

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY BOARD OF ADJUSTMENT
Commissioner's Room / Government Services Building
Thursday, October 4, 2018 at 6:00 p.m.**

I. Call to Order

- A. Roll Call - The meeting was called to order by Chair Charlie Peters at 6:00p.m. Members present were: Preston Bauer, Tom Sammon, Charlie Peters, and Aramis Wells. Members absent were: Michael Streiff. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Administrative Coordinator Brandy Leon, and Clerk Pam Carty. Others present: see sign-in sheet.

B. Reading of Notice

Motion by Peters, seconded by Wells, 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 Peters, seconded by Sammon, to approve the minutes of September 6, 2018.

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

II. New Business

1. Variance/Anderson - Section 31, Forest Township

Kelly Anderson has applied for a variance to allow for grading to create a driveway on a slope exceeding 18%. The property is described as: Lot 13 of Block 1 of Jen-Wayne Dels First Addition, Forest Township, Rice County, Minnesota. The property address is: 14574 Fairfax Way, Faribault, MN 55021. PID #: 06.31.4.26.013. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Wells, seconded by Sammon, to approve the Variance with the following conditions and findings for Kelly & Mandie Anderson. This property is located in Section 31 of Forest Township.

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

CONDITIONS OF APPROVAL - Anderson

1. The variance is to allow for a grading and filling for a driveway on a slope exceeding 18%, as shown on applied for site plan, subject to all other ordinance requirements.

2. Variance shall be considered void if grading is not commenced within one year of the variance approval.
3. Proper erosion control measures shall be utilized. All exposed soil areas shall be revegetated.
4. Onsite trees shall be preserved to the maximum extent practical.
5. 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, Kelly Anderson (KA), to come forward to add comments or answer questions regarding the request.

KA - I don't have anything to add

CP - That's the only access to that lot?

KA - It really is, yes.

CP - Right now there is no driveway into the lot?

KA - There isn't, no. The lot was always accessed from the north off the neighboring private road. And so we are seeking to provide legal access right off of the cul-de-sac.

TS - You plan to build on it, I guess?

KA - Yes, that's the intention. There was a mobile home on that lot for many, many years. And that was removed a couple of years ago. And so part of this is to also abandon the septic system, the non-compliant septic that is on the lot. And then there is some debris that we are looking to clean up as well.

CP - Thank you.

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

James Fisher (JF) - I'm here on two accords. I'm representing the Gerald Fisher trust which is in the same area and I am also an owner of a parcel of land that is in the area. A little background, I learned to swim on Lake Mazaska. I have family that was on Lake Mazaska dating back to the early last century. It means a lot to me to keep the lake up and to maintain it and stuff. I like to share what we have out there, I really do. The few things that I am really concerned about moving forward on these types of things. Number 1 is we'd like to make sure that if this is installed and as this is installed that we exercise best management practices and design so that we don't create more run-off or actually to run off onto the neighboring properties and such. I think we really need to keep track of these things. I have some concerns that we don't expand upon variance upon variance. And variances is somewhat of a tough site. I remember chasing cattle down there as a child. I am somewhat familiar of the site. Another item we are concerned about on the site is the construction time. I'll be honest, when the property was bought and sub-divided when it was no longer farm, the parcels and the road design were not the best. The cul-de-sac is a Township owned cul-de-sac, it's difficult to say the least about it. I would like to make sure we don't infringe upon fire safety access to the house that is down below the hill while we are constructing and doing things and moving forward on that. I am sure we will all look at these issues and that we will do the best that we can. I just wanted to bring those forward for tonight.

CP - Thank you.

JF - The estate address is 6564 Fairfax way. That is one thing we did notice on the forms that the address does go switch back and forth from Fairfax Way to Fairfax Court to Fairfax Way.

And we should probably get the legal documents straightened out to Fairfax Court for the parcel.

Rebecca Carson (RC) - I am Jim Fisher's spouse. Again, several lots that are related to the Fisher estate or that we own. The neighboring lot to this is Lot 12 and that would be the shared lot that would be shared by the Fisher estate and 5 other owners. At present there has been legal attempt to get access on through this lot. It is not always accurate that there has been access to Lot 13 that Mr. Anderson is talking about through this other lot. People came through the top of the hill from the Cul-de-sac. I just want to make that clear. Our concern is that if there are buildings put in later that the road does not get expanded and more run-off created, I guess that's where. I'm not clear that if conditions that start with the variance are strictly until the item is built or there are continuing on it. One of the conditions you list is to mitigate run-off and cover vegetation and all. I am hoping that is into the future, so that is a question. Our concern that that the lower lot, Lot 12, doesn't get flooded out by building projects and roads on the neighboring lot.

