AGENDA

**CHANGE – immediately following the Planning Commission meeting**

I. Call to Order
   A. Roll Call
   B. Reading of Notice
   C. Approval of Agenda
   D. Approval of Minutes – BOA Regular Meeting – February 1, 2018
      Sign-In Sheets - Add-On

II. New Business
   1. Variance - Tuma - Section 36, Wheatland Township
      Jack & Dorothy Tuma have applied for a 30-ft variance from the 100-ft setback to allow for a new home to be located 70-ft from a protected watercourse. The property is described as: Part of the SW1/4 of the SW1/4 of Section 36, Wheatland Township, Rice County, Minnesota. The property address is: 7950 Union Lake Trail, Lonsdale, MN 55046. PID #: 01.36.3.50.001. The property is Zoned UR, Urban Reserve.

   2. Variance - Wolfe - Section 31, Forest Township
      Lynn Wolfe has applied for a 30-ft variance from the 30-ft bluff setback requirement and 62-ft and 90-ft variances from the 100-ft Lake Mazaska setback requirements to allow for a deck to be located at the bluffline and 38-ft from Lake Mazaska and for a retaining wall to be located 10-ft from Lake Mazaska. The property is described as: Part of the SW1/4 of the NW1/4 of Section 31, Forest Township, Rice County, Minnesota. The property address is: 6551 143rd St W #48, Lonsdale, MN 55046. PID #: 06.31.2.25.946. The property is Zoned RDS, Recreational Development Shoreland.

III. Adjournment

   Board of Adjustment Hearing Procedure:
   The Chair calls the item to be heard and planning staff to present the staff report and answer questions from the members. The Chair asks the applicant to present their information and answer questions of the members. Chair then opens the meeting to the public. Each speaker will have a set number of minutes to present their information. They must come to the speaker stand and state their name and address before presenting their comments. After the public comments, the Board of Adjustment publicly discusses the information and reviews the findings before making a motion to recommend approval, denial or to continue the item.
I. Call to Order
A. Roll Call - The meeting was called to order by Chair Michael Streiff at 7:00p.m. Members present were: Preston Bauer, Michael Streiff, Tom Sammon, Charlie Peters. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar. Others present: see sign-in sheet.

B. Reading of Notice
Motion by Bauer, seconded by Sammon, to read the notice into the minutes.

RESULT: Approved [Unanimous]
AYES: Streiff, Bauer, Sammon, Peters
EXCUSED: Horejsi

C. Motion by Peters, seconded by Sammon, to approve the agenda as presented.

RESULT: Approved [Unanimous]
AYES: Streiff, Bauer, Sammon, Peters
EXCUSED: Horejsi

D. Motion by Sammon, seconded by Bauer, to approve the minutes of January 4, 2018.

RESULT: Approved [Unanimous]
AYES: Streiff, Bauer, Sammon, Peters
EXCUSED: Horejsi

II. New Business
1. Variance/Smith - Section 8, Wells Township
Jason & Emily Smith have applied for a 9-ft variance to the 10-ft side property line setback, a 5-ft variance from the 75-ft Lake setback and an 18% variance from the 25% lot impervious surface coverage to allow for an attached garage addition. The property is described as: Part of Government Lot 7 of Section 8, Wells Township, Rice County, Minnesota. The property address is: 16890 Elmore Way, Faribault, MN 55021. PID #: 10.08.3.75.005. The property is Zoned GDS, General Development Shoreland.

Motion by Bauer, seconded by Peters, to approve the variance request with the following conditions and findings for Jason & Emily Jensen. The property is located in Section 8 of Wells Township.

RESULT: Approved [Unanimous]
AYES: Streiff, Bauer, Sammon, Peters
ABSENT: Horejsi

CONDITIONS OF APPROVAL - Smith

1. The variance is to allow for a 300-sqft attached garage addition onto a house located 1-ft from a property line and onto a lot with over a 25% impervious surface, subject to
compliance with all other regulations.

2. A building permit shall be obtained and construction of the building started within one year of variance approval or the variance will be void.

