

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, May 3, 2018 at 7:04 p.m.**

I. Call to Order

- A. Roll Call - The meeting was called to order by Vice Chair Charlie Peters at 7:04p.m. Members present were: Charlie Peters, Preston Bauer, Tom Sammon, Aramis Wells. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar, Clerk Pam Carty. Others present: see sign-in sheet. Members absent: Michael Streiff.

B. Reading of Notice

Motion by Sammon, seconded by Bauer, to read the notice into the minutes.

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

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

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

D. Motion by Wells, seconded by Bauer, to approve the minutes of April 5, 2018.

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

II. New Business

1. Variance/Sorensen - Section 5, Warsaw Township

Jeffrey & Jody Sorensen have applied for a 600-sqft variance from the 1200-sqft size limitation and a 10-ft variance from the 14-ft structure height limitation to allow for a 1,800-sqft storage building with a 24-ft peak height. The property is described as: Lot 2 and parts of Lot 3 and 11 of Anderson's Subdivision in Section 5, Warsaw Township, Rice County, Minnesota. The property address is: 5024 Cannon Lake Trl, Faribault, MN 55021. PID #: 14.05.4.76.002. The property is Zoned GDS, General Development Shoreland.

Motion by Bauer, seconded by Sammon, to approve the Variance with the following conditions and findings for Jeffrey & Jody Sorensen. This property is located in Section 5 of Warsaw Township.

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

CONDITIONS OF APPROVAL - (Sorensen)

1. The variance is to allow for a 30-ft. by 60-ft. two-story personal use storage building

with a 24-ft. peak height, subject to compliance with all other Ordinance regulations.

2. Submitted plans shall be followed.

3. The proposed building shall be used for personal onsite accessory storage only and will not be used for any residential or other uses.

4. No plumbing shall be installed in the new building.

5. A septic system permit shall be obtained prior to issuance of the building permit. The new or updated system shall be installed by not later than December 1, 2018

6. This variance shall be void if a building permit for the proposed shed is not obtained within one year of the variance approval.

7. 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, Jeffrey & Jody Sorensen (JS & JoS), to come forward to add comments or answer questions regarding the request.

CP - You plan on demolishing those two buildings and replacing it with one?

JS - Yes, with a 30 x 60-ft building with a storage loft above. We were told we need a new septic, that is in the processes. They came out today and are drawing a plan on Monday.

PB - Were you able to look at the 7 conditions proposed?

JoS - Yes. Part of it was the septic would be done.

JS - No water.

CP - No plumbing.

JoS - No living space. Storage only.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

PB - It is on the back side, not the lake view side.

CP - It will clean it up by taking down two garages and putting one there.

TS - It is a reasonable request.

PB - I'll make a motion to approve with the 7 conditions.

TS - 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 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:

Staff had no additions.

Motion made, seconded, and approved.

2. Variance/Sammon (Hubers) - Section 18, Northfield Township

Dean Sammon, on behalf of landowners David & Jacquelyn Hubers, has applied for a variance to allow for fill to be placed in area with a natural slope exceeding 18%. The properties are described as: Part of the N1/2 of the NE1/4 of Section 18, Northfield Township, Rice County, Minnesota. PID #'s: 08.18.1.50.004 & 08.18.1.75.001. The properties are Zoned UR, Urban Reserve.

Motion by Sammon, seconded by Wells, to approve the Variance with the following conditions and findings for Dean Sammon on behalf of landowners David & Jacquelyn Hubers. The property is located in Section 18 of Northfield Township.

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

CONDITIONS OF APPROVAL - (Sammon/Hubers)

1. The variance is to allow for up to 37,000 cubic yards of fill material to be placed in an area with a natural slope exceeding 18 percent, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. Variance shall be considered void if the project is not commenced 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)

CP - There is a Conditional Use Permit for this also?

TM - Yes, there is a Conditional Use Permit being requested. It is required to move the amount of material proposed.

PB - To bring a large amount from an excavation site, they need a permit?

TM - Yes, to move large amounts of fill a Conditional Use Permit is triggered.

PB - Even to stockpile it?

TM - This is a final fill location. It is being placed permanently. If it were a temporary stockpile, there is another permitting option for that.

The BOA asked the applicant, Dean Sammon (DS), to come forward to add comments or answer questions regarding the request.

DS - We are working with Mr. Hubers and the fill for this project will be coming from the Rice County Highway 1 project that is currently under construction. Mr. Huber was looking for the material and we had the material. We thought this is mutually beneficial to the County and Mr. Hubers. We have to grade the site, then an erosion control blanket and silt fence will be installed during the initial filling phase. Then seeding will be the final. When completed, the slope will be less than 18%.

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

Vice Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - With the Conditional Use Permit, it seems like a good place to put the fill.

TS - A win-win situation. I move for approval with the 4 conditions.

AW - 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 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 Sammon with the conditions as stated above and with the following additions by staff:

Staff had no additions.

Motion made, seconded, and approved.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Bauer, second by Wells, to adjourn the meeting at 7:17 pm. Motion carried 4-0.

Respectfully Submitted

Board of Adjustment Vice Chair

Anna Aguilar
Administrative Coordinator

Charlie Peters