CP - Thank you.

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

Discussion:

TS - First off is the address is the right address.

TM - The address is pulled from the tax records.

JS - It is recorded on the legal description.

CP - The reason for the whole variance is so there is access through his solo lot. So there wouldn't be a squabble on Lot 12. I know the cul-de-sac well. It is a problem cul-de-sac, so if we can keep vehicles off of it. That works better for us to follow it.

TS - They are listed in the conditions.

PB - Whatever the plan is as long as it satisfies the county on condition #3 and the neighbors.

CP - I think it is reasonable. Especially if there is proper road control in that area.

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

TM - It is an existing platted lot and the access is coming off of the existing road way.

Motion made, seconded, and approved.

2. Variance/Otting - Section 10, Wheatland Township

Kevin Otting has applied for a 20-ft variance from the 20-ft property line/Road Right of Way setback to allow for a placement of pole shed. The property is described as: Lots 1 through 4 and 12 through 15 of Block 2 of Veseli, Wheatland Township, Rice County, Minnesota. The property address is: 4810 Grace St N, Veseli, MN 55046. PID #: 01.10.3.78.004. The property is Zoned VMU, Village Mixed Use.

Motion by Peters, seconded by Sammon, to approve the Variance with the following conditions and findings for Kevin Otting. This property is located in Section 10 of Wheatland Township.

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

CONDITIONS OF APPROVAL - Otting

1. The variance is to allow for a 40-ft by 50-ft personal use storage building located 12-ft from the north property line and 0-ft from the Grace St Road Right of Way, subject to compliance with all other Ordinance regulations.
2. Approved site plan shall be followed.
3. An as built certificate of survey shall be submitted to the Rice County Environmental Services office.
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:

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

PB - That a Township road?

TM - That is a platted roadway, not sure how much the Township maintains that. I am sure they will comment on that.

PB - Going back to the photo of the grade or fill is encroached greater than 20ft closer to the curve.

TM - Yes if this is the front edge of the proposed shed this would be within the road right of way.

PB - So we are 20ft over from the line. Ok

TM - The edge of the right of way would approximately this line here where the shed is proposed.

PB - Ok

TS - Zero setback always bothers me. That's what the applicant wants?

TM - That's what's been requested. When we have these quite close, I usually add a potential condition of a survey. I do have that one on this as well.

TS - Ok

CP - Thank you

The BOA asked the applicant, Kevin Otting (KO), to come forward to add comments or

answer questions regarding the request.

KO - On my site plan, on that curve, it curves away. I am 22ft from the center of the road to the south pin. And on the north pin, how it curves away, I've got 44ft to the center of the road. So, I do have, the way it curves away is a big triangle there. There is a lot of extra there for parking and I'm away from the road. I got, when I tried to be in compliance with my setbacks, I thought I was doing good. In 2017 when I got going on this I got front road right of way, it says 20ft in Village use, when I pulled my pin and went 22ft I thought I was going ok with my setback. When my builder told me I need to check with the county again, so I came in and found out that I am in need of a variance to build it at that location. I did get my access permit from Wheatland Township. Jim Duban did call me and the other night and talked to me about the snow and how I have that corner there how it curves away I have plenty of way to push in that corner and it's a nice spot there, it would work out nice.

CP - Any questions?

PB - Just a question, is there any reason you didn't put it further away from the road right of way?

KO - Because of the fill I want to be higher than that road and I lower than the road and I had to put some clay in to build it up and make a building pad. I wanted my mound system from my back pin I am 29ft, I can't get any closer than that. I want to be able to push it back because of the mound tanks in that corner. In the other corner I would like to been behind my house, I needed 35ft from the rear, 25ft back and it didn't fit there. When I talked, the road right of way when I built my house, I did all the setbacks and it was fine. I am 35ft with my garage, but I got a little, I didn't understand it correctly with the road right of way. When I came in to pull my permit I found I was a little too close.

TS - The variance request is for property is a full 20ft, which means you are putting the building right on the property line and experience has shown legal issues down the road is 6inches on my property.

KO - On my survey, I have a street north of me, I'm 12ft in. I needed 10ft and I went 12 there. I got the property to the south is my south and the property behind me is my property. The neighbor property is like tiled a horse pasture, it is considered a street. If you look at an old plat there, it would be considered a street, the Grace St curves to the right, it would be like an alley. It is really low and the water runs off.

TS - You own the property on the opposite side of where you are putting this right on the property line?

KO - On the front, yes, by the towards Township road. I do have 44ft from the corner that is 12ft in from my north pin. I could have gone 10, it drops so much with the fill that I kept it 12ft this way.