3. Final landscaping shall require that 600-sqft on the lot be planted and maintained as a natural vegetation buffer. The buffer area shall include a minimum of 30-ft along the lakeshore to a landward depth of at least 10-ft. Planting list must be approved by the Rice County Environmental Services Office prior to planting. Planting must be completed no later than August 1, 2018 and must be permanently maintained thereafter. The required 600-sqft vegetative buffer size may be reduced incrementally by an equal amount if current impervious surface area is permanently converted to a pervious surface.

4. No additional impervious surfaces shall be added to the lot.

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)

TM - The blank is for the square footage of the garage. I was not able to determine it based off the documents submitted. We left it blank to get that information from the applicant.

TS - My understanding is that there is no further encroachment?
TM - No the proposed addition does not encroach on any of the setback requirements.
PB - Is there currently any natural vegetation buffer since they are already over the impervious surface?
TM - It is currently over the impervious surface. It is tough this time of year to tell exactly what is there. There does appear to be a walkway from the home to the water and then lawn and some trees.
MS - Are you able to show on the map the group septic? Any idea how many houses come into it?
TM - I do not have that info. I believe this one connects northeast of this location, within a quarter mile of the site.

The BOA asked the applicants, Jason & Emily Smith (JS & ES), to come forward to add comments or answer questions regarding the request.

JS - The question with the septic, there is approximately 40 people on it and about half a mile away. Everyone has a tank on the property which is inspected every year or every other. It is in compliance. I checked with DeGroot at the county.
MS - Anything additional you would like to add?
JS - We do have a current survey, it was done last year when we bought the property. We do have an 11-ft easement to the side to the north. We do not plan on adding anymore impervious surface. One thing is, all that private drive, I am the one who usually plows the majority of it. It would be nice to be able to park my truck and plow in the area. This would also change the peak of the roof, so instead of the wind coming off lake and dropping down right in front of my place which creates a drift. We would be able to change that peak to make it so that wouldn't happen. We would have better accessibility because this is the house I plan on living in for my lifetime. I just want to make it better for me and my family.
CP - You are familiar with 5 conditions?
JS - Yes, we were talking about the buffer. I was wondering if there is anything we can do beside a buffer? We do have some trees and a big hill side. There really isn't anything that can come and run through as far as water or sediment. I was looking at the Cannon River Watershed project which our association works with regularly. We have a big slew for filters for water clarity and our wildlife. I only have 65-70-ft of lakeshore, it would be nice to use that as a beach front like it has been.

CP - I don’t know if we can change the buffer because of run-off to lake. You can still maintain your path.

JS - Trent mentioned there might be some other options as far as putting a birm there. I know one of my neighbors on the north side is here and he probably would not care for a lot of wildlife vegetation being planted there. With taller plants, it will create more mosquitoes. I want to do what can to make the lake as clean as possible, but in the same sense, sand is also a really good filter. My beach is sand, so I don't know if there is a possibility to do some type of a birm out front that could slow down that water for it to seep into the ground prior to getting to the lake.

CP - We only care that you work something out for that condition. A buffer is a condition in most of these when the impervious surface has exceeded the allowed amount.

TM - With the 50% lake frontage requirement, that can be split up along the frontage with the way it is worded. That is usually worked out with the applicant between our office and them on where that buffer would be. We usually stick to that amount but could vary it some if you feel appropriate on this site. Whenever our impervious surface is significantly over, that is when we have a buffer. We are also encouraged by the DNR to require this type of buffer with variances when this amount of impervious surface. I am not sure if there is different tool to implement that. The buffer has typically been utilized not just for run-off from the lot but also as a buffer from the lake forward for more of a natural look.

JS - That is one of my concerns is that vegetation. I know there have been several around my place that did not have to have that vegetation put in. I am going to be there forever, I don't want to be swimming in a bunch of garbage.

CP - I think it is the impervious part that triggered the buffer. Another question is with condition #1, we have a blank for the amount of square feet of the garage addition. We need to fill that in.

JS - I plan on putting in a 10-ft by 30-ft from an aerial view. From the front view we would be changing the peak. For impervious surface, we are not adding any but the garage addition would be 10-ft by 30-ft. Plus another 30-ft by 30-ft which would be about 900-sqft. So with the 900 and 300-sqft, it would be about 1200-sqft.

