

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY BOARD OF ADJUSTMENT  
Commissioner's Room / Government Services Building  
Thursday, January 4, 2018 at 7:00 p.m.**

**I. Call to Order**

- A. Roll Call - The meeting was called to order by the 2017 Vice Chair Michael Streiff at 7:00p.m.  
Members present were: Michael Streiff, Preston Bauer, Tom Sammon, Charlie Peters. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Administrative Coordinator Anna Aguilar. Others present: see sign-in sheet.  
Joe Horejsi was absent.

**B. Reading of Notice**

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

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

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

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

**D. Motion by Bauer, seconded by Sammon, to approve the minutes of November 30, 2017.**

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

**II. Other**

**1. Election of 2018 Board of Adjustment Chair**

**Motion by Sammon, seconded by Peters, to approve the election for the Board of Adjustment Chair for 2018.**

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

TS - I move that we cast a unanimous ballot for Mike for Chair of the Board of Adjustment.

CP - I second that.

MS - I'll accept.

Motion made, seconded, and approved.

Michael Streiff was elected as Board of Adjustment Chair for 2018.

**2. Election of 2018 Board of Adjustment Vice Chair**

**Motion by Bauer, seconded by Sammon, to approve the election of the Board of Adjustment Vice Chair for 2018.**

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

PB - I'll make a motion to for a unanimous ballot for Charlie Peters to be Vice Chair of the Board of Adjustment.

TS - Second.

Motion made, seconded, and approved.

Charlie Peters was elected as Board of Adjustment Vice Chair for 2018.

**3. Appointment of 2018 Board of Adjustment Secretary**  
**Motion by Sammon, seconded by Peters, to delegate Environmental Services Staff as Secretary of the Board of Adjustment for 2018.**

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

MS - In the past, the Secretary for the Board of Adjustment has been Staff.

TS - I move that we have the Staff be our Board of Adjustment Secretary.

CP - I'll second that.

Motion made, seconded, and approved.

Environmental Services Staff were delegated as Board of Adjustment Secretary for 2018.

**4. 2018 Board of Adjustment Meeting Schedules**  
**Motion by Peters, seconded by Sammon, to approve the attached 2018 Rice County Board of Adjustment meeting schedule as presented by staff.**

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

MS - I believe the meeting schedule will still be the first Thursday of each month. Is that right?

JR - There are a couple deviations in July and November, but typically it is the first Thursday yes.

MS - Has everyone had a chance to look at the schedule? Is there a motion to approve the 2018 meeting dates?

CP - So moved.

TS - Second.

Motion made, seconded, and approved.

**5. Public Comment Time Limit for 2018 Board of Adjustment Meetings**  
**Motion by Peters, seconded by Sammon, to approve a three (3) minute time limit per person for public testimony at 2018 Rice County Board of Adjustment meetings.**

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

MS - Right now the Public Comment Time Limit is three minutes.

CP - I'll make a motion that we keep it at three minutes.

TS - Second.

Motion made, seconded, and approved.

**III. New Business**

**1. Variance - Vandenheuvel - Section 16, Webster Township**

Paul & Wendy Vandenheuvel have applied for a 45-ft and a 100-ft variance from the 100-ft property line setback to allow for a livestock building to be located 55-ft and 0-ft from a property line. The property is described as: Part of the NE1/4 of the NW 1/4 of Section 16, Webster Township, Rice County, Minnesota. PID #: 02.16.2.00.006. The property is Zoned A, Agricultural.

**Motion by Peters, seconded by Sammon, to recommend approval of the Variance with the following conditions and findings for Paul & Wendy Vandenheuvel. This property is located in Section 16 of Webster Township**

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

**CONDITIONS OF APPROVAL - Vandenheuvel - Variance**

1. The variance is to allow for a 30-ft by 40-ft livestock building located 0-ft from the west property line and 55-ft from the south property line, 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.

