be located 5-ft from a side property line.
- A 5-ft variance from the 14-ft peak height to allow for a detached garage with a peak height of 19-ft.

The property is described as: Lot 11 and part of Lot 10, Heine's Cedar Lakeview Second Addition, Shieldsville Township, Rice County, Minnesota. PID# 09.35.2.01.014. The property address is: 20035 Cedar Lake Trail, Morristown, MN 55052. The property is Zoned GDS, General Development Shoreland.

Motion by Jim Cihak, seconded by Ken Engen, to deny the 5ft west property line Variance request with the following findings for Chad Desjardins. The property is located in Section 35 of Shieldsville Township.

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

Motion by Jim Cihak, seconded by Ken Engen, to approve the 5ft Road Right-of-Way and 5ft peak height Variance requests with the following conditions and findings for Chad Desjardins. The property is located in Section 35 of Shieldsville Township.

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

CONDITIONS OF APPROVAL – Desjardins

1. The variance is to allow for a 34-ft by 34-ft garage with a 19-ft peak height to be located 15-ft from the Road Right of Way, subject to compliance with all other ordinance regulations.
2. The application plans submitted shall be followed.
3. A detailed impervious surface site plan and calculations shall be submitted with the building permit application for the garage.
4. Variance shall be void if a building permit for the proposed garage is not obtained within one year of the variance approval.
5. Failure to comply with the terms of this variance may result in termination of the Variance.

Hearing Minutes:

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

The BOA asked the applicant, Chad Desjardins (CD), to come forward to add comments or answer questions regarding the request.

CD - I am requesting the road setback to help fit the building in and try to work around the drainfield which is in front of the house. The side setback is to an access lot, so there will never be anything built there. And the height is to allow for a bigger garage door to get into the building.

GJ - Are you aware of the 5 conditions?

CD - Yes.

GJ - I am looking for clarification as to why you don't move the garage 5ft to the right to avoid the need for the variance?

CD - I am trying to maximize the use of the lot since it is next to an access lot and nothing will be built there.

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

Acting Chair Johnson closed the public testimony portion of the item to the public.

Discussion:

GJ - The road setback makes sense if you are trying to get it to fit between the drainfield and the road. Staff, do you have a height on the one approved two lots over?

TM - We were just looking at the previously approved one and there was no side lot setback or height variance needed on that, just a lake setback.

GJ - I can understand why you want to put it there, but it would be hard to argue that having a nice grass area is a reason for a variance.

KE - I would agree. Let's try to keep that setback at 10ft.

GJ - TM, have there been other height variances in the area?

TM - Yes, there was at least one, about 10 lots over. It is not unusual for the area.

GJ - I am inclined to allow the height difference and the road setback, but I think the side setback is hard to make an argument for.

JC - I motion to deny the side property line setback.

KE - I'll second that.

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?* **No**
- *The proposed use is an allowed use in the zoning district in which the property is located?* **No**
- *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?* **No**

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

TM: It does appear that the building could be done without needing the side property line setback variance and the applicant did not show a need for the side lot setback.

Motion made, seconded, and approved unanimously.

JC - I approve the 5ft variance from the 20ft road right-of-way setback and the 5ft variance from the 14ft peak height to allow for a detached garage with a peak height of 19ft, subject to the 5 conditions.

KE - I'll second.

TM - That would be with an updated condition #1 to remove the 5ft west property line setback.

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 Cihak with the conditions as stated above and with the following additions by staff:

TM: The onsite drainfield location limits their options. The roadway is a fairly minor dead-end roadway in this location. It is well screened to neighboring properties. The topography is quite a bit lower than the properties behind it, and the height is needed for the height of the proposed doorway.

Motion made, seconded, and approved unanimously.

3. **Variance/Purfeerst - Section 36, Shieldsville Township**

Misty Purfeerst has requested the following Variances:

- A 23-ft variance from the 75-ft Lake setback to allow for a home addition to be located 52-ft from Cedar Lake.
- A 3% variance from the 25% lot impervious surface limitation to allow for a 28% lot impervious surface coverage.