PB - Do you know if your peak height will be in compliance?

JS - Yes, it will be. The max peak height is 35-ft and I will be under that.

TM - For the condition, the actual increase of the foot print of the home is 300-sqft, which is what I was looking for.

MS - So the blank in #1 is 300-sqft, not 1200.

JS - Is there anything else or compromise on the buffer? Like if I got rid of some of the impervious surface, would that be equivalent to a certain amount to offset that 300-sqft. Being on the lake, you want the lake frontage. That is what you pay for.

PB - We have always gone with this type of condition. You could probably work with the County staff in regards to that.

TM - We have in other situations, where the buffer did not have as much frontage but was deeper with the same type of square footage. At that point it might be a rain garden instead or something like that. We could write the condition allowing for removal of existing impervious surface to offset that for some portion of it. I can work on a condition while you hear the public.

MS - We will let Trent work on the condition while we open it up to the public and then bring it back up here and discuss it.

Chair Streiff opened the public testimony portion of the item to the public and the following spoke:
Jeff Gillen (JG) - I am a neighbor of Jason's, a few houses down. The question I have is that 50% of his length of property line on the lakeshore for impervious surface. Is that how the condition was written?

TM - The buffer requirement would be 50%. There is approximately 70-ft there so the buffer would be roughly 35-ft.

JG - Ok, the 50% is for a buffer. That is a concern I have with being a neighbor and we all bought our houses for our beaches. The value of the land is based on the footage of the beach, not the piece of property it is on. I have seen them on other properties and they are grassy, weedy areas. I don't know what can be done but I have seen them grow out of control to where there are mosquitoes. This is a concern with our children playing on the beaches. As of right now, that stretch of beach runs the entire east shoreline of the lake and it has been that way for years. It has been a sandy beach the whole time and everybody loves that. We consider the beach natural to us and we are very concerned about run-off. We have a very strong lake association that works with various groups doing run-off projects and that but we focus on waterway and ditches. As Jason point out, to the right of the driveway, for at least a quarter mile, is hillside that treads water away from the lake and into the sloughs that are on the east side of the lake here. I would like for those things to be brought into consideration. We bought our homes for the beaches and nobody cares more about the lake then us. We are all members of and active in our lake association.

PB - Do you bring sand into the shoreline?

JG - No, the way it works is the sand is there and it has always been there. The sand will go up and down over the years due to ice heave. The ice heave has the biggest impact on the lakeshore. Right now, I have a natural birm because of the way the ice is heaving but in two years that birm might gone. It might stay, it might be down a little bit with the kids playing on the beach, it pushes the sand down. The next year we get the right winter, it pushes the sand right back up. The lake maintains that beach and it naturally works itself. I have never heard of anyone bringing their own sand in.

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

Discussion:

TM - I have a couple ideas with changing condition #3 to say final landscaping shall require a 600-sqft buffer including at least 30-ft along the lakeshore area with a minimum 10-ft depth back from the lake. This allows for some flexibility for the sizing of that. The second part of that would say the vegetative buffer square footage can be reduced by conversion of equal amount of existing impervious surface converted back to pervious surface. The buffer could be completely offset if you wanted to remove enough impervious surface from the site.

MS - Thoughts on the new wording?

TS - Trent, you had mentioned a rain garden, can you explain the rain garden and if it would suffice.

TM - The only real difference with the vegetation buffer it is natural vegetation and a rain garden is still natural vegetation but usually a shallow depression area to short term hold water for a day or 24 hours. Not enough to where it creates a mosquito issue but to intercept and slow down water for absorption.

TS - A rain garden would satisfy this buffer?

TM - Part of this buffer could be a rain garden. With having the 30-ft minimum and the 10-ft minimum, that would allow it to come back further to get the 600-sqft. It could be wider or deeper but those are the minimums.

MS - Will the applicant come back forward and we can talk this through.

JS - So the rain garden, does that have to be on the lake side or right on the sand beach?

TM - The natural vegetation buffer just has to be 30-ft along the lakeshore and a minimum 10-ft back from the lakeshore. It could potentially be anywhere else on the lot back from there to achieve that. There is some flexibility in the design.

