

The Goodhue County Board of Adjustment was called to order at 7:00 p.m. by Chairman Stanley Klair in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Judy Fritzinger Stanley Klair Dennis Monroe Brad Anderson
Lisa Hanni Mike McKay

Absent: Sarah Pettit Nancy Spooner-Mueller

[\[1\]](#)

Motion by B. Anderson and seconded by D. Monroe and carried to approve the August 22, 2005 Board of Adjustment Agenda. Motion carried 5:0.

K. Gross stated that on page 3 Endnote 3 it should read “Motion carries 5:1 B. Anderson dissenting.”

[\[2\]](#)

Motion by D. Monroe and seconded by J. Fritzinger and carried to approve the July 25, 2005 Board of Adjustment Minutes as amended. Motion carried 5:0.

Staff Updates:

L. Hanni stated that we are working on rewording “Second Farm Dwellings” that went as a public hearing to the August Planning Advisory Commission and passed and will go on to the September 5, 2005 County Board meeting. The revisions to the Subdivision Ordinance should be completed by the next Planning Commission Meeting. N. Spooner-Mueller is resigning and moving to a new position with another county. Her last day will be September 9, 2005.

Conflict/Disclosure of Interest:

S. Klair stated he would abstain from voting on the Schafer Farms item of the agenda due to owning a neighboring property.

Thomas McLaughlin – Pt of N ½ of SW ¼ Section 20 T111N R18W Warsaw Township. The request is a variance to build a deck 1’ from the septic tank instead of the required 10’ setback (variance is for 9’).

STAFF REPORT:

Thomas McLaughlin is requesting an after the fact variance for a deck to be 1’ from the septic tank instead of the required 10’ setback (variance is for 9’).

Mr. McLaughlin applied for a building permit for a porch on May 10, 2005. The deck was not shown on his site plan and he was asked to show the setbacks for it. The more detailed site plan was received on June 27, 2005. Upon review of this site plan it showed the deck was eight (8) feet wide and the setback to the tank was about two (2) feet. The required setback from a structure to a septic tank is ten (10) feet. Therefore the proposed plans did not meet the requirements. Upon discussing the situation, Mr. McLaughlin explained the deck was already built and was wondering what his options were at this point. Staff gave him three options: apply for a variance, move the septic tank to meet the setbacks, remove the part of the deck that doesn’t meet setbacks. During the site visit, it was noted that the septic tank is about one (1) foot away from the structure of the deck. The in-ground footings of the deck are about three (3) feet from the tank, but measuring from the structure itself, therefore the variance is for nine (9) feet. Mr. McLaughlin was advised by his contractor that if he applied for a building permit he would not be able to build before winter and for this reason he should build without a permit. The contractor’s license is currently inactive. Warsaw Township has approved the request. The septic tank was placed prior to Mr. McLaughlin owning the property. These tanks were placed at the minimum setbacks from the dwelling which allows no room for improvement without a variance.

Since the tanks were not placed by Mr. McLaughlin and a deck is a reasonable improvement on a dwelling, staff recommends approval of the variance. The hardship was not created by the current property owner. The tanks have not been damaged by the deck. The request is in harmony with the

general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. It should be noted that the permitting process ensures that the minimum standards are met.

BOA DISCUSSION:

Mr. McLaughlin stated that they are requesting an after the fact variance and they made a mistake in trusting their contractor.

S. Klair asked if there was a porch on the house before.

Mr. McLaughlin stated that there were concrete steps. The township told them to obtain a permit he immediately contacted the County to find that they were not within the required setbacks to their septic system.

J. Fritzingler stated that the deck was close to the septic tank, but it is her understanding that they had a professional come out and examine the tanks to ensure there was no damage.

Mr. McLaughlin stated a septic company reported that the structural integrity is intact and it has access for service and maintenance.

M. McKay asked if he thought it was a good idea when a contractor says you can build without a permit.

Mr. McLaughlin said it would never happen again; it was a huge lesson learned.

C/S. Klair opened the public hearing.

No public comment was given.

Moved by J. Fritzingler and seconded by B. Anderson and carried to approve the closure of the public hearing. Motion carried 5:0.

B. Anderson asked if Warsaw Township writes permits for decks.

Mr. McLaughlin said he received a permit from them for the deck.

J. Fritzingler said she was okay with this as long as the tank wasn't damaged and as long as it wouldn't be damaged in the future.

