

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY BOARD OF ADJUSTMENT  
Commissioner's Room / Government Services Building  
Thursday, September 6, 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: Preston Bauer, Tom Sammon, Charlie Peters. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar, Brandy Leon. Others present: see sign-in sheet. Members absent: Aramis Wells. Michael Streiff arrived at 7:07 PM.

**B. Reading of Notice**

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

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

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

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

**D. Motion by Bauer, seconded by Sammon, to approve the minutes of August 2, 2018.**

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

**II. New Business**

**1. Variance/Thomas - Section 2, Shieldsville Township**

Jeffrey & Roberta Thomas have applied for a 10-ft variance from the 30-ft bluff setback to allow for construction of a replacement home 20-ft from the bluff. The property is described as: Lot 1 & 2 and Part of Lot 3 of Block 1 of Corl's Second Addition in Section 2, Shieldsville Township, Rice County, Minnesota. The property address is: 8835 Shields Lake Path, Faribault, MN 55021. PID#: 09.02.3.26.001. The property is Zoned GDS, General Development Shoreland.

**Motion by Bauer, seconded by Sammon, to approve the variance request with the following conditions and findings for Jeffrey & Roberta Thomas. The property is located in Section 2 of Shieldsville Township.**

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

**CONDITIONS OF APPROVAL - Variance - Thomas**

1. The variance is to allow for a house with attached garage to be located 20-ft from a bluff, 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. The existing native vegetation on the bluff and lakeshore shall be maintained by the landowner.
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.
7. Applicant shall work with the Township on improving the driveway drainage and access.

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**Hearing Minutes:**

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

PB - Trent you indicated one of the conditions we have is the existing native vegetation on the bluff and lakeshore shall be maintained by the homeowner. So there's no plans of excavation in regard to that.

TM - No not in that area. The new building is actually proposed back further away than the existing cabin, which will be removed.

PB - OK

TM - Any other questions?

TS - The one I have online here says there's 5 conditions, is that a new one today or am I?

AA - No, they're mis-numbered.

TS - Ok, got you. Thank you. There are no other questions.

TM - OK, thank you.

The BOA asked the applicant, Jeffrey Thomas (JT), to come forward to add comments or answer questions regarding the request.

JT - He did a pretty good job. I am trying to save the two big oak trees that are on the south side of the cabin. I've shrunk my house down and I'm getting away from the bluff a little ways, but I need that extra 10 feet for the house to keep me away from the oak trees.

CP - Yup

JT - I already took 3 down, I didn't have much choice there. But I would like, but that's the main thing I'd like to keep those and still have a view of the lake. It's pretty solid, the bluff and everything is pretty green and pretty grown in, but I'm going to plant some more grass and stuff on that as time goes on here.

CP - Ok, you've seen the 6 conditions and are you're ok with those?

JT - Yup

CP - For approval?

JT - Yup

CP - You don't have any additions or anything you want to?

JT - I guess I don't at this point.

CP - Any more questions?

PB - Any questions for the applicant?

CP - Ok, Thank you

JT - Thank you

Vice Chair Peters opened the public testimony portion of the item to the public and the

following spoke:

Dale Kuchinke (DK) - We just have a little concern about the driveway. There is a little joint responsibility there.

CP - It's an existing driveway?

DK - Well, we cleaned that ditch out about 5 years ago. Got the water going down it and then I noticed a culvert put in there I don't know probably about a year ago or something.

JT - Well, I just moved it is all I did cause it wasn't working, the one that was in there. I had worked construction for 35 years so I have quite a bit of experience. So I just moved the culvert closer to the road.

CP - Do you want him to come forward?

DK - The other supervisor has a picture of it if you want him to come up here.

CP - So if it is both the same condition but is that the culvert then we'll have him come forward and show us the picture. Then we can bring him back later and talk. So it's the culvert with the driveway?

DK - Yeah I think we need to put an apron on the up side of it. And then you got, it wouldn't take much for the water to start running down by the road instead of through the culvert. But I did see with this last rain it did go through the culvert.

JT - It has been flowing good since the culvert.

CP - Ok, so what we will maybe do is maybe after we get the pictures we can talk with you and then maybe add in a condition to that. If you want to I guess if you are through you can state your name and address again and then we can maybe look at the pictures.