CP - But even the buffer could be backed off from the lakeshore?

TM - Yes, as long as it meets those two minimum requirements to achieve the 600-sqft or by
removing an equal amount of impervious surface to decrease buffer square footage.

JS - I think we can work with that. Is there a way since we are only adding 300-sqft but have to give 600-ft, is there a compromise there? I mean if we are only adding 300-sqft as an addition but we have to put twice as much as a buffer. That would be a total of 900-sqft I will have to change with the 300-sqft for the addition and 600-sqft for the buffer.

CP - The reason that is triggered is because you are already over the impervious area on your lot.

JS - Sounds like as good an option as any.

MS - Just to recap, condition #1 is 300-sqft. Any other thoughts on Trent's rewording of condition #3?
CP - I think he had it worded well.
MS - Yeah, I like the wording.
PB - I'll make the motion for approval with the 5 conditions.
CP - 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 amendment are met by this proposal:

- Proposed use is allowed in the property's zoning district;
- Request is in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan;
- Applicant proposes to use the property in a reasonable manner not permitted by the Ordinance;
- The request stems from circumstances unique to the property, not one created by the landowner;
- If granted, this variance will not alter the essential character of the locality nor have any significant impact on the surrounding properties;
- This is the minimum variance necessary to afford relief;
- Adequate sewage treatment and water capabilities can be provided;
- The variance would have no significant impact on public health or safety; and
- Special privileges are not conferred to the applicant that are denied owner of other lands, structures, or buildings in the same district

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

TM: It is an existing, well undersized lot with an existing home on the property. There is no further encroachment on any of the setbacks and there are several similar lots nearby.

Motion made, seconded, and approved.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Bauer, second by Sammon, to adjourn the meeting at 7:26 pm. Motion carried 4-0.

Respectfully Submitted
Anna Aguilar
Administrative Coordinator

Board of Adjustment Chair
Michael Streiff
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<tr>
<td>A. Thacher</td>
<td>Keith Thacher</td>
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RICE COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT
MEMORANDUM

TO: Board of Adjustment
FROM: Trent Mccorkell, Rice County Zoning Administrator
HEARING DATE: March 1, 2018
SUBJECT: Tuma – Stream Setback

SUMMARY OF THE APPLICATION
Jack & Dorothy Tuma have applied for a 30-ft variance from the 100-ft setback to allow for a new home to be located 70-ft from a protected watercourse. The new home will be replacing an existing home on the property.

Application Data
APPLICANT: Jack & Dorothy Tuma
LOCATION: Part of the SW1/4 of the SW1/4 of Section 36, Wheatland Township, Rice County, Minnesota. The property address is: 7950 Union Lake Trail, Lonsdale, MN 55046. PID #: 01.36.3.50.001.

ZONING: UR, Urban Reserve.

Lot Area/Dimensions

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Building Details/Requirements

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<th>County Road Right of Way(s)</th>
<th>South property line</th>
<th>West property line</th>
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<td>&gt;600-ft</td>
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Location
The subject property is located on the south side of Union Lake Trail (CR 69) at the corner of Union Lake Trail and Gonvick Ave, approximately ¼ mile south of Lonsdale.

Roads and Access
The site is accessed by a driveway from Union Lake Trail.

Existing Site Conditions
Photos of the property will be presented at the meeting.

Proposed Site/Building Design
See attached plans.
**Ordinance Section**
503.07 and 510

**CONDITIONS OF APPROVAL**
If approved, conditions might include:

1. The variance is to allow for a replacement home to be located 70-ft from Heath Creek, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. The existing house shall be removed prior to a final certificate of occupancy being issued for the new home.
4. Variance shall be considered void if building permits are not obtained and construction commenced within one year of the variance approval.
5. Failure to comply with the terms of this variance may result in termination of the Variance.
Variance Application
Permit # ____

Property Information
Parcel Information:

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<th>City</th>
<th>Zoned as</th>
<th>Owner Name</th>
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<td>LONSDALE</td>
<td>URBAN RESERVE</td>
<td>TUMA JACK &amp; DOROTHY</td>
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Are you the Landowner? Yes
Will you be using an authorized agent? No

