

GOODHUE COUNTY JUSTICE CENTER
454 WEST SIXTH STREET RED WING MN 55066

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

Present: Richard Sviggum Stanley Klair Conrad Rapp Darwin Fox Brad Anderson
Lisa Skipton Joanne A. Wood

Joanne Wood mentioned there were some changes to the June 23 agenda: Gary Schmidgall withdrew his request and she would like to add an item to the agenda for a short discussion on Arland Andrist's property.

Stanley Klair made a motion to approve the amended June 23, 2003 agenda (Gary Schmidgall withdrew the variance request). Seconded by Brad Anderson. Motion carried 5:0.

Conrad Rapp made a motion to approve the April 28, 2003 meeting minutes. Seconded by Brad Anderson. Motion carried 5:0.

Brad Anderson made a motion to approve the May 27, 2003 meeting minutes with the staff recommendations being typed into the findings for a complete record. Seconded by Stanley Klair. Motion carried 5:0.

Conflict / Disclosure of Interest – None to be disclosed.

Joanne Wood explained that Arland Andrist was in the office to apply for a variance to the number of homes allowed in Section 34 of Roscoe Township. He owns 80 acres with a home and would like to sell part of the land to the neighbor to build a home. She told Mr. Andrist that the Board of Adjustment has never given a variance to the number of homes per section. Mr. Andrist said he is 62 years old and wants to sell off and retire, but if he would be denied by the Board of Adjustment he would want his money returned. She told Mr. Andrist she would discuss it with the Board tonight to see if they would give a variance to the number of homes in the section. She said in the past the Board did not consider a variance to the number of homes in the section. She told him that maybe with the Comp Plan being completed this year, the Board may consider variances. She said we get several of these and she suggests they wait for the Comp Plan.

The Board had some discussion and agreed they would not change now, but these people should attend the Comp Plan meetings and get their two cents worth in at the meetings.

Gary Schmidgall / Joanne Kaye – Pt of SE ¼ of SW ¼, Sec 25, T112N, R18W, Stanton Township. The request is for a variance to build an agriculture building 50-ft from the Ordinary High Water Mark (OHWM) & not the required 100-ft setback. Also a variance to build the agriculture building 35-ft from the road right-of-way & not the required 60-ft road right-of-way setback. (Tabled from May meeting) Applicant withdrew.

Rodney Johnson – E ¾ of N ½ of NW ¼ of SE ¼, Sec 17, T111N, R17W, Leon Township. The request is for a variance to build another dwelling over the 12 allowed per section in an (A-2) Agricultural zoning district. (Tabled from May meeting)

Rodney Johnson was present and explained he was here last month to obtain a building permit on his 15-acres. He said he could not get 1000-ft from his house under the Grandfather Clause because of the slope. He said he thought Joanne Wood and Conrad Rapp were out to the site.

Joanne Wood said during last month's meeting they mentioned they purchased the land from Lindholm and she remembered the name and needed more information. She said the property was buildable under the Grandfather Clause, which existed until 1991, when Mr. Johnson purchased the property. She explained that the Grandfather Clause did not have to meet all the criteria and exempted the 1000-ft spacing requirement. She said Mr. Johnson purchased the land in 1988 as a buildable site. That Grandfather Clause expired in 1991. He came in for a variance to the 100-ft of road frontage; he had 33-ft. In 1979 Leon Township approved the variance for one single family dwelling. Mr. Johnson purchased the parcel as a buildable site. She said she and Conrad viewed the site and walked back in there. It definitely slopes off back there and the 1000-ft would be down in the drop. She said she tried to get a picture.

Rodney Johnson said he had been before Leon Township and they approved it.

Brad Anderson handed out a copy of Leon's decision. Leon Township and the Township Planning Commission approved the variance.

Lisa Skipton asked if Mr. Johnson was requesting another dwelling over the 12 per section or a variance to the 1000-ft spacing.