PB - How do you intend to access from your shed? Would the embankment practically touches the road, would that be your road into your shed?

KO - Yes, that would be my driveway, the road curves so if I have a trailer pull up and back in. If I have a vehicle just pull and drive in. I have plenty of parking. That one picture there is plenty of, 22ft at the tightest corner. My first door isn't going to be until 10ft down. I have a 10x10 door, the road is going away, so I am getting more parking area there. I got a 16ft door, another at 20ft and the road goes away farther, so, I am getting more parking. Which is nice how the road curves away. My neighbor loses a lot and I got more to take care of, all that road curves.

CP - I think the concern is the road to the north, ever does go though they will want to T off that. If the Township would want to asphalt it or that development, with the zero off the property line, we could ask the Township. Is there any room to go back off that?

KO - I have 12ft, so there is plenty of room to make the road down there. It would be quite the project because it really drops low. In the spring a lot of watershed goes down there and there is a thick line of trees.

CP - You are aware of the 5 conditions of the variance?

KO - Yes

CP - Any other questions?

PB - Is that the reason why you applied for the variance is because you go the pins wrong with the measurements? Or got the measurements wrong from what you intended to do?

KO - I have all my survey pins. I got messed up with understanding the 20ft to the center of the road. I was under the understanding as long as I got 20ft, I have 29ft to the center. I thought I could even go 9 more feet towards the road. Instead of, I have 20ft because of the right of way. I got that messed up. I would have never attempted to try the shed because I got the septic, I would be too far in. I would have never attempted it. I hauled a bunch of clay in. In 2017 I cleared a couple of trees and bunch of stumps and cleared grass out. I wanted to have a pad established to show a builder too. I was level with the road, so water wouldn't come in, how it sloped down.

CP - Ok thank you.

KO - Thank you.

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

Jim Duban (JD) - Wheatland Township clerk. Yes he came and talked to us about it. I looked at the site and did make mention of snow plowing, that depending on how it does get plowed he might end up with a big pile of snow on his driveway. He seemed ok with that, maybe not the happiest in the world, but then again, something we can always push the snow to the north, there is plenty of room there. Veseli as far as survey's go is messed up. Where that street is drawn up on the north edge there is probably 10-12-15ft below the road level at the curve right now, and a horse pasture. If anyone wants to build in that area is, personally I think they are nuts, because that's one of the lower points in town. There is room to make a T out it, though it might not be quite where it's actually drawn here. Considering there's people that have/own buildings that sit in the right of way as it sits there now. That part right now is not of a concern of ours until more surveys are done and if someone wants to push the issue. Wheatland Township does maintain Grace St. The couple gravel streets in town we maintain, the tar road goes around the church the state maintains wants to dump on us. It seems alright with us. The water does currently run north along the street and runs around his garage site and doesn't run across his driveway. Hence, there is no need for a culvert right now. All the surface water would stay off the road as it is right now. His landscaping is right now would stay off the road. Hopefully it stays that way.

PB - Has there been issues with vehicles leaving the road off that curve?

JD - Not that I'm aware of. Because it turns off to the right and there's only one house there. I've never heard of anyone going off there.

PB - It wouldn't surprise me if anyone did. The way some people drive around here.

CP - Anyone else from the comment

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

Discussion:

CP - The septic system seems to be the issue going back. I would be nice to back it up. I guess if the Township doesn't have a concern.

PB - That's one of the reasons for the variance app. If snow gets blown up against the side of it. I guess that is due to the circumstances. Having to clean off the plows. Hopefully that is not a high speed curve for a vehicle to hit it. Does Trent have anything to add to it?

TM - With part of the amendment to the condition 1, to recommend adding to put that north property line, some areas it shows a street and other drawings it's not. The difference is, if it's not a street it's only a 10ft setback, which he meets. And if it is a street it is 20. So adding that wording into the condition 1, of adding in 12ft from the north property line. That would resolve that issue.

CP - Ok.

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

TM - Pointing out that it is a dead end road way and the Township was ok with the proposal. Noting the septic location and fill. The applicant stated he looked at many other options on the property for a more suitable location.

Motion made, seconded, and approved.

3. Variance/Chant (Weinel) - Section 16, Wells Township

David Chant, on behalf of James & Sharon Weinel Trust, has applied for a 29-ft variance from the 75-ft lake setback, a 7-ft height variance from the 14-ft maximum height limitation, a 72-sqft variance from the 1200-sqft garage size limitation and a 10% variance from the 25% lot impervious limitation to allow for a porch addition to the existing house and an addition to the existing garage. The property is described as: Lot 10, Block 1, First Addition to Misgen's Bay, Rice County, Minnesota. The property address is: 17416 Roberds Lake Ct, Faribault, MN 55021. PID #: 10.16.1.77.005. The property is Zoned GDS, General Development Shoreland.