Joe Pesta (JP) - *showing board pictures on cell phone.* This is looking to the east and its (*inaudible*).. from the last rain (*inaudible*) ..it wouldn't take much.

CP - So yesterday's rain?

JP - Yeah, pretty much.

CP - Ok

TS - And the issue was?

JP - We're just trying to keep the water coming through the culvert and not on the road, with an apron and probably middle of the driveway (*inaudible*)...

CP - Thank you. Is there anyone else from the public that would like to speak on this variance?

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

Applicant called forward.

CP - Can we have the applicant come forward again and perhaps we can talk again on that issue.

JT - I had just moved the culvert because it wasn't working where it was. It was kinda flowing into the hillside and was plugged full of mud, and so last fall I rented a skid loader for an afternoon and I thought I'd just move it out. But I have put rock over the top of it but I don't have enough, I don't have time to do it to add more to it, you know to blend it in. But anyway. I can do whatever with the culvert. All I was doing was get it so it actually works.

CP - We understand that. We can add a condition with an apron.

BP - Just work with the township as far as it's satisfactory.

CP - Ok, thank you.

JT - Yup.

Discussion:

CP - I will bring it back up here to the board. Are there any comments? Did we make that another condition?

MS - Yeah I think that should be a condition the property owner works with the township in regard to the connection with the township road that is satisfactory to both parties in regard to the driveway and culvert placement and erosion control issues.

TS - Other than that, it looks like a very straight forward. It's going to improve the site.

Make it more usable and far enough back. There is a lot of vegetation between him and the lake. It's a good. Good to go.

BP - There was a letter from the DNR regarding some of the shoreland and the bluff and things like that, but with that condition like that I guess to leave the vegetation as is, leaves it pretty intact and it is farther back than the existing.

TS - I don't blame you about trying to save the oaks you can. Can we write something up with the sixth condition?

CP - Six or seven?

TS - Seventh.

CP - Can we get wording for the condition?

TM - Fairly generic condition of the Applicant shall work with the Township on improving the driveway drainage and access.

CP - With that I'll entertain an motion

BP - I will make a motion for approval with the seven 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:

TM - Just pointing out for findings that the new cabin is moving back further from the bluff than the existing cabin, and that he is preserving trees to the south of cabin and also on the bluff.

Motion made, seconded, and approved.

## **2. Variance/Burgess - Section 8, Wells Township**

Dennis & Nancy Burgess have applied for a 20-ft variance from the 30-ft bluff setback and a 7-ft variance from the 100-ft lake setback to allow for construction of a home and deck addition 10ft from the bluff and 93-ft from Kelly-Dudley Lake. The property is described as: Lots 19, 20 & 21 of Block 1 in Sunrise Acres Subdivision in Section 8, Wells Township, Rice County, Minnesota. The property address is: 5161 Dudley Lake Path, Faribault, MN 55021. PID#: 10.08.1.76.014. The property is Zoned RDS, Recreational Development Shoreland.

**Motion by Streiff, seconded by Sammon, to approve the variance request with the following conditions and findings for Dennis & Nancy Burgess. The property is located in Section 8 of Wells Township.**

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

**CONDITIONS OF APPROVAL - Variance - Burgess**

1. The variance is to allow for an 810-sqft house addition and an approximate 400-qft deck to be located 10-ft from a bluff area and 93-ft from Kelly-Dudley Lake, subject to compliance with all other Ordinance regulations.
2. The approved site plan shall be followed.
3. The roof overhang on the lake side of the addition shall not extend more than 4-ft6-inch from the building wall.
4. Proper building permits shall be obtained prior to any onsite construction.
5. The existing native vegetation and trees on the bluff and lakeshore shall be maintained by the landowner.
6. Variance shall be considered void if building permits are not obtained and construction commenced within one year of the variance approval.
7. Failure to comply with the terms of this variance will result in termination of the Variance.
8. The new deck stairs shall not extend toward the bluff beyond the addition.

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

CP - So Trent, condition #3 that just refers to the overhang counts as part of?