Applicant Information
Name: Jack & Dorothy Tuma
Phone #1: (507) 744 - 2155
Email Address: none@gmail.com
Mailing Address: 7950 Union Lake Trl
Lonsdale MN 55046

Type of Variance Request: Property Line(s) Setback
Variance Narrative: requesting a 30’ variance from the new home to the creek

Site Plan, Criteria, Legal
Property Site Plan: File 1: 20180118152935458.pdf
Variance Criteria: File 1: 20180118152958697.pdf
Legal description of Property: File 1: 20180118152508259.pdf

Septic Information
Is your septic system less than 5 years old or had a valid compliance inspection in the past 3 years? No
Please attach any septic inspections or compliance inspection records.: File 1: Nothing_Submitted.docx

Terms
Terms and Conditions
Landowner or Applicant or Representative must attend the scheduled public hearings.

By checking the box above, I hereby certify that all data contained herein, as well as supporting data, are true and correct.
EXHIBIT "A"

LEGAL DESCRIPTION

The South Half of the West 79 acres of the Southwest Quarter of Section 36, Township 112, Range 22 West of the Fifth Principal Meridian, Rice County, Minnesota.
RICE COUNTY BOARD OF ADJUSTMENT ZONING VARIANCE CRITERIA QUESTIONNAIRE

Please provide a response to the following statements/questions. For the Board of Adjustment to be able to grant a variance, an applicant must establish that the criteria listed below from Section 503 of the zoning ordinance are met.

1. What is the proposed land use and is it an allowed use in the zoning district which the property is located in?
   Construction of new home
   *Yes we can have one home per 40 acres*

2. How is the variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan?
   The new home will be in the same area as the current home.

3. Describe how the request is reasonable compared to the ordinance requirement being varied from.
   The current home is 70 feet to creek bank.
   *Basement floor will be approximately 9 feet above top of creek bank.*

4. What are the unique circumstances of this property that prevent compliance with zoning ordinance regulations? Have those unique circumstances been created by the landowner?
   *We are trying to fit the new home between the old (current) septic system and the well, yes but 35 years ago we didn't know we would be building.*

5. How will the request affect the essential character of the locality?
   We feel the variance will have no effect of the character of the locality.

6. Explain the effect the request will have on the surrounding properties.
   We feel that the effect of the request will have no effect on the surrounding properties.
   *Because the nearest home is 900 feet away to place the new home between the old (current) septic system + well.*

7. Explain why this request is the minimum variance amount necessary to afford relief.
   The current septic system is to be abandoned upon the new construction of the new home.

8. Describe the property’s current, and any proposed, onsite sewage treatment and water capabilities.
   The current septic system is to be abandoned upon the new construction of the new home.

9. Explain how the proposal will not have a significant effect on the public health or safety.
   We feel it will have no effect.

10. Describe any situations (setbacks, parcels, structures) similar to the request nearby.
    We don't know of anybody.

11. Please add any additional reasons you feel the variance request meets the ordinance criteria and should be granted. (Attach additional sheets if necessary.)
    *The current home is currently in the same area where the new home will be.*
These proposals appear to have no significant impact on MnDOT roadways and are accessible to MnDOT.

Variance – Tuma – Section 36, Wheatland Township

Variance – Wolfe – Section 31, Forest Township

Resolution #18-011/Amending Table 508.1 & Section 514.05 of the Rice County Zoning Ordinance

WOP/Perkins (Kuelbs) – Section 18, Webster Township

CUP – USS Webster Solar LLC (Pavek) – Section 6, Webster Township

CUP – Watts (Olson) – Section 4, Webster Township

Thanks,

Tracy Schnell, Transportation Planner
Minnesota Department of Transportation, District 6
2900 48th Street NW, Rochester, MN 55901
Office: (507) 286-7599
Email: tracy.schnell@state.mn.us
TO:            Board of Adjustment
FROM:         Trent McCorkell, Rice County Zoning Administrator
HEARING DATE: March 1, 2018
SUBJECT:      Wolfe– setbacks

SUMMARY OF THE APPLICATION
Lynn Wolfe, on behalf of the Lake Mazaska North Shore Cooperative, has applied for a 30-ft variance from the 30-ft bluff setback requirement and 62-ft and 90-ft variances from the 100-ft Lake Mazaska setback requirements to allow for a deck to be located at the bluffline and 38-ft from Lake Mazaska and for a retaining wall to be located 10-ft from Lake Mazaska. The variance request is an after-the-fact request for work that has been done without first obtaining permits.