Motion by Sammon, seconded by Wells, to approve the Variance with the following conditions and findings for David Chant on behalf of James & Sharon Weinel Trust. This property is located in Section 16 of Wells Township.

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

CONDITIONS OF APPROVAL - Chant (Weinel)

1. The variance is to allow for a screened porch addition to the existing home and an addition to the existing garage the porch being 29-ft from Roberds Lake, the total garage being 1272-sqft with 21-ft peak and having a 35% lot impervious surface, subject to compliance with all other Ordinance regulations.
2. Submitted plans shall be followed.
3. The garage building shall be for storage use only and not for any living/sleeping

use and shall not contain any plumbing.

4. At least 50 percent of the property shoreline within 10-ft landward of the water shall be established and maintained as a native vegetative buffer. The stormwater practices of a rain barrels and infiltration basin as identified in the submitted plans shall also be implemented and maintained.
5. This variance shall be void if a building permit for the proposed home 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.

Hearing Minutes:

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

PB - Is current lot impervious surface already above 25%?

TM - Yes

PB - So actually it is not quite 10% then that we would be adding?

TM - You are not adding 10%, but the site would be 10% over.

PB - Thanks.

The BOA asked the applicant, David Chant (DC), to come forward to add comments or answer questions regarding the request.

DC - With DJ Medina Architects here in town, working on behalf of James and Sharon Weinel. So we are looking at putting the garage yet this fall if possible. And the porch would a spring addition. Looking to get the variance for both of them at the same time instead of doing two separate variances.

CP - You are aware of the 6 conditions?

DC - Yes

CP - Thank you. Should suffice.

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 - Looks straight forward.

TM - Typo on condition #4, the word shall after basin should be removed.

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 - Pointing out that it is an existing undersized platted lot and a buffer and additional stormwater practices are proposed.

Motion made, seconded, and approved.

4. Variance/Zeller - Section 12, Wells Township

Mikki Zeller, on behalf of Simon & Karen Zeller Trust, has applied for a 69-ft variance from the 70-ft rear property line setback to allow for a house addition to an existing home. The property is described as: Part of the SE1/4 of the SE1/4 Section 12, Wells Township, Rice County, Minnesota. The property address is: 16924 Acorn Trl, Faribault, MN 55021. PID #: 10.12.4.75.001. The property is Zoned UR, Urban Reserve.

Motion by Bauer, seconded by Sammon, to approve the Variance with the following conditions and findings for Mikki Zeller on behalf of Simon & Karen Zeller Trust. This property is located in Section 12 of Wells Township.

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

CONDITIONS OF APPROVAL - Zeller

1. The variance is to allow for a home addition onto the west side of the existing home to be located 1-ft from the property line, subject to compliance with all other Ordinance regulations.
2. The onsite septic system shall have a compliance inspection completed by not later than May 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. An as built certificate of survey shall be submitted to the Rice County Environmental Services office.
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 may result in termination of the Variance.

Hearing Minutes:

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

CP - Does the applicant own the property to the west?

TM - The properties around there are owned by various family members I believe, and the applicant will address that. As with the other variance that we had it fairly close, there is a certificate of survey requirement in the conditions.

The BOA asked the applicant, Mark Zeller (MZ), to come forward to add comments or answer questions regarding the request.

MZ - I am a real estate attorney and am representing the Zeller family. The house owner is Mikki Zeller that is my sister. The property is in trust. The Karen Zeller trust, which is my mother. This is the property for the variance, but other parcel which the question was asked is the land same owner owned the property to the south and to the west and that is true. So this property is also in trust. Common boundary line is owned by the same entity.

CP - Any questions?

PB - There 6 conditions you're aware of?

MZ - Those are the ones you just repeated?

PB - Yes

MZ - Basically, what's going on here, this is the busy County Rd 76 and to the south you've got the town of Faribault. The power plant that has gone in, in the last couple of years.

You've got Faribo foods and all the industrial that's gone in. And to the north you've got Met-Con and all their development going on. A new air conditioning plant and the road has been kinda widened which is good because there has been an increase of traffic on that road. It's gone from a 66ft road to a 100ft road, which is kind means the right of way has kind of impeded on the house. So if you were going to do an addition on the front side, it is a safety issue. With that increased traffic it makes it a little more risky and dangerous. So that's why the addition to the back side is the most favorable because it protects the house. Mikki has a couple of young kids and she wants to create that atmosphere away from the busy road on the back of the house. Kind of really the plan.

CP - Ok, thank you.