Mr. McLaughlin said that was what he was concerned with and he spoke with his septic designer that said it shouldn't be a problem and that he has seen some that you had to pull deck boards off to get access to.

K. Gross clarified the variance would be for 1' from the septic tank. This is due to consistency in the ordinance it is from the structure which would be the edge of the deck.

[3]

Moved by M. McKay and seconded by J. Fritzingler to approve the variance to build a deck 1' from the septic tank instead of the required 10' setback (variance is for 9') based on township approval and the site visit conducted. Motion carried 5:0.

Mary Holst est. – SE ¼ of NE ¼ Section 18 T110N R15W Zumbrota Township. The request is a variance to the allowed 4 dwellings per section in an A-1 Agricultural Protection District. And a variance to create a property line closer than the required 100' side yard setback to an existing structure.

STAFF REPORT:

Carol Schenach, on the behalf of the Mary Holst estate is requesting a variance for an additional dwelling over the allowed four (4) per section in an A-1 Agricultural Protection District and a variance to place the north property lines closer than the required 100' side yard setback to an existing structure.

Ms. Holst passed away during the winter. There are six children involved in dividing the estate. Ms. Holst's son lives in a mobile home located on the same parcel as the homestead. This mobile home was permitted as a second farm dwelling in 1988. The applicant is trying to split the mobile home off from the rest of the farmyard so that her brother may maintain the home. They are requesting to create the north property line closer than the required 100' from the dwelling. The south property line would meet the required 100' setback to the dwelling. Article 10, Section 2, Subdivision 2 of the Goodhue County Zoning Ordinance states "A second farm dwelling located in the farmyard to house farm labor; individual or family. Any temporary structure shall be removed when the need is terminated." The intent of a second farm dwelling is to house farm labor located in the same farmyard and on the same tax parcel as the farm dwelling. Splitting off a second farm dwelling changes the intent of the dwelling and allows for it to remain as a dwelling beyond its intended use. Since this is a mobile home, the structure in question should be removed when the need is terminated and the occupants are no longer working on the farm. There are currently five (5) dwellings in Section 18 of Zumbrota Township. Four (4) dwellings are currently allowed in the A-1 Agricultural Protection District. Zumbrota Township has approved the request.

Based on the following findings of fact, staff recommends denial of the variance for an additional dwelling over the allowed four (4) per section in an A-1 Agricultural Protection District and a variance to place property lines closer than the required 100' setback to an existing structure.

There is no hardship for either request. When you create a non-conforming lot, it may result in future variances due to future structures not meeting the setbacks. The dwelling was permitted as a second farm dwelling and should be removed when the necessity is no longer there. With the farm being sold off, it is difficult to know that the residents of the mobile home will continue working the farm. The stated hardship is financial which cannot be a determining factor. The request is not in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

BOA DISCUSSION

Carol Schenach and Richard Holst were present and stated that their mother passed away in January and Mr. Holst is looking to split Mr. Holst's residence from the homestead and needs a variance to do to the number of dwellings in the section and to the property line setback. Mr. Holst has lived there sixty years.

S. Klair asked if this was permitted as a second farm dwelling.

Ms. Schenach said that it was back in 1988.

D. Monroe asked if the people are still working on the farm.

Ms. Schenach said that he tends the buildings and is the caretaker of the homestead.

D. Monroe asked who was living in the primary dwelling.

Ms. Schenach said that it was empty at this time.

J. Fritzingler clarified that there are five dwellings in this section. Does that include this dwelling?

L. Hanni said that we do not count second farm dwellings as a dwelling in the section because they are not intended to be a permanent residence.

J. Fritzingler asked how five dwellings could have gotten into the section.

L. Hanni stated that it could be a replacement site, or they could have been in before the ordinance.

B. Anderson said that it could be before we had four as a number or parcel of record.

Ms. Schenach said that the last house that was built was not a replacement.

D. Monroe clarified that if they approved this they would be at six.

B. Anderson said that if they approved this it wouldn't change the actual number, just how we count it.

L. Hanni said that is why we are updating our ordinance.

B. Anderson asked if we would look at this differently if it wasn't a double wide trailer and was a house with a basement underneath it.

L. Hanni stated that the intent is for it be temporary to house labor for the farm, if it was permanent then it would have counted as one of the number of dwellings in the section.