Joanne Wood explained the Grandfather Clause does not allow them to apply for a variance to the 1000-ft spacing. The Board of Adjustment has done some specific situations, like moving the site a little because of the topography. She said the variance is to move the site a certain distance due to the fact that he can't meet the 1000-ft without being at the bottom of the hill. The Board could allow him to move the site to a more feasible site.

Conrad Rapp said the parcel would have been a buildable site, except for the steep slope.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Sviggum asked about the density in the section.

Joanne Wood said there are quite a few homes out there; she thought like 17 or 18. She said her staff recommendation was to move the site. She does not know what is at the bottom of the slope; it could be floodplain or wetland down there. She asked Rodney Johnson how far the property runs.

Rodney Johnson said the property runs a little ways past that. He said he doesn't believe it would be floodplain or wetlands.

Conrad Rapp said it is very steep there with 39% slope as discussed at the last meeting. He said it really drops off there.

Conrad Rapp made a motion to ~~approve the variance as stated in the agenda~~ deny the # / section and approved the variance to move the grandfathered site 200-ft closer to another dwelling (staff recommendation #2). Brad Anderson said he thought that was what he was seconding. Seconded by Brad Anderson. Motion carried 4:1 with Darwin Fox dissenting.

Findings: A hardship was proven. They moved the site 250-ft closer to the nearest dwelling based on the topography which prohibits them from meeting the 1000-ft spacing requirement between dwellings. This request would be more in line with an appeal to move the site due to the topography. The appeal would be based on special circumstances affecting the land referred to in the appeal that do not apply generally to other property in the same vicinity. The applicant is not able to meet the 1000-ft spacing requirement based on topography features on the property and is in harmony with the general purpose and intent of the official control.

William Gardner / Harvey Aadahl – S ½ of SE ¼, Sec 5, T109N, R16W, Roscoe Twp. Request is an appeal to build a dwelling on land rated over 60 CER and not the required less than 60 CER under the "Ten Year Parcel of Record".

Harvey Aadahl and Bill Gardner were present. Bill Gardner explained he is purchasing the 80-acres from Mr. Aadahl. He is appealing the CER to build on land rated over 60 CER. He said the only reasonable building site is on the hill, across the creek and as close to the road as possible. Their safety concerns are the road, creek and wetlands. This site would not disturb much cropland. Allowing this particular site would increase the distance between the nearest neighbor and his dwelling.

Conrad Rapp asked about building across the creek when there is a building site closer to the road and they would not have to cross the creek.

Bill Gardner said they would like to build across the creek and on the ridge.

Joanne Wood said the soil types that are acceptable are Rad2=50 & RaE=40. She showed the photos of the buildable site and the proposed site.

Richard Sviggum asked Mr. Gardner if he would be moving the site far from the acceptable site.

Bill Gardner said the site would be about 500-ft from the acceptable site. The driveway would follow the ridge. He said the site to the north side is not a feasible site.

Conrad Rapp said he was having trouble with moving the site 500-ft and wanting to cross the creek.

Harvey Aadahl said there are several acceptable building sites across the creek also. Due to the slope around, they want to move a little farther up the hill from the 50 CER. The distance from the proposed site and an acceptable site is not far at all.

Joanne Wood explained there are some lower CER soils on the east side of the creek and Mr. Gardner would like to go a little beyond one of those sites.

Stanley Klair asked if they have to cross any wetlands with the driveway.

Bill Gardner said he talked to Matt Jacobson from the Soil & Water Conservation District and they will be under the allowable

limit of wetlands. The driveway will cross at the narrowest spot of the creek.

Richard Sviggum opened the meeting to the public.