MZ - One more comment, because of that common boundary line, the variance looks pretty threatening because of the 1ft setback, but it is owned by the same entity. If you are concerned about it, the property owners go to sell, and hey, we've got a problem, we could also maybe, the landowner doesn't like that or a future buyer, you could always add to deed some property over to create a bigger setback.

CP - Correct. Thank you.

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:

TS - They are going on the back site where there is nothing back there?

CP - Nope

TS - And a foot away from the property line is at zero? I have no problem with it

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 - Surrounding land is owned by the same ownership.

Motion made, seconded, and approved.

5. Variance/Barr (Reint) - Section 5, Warsaw Township

Nancy Barr, on behalf of Jacob Reint and S. Moncada, has applied for a 10-ft variance from the 14-ft height limitation and a 600-sqft variance from the 1200-sqft size limitation to allow an 1800-sqft shed with a 24-ft peak height. The property is described as: Part of Lots 3, 4 and 11 in Anderson Subdivision, in the SE1/4 of the SE1/4 Section 5, Warsaw Township, Rice County, Minnesota. The property address is: 5036 Cannon Lake Trl, Faribault, MN 55021. PID #: 14.05.4.76.003. The property is Zoned GDS, General Development Shoreland.

Motion by Bauer, seconded by Wells, to approve the Variance with the following conditions and findings for Nancy Barr on behalf of landowner Jacob Reint & S. Moncada. This property is located in Section 5 of Warsaw Township.

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

CONDITIONS OF APPROVAL - Barr (Reint)

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. Lowest floor elevation of proposed building shall meet floodplain regulations.
4. The proposed building shall be used for personal onsite accessory storage only and will not be used for any residential or other uses.
5. No plumbing shall be installed in the new building.
6. A septic system permit shall be obtained prior to issuance of the building permit. The new system shall be installed by not later than June 1, 2019.
7. This variance shall be void if a building permit for the proposed shed is not

obtained within one year of the variance approval.

8. 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)

PB - When you say no plumbing as in no water or sewer? Condition #5, no plumbing shall be installed in the new building.

TM - Yes.

The BOA asked the applicant, Nancy Barr (NB), to come forward to add comments or answer questions regarding the request.

Nancy Barr was not initially present. Item was revisited at 7:01pm when NB arrived.

NB - lost voice and couldn't speak. No comments or disagreements were added.

CP - Going to remove those buildings and put up new building.

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 - Looking at what we did with the neighbors. Cleaned it up got rid of 2 or 3 buildings.

PB - I'm familiar with the property to and the grade coming down from the county road to is pretty significant. It doesn't obstruct any views from the lake or anything like that. The conditions are stated as far as what its use is going to be for and it would definitely add value to the property and tax base.

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 the proposed building is replacing several existing buildings. Very similar situation as to property next to it.

Motion made, seconded, and approved.

6. Variance/Estrem - Section 28, Northfield Township

Mark Estrem has applied for a 13-ft variance from the 100-ft property line setback to allow for an addition to a livestock building to be located 87-ft from a property line. The property is described as: Part of the SE 1/4 of the SE1/4 Section 28, Northfield Township, Rice County, Minnesota. The property is: 9794 Isaacson Trl, Nerstrand, MN 55053. PID #08.28.4.00.002. The property is Zoned A, Agricultural.

Motion by Wells, seconded by Bauer, to approve the Variance with the following conditions and findings for Mark Estrem. This property is located in Section 28 of Northfield Township.

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

CONDITIONS OF APPROVAL - Estrem

1. The variance is to allow for an addition onto an agricultural shed to be located 87-ft from a 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.

Hearing Minutes:

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

PB - This appears to be a cattle shed?

TM - Yes, I believe the existing building is. Believe the applicant said the new addition wouldn't be housing any animals, but it is part of Livestock building so it is under the 100ft setback requirement.

The BOA asked the applicant, Jeanne Estrem (JE), to come forward to add comments or answer questions regarding the request.

CP - Anything to add?

JE - Nope

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:

TS - Straight forward request. It's on the same property.

CP - I agree.

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

TM - Same ownership on both sides of property line and it is an addition onto an existing Ag.

Motion made, seconded, and approved.

7. Variance/Gohlike - Section 31, Forest Township

Allen and Jean Gohlike, on behalf of the Lake Mazaska North Shore Coop, has applied for a 28-ft variance from the 30-ft bluff setback to allow for a 3-ft wall and a patio paver area to be located 2-ft from a bluff. The property is described as: Part of Government Lots 1 and 2 in the N1/4 of Section 31, Forest Township, Rice County, Minnesota. The property address is: 6551 143rd St W #50, Lonsdale, MN 55046. PID #06.31.2.25.949. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Bauer, seconded by Wells, to approve the Variance with the following conditions and findings for Allen & Jean Gohlike. This property is located in Section 31 of Forest Township.