TM - There is kind of an extended overhang on the addition, so you can have the addition then there is almost a small porch type overhang on it. It's up quite a bit in the air so it's not really a function porch. But the ordinance actually allows those to extend into the setbacks 4ft 6in. So that's why that amounts listed on there. The building itself would be 10ft from the bluff, but that roof overhang would be up to 4ft 6in closer than that.

CP - Can you go a couple photos back where you were you were standing on the bluff looking back at the house, please? That one.

TM - So the addition would be in this area coming out towards us. So where we're standing that addition would actually be just a few feet over in here probably is where it would come to.

MS - The deck is going to come farther out then to? Or how's?

TM - So the addition is coming out of this portion of the house. And the deck, new deck, would be coming out of this area. On the site plan it appears that the new deck is a few feet further from the bluff than the addition, but then some of the building plans also show a fairly large staircase extending out from the deck towards the lake there.

MS - Other questions?

CP - Thank you

TM - Yes, thank you.

The BOA asked the applicant, Dennis Burgess (DB), to come forward to add comments or answer questions regarding the request.

DB - So what we're looking for is to add a rather beautiful addition on to the home there. I think pictures of the proposed addition were presented or provided to you. Have you seen

those, or? No? Yes? Ok. I don't know, just a few things to add. One, we've talked about the neighbors I don't think they have any issues with our concern. The main structured addition is about 810-sqft and the deck, I don't have that exact number, I can get that for you tomorrow. It's approximately 400-sqft, about a 20x20. In terms of addition or length from the shoreline and also from, in one area we would call it a bluff and in left hand side or the east side, we would call it more of a hill. It's not as steep I guess as a slope it's kinda gradual. My architect indicates that the corners of the structure, it's 16ft that would be to the bluff, if you will, on the deck portion and 21ft from the setback lines in the main structure area. We can adjust the roofline back a foot or so if we need to. Other than that I am open to any questions. CP - So, you've seen the 7 conditions, correct?

DB - Yes

CP - So condition #1 we had a couple of blanks. So you are looking at an 810-sqft addition?

DB - Right

CP - Basically and a

DB - And an approximately 400 on the deck. I will get the specific number to you

CP - And then how many feet out was the addition, you said that were 16ft back from bluff?

DB - Yeah, the whole addition is 27ft x 30ft. So it's 27 feet closer to the bluff and 30 feet in width.

CP - The whole addition is 27 feet out from the house?

DB - Right, correct. And he indicates in that area that, well, it varies from 16 to 21 feet away from the bluff. The bluff is a highly vegetative area. Has lots of mature trees. We have no plan or indication to ever remove any of that. We like the way it looks so, and I know it does help with erosion, so we would certainly agree to the condition of not changing that at all.

CP - And the deck doesn't go any, encroach any farther into the bluff area.

DB - No, the deck is actually set back a little bit from the house.

CP - Ok.

DB - And doesn't exceed the property line on the left either. So that's kinda consistent with the boundary of the house right now.

CP - Ok. Any other questions for the applicant? Thank you.

DB - Thank you.

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

TM - I can go to other photos if that will help you.

Michael Stinocher - I have the adjoining two lots. In this area to the left of the house, existing house, there is basically a septic system of a berm type. When it was placed, there was no sediment catch put up on it and it totally covered my driveway with 5 inches of soil. I do not live there at this time. At some point in time I would like to build, or somebody probably would. I guess my consideration when you buy lake property one of the reasons you would buy it is to be able to see the view of the lake. And this is going to go off of that in a big way, blocking people's view of the lake. Another big concern is this area right down in the corner here off of that mound, there's a situation where the last two owners and this owner, there's raw sewage running across my whole lake, the whole way across my whole two lots coming out of the corner of that septic system. Now considerations we don't know, and haven't been told, what is going in this 810 feet? If it's bedrooms, it's going to add a lot more sewage. Maybe not with this owner, but with the next owner. Another consideration would be as close as it is to the bluff there's very little vegetation. There's trees and there's been k-rails added and a trail down to the lake, I believe by this gentleman. We've already been in a situation this year of losing a lot of lakeshore because of the erosion from too much water fill coming in would be another big concern of mine. I guess, I'm against it, I guess. It's a two bedroom house. The last owner at times had both his other two family members living with him and it was a creek of sewage then. This wide and this deep, running right out in our lot and all the way across. Thank you.