Eric Froyum was present and explained he owns 80 acres that runs parallel to this property on the north side of this property. He is speaking in opposition of the request. He said there are a few items he would like to add to the record. His farm has been in the family since 1910. He purchased the land from his parents in 1994. He wants the people buying the land to know that he owns and operates a gun shop on his farm. Friends come over for shooting 2000-3000 rounds before the competition. He said his oldest son will be graduating from college and will come back to raise cattle. The new owner would be responsible for ½ the cost of the line fence needed for the cattle. He said he does not believe cropland should be built on. There are alternative sites. He said there is an existing farmstead for sale down the road. Another concern of his is the creek and how wild and fast the water runs after a heavy rain. He asked who will legally be responsible for cleaning up after a heavy rain washes onto his property. He asked the Board to help protect his property by not allowing a driveway across the creek. He said putting a driveway and dwelling across the creek will adversely affect his property down stream.

Don Dejaniety was present and explained he is concerned about the wetland. He said his 7-acres runs along the wetlands and the water runs through there fast and furious. He said the County has to replace the bridge this year. He said he supports Eric Froyum's points. He said he does not support the request be granted to build on soils rated over 60 CER.

Wayne Livingston was present and explained he has lived there for 34 years and he can't say much more than Eric and Don. He said he will have to attest to the amount of water that comes through there. He said if there was any type of obstruction, there will be a problem.

Amy Janning was present and explained she would like to add her concern of the ecological problems with the potential driveway washing out.

Jean Bjorngaard was present and explained she lives across the road, since 1980, where the applicant wants to build. She said she can attest to the amount of water. She said she would not want to build way up there for safety issues; she would want to build closer to the road. She said she has pictures of the amount of water, but forgot them at home.

One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Bill Gardner asked if he can make a comment. This appeal is not to build across the creek, but to move the site from land rated under 60 CER to land that is rated over 60 CER. He said he appreciates the warning of the creek.

Richard Sviggum asked Ms. Wood if there is a buildable site without crossing the creek and without building a bridge across the creek.

Joanne Wood said there is a site in the northwest corner and one just below the creek.

Bill Gardner said there are some sites east of the creek.

Harvey Aadahl said the proposed site would put a greater distance between the other dwellings.

Conrad Rapp said he visited the site and saw the creek and wetland. He said there is a site near the road as Joanne Wood noted. He said the applicant just wants to move it across the creek and up the hill.

Bill Gardner said that is correct.

Joanne Wood said just on the other side of the creek is RaE=40 and he would like to build on the crest of the hill which is rated SfD2=60.

Conrad Rapp asked how large the field was where they were proposing the building site.

Harvey Aadahl said there is approximately 8 to 10 acres in CRP. He said the soil is 60 CER. He said the intention is to build across the creek whether the variance is granted or not.

Joanne Wood said they could build across the creek without an appeal.

Richard Sviggum asked if there were any legal qualifications if the driveway washes to Eric Froyum's.

Lisa Skipton said these are some of the things that they look at when they apply for a building permit.

Joanne Wood said the wetland replacement would require them to work with the Soil & Water Conservation District.

Conrad Rapp said there is a lot of water running through there. He asked who deals with the water problem.

Joanne Wood said the DNR and Soil & Water Conservation District deal with water problems.

Richard Sviggum said it is not an issue that this Board can deal with.

Eric Froyum asked what type of bridge would they install.

Bill Gardner said they have been advised by two contractors to install a culvert and it would be engineered.

Conrad Rapp said the difference is 59 CER and 60 CER.

Lisa Skipton said the question is what would justify moving the site from the allowable site to the proposed site. She said the Board needs to determine the findings to justify that move.

Joanne Wood asked Mr. Froyum about his shooting range. She said the allowed site would be close to his site. They viewed an aerial photo and Mr. Froyum showed her where they shoot.

Eric Froyum said County 12's culvert won't stay under the road. He said there is more water coming all the time because more farms are being tiled. He said the farmland renter could not cross the creek after a hard rain while he was out cultivating. He said a culvert is not going to stay there.

Richard Sviggum said the Board of Adjustment is not dealing with the creek issue tonight; that is a DNR issue.

Darwin Fox made a motion to deny the appeal due to the fact there are several areas that meet the required CER. Seconded by Stanley Klair. Motion carried 4:1 with Richard Sviggum dissenting.

