

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 the last item, Foison Investment, was removed from the agenda.

Stanley Klair made a motion to approve the amended July 28, 2003 agenda. (Foison Investment was removed) Seconded by Brad Anderson.

June 23, 2003 meeting minutes. Conrad Rapp stated there was a misunderstanding regarding his motion on Rod Johnson's variance request. He said he made a motion to 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. Brad Anderson made a motion to approve the amended June 23, 2003 meeting minutes. Seconded by Stanley Klair. Motion carried 5:0.

Conflict / Disclosure of Interest. Brad Anderson has a conflict with Conrad Rapp's variance request. Conrad Rapp has an item on the agenda and he will step down.

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. (Tabled from June meeting)

Richard Banks and Kevin Burns were present. Kevin Burns explained he would like a variance to move a building site. He said the request was tabled because Mr. Risty brought up his feedlot being too close. He said he would like to move the site closer to roughly be 700-ft from each dwelling, splitting the difference between the two dwellings.

Richard Sviggum asked if they are asking for a different site from last month.

Kevin Burns said he is asking for a building site. The feedlot's arch is into the former building site, where the hole is dug, and they would like to move the house.

Richard Banks said they had the building permits because they measured and did everything the way it has been done for the last 10 years. He said Steve Schmidt, County Feedlot Officer, could explain the feedlot situation. He said there was quite a crew at the Risty's feedlot when they conducted the site visit.

Richard Sviggum asked if there was a ¼, ¼ density issue.

Lisa Skipton said she received an e-mail copy of the survey. She said Mr. Burns is asking to move a site. There is only a tiny triangle in the corner.

Kevin Burns said he would like to move the site closer to County 14. He explained if he moves 50-ft to the west, they would be roughly 700-ft between the two closest existing homes and still meet the feedlot.

Joanne Wood said there is a small spot in the northeast corner that can meet the feedlot setback.

Richard Banks said this may fall into the pasture criteria and he thinks we should get Steve Schmidt involved.

Lisa Skipton asked Mr. Banks and Mr. Burns if they received the new survey. She showed them the aerial map with contours. She said if they moved 50-ft to the west, it would clear the feedlot setback and the only variance would be to the two homes.

Joanne Wood said part of the southeast corner of the property could meet the feedlot setback and the house.

Richard Banks said that area is too close to the water. He said for safety reasons it would not be a good site.

Richard Sviggum asked if the parcel could meet all the setbacks.

Richard Banks said they cannot meet the setback to the house on the hill and if they move the site, the feedlot is not an issue anyways.

Steve Schmidt, Feedlot Compliance Coordinator, was present and explained this falls into a grey area. He said the pasture

criteria requires vegetative growth for grazing animals. He said most of this area is vegetated with weeds. He said Mr. Risty does lock the cattle there over winter and the manure solids accumulate. He said he looked at it as a pollution control or runoff. He said there are two feedlots on this farm with one permit. One of the feedlots is very defined. They viewed an aerial photo.

Richard Banks asked Mr. Schmidt if he could get a copy of his letter.

Richard Sviggum opened the meeting to the public.

Bruce Hawken Smith was present and said he has watched this thing evolve. He thinks the 1000-ft rule should be upheld within this area. He said he has no ax to grind with these guys. He asked if they can fit a house on this lot. He said he owns 28 acres and placed his homes so he would not have neighbors close to him. He said he would like the Board to take into consideration that once they issue a variance, there will be more requests. If it is fair for them, he wants to be treated fairly. He said they are requesting to build 700-ft closer than they should be allowed.

Chris Andreky was present and explained she lives across the road. The hole was dug and it is still there. She understands that Burns would like to move there. She said they worked hard to get where they are at and they respect the rules and would like the Board to consider not breaking the rules. She said this was delayed because of the feedlot and she said they were planning on having livestock and wondered if that would interfere with their plans (cattle and sheep). He asked if the feedlot was going to interfere with the new home.

Kevin Burns asked if the 1000-ft rules didn't go into effect in 1991. He said there are houses that are 300 to 400-ft from each other.

Mr. Andreky said this area was the most crowded area on County 14 with the houses being close together. He said they moved out there for peace and quiet. He said he believes they put the 1000-ft rule into place to keep these types of things from happening. He said he would like the rules to be followed.

*There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Banks said the feedlot setback is not an issue for the proposed site, but the 1000-ft spacing to the dwelling is an issue.

Brad Anderson said the feedlot setback would be 2000-ft and the report summary says 1320-ft.

Joanne Wood explained this parcel qualifies under the Parcel of Record, but the current zoning is A-2. She said the Board has recognized the Parcel of Record in the past. She said on a small part of the property, it can meet all the requirements but it is a difficult place to build so the Board may move the site. She said with that, the Board has denied the 12 homes allowed per section and just considered moving the Parcel of Record. She said they were trying to see if the parcel could have a building site in the southeastern part of the property. She said the site that can meet the setbacks is not a feasible site and moving the site would be closer than 1000-ft to the two homes.

Brad Anderson asked if they could build in the southeast corner.

Joanne Wood said it appears by the survey they can meet the feedlot setback and the house on County 14, but she is not sure about the existing house on the hill.

Lisa Skipton asked about the northeast corner.

Joanne Wood said she thought the northeast corner could meet all the setbacks, but by moving the site it would meet the 1320-ft from the feedlot. She said they went out to look at the site and she is not sure how many animals the Risty's are registered for. She said they looked at the feedlot for vegetative cover and Steve Schmidt went through the rules and the vegetative cover rules.