CP - Thank you. Staff, just to clarify, one of the conditions for that would be the building permit would be a septic compliance check, correct?

TM - There is a current septic compliance inspection finding the system to be compliant. With the permit for any addition they will have to show it is compliant for that addition.  
CP - Ok. Is there anyone else from the public that wishes to speak on this matter? Thank you.  
Colin Johnson (CJ): I've discussed this with other members of the town board and we've looked this over and we don't have any concerns. The bluff is well vegetated. The footings that are going in along the bluff are not full footings they're pure footings and so the amount of erosion is very little if any and we are in favor of letting this go through.  
CP - Ok, thank you. The applicant has something to add. Is there anyone else first from the general public? Ok.

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

Applicant called forward.

DB - Yeah, just a quick addition. The existing structure is a 3 bedroom house, but one is a smaller bedroom. But one of the plans would be to move one of the bedrooms upstairs. Obviously we are all getting older so, it's nice to have them on the first floor. We have done a check with LaRoche and the septic system is in compliance currently and in my perspective I don't believe that view from those other two lots will be affected whatsoever. We are up in a bluff, we're kind of on top of the hill, the other bluffs and the other properties are far to the right. And we have two people that live in the house, obviously, that can change at some point. We anticipate this as a retirement home, so we don't think that the usage is going to be heavy, but we want in more accessible.

CP - Ok, thank you. Trent?

TM - I just have a question for the applicant actually on the stairs. They don't show them on the site plan at all? But it does show on the building plans. What's proposed for those? Is that going to extend out beyond the addition for the bluff?

DB - Let me describe my pictures real quick.

TM - How wide and how far apart is that?

DB - I'm guessing they are about 10 feet wide and coming probably out about 12 feet. I will get those specifics for you if you just,

TM - The concern I'd have with that, that structure that size is almost more of like an extended deck than it really is just a stair access off the deck. If it's coming out 12 feet then we're actually at the bluff line potentially with that structure. Stairs typically don't have to meet everything, but those are if they're the minimum size stairs. So if you are dealing with a 4 or 6 foot wide staircase that typically would be ok to do that, this 10 foot wide is pretty substantial there. I just want to see if there is an option to move that to the side or scale it back or something like that.

DB - I know our architect would be more than happy to narrow it if that would be necessary to be in compliance.

CP - Could you bring it around the, it would be to the side of the house. Make it a side access.

DB - Possible. We don't have a lot of room on the right hand side where the property line. You can see its 10 feet, but I don't have the exact dimensions.

TM - Even if they came out on the lake side and angled down.

CP - From down

DB - He'll work with us I bet.

CP - You suggest we make that a condition that the steps don't.

TM - You could do that and say that it just doesn't extend out beyond the addition distance towards the lake. If that would work?

DB - Yeah, and if we had to cut back on the deck and the stairs start back on the deck side. We'd be more than happy to work with you on that.

CP - So, condition 1, we could add to that, that they deck addition including the steps would not encroach any farther than the house addition. Something like that.

DB - Anything else? Ok, thank you.

CP - Thank you.

Discussion:

PB - Conditions or

MS - As long as it's clear on the building site plan with the Environmental Services and we can address that with the condition

CP - So what would we add Trent?

TM - I think simplest might be just addition a new condition that says the new deck stairs shall not extend toward the bluff beyond the addition.

CP - Ok

DB - For clarification, if there was an extension beyond that and the stairs were reworked, would that be acceptable?

TM - It typically would have to be part of the variance, so if we are getting closer than that really it is a larger variance.

DB - We can make it work then, we're just asking questions.

CP - I think we should have that clarified here so that if the steps are included, we included the steps as the deck and have it not encroach any farther than the actual addition.

PB - That sounds good to me, we are already encroaching on a bluff area so. Is there any other questions or, I'd entertain?

MS - I motion to approve with the 8 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:

TM -No additions.

Motion made, seconded, and approved.

### **3. Variance/Peterson - Section 25, Erin Township**

Timothy Peterson has applied for a 10-ft variance from the 70-ft front property line setback to allow for placement of a shed 60-ft from the front property line. The property is described as: Part of the SW1/4 of the SE1/4 of Section 25, Erin Township, Rice County, Minnesota. The property address is: 13988 Groveland Trl, Lonsdale, MN 55046. PID#: 05.25.4.50.003. The property is Zoned A, Agricultural.