Findings: There are no special circumstances affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity. The parcel contains several buildable sites on soils rated under 60 CER.

Harvey Aadahl said they are looking at the site across the creek and it is only a 200-ft difference. He asked if moving the site 200-ft makes that much difference. He said the water issue is not related to the proposed building site and the request.

Bill Gardner said he read through the minutes of the Board of Adjustment and would like to know why they have approved all the other requests. He said they have several building sites that are either on the slope or along the wetland, both of which are very difficult. He asked why this situation would be different.

Richard Sviggum said the Board has granted most of the requests in the past.

Darwin Fox said that most of the requests are coming in with one possible site and want to move it because of steep slope. This property has several sites to choose from and they still want an appeal to move to the preferred site.

Lane Otterness – Pt of NE ¼ of NE ¼, Sec 25, T111N, R18W, Warsaw Twp. Request is a variance to build an accessory building 35 ft & 95 ft from the property lines and not the required 100-ft property line setback in an (A-2) Agricultural zoning district.

Lane Otterness was present and explained he would like to build a garage on his property and it borders his brother's farm. His brother wrote a letter saying it was ok. He said he needs the extra room for storage and to put the extra cars. They have four kids that are driving. He said the family has owned the farm for 80 to 90 years. He said there is the well and propane tank limiting the location. Joanne Wood was out to the site.

Conrad Rapp said he was out to the site. He said there is a dryrun behind where he would like to build the shed and his brother owns the property to the east. He said they have chosen the best site. There is no one around there and they are limited by the steep hill and dryrun. He said there is a gravel pit above the hill.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Brad Anderson made a motion to approve the variance based on the topography of the land. Seconded by Conrad Rapp. Motion carried 5:0.

Findings: The plight of the landowner is due to circumstances unique to his property, not created by the landowner, and the variance will not alter the essential character of the locality. The variance is in harmony with the general purpose 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. Due to topography, location of the existing dwelling, and size of the lot, a hardship exists.

Kevin Burns / Richard Banks – Lot 1, Sec 18, T111N, R17W, Leon Twp. Request is a variance to build another dwelling in excess of the 12 dwellings allowed per section, a variance to build a dwelling within 2000 ft of a feedlot, and a variance to the ¼, ¼ density requirement in an (A-2) Agricultural zoning district.

Kevin Burns and Richard Banks were present. Richard Banks explained he was before the Board in March for an appeal to the CER. He said he was the one that got this all going and now sold the property to the Burns. They applied and received all the permits, including septic, township, and county permits. He said one of the qualifications was that the site needed to be 1000-ft from the neighbors. He went to the County and measured the 2-1/2" (1"=400') on the aerial photo. After the basement was dug, it came to their attention that they were not actually 1000-ft from the dwellings. The surveyor came out to survey the 1000-ft spacing and informed him that Section 18 is a correction section. Section 18 is one mile by one and a half mile making this 40-acre line less than the normal 1320-ft. He said the location where the hole is dug is 800-ft. Since the parcel is under the Parcel of Record, they cannot apply for a variance to the 1000-ft spacing. He said it is no one's fault and he is asking for a variance. He said they got into trouble because they did not hire the surveyor to start with. He said if they have to they will build across the creek, but they would prefer to build the house where the hole was dug. He said they are asking to move the building site from across the creek to the west.

Richard Sviggum opened the meeting to the public.

Bruce Hawkensmith was present and said they are the building site across the Township Road. He said the surveyor was out and measured 630-ft. He hoped they could move the house to the north. He said he just wants to know what is what. He said the surveyor did not measure the house, which is 71-ft.

John Randrechey was present and explained he lives across the street from this property. He said they would be 756-ft from the closest part of the house. He said he would prefer they stick to the 1000-ft spacing. He questioned the notice stating 12 dwellings in the section. He said he didn't realize there was an issue to the 12 dwellings in the section, but he is opposed to that.