Application Data
APPLICANT:     Lynn Wolfe
LOCATION:      Part of the SW1/4 of the NW1/4 of Section 31, Forest Township, Rice County, Minnesota. The property address is: 6551 143rd St W #48, Lonsdale, MN 55046. PID #: 06.31.2.25.946.

ZONING:        RDS, Recreational Development Shoreland

Lot Area/Dimensions

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Lot Area</th>
<th>Lot width</th>
<th>Lot depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>74-acres</td>
<td>260-ft to 1900-ft</td>
<td>4000-ft approx</td>
</tr>
<tr>
<td>Min Requirement</td>
<td>40,000-sqft (&lt;1 acre)</td>
<td>150-ft</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Building Details/Requirements

<table>
<thead>
<tr>
<th></th>
<th>Lake</th>
<th>Road</th>
<th>Bluff</th>
<th>Property lines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deck</td>
<td>38-ft</td>
<td>&gt;20-ft</td>
<td>0-ft</td>
<td>&gt;20-ft</td>
</tr>
<tr>
<td>Retaining wall</td>
<td>10-ft</td>
<td>&gt;20-ft</td>
<td>0-ft</td>
<td>&gt;20-ft</td>
</tr>
<tr>
<td>Requirements/limitations</td>
<td>100-ft Min</td>
<td>20-ft Min</td>
<td>30-ft</td>
<td>10 to 20-ft</td>
</tr>
</tbody>
</table>

Location
The subject property is located on the north side of Mazaska Lake.

Roads and Access
The site is accessed from 143th St. W.

Existing Site Conditions
Photos of the property will be presented at the meeting.

Proposed Site/Building Design
See attached site plans.
Ordinance Sections
503.07 and 516

CONDITIONS OF APPROVAL
If approved, conditions might include:

1. The variance is to allow for a ______sqft deck 38-ft from Lake Mazaska and 0-ft from a bluff area, and also to allow for a ______ft high retaining wall 10-ft from Lake Mazaska and on a bluff slope, subject to compliance with all other Ordinance regulations.

2. The approved site plan shall be followed.

3. Proper building permits shall be obtained prior to any onsite construction.

4. Four trees of a species native to Rice County shall be planted and maintained by the cabin owner along the slope between the deck and Lake Mazaska. Trees shall be a minimum of 4-ft in height at the time of planting. Tree species and location needs to be approved by the Rice County Environmental Services Office prior to planting. Planting must be completed no later than August 1, 2018 and trees shall be allowed to grow as a limited screening to Lake Mazaska thereafter.

5. Variance shall be considered void if building 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.
Variance Application
Permit # _____

Property Information
Parcel Information:

<table>
<thead>
<tr>
<th>Parcel ID Number</th>
<th>Site Address</th>
<th>City</th>
<th>Zoned as</th>
</tr>
</thead>
<tbody>
<tr>
<td>06.31.25.946</td>
<td>6551 143RD ST W 48</td>
<td>LONSDALE</td>
<td>RECREATIONAL DEVELOPMENT SHORELAND</td>
</tr>
</tbody>
</table>

Are you the Landowner? Yes
Will you be using an authorized agent? No

Applicant Information
Name: Lynn Wolfe
Phone #1: (952) 432 - 3642
Phone #2: ( ) -
Email Address: lynn.wolfe@hcmed.org
Mailing Address:
15779 Harwell Ave
Apple Valley MN 55124

Variance request
Type of Variance Request: Property Line(s) Setback
Lake/River/Stream (OHW) Setback
Variance Narrative: Setback variance for deck, the stairs(landing) and the retaining wall