The property is described as: Lot 8 and part of Lot 9, Cedar Shores Subdivision, Shieldsville Township, Rice County, Minnesota. PID# 09.36.1.26.007. Property address is: 20170 Geneva Ct, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

Motion by Jim Cihak, seconded by Ken Engen, to table the Variance request for Misty Purfeerst to the November 6, 2025 meeting. The property is located in Section 36 of Shieldsville Township.

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

4. **Variance/Wolfe - Section 31, Forest Township**

Ryan Wolfe, on behalf of landowner Lake Mazaska North Shore Coop, has requested the following Variances:

- A 70-ft variance from the 100-ft lake setback to allow for a home addition onto an existing home located 30-ft from Lake Mazaska.
- A 30-ft variance from the 30-ft bluff setback to allow for a home addition onto an existing home located 0-ft from a bluff.
- A 4-ft variance from the 20-ft road setback to allow for a home addition onto an existing home/garage located 16-ft from a private roadway.

The property is described as: Part of Government Lots 1 and 2 in the N1/2 of Section 31, Forest Township, Rice County, Minnesota. PID#s 06.31.2.25.001 & 06.31.2.25.946. Property address is: 6551 143rd St W #48, Lonsdale, MN 55046. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Ken Engen, seconded by Jim Cihak, to approve the Variance request with the following conditions and findings for Ryan Wolfe, on behalf of landowner Lake Mazaska North Shore Coop. The property is located in Section 31 of Wolfe Township.

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

CONDITIONS OF APPROVAL – Wolfe

1. The variance is to allow for an addition to connect an existing cabin/home and currently detached garage and for a second story addition to the garage. Completed structure will be 30-ft from Lake Mazaska, 0-ft from the Bluff and 16-ft from a private roadway, subject to compliance with all other Ordinance regulations.
2. Bedroom addition above garage shall be connected internally to the rest of the cabin/house.
3. Approved site plan shall be followed.
4. A compliance/integrity inspection for the cabin septic tank shall be completed prior to issuance of any structure permits for the additions. If the tank is non-compliant a compliant tank shall be installed within one year of the variance approval.
5. Three native trees shall be planted and maintained on the bluff area between the cabin/home and Lake Mazaska. Tree planting is to be completed prior to occupancy of the additions. A tree planting plan shall be submitted with the building permit application for the addition.
6. Proper permits shall be obtained prior to any onsite construction.
7. Variance shall be void if a permit for the proposed additions is not obtained within one year of the variance approval.
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).

The BOA asked the applicant, Ryan Wolfe (RW), to come forward to add comments or answer questions regarding the request.

RW - Just wanting to put an addition on to extend some living space and build a bedroom above the garage.

GJ - Are you aware of the 8 conditions?

RW - Yep.

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

Acting Chair Johnson closed the public testimony portion of the item to the public.

Discussion:

KE - I think it looks pretty straight forward.

JC - None of the requests are moving further into the setbacks. They are requesting to put an addition on a building that is already at those setbacks.

KE - I motion to approve with the 8 conditions.

JC - I'll second that motion.

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 and with the following additions by staff:

TM: There is a condition for tree planting to help with screening along the steep slope.

Motion made, seconded, and approved unanimously.

5. **Variance/Schneider - Section 35, Erin Township**

Angela Schneider has requested the following Variances:

- A 26% slope variance from the 18% slope grading limitation to allow for grading to allow for a 215-ft long, 8-ft wide gravel pathway with a proposed 26% slope and a landing area to be created on an existing 44% slope.

The property is described as: Lot 6, Dudley's Northside Addition Number-2, Erin Township, Rice County, Minnesota. PID# 05.35.4.01.006. Property address is 14800 Shields Lake Trail, Faribault, MN 55021. The property is Zoned GDS, General Development Shoreland.

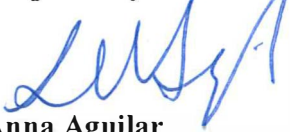
Motion by Jim Cihak, seconded by Ken Engen, to approve the withdrawal of the Variance request for Angela Schneider. The property is located in Section 35 of Erin Township.

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

IV. **Adjournment**

Hearing no other items before the BOA, a motion was made by Cihak, second by Engen, to adjourn the meeting at 6:50 pm. Motion carried 3-0.

Respectfully Submitted



**Anna Aguilar
Administrative Coordinator**

Board of Adjustment



Garrett Johnson, Acting Chair