Rod Risty was present and asked about them moving the dwelling across the creek. He said the DNR would need to allow them to cross the creek and that area floods. He said the bridge cannot handle the water that goes through there now. He believes the hole is approximately 900-ft from his feedlot.

Doug Risty was present and said Roger Risty is his father. He said he wants to reiterate the 1000-ft spacing between dwellings and also the feedlot setback. He said if they move to the other side of the creek, the feedlot and creek are issues. He said he wants to agree with everyone else.

Richard Sviggum asked if there was a building site on the property.

Joanne Wood said there would be a site across the creek to the east in the corner. The northeast corner of that parcel appears to meet all the setbacks and soil requirements.

Rick Banks said he thought they were 1320-ft from the feedlot. He questioned where the feedlot was. He asked if the 1320-ft was from the property line or the feedlot.

Doug Risty said the feedlot is the barn. They are there for 6-months.

Rick Banks said if Mr. Risty says the feedlot is 900-ft from the hole, it boils down to him requesting a variance to build the dwelling where the hole is already dug.

David Price was present and explained he is the builder for Kevin Burns. He said he had the surveyor survey the setback from the houses and not to the northeast corner. He said even locating the house 100-ft from the west side of the creek won't meet the other requirements.

John Randrechey said he thinks the biggest issue or the whole point is that building there is totally wrong. He said if it floods like it has in the past, the water was two feet over the bridge and would be 5-ft into the house. The whole field was under water. He said there is floodplain there and Goodhue County Coop Electric had to replace the electric poles because they were washed out from the ground.

Joanne Wood said she does not believe the FEMA maps indicate it being floodplain.

John Randrechey said the Coop had to replace the poles twice in 6 years. He said the Coop was considering placing the electric lines underground while redoing Shady Lane Trail.

Kris Randrechey was present and said the proposed house location is the highest spot on that parcel. She said they are only 850-ft from their home. She said if they move to the north they are in violation of the feedlot. She said they moved out there for sanction and we appreciate the strict rules. She said she would appreciate them not building 850-ft from her house. She said they would be 350-ft from Mr. Hawkenson's home.

One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Sviggum said when they first applied, the Board thought it was a buildable site.

Joanne Wood said she wasn't involved in researching the site. She realizes the Board approved the appeal for the CER with

the understanding the site met the 1000-ft spacing requirement.

Rick Banks said he measured several times from the house to the west, but did not realize Mr. Hawkenson's house was in the woods. He said he didn't see it and did not realize it was there.

Joanne Wood asked Mr. Banks if the northeast corner could meet all the setbacks.

Rick Banks said he doesn't know about the feedlot. Mr. Risty believes the feedlot is 900-ft. He said he thought everything was fine when he went through all the meetings in February and March. He said he did not realize the whole field was under water. He said Mr. Burns wants to build the house on the highest part of the field.

Joanne Wood suggested they look at the feedlot to determine the boundaries. She said the feedlot officer could possibly meet out at the site and determine where the feedlot boundaries are located. She said another survey may be required for the feedlot setback.

Conrad Rapp said with the feedlot officer determining the feedlot boundaries, some of the questions will answer themselves.

Kris Rendrechey said the hole is only 750-ft from their house. She said she was confused by the 12 dwellings on the notice. She said the section is full.

Joanne Wood explained the parcel of land also qualifies as a Parcel of Record / Grandfather Clause. They cannot apply for a variance to the 1000-ft spacing or feedlot setback under the Parcel of Record, so they were required to apply for the variance under the 12 dwellings allowed per section. She said the applicant has the opportunity to explain their situation and the Board has the right to recognize their situation. She said the Board of Adjustment looks at variances and appeals and any decision they make, can be appealed to District Court. She said they are a quasi judicial board, meaning the decision can be appealed to District Court. She said we need to know where the feedlot is located.

Rick Banks said the feedlot is not an issue where the hole is dug, but it could be back in the corner. He said they also need to go back to the Township. He said the Burns' don't want to build back in the corner. He said if he can't build a house he plans on doing something with the property and would consider selling the front to an ag related business.