Site Plan, Criteria, Legal
Property Site Plan: File 1: 20180202111451476.pdf
Variance Criteria: File 1: 20180202111508823.pdf
Legal description of Property: File 1: 20180202111518542.pdf

Septic Information
Is your septic system less than 5 years old or had a valid compliance inspection in the past 3 years? Yes
Please attach any septic inspections or compliance inspection records:
File 1: Nothing_Submitted.docx

Terms
Terms and Conditions
Landowner or Applicant or Representative must attend the scheduled public hearings.
By checking the box above, I hereby certify that all data contained herein, as well as supporting data, are true and correct.
EXHIBIT "A"

LEGAL DESCRIPTION
of property owned by Lake Mazaska North Shore Cooperative.

Government Lot 1, and the West One-half (W ½) of Government Lot 2, in Section 31, Township 111 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota; EXCEPTING THEREFROM THE FOLLOWING PARCEL OF LAND TO-WIT:

All that part of Government Lot 1, Section 31, Township 111 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota: Commencing at the Northwest Corner of Section 31, Township 111 North, Range 21 West; thence south along the West line of Section 31, Township 111 North, Range 21 West, 1184 feet; thence South 81 degrees 36 feet East 667.5 feet to a point, said point being point of beginning; thence South 41 degrees 30 feet West 160.3 feet; thence South 45 degrees 45 feet East approximately 70 feet to Lake Mazaska; thence following along the high water line about 184 feet measured along the lake to a point that is South 67 degrees 23 feet East approximately 60 feet from the place of beginning; thence North 67 degrees 23 feet West approximately 60 feet to the place of beginning; subject to roads, easements, restrictions and agreements and leases of record.
Please provide a response to the following statements/questions. For the Board of Adjustment to be able to grant a variance, an applicant must establish that the criteria listed below from Section 503 of the zoning ordinance are met.

1. What is the proposed land use and is it an allowed use in the zoning district which the property is located in?
   - Putting up an unattached deck to the cabin. Land slopes down and is hard to use as accompanying cabin.

2. How is the variance request in harmony with the general purpose and intent of the Zoning Ordinance and consistent with the Comprehensive Plan? Enhancement of lakeshore/property.

3. Describe how the request is reasonable compared to the ordinance requirement being varied from.
   - The deck does not get any closer to the water than sheds already in place, does not detract from the view of any other property owners.

4. What are the unique circumstances of this property that prevent compliance with zoning ordinance regulations? Have those unique circumstances been created by the landowner?
   - Cabin is on a hill that goes down very steeply, unable to get any further back from the water, Cabin in the way.

5. How will the request affect the essential character of the locality?
   - Enhances property and view.

6. Explain the effect the request will have on the surrounding properties.
   - Does not change anything, does not affect surrounding properties.

7. Explain why this request is the minimum variance amount necessary to afford relief:
   - There is no place else to place deck with position of cabin.

8. Describe the property’s current, and any proposed, onsite sewage treatment and water capabilities.
   - Property has sewage system in place, not in place.

9. Explain how the proposal will not have a significant effect on the public health or safety.
   - Deck has railings that actually increase safety.

10. Describe any situations (setbacks, parcels, structures) similar to the request nearby.
    - There are more structures on all cabins close to the water than ours.

11. Please add any additional reasons you feel the variance request meets the ordinance criteria and should be granted. (Attach additional sheets if necessary.)
    - Enhances property and view of the lake and land.
Good Afternoon Anna,

Is this application for both walls or does the lower wall exist? It appears the lower wall will be within the lake? DNR is not permitting any new retaining wall below the OHWL, an alternative is field stone rip rap at a more gradual grade if erosion control is needed. Retaining walls are very damaging to the near-shore environment, cause wave action that scours the lakebed, displacing bottom sediment and creating an extremely sterile environment. Retaining walls also require structural maintenance and are frequently damaged by ice action and undermined by wave action. Riprap is not maintenance free and does not eliminate ice heaving, however it is easier to return the rocks to their original positions than to repair a wall that has been damaged by ice heaves. In my 3 years I have had many people inquire about repair to prior installed retaining walls and eventually switch the walls to rip rap due to ice damage. It seems its just a matter of time before the wall will fail and repairs are very costly.