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**Hearing Minutes:**

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

TS - Is there a survey on this?

TM - There has been surveys done. This building site was created through the use of a Transfer Development Right, so there was a survey done at that point. It should be well known where that property line is.

PB - the owner of the other lot, is that the applicant?

TM - All of this is the applicants' properties.

CP - Even those two to the south?

TM - No, those two to the south are, I believe, a relative but not theirs.

The BOA asked the applicant, Paul & Wendy Vandenheuvel (PV & WV), to come forward to add comments or answer questions regarding the request.

WV - Part of the reason we need the variance is we were going to move it to the back of the lot but there is a gas line that runs there and we cannot get the footage we need to put it in the

back. The front is the flattest, otherwise, we would have to haul in a bunch of fill.

MS - So there is a pipeline issue in the back?

WV - Yes.

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

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

Discussion:

PB - We have four conditions here. It is plain and simple and the applicant owns both the lots.

CP - They are maintaining the road setback. I would rather have the zero setback from the west side.

TS - Yes.

CP - I will make a motion to approve with the four 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 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 Peters with the conditions as stated above and with the following additions by staff:

TM: Applicant does own both properties on each side of the zero lot line setback. There is significant topography and pipeline limiting the location and it is for an agricultural livestock building proposed in an agricultural district.

MS - Did we second?

AA - No.

TS - I second.

Motion made, seconded, and approved.

## **2. Variance - Keogh - Section 32, Morristown Township**

Michael Keogh has applied for a 1488-sqft variance from the 1200-sqft size limitation and a 9-ft variance from the 16-ft height limitation to allow for a 2688-sqft building with a 25-ft peak height. The property is described as: Part of the E1/2 of the NE1/4 of Section 32, Morristown Township, Rice County, Minnesota. The property address

is: 11104 260th St W, Morristown, MN 55052. PID #: 13.32.1.75.001. The property is Zoned NES, Natural Environmental Shoreland.

**Motion by Bauer, seconded by Peters, to recommend approval of the Variance Permit with the following conditions and findings for Michael Keogh. This property is located in Section 32 of Morristown Township.**

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

**CONDITIONS OF APPROVAL - Keogh - Variance**

1. The variance is to allow for a 42-ft. by 64-ft. personal use storage building with a 25-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 business or other storage.
4. A septic system compliance inspection shall be completed prior to issuance of the building permit. If the onsite system is found not in compliance a compliant system shall be installed by not later than November 1, 2018.
5. This variance shall be void if a building permit for the proposed 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.

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**Hearing Minutes:**

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

CP - The height is because of the lake shore?

TM - The height limitation and size limitation are because of the lake shore. Even though the proposed location is quite a distance from either of the water bodies, the parcel itself actually extends to that water body. From talking to the applicant, the peak height anticipated won't be the main part of the building. It is actually the top of a cupula that is proposed on the structure.

The BOA asked the applicant, Michael Keogh (MK), to come forward to add comments or answer questions regarding the request.

Doug Christian (DC) - I am appearing on behalf of Mr. Keogh. I don't have much to add, he just wants to put a storage building, machine shed on his property in order to facilitate his farming operation.

MS - You have seen the six conditions?

DC - Right.

MS - You are good with everything that is in them?

DC - Yes.

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

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

Discussion:

PB - Basically because of where it is zoned. The land joins some kind of a lake. If it was in an Agricultural district, it wouldn't be an issue.

CP - It looks like it will be a distance from any other residences. I don't see an issue with it.

PB - I will make a motion for approval.

CP - I will 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: The proposed building is a long distance from the water bodies. It is well screened by trees towards both lakes. It is of similar size to other buildings in the vicinity. It is a very large parcel compared to others in the district.

Motion made, seconded, and approved.

#### **IV. Adjournment**

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

**Respectfully Submitted**

**Board of Adjustment Chair**

**Anna Aguilar**  
**Administrative Coordinator**

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**Michael Streiff**