Kevin Burns said he does not intend to disturb the community. He said they just wanted to build a house there because it is a beautiful spot. He said he was guaranteed by the builder and Mr. Banks that the location was ok. He said there are a lot of black walnut trees that they would like to leave and not disturb.

Rick Banks said they did everything they were supposed to. We thought we were 1000-ft from everyone.

Conrad Rapp said they don't have a solution for this particular problem. The question is the feedlot and if it a buildable site. He said the first thing they have to do is find out if it is actually a buildable site. Once that is clarified, then the Board has every opportunity to move the site. He said we need to find out if the feedlot is an issue. He said he would like to table the request to determine the feedlot boundaries and setback. He asked if that would be acceptable.

Joanne Wood said she would contact Steve Schmidt, Feedlot Officer, and have him go out and determine where the edge of the feedlot is located. She said the property may need to be surveyed after that to determine the setback.

Rick Banks said they would be happy to do that. He said he thought it was a buildable site based on the aerial photo, but that was wrong.

Kevin Burns asked what happens if the feedlot is closer than the required setback.

Joanne Wood said the parcel would be unbuildable.

Rick Banks said they would be happy to find out where the feedlot is.

Joanne Wood said we should contact the DNR and look at the hydrology. She said the DNR may have some information on this area.

Conrad Rapp made a motion to table the request until the July meeting for more information on the feedlot and hydrology if the applicant would sign a waiver to the 60-day requirement. Seconded by Darwin Fox. Motion carried 5:0.

Richard Miller / Michael Miller – S ½ of SW ¼ of SE ¼, Sec 2, T111N, R17W, Leon Twp. Request is an appeal to build a dwelling on land rated over 60 CER and not the required less than 60 CER under the "Ten Year Parcel of Record".

Richard Miller and Micheal Miller were present. Michael Miller explained he would like to place a dwelling on cropland that is rated over the 60 CER. He is proposing to build in the southwest corner of the property in an effort to conserve some farmland and not cut up the field into two. He beef farms with his dad and his dad currently owns the property.

Joanne Wood said this is under the Parcel of Record. She said she believes the soil type is SfB=95 under the Parcel of Record. She explained there is a drainage ditch that is rated ChA=40. She said she and Conrad were out to the site and the pictures show where the stakes are. She asked Michael Miller about possibly placing the site in the farmyard, possibly on the other side of the evergreen trees.

Michael Miller said they had hoped to build on a different site, but it was too close to the sheep yard and was also rated over 60 CER. He said they would like to build on this parcel rather than in the farmyard.

Joanne Wood said there is a drainage area that he could possibly build on.

Stanley Klair asked if he had been before the Township Board.

Brad Anderson said the Township Ordinance requires them to be 1000-ft from the other homes with no other restrictions. Their Ordinance does not address CER.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Conrad Rapp asked about the other site.

Michael Miller said he would have preferred the east end of the property, but it is too close to meet the ¼ mile setback from the feedlot.

Conrad Rapp asked if the second farm dwelling would be an option.

Michael Miller said they prefer to be on a separate building site because they don't know what may happen in the future. He asked what would happen with a second farm dwelling and the feedlot.

Richard Sviggum said there is no setback to the feedlot as long as the second farm dwelling is within the farmyard.

Joanne Wood said the grove of trees on the west side by the driveway would be considered part of the farmyard.

Brad Anderson said Leon Township's Ordinance only allows temporary second farm dwellings. They only allow mobile homes, no permanent structures.

Stanley Klair said the issue is the CER. He asked what the soil was rated on the proposed site.

Joanne Wood said the proposed building site is rated 95 and should be under 60 CER.

Brad Anderson asked Michael Miller how many acres he would be taking out of production with all the setbacks, etc.

Michael Miller said he thought the building site might take up 2 ½ acres.

Brad Anderson asked if the stakes are where he would like to place the dwelling. He asked if he would be 1000-ft from the neighbor's homes and be 60-ft from the road right-of-ways.