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

CONDITIONS OF APPROVAL - Gohlike

1. The variance is to allow for a 2-3-ft high wall 70-ft in length and a 512-sqft paver patio area to be 2-ft from a bluff and 65-ft from Lake Mazaska, subject to compliance with all other Ordinance regulations.
2. The approved site plan shall be followed.

3. Proper permits shall be obtained prior to any onsite construction.
4. The existing native vegetation between the proposed wall/patio and Lake Mazaska shall be preserved in a natural condition.
5. Variance shall be considered void if building permits are not obtained and construction commenced within one year of the variance approval.
6. If the cabin has any plumbing a septic system compliance inspection shall be completed by not later than June 1, 2019. If the onsite system is found to not be in compliance the site must be connected the onsite group septic system by September 1, 2019.
7. Failure to comply with the terms of this variance will 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, Allen Gohlike (AG), to come forward to add comments or answer questions regarding the request.

AG - Looking at doing a patio paver wall. I guess the wall is going to be 70ft long.

CP - 70ft long?

AG - Yes. By 3ft high.

PB - Do you plan to bring fill in?

AG - Right. I was going to bring in 8inches of crushed rock for a base for the patio. Going to dig a 4 or 5ft footing followed by 18 or something like that, to come up with the limestone.

Cinderblock up and then limestone. Or else a patio paver cause I'm worried about the limestone maybe cracking if I don't have a good enough base.

CP - Is it all going to drain towards the lake?

AG - No, it's going to slope away. I'm not changing the slope at all, just the angle of it. It's rather steep now, I want to have a picnic table and that so it won't tip over.

CP - Questions? You are aware of all 7 conditions.

AG - Right.

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 - Makes sense what he wants to do. I see no reason why not to with the 7 conditions stated with the length and width set on there.

CP - The wall for safety and then if he brings the water back or off to the side.

TS - The water will not be water from the lake.

CP - Right.

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 the existing vegetation and the elevations and the site to the lake is not draining directly into the lake.

Motion made, seconded, and approved.

8. Variance/Bauer - Section 22, Wheeling Township

Brian Bauer has applied for a 35-ft variance from the 100-ft Road Right of Way setback to allow for an agricultural shop building to be built 65-ft from the Road Right of Way. The property is described as: Part of the W1/2 of the NW1/4 of Section 22, Wheeling Township, Rice County, Minnesota. The property address is: 18303 Jacobs Ave, Nerstrand, MN 55053. PID # 12.22.2.75.001. The property is Zoned A, Agricultural.

Motion by Wells, seconded by Bauer, to approve the variance with the following conditions and findings for Brian & Gayle Bauer. This property is located in Section 22 of Wheeling Township.

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

CONDITIONS OF APPROVAL - Bauer

1. The variance is to allow for a 60-ft by 72-ft agricultural shed to be located 65-ft from the Road Right of Way of Jacobs Ave, 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.

Hearing Minutes:

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

The BOA asked the applicant, Brian Bauer (BB), to come forward to add comments or answer questions regarding the request.

BB - Planning on building a shop for the existing dairy barn was. I thought I was far enough away, but there is an extra wide right of way there. I believe the right of way is 92ft from center of right of way. The new proposed building would be actually farther away from the right of way than the previous barn was.

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:

TS - Removed the building that was closer. Still needs the variance. It's far enough off the road right of way.

CP - I agree.

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

TM - Further back than previous barn on site and there is a wide road Right of Way.

Motion made, seconded, and approved.

9. Variance/Trnka (Burgart) - Section 31, Forest Township

Sue Trnka on behalf of Larry Burgart and the Lake Mazaska North Shore Coop, has applied for a 58-ft variance from the 100-ft Lake Mazaska setback to allow for an addition to an existing cabin. The property is described as: Part of Government Lots 1 and 2 in the N1/4 of Section 31, Forest Township, Rice County, Minnesota. The property address is: 6551 143rd St W #17, Lonsdale, MN 55046. PID #06.31.2.25.918. The property is Zoned RDS, Recreational Development Shoreland.

Motion by Sammon, seconded by Wells, to approve the Variance request with the following conditions and findings for Sue Trnka on behalf of landowner Lawrence & Julie Burgart. This property is located in Section 31 of Forest Township.

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

CONDITIONS OF APPROVAL - Trnka (Burgart)

1. The variance is to allow for a 24-ft by 28-ft cabin addition to be located 42-ft from Lake Mazaska, subject to compliance with all other Ordinance regulations.
2. The approved site plan shall be followed.
3. Proper permits shall be obtained prior to any onsite construction.
4. At least 50-ft of the shoreline within 10-ft landward of the water shall be established and maintained in a natural condition as a native vegetative lake buffer.
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.