C/S. Klair opened the public hearing.

Bill Schultz said that at the time Mr. Holst built his second farm dwelling, if his mom would have deeded off that tract of land they could have split it off. In 1988 the number of dwellings weren't involved.

L. Hanni stated that if they would have deeded it off at that time it would have been counted as a number of dwellings in the section.

M. McKay said that had they done that we wouldn't have approved some other homes in that section because it would have been counted. It's tough to come through the back door.

Mr. Schultz asked if there was any way of checking to see what could have happened.

M. McKay said it doesn't matter because subsequent action was that other homes were built and approved and took that spot away from what was available in 1988.

Mr. Schultz stated that there are a lot of second and third farm dwellings that have been split since then.

L. Hanni said there may have been some, but we have been catching a lot of them and have been trying to stop that because the purpose of a second farm dwelling is not for it to be split off and sold as a separate parcel.

Ms. Schenach said that if you have allowed some of those to do that then it shouldn't pertain to this situation.

L. Hanni stated that in the last year we have said no you cannot split off a second farm dwelling because it is to be used for farm labor.

Mr. Holst said that he already owns the land.

Ms. Schenach said that he owns 1/6 of the land.

M. McKay said that he still does, that doesn't change.

Mr. Schultz asked that the other ones that were allowed for second farm parcels can be sold.

L. Hanni said that if it was split and approved then it was counted as a home in the section.

Ms. Schenach said that if they are allowed to split this off and they plan to grow grapes on this it is still considered a farm.

L. Hanni said the point is that there are 5 homes in that section right now with this one is 6. If you split it off it is not a buildable parcel, the trailer home would have to go.

Katherine Holst said this is not a trailer home it is a manufactured home. It doesn't have wheels under it. It cost them \$5,000 to move it on it would probably cost \$20,000 to move it off.

L. Hanni stated that she is just saying it was permitted as a second farm dwelling.

Mrs. Holst stated that she is Richard's wife and Carol's sister in law. The section north of them has 7 dwelling. How did they get away with it and they can't.

L. Hanni said there could be a number of reasons. They could have been in before the ordinance, by replacement sites, or by parcel of record that expired last year.

Mrs. Holst asked when this rule was enacted.

L. Hanni said it has been in for year.

Mrs. Holst asked how many.

L. Hanni said it was changed in 1993 or 1994.

Mrs. Holst said they have been there since 1988.

L. Hanni said they are asking for something after the ordinance changed.

Mrs. Holst said they should be able to be grandfathered in.

L. Hanni said all the grandfather clauses ended last year.

Mrs. Holst asked why they weren't notified.

L. Hanni stated that it was public notice it was advertised it was in the paper.

Mrs. Holst said they didn't get a notice so the County is at fault.

L. Hanni said the County is not at fault; the County followed the rules of state statute. It was a public notice in the official paper of Goodhue County, which is the Red Wing paper, and may have also went to surrounding papers.

Barbara Marosic lives in section 18 asked if they could split the land but there cannot be a dwelling on it.

L. Hanni stated that they could split the land according to the ordinance as far as minimum size and setbacks, but there cannot be a dwelling on it.

Mr. Schultz asked if they can't split it, can they stay there?

L. Hanni stated that it is there to house farm labor as a second farm dwelling.

Moved by B. Anderson and seconded by J. Fritzinger and carried to approve the closure of the public hearing. Motion carried 5:0.

M. McKay stated if you create a non-conforming lot that you cannot come in to get a variance to build. Meaning you can't split a property and create a non-conforming lot and then come in for a variance.

K. Gross said that a hardship cannot be created by the landowner.

M. McKay stated that the hardship that they are claiming is financial. The Board cannot give a variance based on a financial hardship.

Ms. Schenach stated that he has lived there his whole life.

D. Monroe stated that he has the understanding that the farmland would then get sold.

M. McKay stated that they cannot look at financial hardships.

D. Monroe stated that they could live in the original homestead and sell the rest off.

Ms. Schenach stated that the upkeep and insurance of the outbuildings would be horrific.

D. Monroe stated that is going back to a financial hardship, which the Board cannot address.

S. Klair asked if he actually farms the land.

Mr. Holst said that it is being rented out.

S. Klair clarified that nobody lives in the main home.

Ms. Schenach stated that he was correct.