Michael Miller replied yes.

Stanley Klair made a motion to approve the appeal to build on soils rated over 60 CER. Seconded by Brad Anderson.

Conrad Rapp said it has been his opinion that we strive to preserve prime farmland. He said the Board goes to great lengths to preserve as much as possible. He said he knows these folks very well, but he struggles with this issue. He said he believes in preserving farm land.

Richard Sviggum said they try to limit the destruction of farmland.

Richard Miller said they would be glad to build on lower rated soils, however, they would have to cross prime land with the driveway to get to the lower rated soil and that would split the field.

Michael Miller said he understands what Conrad Rapp is saying, but splitting up the field with the house and driveway creates two small fields which are more difficult to farm.

Richard Sviggum said second farm dwellings are not always the best option.

Joanne Wood said the current Comprehensive Plan and Ordinance is to preserve agricultural land.

Motion carried 3:2 with Darwin Fox and Conrad Rapp dissenting.

Findings: There is limited area on the parcel to locate a dwelling based on special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity. The parcel contains prime cropland or wetlands and surface drainage areas that prohibits any building sites.

Donald Benson / Robert Benson – W10ac of N ½ of NE ¼, Sec 23, T112N, R118W, Stanton Twp and S ½ of NE ¼ & NE ¼ of SE ¼, Sec 27, T112N, R18W, Stanton Twp. Request is a variance to the ¼ ¼ density requirement in an (A-2) Agricultural zoning district.

Robert Benson & Donald Benson were present. Donald Benson explained he has a purchase agreement to purchase the 100-acres from his dad. He said he would like to move a building site from Section 23 to Section 27 and locate it next to the road on non-tillable ground. He said the buildable site in Section 23 is west of the building site. He said to access the buildable site, he would have to go across about 1250-ft of good farmland. He said by moving the buildable site to Section 27, they would be saving good farmland.

Richard Sviggum asked Donald Benson if he was in the process of purchasing the property from his father.

Donald Benson replied yes. He said he is looking at moving the NW ¼ of the NW ¼ of Section 23 to the NE ¼ of the SE ¼ of Section 27. They looked at an aerial photo.

Joanne Wood said there was a variance on this property at one time, moving the site to the north.

Donald Benson said one of the two sites was buildable and one site was moved from Section 26.

Joanne Wood asked if the Township had any issues with the request.

Donald Benson said he went to the Township Planning Commission and the Township Board. The Township recognized it as buildable and approved it.

Richard Sviggum said the Board has transferred ¼, 1/4 but he believes they have not granted a variance from different sections.

Conrad Rapp said the Board approved moving a site from Section 26 to Section 27.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Sviggum recalled Mr. Henslin's replacement situation in Minneola Township and moving it to Wanamingo Township.

Darwin Fox said that was adjoining land.

Donald Benson said the allowed site would be crossing prime soil (85 & 90 CER). He said he thought it just made sense to move the site to not disturb the prime soil. He said the feedlot on the farm in Section 23 has expired, gone past five years. He said he would be using about 2-3/4 acres of good soil for the driveway.

Robert Benson said the property has enough road frontage.

Joanne Wood asked if they could meet the 2000-ft spacing from Gustafson's feedlot. She mentioned she had done a site visit on Robinson's and they have a feedlot.

Donald Benson said he can meet the setback on both feedlots. Their feedlot in Section 23 has expired or been vacant for over five years. He said he can meet the setback to Gustafson's feedlot.

Conrad Rapp made a motion to approve the variance as stated and the building site on Section 23 would be used up and not buildable. No one seconded the motion. Motion dies due to lack of a second on the motion.

Stanley Klair made a motion to deny the variance request. Seconded by Brad Anderson. Motion carried 3:2 with Conrad Rapp and Richard Sviggum dissenting.