Hearing Minutes:

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

The BOA asked the applicant, Larry Burgart (LB), to come forward to add comments or answer questions regarding the request.

LB - This is our home away from home for 19 summers. New son-in-law and daughter-in-law so time to expand. So we are talking about going out straight out east. No closer to the lake, no closer to the road. We are fortunate to have that room on the east of our place there. Happy to answer any questions. One of those things we hadn't considered at first, but we've decided to do was add in a basement. When it's stormy out there it can be frightening so we will have a little additional security there as well.

CP - You aware of the 6 conditions?

LB - Yes

CP - Thank you

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

Steve Pleschourt-I'm the president of the Lake Mazaska North Shore Coop and you have a letter in your book there. I don't need to go through all of those items it think. Our board did review this in detail and we were unanimous in voting in favor of this. We also had our annual meeting couple of weeks ago and 23 of the 50 cabin owners were present and we brought this item up and there was nobody that was against this. We think this is a great addition for the Coop We applaud the Burgarts for coming forward with this and making it look better out there.

CP - Thank you.

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

Discussion:

CP - They say it is not encroaching any more.

TS - No to the lake or the road, it is just an addition.

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 - We didn't have any additional finding. Wanted the applicant to be aware that there is floodplain regulations in that area. So there is an elevation for the lowest basement floor that will have to be verified.

Motion made, seconded, and approved.

10. Variance/Winjum (Meyer) - Section 21, Wells Township

Jon Winjum, on behalf of homeowners Kenneth & Debra Meyer, has applied for a 12-ft variance from the 120-ft lake setback to allow for a home and deck to be located 108-ft from Roberds Lake. The property is described as: Block 2 Lot 8, Winjums West Shore Add in Section 21, Wells Township, Rice County, Minnesota. The property address is: 4685 180th Ct W, Faribault, MN 55021. PID #: 10.21.2.26.009. The property is Zoned GDS, General Development Shoreland.

Motion by Wells, seconded by Sammon, to approve the Variance with the following conditions and findings for Jon Winjum on behalf of the landowners Kenneth & Debra Meyer. This property is located in Section 21 of Wells Township.

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

CONDITIONS OF APPROVAL - Winjum (Meyer)

1. The variance is to allow for a home with deck to be located 108-ft from Roberds Lake, subject to compliance with all other Ordinance regulations.

2. Submitted plans shall be followed.
3. The existing tree screening along Roberds Lake shall be maintained.
4. This variance shall be void if a building permit for the proposed home is not obtained 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:

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

CP - For my knowledge, why is the setback?

TM - All planned unit developments have that larger setback that come with those. With the planned unit development there is a process to allow flexibility within the design, but it comes with that larger setback. With this development though the PUD pretty much stuck to a pretty much standard lot and block scenario so it doesn't look really different than some of the others. It does stay with that larger setback.

The BOA asked the applicant, Jon Winjum (JW), to come forward to add comments or answer questions regarding the request.

JW - There was some confusion on this one. Everything we had submitted to the county with the plans and everything had an ordinary setback of 75ft. It wasn't until Mr. Meyer went in to apply for the permit that anybody was told that it was a 120ft setback on this one. So what we are requesting is, even our covenances state that they have to build 100ft back. So what we thought were more stringent than the county's. It wasn't until he went to get his permit, and it was the last stage of his permit to build, was this. And thank you to Julie for getting us onto this meeting so we can get his house going before freeze up. That being said, everything we had submitted prior, even the houses are drawn in at 85ft on our set of plans. Nobody had told us and we had just gone off of what we had always heard it's a 75ft setback. Any questions?

TS - I just want to comment. So in the future lots?

JW - Yes, we are going to have to change our covenances to 120ft. This person is the first person to buy and it does kind of hinder the sight of the lake if even 12ft, I know, doesn't sound. We have already moved him back 20ft, and to move him back even 12ft more, kind of takes away the purpose of buying a lake lot.

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 - 12ft from a 120ft setback is plenty of room for a variance to be granted.

AW - Agree, considering this is just a deck.

PB - Interesting note on the PUD, with the setback requirement.

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

TM - Pointing out that it is still setback further from the standard setback requirements and it is just a deck extending and not the main part of the house.

Motion made, seconded, and approved.

11. Variance/LaCanne - Section 26, Wells Township

Raymond LaCanne has applied for a variance from the 25% lot impervious surface limitation. The properties are described as: Lots 3 & Lot 4, Block 2, Western Heights 1st Addition in Section 26, Wells Township, Rice County, Minnesota. PID #: 10.26.4.77.004 & 10.26.4.77.005. The property is Zoned GDS, General Development Shoreland.