S. Klair asked if the farm is going to stay in the family.

Ms. Schenach stated that it is up for sale now.

D. Monroe asked if the shared septic system would be an issue.

S. Klair stated that the biggest thing is financial and we cannot look at that.

M. McKay stated that he cannot find anything that supports their argument. Everything is an economic concern and created by the landowner. The ordinance tells him that they cannot approve this.

[\[4\]](#)

Moved by M. McKay and seconded by D. Monroe to deny the variance to the allowed 4 dwellings per section in an A-1 Agricultural Protection District, and a variance to create a property line closer than the required 100' side yard setback to an existing structure based on there being no hardship other than financial. Motion carried 5:0.

Richard Elias – Pt of NW ¼ of SW ¼ Section 35 T112N R18W Stanton Township. The request is an appeal to build a dwelling on land with a soil crop equivalency rating (CER) of 75 instead of the required below 60 in an A-2 Agricultural District.

STAFF REPORT:

Richard Elias is requesting an appeal to build a dwelling on land with a soil crop equivalency rating (CER) of 75, instead of the required below 60 in an A-2 Agricultural District.

Mr. Elias applied for a building permit on April 29, 2005. The first location that was proposed met all building requirements (CER of 55), ¼, ¼, road frontage, and OFFSET distances. However, during the Soil and Water Conservation District's review of the permit, it was found that Mr. Elias was proposing to move a wetland and build where the wetland was. It is possible to replace wetlands with the proper permits, but Mr. Elias found that it was very poor soil to support a secure foundation. Instead, Mr. Elias would like to build on the site that has higher soil ratings. The proposed location is not taking any agricultural land out of production. The proposed area has been water locked by the Little Cannon River. Mr. Elias is in the process of obtaining a permit to build a bridge or culvert over that waterway. The area that Mr. Elias would like to build has not been farmed in a few years due to the difficulty of getting heavy equipment to the location. The proposed location will meet all other requirements of the A-2 zoning district.

Based on the following findings of fact, staff would recommend approval of the appeal to build on soil rated 70 CER instead of the required less than 60. The wetlands create a special condition affecting the land that do not apply generally to other property in the same vicinity. The granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and since the location is not currently being farmed, the granting of the variance will not alter the essential character of the locality.

BOA DISCUSSION:

Mr. Elias stated that he purchased a piece of property that he would like to build on but there were wetlands and poor soils on the property. He would like to build on another piece of property that has a little better soil which is rated 75.

M. McKay asked if it is 70 or 75.

Mr. Elias stated 75.

S. Klair asked if it is currently being farmed.

Mr. Elias stated no, it is inaccessible at the present time.

M. McKay asked J. Fritzingler if she felt it was reasonable and harmonious.

J. Fritzingler said yes.

C/S. Klair opened the public hearing.

No public comment was given.

Moved by J. Fritzingler and seconded by M. McKay and carried to approve the closure of the public hearing. Motion carried 5:0.

[5]

Moved by M. McKay and seconded by J. Fritzingler to approve the appeal to build a dwelling on land with a soil crop equivalency rating (CER) of 75 instead of the required below 60 in an A-2 Agricultural District based on the harmoniousness of the request and the site visit recommendations. Motion carried 5:0.

B. Anderson asked if he has the proper road frontage.

K. Gross showed how the property looks on the map and stated that he has 600 feet of road frontage.

Kristopher & Tina Carlson/ Keith Carlson – SW ½ of Section 29 T111N R15W Goodhue Township. The request is a variance to create a property line closer than the required 100' setback from an existing structure.

STAFF REPORT:

Kristopher & Tina Carlson are requesting a variance to create a property line one (1) foot from the grain bin (variance for 99').

Kristopher's father Keith currently owns the property. He has agreed to give/sell some of his land to his son to build a house. Kris & Tina received a building permit in the last year for a dwelling on the property. It is replacing the farm house that is currently on the property. The farm house will be removed within six months of completion of the new dwelling. Currently there is 140' between the grain bin and the new dwelling. The way the property is currently surveyed, the property line would end about one (1) foot from the grain bin. Therefore there would be about 139' rear yard setback from the new dwelling. Other than obtaining a variance, the applicant's options are to remove the grain bin or to purchase the entire farmyard.

The applicants were aware of the situation when they applied for their building permit for the house. They had decided not to move the house farther from the grain bin because it would have moved further into the farmed land. They wanted to preserve the agricultural land. Goodhue Township signed the application indicating they approve of the variance.