Findings: No hardship exists. Applicant has a building site in Section 23 where only seven dwellings exist versus ten dwellings located in Section 27. The variance may change the character of the locality since it is being moved from one section to another. The variance is not in harmony with the general purpose 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 controls. The plight of the landowner was created by the landowner by virtue of creating two smaller parcels on this property.

Vern Genzlinger – Lot 10, Blk 3, Poplar Ridge, Sec 6, T112N, R13W, Florence Twp. Request is a variance to build an accessory structure larger than the required 1200 sq ft limitation (2274) in a (R-1) Suburban Residential zoning district.

Vern Genzlinger was present and explained he is requesting to build a 2274 sq ft total accessory building on his 10.6 acre parcel in Florence Township. The shed will be located about 250-ft behind the house and will be on a lower level so no one will see the shed. He said there is a covenant against any outside storage and the committee addresses these issues. He said they have approval from the covenant committee and Florence Township. He said the shed will not be visible to any of the neighbors.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Conrad Rapp said he and Joanne Wood were out to the site and he does not see any conflicts. They are staying away from the bluffland which is on one side.

Lisa Skipton said the Township permit is almost one year old. It is dated August 2002.

Vern Genzlinger said he applied for the building permit for the shed last August. He said the Township permit is good for one year.

Darwin Fox made a motion to approve the variance. Seconded by Brad Anderson. Motion carried 5:0.

Findings: A hardship was proven. The variance will not alter the essential character of the locality. The variance is in harmony with the general purpose 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.

Ted Schroeder – Pt of N ½ of SW ¼, Sec 7, T112N, R16W, Vasa Twp. Request is a variance to build an accessory structure 800 sq ft over the required 2400 sq ft (3200 total) limitation in an (A-2) Agricultural zoning district.

Mrs. Ted Schroeder was present and explained he would like to build an accessory building over the 2400 sq ft limit (40 x 80) in the (A-2) Agricultural zoning district. He said they have 85-ft setback from existing structures. The building will be directly behind their house and does not encroach on neighbors' views or being seen from the road. The shed is being built by Rechtzigel Construction and will be used for personal storage.

Conrad Rapp said he and Joanne Wood were out to the site. He said the shed is being built behind the house and would not be visible from the road and meets all the setbacks. He said they have some cars back in there and was hoping they would be cleaned up.

Mrs. Ted Schroeder said there are cars, cycles and a boat. She said some of those are being moved permanently and some will be stored. She said the Catellacs are licensed. She said they don't want anything back there. She said they lost some storage and that is what is pushing them to build the shed.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Conrad Rapp made a motion to approve the variance to build a shed 800 sq ft over the 2400 sq ft limit (3200). Motion carried 5:0.

Findings: A hardship exists. The variance will not alter the essential character of the locality. The variance is in harmony with the general purpose 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.

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James Lohman – Pt of E ½ of NW ¼, Sec 19, T112N, R15W, Featherstone Twp. Request is a variance to build an accessory structure 1312 sq ft over the 2400 sq ft (3712 total) limitation in an (A-1) Agricultural Protection zoning district.

Kathy Lohman was present and explained they would like to build a 64' x 58' pole shed that will be built by Rechtzigel Construction. The shed should not obstruct anyone's view. They plan on storing their dump truck, cars, lawn tractors, snowmobiles, ATVs, and trailers.

Richard Sviggum opened the meeting to the public. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Rapp). *There was a motion made, it was seconded, and carried to close the public hearing.*

Conrad Rapp said he and Joanne Wood were out the site. He said he does not see any conflict. They are well within their property boundaries. He said the shed would be a nice addition to the area.

***Stanley Klair made a motion to approve the variance to build a shed 1312 sq ft over the 2400 sq ft limit (3712).
Seconded by Conrad Rapp. Motion carried 5:0.***

Findings: A hardship was proven. The variance will not alter the essential character of the locality. The variance is in harmony with the general purpose 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.

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Comprehensive Plan Update

Other Business. No other business.

Meeting adjourned.

Respectfully Submitted,

Lavon Augustine
Zoning Technician