**Motion by Bauer, seconded by Sammon, to approve the variance request with the following conditions and findings for Timothy Peterson. The property is located in Section 25 of Erin Township.**

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

**CONDITIONS OF APPROVAL - Variance - Peterson**

1. The variance is to allow for a 40-ft by 60-ft shed located 60-ft from the east 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.

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

The BOA asked the applicant, Timothy Peterson (TP), to come forward to add comments or answer questions regarding the request.

TP - No comments.

CP - And you've seen the 4 conditions and you're good with those?

TP - Yes.

CP - Ok, thank you.

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

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

Discussion:

TS - It's straight forward as well. It's in the trees, very well screened. I would say yeah, it's good. Pretty easy.

PB - I would make a motion for approval

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:

TM - Pointing out that it is a relatively very small variance request compared to the setback amount of the zone and that the front property line is not a roadway. Front property is not a typical front roadway situation.

CP - Ok, thank you.

Motion made, seconded, and approved.

**4. Variance/Pautz - Section 16, Webster Township**

Kenneth & Julie Pautz have applied for a 64-ft variance from the 100-ft road right of way setback to allow for a home addition to be built on a home located 36-ft from the road right of way. The property is described as: Part of the NE1/4 of the SW1/4 of Section 16, Webster Township, Rice County, Minnesota. The property address is: 5600 Dent Ave, Webster, MN 55088. PID#: 02.16.3.00.001. The property is Zoned A, Agricultural.

**Motion by Sammon, seconded by Streiff, to approve the variance request with the following conditions and findings for Kenneth & Julie Pautz. The property is located in Section 16 of Webster Township.**

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

**CONDITIONS OF APPROVAL - Variance - Pautz**

1. The variance is to allow for a 24-ft by 30-ft home addition onto the north side of an existing home located 36-ft from the Road Right of Way of Dent Ave., subject to compliance with all other Ordinance regulations.
2. The onsite septic system shall have a compliance inspection completed by not later than November 1, 2018. 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.

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

TM - The addition is not extending further out than the existing structure. The addition is extending to the north, in line with the house.

The BOA asked the applicant, Kenneth Pautz (KP), to come forward to add comments or answer questions regarding the request.

KP - Like he said, it's on the north side. It fits right on the side of the house. It's just an open space there. Its 30 feet, but I would like to put a stairway. The house would be a little higher than what the existing roof would be so I would keep that away so I don't have to cut into the roof line.

CP - Ok

KP - Ok, into the eave. So if I could keep that away 4 or 5 feet I could put a stairway down into the basement and that and then I could lower, put some trusses lower than underneath that existing eave.

CP - Staff that doesn't?

TM - As long as it's attached.

KP - Yeah

CP - And it's not going to encroach

KP - The purpose of it, I'm going to take care of my mother-in-law, which I don't know if I'm crazy or? I want to stay married or divorced? I don't know what would be more expensive, one way or the other. She's a sweetheart, but I guess that's what the purpose would be for it, to take care of her.

CP - You've seen the 5 conditions?

KP - Yes.

CP - Any other questions? Thank you.

KP - Thank you.

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

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

Discussion:

CP - It looks well shielded from the road and does make sense.

TS - No further encroachment.

CP - Looks good. Staff?

TM - Just wanted to kind of make clear to the applicant that, we talked about it before, but it can't be used as a separate dwelling. So it certainly can be extra living space, but it can't have a separate kitchen or entry way separate from the main house there. Those are kind of some of the features to additions.

CP - Ok.

TS - I will motion for approval with the 5 conditions.

MS - I'll 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:

TM - As part of the discussion I think it was, the addition is in line with the existing home and not getting any closer to the roadway.

Motion made, seconded, and approved.

### **III. Adjournment**

Hearing no other items before the BOA, a motion was made by Peters, second by Streiff, to adjourn the meeting at 7:46 pm. Motion carried 4-0.

**Respectfully Submitted**

**Board of Adjustment Vice Chair**

**Brandy Leon**  
**Administrative Coordinator**

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**Charlie Peters**