DNR always recommends any variance for a structure within the shoreland impact zone be denied. Mazaska being a recreational development lake that zone is 37.5’ from the OHWL. If the proposal includes walls, landings, patios, decks within that area, we would recommend the variance be denied and alternatives reviewed. In this case the first and second tier retaining wall would fall within that 37.5’, the deck would not according to the drawing, measuring 37’.7” from the lake. If the structures are outside the impact zone the board will need to make sure granting the variance meets the following criteria;

• Would granting the variance be consistent with the comprehensive plan?
• Would granting the variance be in harmony with the general purposes and intent of the ordinance?
• Are there unique circumstances to the property not created by the landowner?
• Would granting the variance allow the essential character of the locality to stay the same?
• Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The attached formula for findings might be a good tool for them to use when determining if the variance is indeed warranted.

Todd Piepho
Area Hydrologist | Ecological and Water Resources

Minnesota Department of Natural Resources
50507 Sakatah Lake State Park
Waterville, Mn 56096
From: Anna Aguilar [mailto:aaguilar@co.rice.mn.us]
Sent: Tuesday, February 13, 2018 11:10 AM
To: 'Benet Freund (Walcott Twp Clerk)' <bfreund12@hotmail.com>; 'Charles Rud' <cobbler.rud@gmail.com>; 'Charles Wagner (Morristown Twp Clerk)' <p_clerk@hotmail.com>; 'Diane Johnson' <djohnson@lonstel.com>; 'Diane Sammon (Warsaw Twp Clerk)' <adsammon67@gmail.com>; 'Frances Boehning (Bridgewater Twp Clerk)' <clerk@bridgewatertwp.org>; 'Jay Haws (Richland Twp Clerk)' <jay@chrishtaws.net>; 'Jim Cihak (Erin Twp Supervisor)' <ciahakfrm@lonstel.com>; 'Jim Duban (Wheatland Twp Clerk)' <jkduban@lonstel.com>; 'Jim Zahn (Wells Twp Clerk)' <jpzahn46@gmail.com>; 'Marilyn Caron (Cannon City Twp Clerk)' <caronmarilyn11@gmail.com>; 'Marjorie Randolph (Northfield Twp Clerk)' <northfieldtwp@northfieldwifi.com>; 'Nancy Johnson (Wells Twp Supervisor)' <nancy@jphoffmanlaw.com>; 'Rebecca Vergin (Wheeling Twp Clerk)' <wheelingtownship@gmail.com>; 'Sharon Kaisershot (Erin Twp Clerk)' <skaisershot@frontiernet.net>; 'Sue Coplecha-Novak (Shieldsville Twp Clerk)' <scnovak@q.com>; 'Trish Burmeister (Forest Twp Clerk)' <burmeisterpatricia@yahoo.com>; 'Vicky Timm' <vtimm@timmstrucking.com>; 'Vikki VanVeldhuizen (Webster Twp Clerk)' <webster_township@yahoo.com>; Dennis Luebbe <dluebbe@co.rice.mn.us>; Jim Kollar <jkollar@co.rice.mn.us>; 'Justin Fuchs' <justin.fuchs@riceswcd.org>; 'Leslie Diaz-Alvarez-USDA' <leslie.diazalvarez@mn.usda.gov>; 'Steve Pahs - NACD' <steven.pahs@riceswcd.org>; Piepho, Todd (DNR) <todd.piepho@state.mn.us>; Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Cc: Trent McCorkell <tmccorkell@co.rice.mn.us>
Subject: Rice Co 3/1/18 BOA Meeting Applications

Good Morning All,

Rice County has two (2) new permit applications on its next Board of Adjustment meeting Agenda, scheduled for Thursday, March 1, 2018.

Please review the attached application and have any comments to Trent or myself by noon Wednesday, February 21th.

Thank you,

Anna Aguilar
Administrative Coordinator
Rice County Environmental Services
aaguilar@co.rice.mn.us
P: 507-332-6171
F: 507-332-6277

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These proposals appear to have no significant impact on MnDOT roadways and are accessible to MnDOT.

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Tracy Schnell, Transportation Planner
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