Based on the following findings of fact, staff recommends approval of the variance to place a property line one (1) foot from the grain bin (variance for 99').

This would ensure that the applicants are not creating a non-conforming lot where the dwelling is located, which could possibly create hardships for future building. The alternative would be to remove the grain bin, which does not support Element 1 Goal 2 Policy 1 of the Goodhue County Comprehensive Plan which states, "Promote and preserve agricultural industries or uses in the agricultural lands of the County." The variance is in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

BOA DISCUSSION:

Kristopher Carlson stated his request.

S. Klair clarified that they are building a house 140' from the grain bin.

Mr. Carlson stated that it is actually 139'. It is a replacement house and they will tear down the old house within 6 months of completion of the new dwelling. They built there so they wouldn't go into the agricultural land.

J. Fritzingler stated that they divided it up that way to not go into the agricultural land.

D. Monroe clarified this was a replacement site.

Mr. Carlson said yes, they are replacing the current farmhouse and will remove that after completing the new house.

C/S. Klair opened the public hearing.

No public comment was given.

Moved by D. Monroe and seconded by B. Anderson and carried to approve the closure of the public hearing. Motion carried 5:0.

[\[6\]](#)

Moved by D. Monroe and seconded by M. McKay to approve the variance to create a property line closer than the required 100' setback from an existing structure based on staff recommendation. Motion carried 5:0.

C/S. Klair stepped down for the next item on the agenda.

Vice B. Anderson took over as chairman.

Schafer Farms of Goodhue Inc/ Brian Schafer – Pt of NW ¼ Section 19 T111N R14W Belvidere Township. The request is a variance to construct a feedlot at the property line instead of the required 100' setback (variance is for 100').

STAFF REPORT:

Schafer Farms are requesting to build a feedlot at the property line instead of the required 100' setback (variance is for 100'). Schafer Farms recently purchased the 4.5 acre parcel in question. They hope to expand their feedlot operation to place a 276' x 62' barn to house 200 head of cattle. The site would include an exercise area for good weather, but all of the feeding, sleeping, and so on will be done inside the proposed barn. The lot currently contains two structures about 20' or so from the property line. These structures will be removed to build the new facility. The applicants are asking for the 100' variance so that they have room to work with. The building needs to be at least 100' from the well. It is our understanding that they would like the barn to be as far from the house as possible. The dwelling was built near the middle of the parcel. The affected neighbors have signed a letter of support for the variance. Belvidere Township has also approved the request.

Based on the following findings of fact, staff recommends approval of the variance, to build a feedlot 10' from the east property line (variance for 90'). This variance supports Goal 2, Policy 1 of the Goodhue County Comprehensive Plan which states; "Promote and preserve agricultural industries or uses in the agricultural lands of the County."

Staff recognizes the need to keep the facility as far from the dwelling on the property as possible, however it is still important to keep a buffer around the facility. Therefore we are suggesting a 10' setback from the property line.

The size of the lot prohibits the applicant to meet all required setbacks. The proposed location will not alter the essential character of the locality. The request is in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of

carrying out the strict letter of any official control.

BOA DISCUSSION:

Brandon Schafer stated their request. They looked at the site prior to purchase and there were a few things that made it an appealing property but they couldn't apply for the variance until after they owned it.

M. McKay clarified that they could have acted as the agents on the property.

VC/B. Anderson opened the public hearing.

No public comment was given.

Moved by J. Fritzinger and seconded by D. Monroe and carried to approve the closure of the public hearing. Motion carried 4:0.

D. Monroe asked what the request was for if it was for 100' variance or 90' variance.

Mr. Schafer clarified that it would be for the north, south, and east property lines not only the east line. And they would be willing to go along with a 90' variance.

M. McKay asked if the township approved the request.

K. Gross said they did receive approval from the township.

[\[7\]](#)

Moved by M. McKay and seconded by J. Fritzinger to approve the variance to construct a feedlot 10' from the north, south, and east property lines instead of the required 100' setback (variance is for 90') based on staff recommendations. Motion carried 4:0.

C/S. Klair returns to the Board.

Daniel & Dana Syverson – E 300 ft of N 726 ft of S 1/2 SE 1/4 Section 2 T113N R16W Welch Township. The request is a variance to build an accessory structure 12' from the right of way instead of the required 60' setback (variance for 48') and 50 ft from the east property line instead of the required 100' setback (variance is for 50').

