

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, August 2, 2018 at 7:00 p.m.**

I. Call to Order

- A. Roll Call - The meeting was called to order by Vice Chair Charlie Peters at 7:00p.m. Members present were: Charlie Peters, Preston Bauer, Tom Sammon, Aramis Wells. Staff present were: Director Julie Runkel, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar, Clerk Pam Carty. Others present: see sign-in sheet. 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 Sammon, seconded by Wells, to approve the agenda as presented.

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

D. Motion by Bauer, seconded by Wells, to approve the minutes of July 12, 2018.

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

II. New Business

1. Variance/Smith - Section 10, Webster Township

Joshua & Jennifer Smith have applied for a 70-ft variance from the 100-ft Road Right of Way setback requirement to allow for a deck addition to an existing home. The property is described as: Part of the N1/2 of the NE1/4 of the NE1/4 of Section 10, Webster Township, Rice County, Minnesota. The property address is: 3118 40th St W, Webster, MN 55088. PID #: 02.10.1.00.001. The property is Zoned A, Agricultural.

Motion by Bauer, seconded by Sammon, to approve the variance request with the following conditions and findings for Joshua & Jennifer Smith. The property is located in Section 10 of Webster Township.

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

CONDITIONS OF APPROVAL - (Smith)

1. The variance is to allow for a deck addition onto the side of an existing home located 30-ft from the Road Right of Way of 40th St. W., subject to compliance with all other

Ordinance regulations.

2. The onsite septic system shall have a compliance inspection completed by not later than June 1, 2019. If the onsite system is found to not be in compliance a compliant system shall be installed by not later than September 1, 2019.

3. Approved site plan shall be followed.

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.

Hearing Minutes:

Planner Nicole Bonde-Jones (NB) presented the request to the Board of Adjustment (BOA) PB - A question on the County letter regarding the current home location alignment. They indicated it is reasonable to allow the driveway to remain as constructed. Is that a typo?
NB - I believe there was some confusion when they first applied. They thought it was because the driveway was in the right of way but they actually need the variance because the house is located too close to the right of way. It has nothing to do with the driveway. It is the location of the house in proximity to the right of way.

TS - A question with the right of way, to the right there where it jogs. Approximately how many feet is that?

NB - Roughly 50-ft.

The BOA asked the applicant, Joshua & Jennifer Smith (JoS & JeS), to come forward to add comments or answer questions regarding the request.

JeS - The deck boards do go all the way along the house but we are only doing the corner away from the road, to the South. It will not be on the side of the road itself.

CP - It will not encroach any further into the road right of way?

JeS - Correct, it will only be going off the southeast corner. We are not wrapping around at this time.

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 just the way it happens to line up. The County doesn't have an issues with it.

TS - And there is no further encroaching. The existing house is the closest to the right of way.

CP - It looks shielded from everything.

PB - I'll make a motion for approval with the 5 conditions.

TS - 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 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:

NB: It is a fairly large right of way and the proposed deck does not encroach any closer to the right of way. The applicants are not the original owners.

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 7:08pm. Motion carried 4-0.

Respectfully Submitted

Board of Adjustment Vice Chair

Anna Aguilar
Administrative Coordinator

Charlie Peters