Motion by Bauer, seconded by Wells, to approve the Variance with the following conditions and findings for Ray & Janelle LaCanne. This property is located in Section 26 of Wells Township.

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

CONDITIONS OF APPROVAL - LaCanne

1. The variance is to allow for the additions of up to a 90-ft by 110-ft building with a parking area to be located 0-ft from the Road Right of Way and to have a 95% lot impervious surface coverage, subject to compliance with all other applicable rules and regulations.
2. The onsite septic system shall have a compliance inspection completed by not later than May 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. A building permit shall be obtained and construction of the building started within one year or variance approval or the variance will be void.
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)

TS - If this was within the city limits of Faribault, would they need a variance? Are you familiar?

TM - Not familiar enough with what would happen when it would go into the city. It would depend on what zoning district they call that in the city. And what their rules are within the city.

PB - Is there any difference of stipulations if the impervious surfaces of say asphalt or concrete compared to gravel base or rock base?

TM - No they are treated the same.

CP - There still a septic system on that west lot?

TM - Yes, I believe it is in this location here.

PB - This being in the GDS, is there any comment regarding impervious surface with proximity to the water. The business is right on the water already.

TM - In the past there has been several variances pretty much each time a building has been added or a parking area has been added to the existing site. And those have been approved. That site is 98-99% impervious. We are actually bringing the impervious down a little bit on that lot.

TS - Stormwater route coming off of there would be going down there on the Northwest side there of the road?

TM - There is a road ditch along here.

TS - That slopes to the Southeast.

TM - I believe that is, yes. Some of the lot probably drains to the lot southeast of there.

PB - Just to refresh my memory, is there storm sewer there?

TM - No it is outside of the city limits.

The BOA asked the applicant, Raymond LaCanne (RL), to come forward to add comments or answer questions regarding the request.

RL - The purpose of this variance is because I plan to build a 9,000-12,000sq ft building for boat storage and customer storage. It would go on the lot with the drain field on it. So we have to get a variance for the impervious surface.

CP - Condition #1, the parking area to be located how many feet from the road right of way?

RL - The parking area, will be that whole right lot #4. Right now people are using it as a road. Where it is all crushed rock and gravel that will all be parking area. There will also be parking in front of the shed towards the road. And that lot does taper towards the ditch. That's a large hill, all the water runs towards the ditch.

CP - So 0ft road right of way would be the start of the parking area.

RL-When I drew the building on the site plan, the road right of way used to be 33ft from the center of the road, when I built the crossroad. Then I went back another 50ft of it back from the road right of way.

CP - For the building?

RL - Right. North of that would be parking or South.

CP - Would be parking?

RL - Yes. And that whole lot to the east.

CP - Any other questions.

TS - Drainage off of the parking lot #4.

RL - That goes towards the ditch.

TS - Road, not neighboring lot?

RL - No, it goes south towards the south. They just put new sewer and water, the city did, to go to the new city shop. So everything is brand new.

TM - Wanted to make sure the building is proposed to be 50ft back from the road right of way?

RL - I think that is how I drew it.

TM - The drawing we have 43ft from the edge of the road to a line, and I think that was to the parking. And then says 75 to right of way to the building, the drawing was from the center line. So, that's why I had a question on how far it actually is from the right of way.

RL - Whatever is going to be required is what I'll do. I can go back.

TM - 50ft is the requirement from the right of way.

RL - I just need to know how large my drain field is in the back and I'll talk to Marliee about that.

CP - The building has to be 50ft back from the road, right? The parking area can be?

TM - Yes, from the road right of way. I'll re-write that condition.

CP - Thank you.

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 - This is the request for the variance for the impervious surface limitation. We have a property across the road with similar status.

TS - It's a business that wants to expand and needs the space to do it. So I certainly understand the need for that and understand the need for the variance.

PB - The impervious surface and the water run-off, if the lot is clean. It is going to run currently right now into the lake. I can see in the future the city of Faribault coming in with a storm sewer and potentially that could handle some of that run off too with the impervious surface.

PB - Approve the conditions with #1 being re-written to zero.

TM - I can read that if. The variance to allow for the additions of up to a 90x110ft building with a parking area to be located up to the road right of way.

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.

III. Adjournment

Hearing no other items before the BOA, a motion was made by Sammon, second by Bauer, to adjourn the meeting at 7:32 pm. Motion carried 4-0.

Respectfully Submitted

Board of Adjustment Vice Chair

Brandy Leon
Administrative Coordinator

Charlie Peters