STAFF REPORT:

Daniel & Dana Syverson are requesting a variance to build an accessory structure 12' from the right of way instead of the required 60' setback (variance for 48') and a variance to build the accessory structure 50' from the east property line instead of the required 100' setback (variance is for 50'). Mr. and Mrs. Syverson own a 4.8 acre parcel in an A-2 zoning district. The parcel is 300 feet wide and 726 feet long. The majority of this parcel slopes down into a ravine. They are proposing to build a pole barn closer to the road and the east property line. The topography of the lot does not allow them to place the building behind their house or to meet the side yard setbacks without placing the structure directly onto their driveway. Welch Township approved the building permit and a variance for the side yard setbacks and the right of way.

Based on the following findings of fact, staff recommends approval of the variance to build an accessory structure 12' from the right of way instead of the required 60' setback (variance is for 48') and a variance to build the accessory structure 50' from the east property line instead of the required 100' setback (variance is for 50'). The hardship is created by the topography of the land. The proposed location will not alter the essential character of the locality. The request is in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

BOA DISCUSSION:

Dana Syverson stated their request. Their property is long and hilly.

J. Fritzinger stated that this is the best location on the property to build the structure. When out on the site visit she noticed that there are other buildings in that area close to the road.

C/S. Klair opened the public hearing.

Darwin Fox stated that the applicants have been before the town board and they received a variance to the property line and right of way. It is close to the road, but it is a narrow township road that dead ends and would probably not go anywhere in the future. The township approved it and he would encourage the Board of Adjustment to do so also.

M. McKay asked if it conforms to the area.

Mr. Fox said that it does there are a couple of buildings down the road that are also close to the road.

Moved by J. Fritzinger and seconded by M. McKay and carried to approve the closure of the public hearing. Motion carried 5:0.

[\[8\]](#)

Moved by B. Anderson and seconded by M. McKay to approve the variance to build an accessory structure 12' from the right of way instead of the required 60' setback (variance for 48') and 50 ft from the east property line instead of the required 100' setback (variance is for 50'). Motion carried 5:0.

Discussion: Accessory Structure sizes.

The board discussed accessory structure size limitations.

[\[9\]](#)

Moved by D. Monroe and seconded by M. McKay to recommend to the Planning Advisory Commission to accept the suggested wording to Article 3 Section 5 Accessory Buildings. Motion carried 5:0.

[\[10\]](#)

Moved by D. Monroe and seconded by J. Fritzinger to adjourn the August 22, 2005 Board of Adjustment meeting at 8:26 p.m. Motion carried 5:0.

Respectfully Submitted,

Kristi R. Gross

MINUTES

- [1] APPROVE the August 22, 2005 Board of Adjustment Agenda Motion carried 5:0.
- [2] APPROVE the July 25, 2005 Board of Adjustment Minutes. Motion carried 5:0.
- [3] APPROVE the variance to build a deck 1' from the septic tank instead of the required 10' setback (variance is for 9') based on staff recommendation and there being no hardship besides financial. Motion carried 5:0.
- [4] DENY the variance to the allowed 4 dwellings per section in an A-1 Agricultural Protection District, and a variance to create a property line closer than the required 100' side yard setback to an existing structure based on there being no hardship other than financial. Motion carried 5:0.
- [5] APPROVE the appeal to build a dwelling on land with a soil crop equivalency rating (CER) of 75 instead of the required below 60 in an A-2 Agricultural District. Motion carried 5:0.
- [6] APPROVE the variance to create a property line closer than the required 100' setback from an existing structure. Motion carried 5:0.
- [7] APPROVE the variance to construct a feedlot at the property line instead of the required 100' setback (variance is for 100'). Motion carried 5:0.
- [8] APPROVE the variance to build an accessory structure 12' from the right of way instead of the required 60' setback (variance for 48') and 50 ft from the east property line instead of the required 100' setback (variance is for 50'). Motion carried 5:0.
- [9] Recommend to the Planning Advisory Commission to ACCEPT the suggested wording to Article 3 Section 5 Accessory Buildings. Motion carries 5:0.
- [10] ADJOURN July 25, 2005 Board of Adjustment meeting at 8:00 p.m. Motion carried 6:0.