

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY BOARD OF ADJUSTMENT  
Commissioner's Room / Government Services Building  
Thursday, November 29, 2018 at 7:00 p.m.**

**I. Call to Order**

The meeting was called to order by Chair Michael Streiff at 7:00 p.m.  
Members present were; Michael Streiff, Preston Bauer, Tom Sammon, Charlie Peters, Aramis Wells.  
Staff present were: Environmental Services Director Julie Runkel, Zoning Administrator Trent McCorkell, , Clerk, Pam Carty.  
Others present: see sign in sheet.

A. Roll Call -

**B. Reading of Notice**

**Motion by Wells, seconded by Peters, to read the notice into the minutes.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters, Wells

**C. Motion by Bauer, seconded by Peters, to approve the minutes of October 4, 2018.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters, Wells

**D. Motion by Peters, seconded by Bauer, to approve the agenda as presented.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters, Wells

**II. Old Business**

**III. New Business**

**1. Variance/Halvorson-Section 13, Morristown Township**

Kim Halvorson has applied for a 90-ft variance from the 100-ft property line setback requirement, and a 130-ft and 100-ft variance from the 300-ft wetland setback requirements to allow for a Turkey barn to be located 10-ft from a property line and 170-ft and 200-ft from wetland. The property is described as: Part of the SW1/4 of the SW1/4 of Section 13, Morristown Township, Rice County, Minnesota. The property address is: 23907 Harris Trail, Morristown, MN 55052. PID #: 13.13.3.50.001. The property is zoned A, Agriculture.

**Motion by Peters, seconded by Sammon, to approve the variance permit with the following conditions and finding for Kim Halvorson. This property is located in Section 13 of Morristown Township.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Peters, Wells

**CONDITIONS OF APPROVAL**

1. The variance is to allow for a 60-ft by 560-ft agricultural barn with a 16-ft by 20-ft service structure attachment to be located 10-ft from a property

line and 170-ft and 200-ft from a wetland area, subject to compliance with all other Ordinance regulations.

2. Approved site plan shall be followed.
3. Variance shall be considered void if building permits are not obtained and construction 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.
5. Certificate of survey verifying property lines shall be submitted prior to construction.

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

PB - do you know if there is a current survey?

TM - I do not.

The BOA asked the applicant, Kim Halvorson (KM), to come forward to add comments or answer questions regarding the request.

Kim Halvorson - 23840 Harris Trl

KH - the barn is being replaced as the tornado of September 20th took half of the one turkey building and the second building also is to be replaced as it was lifted right out of the ground. I have already applied for a building permit for both of those buildings. Both finished buildings were basically demolished.

PB - with the 10ft setback is there a current survey of the parcel?

KH - purchased property in 1983 has not been surveyed since.

TS - what is the reason for moving the building?

KH- more than half of the building is missing and trying to get the buildings in line with each other, and to be able to use both turnarounds equally, in speaking with the feedlot officer it also gives us a better setback to the wetland area. This seemed like a good time to take the opportunity to line the buildings up.

AW - Do you know what the setback is on building 1?

KH -10 ft

MS - are you aware of the conditions?

KH - asked for copy of conditions, and yes.

TM - the other building planning to be replaced does not need a variance as it will be in same location.

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

Bernt Halvorson - 1403 19th Ave NW.

BH- 50 % owner of Halvorson Farms, I just found out about this variance from 3rd party, I am looking to postpone this variance so that I may discuss with Kim Halvorson if this is the route we want to go, and if we even want to rebuild.

Lawrence Weinberger - lives straight east of turkey barn, I am against it because it shouldn't be there in the first place as it is too close to the river. There are times we have had to cancel

our outdoor activities because the smell is so bad when the wind is right. We four wheel in the ditch between the river and the turkey buildings and I have seen turkey manure flowing into Cannon river for quite a few years now. And from what I have read Ms. Halvorson has had problems with the zoning of other projects too; that should be taken into consideration.

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

Discussion:

TS - if we pass this tonight, discussion of the postponing of variance can continue - our action does not need to be postponed, it is a reasonable request due to the storm damage.

PB - with the 10 ft setback - the line should be determined as it is very close to the property line.

TS - It would not hurt to add a condition to require a survey.

TM - Certificate of survey verifying setbacks shall be submitted prior to construction, this will be added as condition # 5.

CP - I agree with Tom, and to line them up makes more sense.

CP - made motion to approve

TS - seconded

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

TM: this request is for replacing an existing non-conforming barn.

Motion made, seconded, and approved.

MNDOT Correspondence

#### IV. Other

#### V. Adjournment

Board of Adjustment Hearing Procedure:

#### **Adjournment:**

Hearing no other items before the BOA, a motion was made by Charlie Peters second by Aramis Wells to adjourn the meeting at 7:20 p.m. Motion carried 5-0.

**Respectfully Submitted**

**Board of Adjustment Chair**

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**Pam Carty  
Clerk**

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**Michael Streiff**