Steve Schmidt said the rules do not define vegetative cover, but the 7020 rules talk about grasses and other forage grasses intended for grazing.

Joanne Wood said the fence corner says 893-ft to the edge of the northeast corner of the property. She is concerned about being able to meet the setbacks.

Richard Banks said it is one of those things that there is cover whether it be weed or grass. He said Mr. Risty has 10 cows and 7 calves.

Steve Schmidt said there were 16 head running on this lot they day they were out there.

Conrad Rapp asked Mr. Schmidt if this was a new explanation tonight. He asked if they redefined the vegetative cover.

Steve Schmidt said he thought it was better to put it in writing for tonight, but it is the same explanation as before.

Joanne Wood said the County adopts the Minnesota rules in the Zoning Ordinance.

Lisa Skipton said Steve Schmidt's report puts all the definitions and rules in one place. She said we have not changed any of the ordinances pertaining to feedlots.

Rick Banks asked about the last page of the report and what "offset" was.

Steve Schmidt explained "offset" is a calculation from the University of Minnesota to determine the odor setback from a feedlot. He said there is one county in Minnesota that uses the offset program and there is another county looking at adopting it. Offset basically takes the size of the feedlot and the program determines the setback needed for the feedlot.

Conrad Rapp asked if the number was 96% annoyance free.

Steve Schmidt said that was correct.

Lisa Skipton said the offset calculator was discussed at a Planning Commission meeting and will be discussed in the future. She said this is just an informational tool at this point.

Richard Banks said they started this in February with the Parcel of Record extension and the language added for an appeal to the CER. He said we got into trouble by measuring off the aerial photos, like everyone has done for the last 10 years. He said the feedlot is not an issue on the proposed site.

**Conrad Rapp made a motion to approve the request to move the site to a better location because of topography to meet the 1320-ft feedlot setback whatever measurement it is to meet that requirement and maintain the feedlot setback. Seconded by no one. Motion dies.**

Darwin Fox said he is slightly confused by moving to the new location. Why does the 2000-ft feedlot setback not apply? He said he is confused why they don't have to follow the current rules.

Joanne Wood said the Board has allowed others to move the site because of the topography (too steep, water, drainage, etc). The Board has the authority to move the site. The 1320-ft feedlot setback is based on the Parcel of Record rules. She said last month the Board moved one site about 250-ft out of the steep sloped area. She said the southeast corner of the parcel did meet the setbacks.

Brad Anderson said he does not think anyone has done anything wrong. He said this was not a parcel of record that was buildable. He said he has to look at it as a variance to the 12 dwellings / section, ¼, ¼ density requirement and the 2000-ft feedlot setback.

Rick Banks said we measured this out on an aerial photo, just like everyone else has done for the last 10 years. He said there are two pastures with 16 cows. They feed them there in the winter. He said they stopped all the building and wanted to follow the rules.

Richard Sviggum said he doesn't think that anyone has done anything wrong, but this just should not have gone ahead.

**Brad Anderson made a motion to deny the variance based on # of dwellings; ¼, ¼ and feedlot setback as recommended in the staff recommendation. Seconded by Darwin Fox. Motion carried 4:1 with Conrad Rapp dissenting.**

Findings: No hardship exists. 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 control.

Allard Moorhouse – Pt of W ½ of NE ¼ and Pt of NW ¼, Sec 22, T112N, R18W and Pt of S ½ of SE ¼ of SE ¼, Sec 15, T112N R18W, Stanton Twp. Request is two variances to the ¼, ¼ density requirement in an (A-2) Agricultural Zoning district; to reassign the SW ¼ of NE ¼ to the NW ¼ of NE ¼ of Sec 22 and to reassign the S ½ of SE ¼ of SE ¼, Sec 15 to the NE ¼ of NW ¼ of Sec 22.

Allard Moorhouse was present and explained he would like to reassign two buildable sites to other sites that are nothing more than old pasture sites. The sites are buildable and would like to take one issue at a time.

Richard Sviggum asked about one of them crossing the section line.

Allard Moorhouse said the property runs adjacent. He said the area in Section 15 is wooded with a little open area, but no tillable. He said he would like to move the site to an area that is an undesirable wooded area in Section 22. He said as a kid, they cut hay for the horses on the property in Section 22. He would like to move the site from Section 15 to the permanent pasture area in Section 22.

Richard Sviggum opened the meeting to the public.

Tom Carlson was present and explained he lives across from Mr. Moorhouse. He said there were laws and there should be a good reason to change the rules. This will change their quality of life.

Mark McCabe was present and explained he represents the Indianhead / Boy Scout organization. He said that Mr. Moorhouse is

been a good neighbor. He is concerned with the shot gun range being close to the proposed building site. They built the camp in a rural setting, trying to take kids out of the city to give them a rural experience. He said he is opposed to the request.

Gary Robinson was present and explained he lives in Section 21. He said he doesn't understand where the building site from Section 15 was and if it was actually a buildable site.

Allard Moorhouse said his property hooks together behind Spillman's.

Robert Benson was present and explained they have a 16-ft drive going back to the 20-acres. He said he does not know how to get 100-ft out of 16-ft. He said there is not 100-ft going back to the 20-acres. He said he is just questioning the road frontage.

Allard Moorhouse said the property is all attached.

Conrad Rapp asked if it is a public road.

Allard Moorhouse said no, it is private. He explained there was a cartway, but his land is all attached.

Lisa Skipton asked if there was a defined fence line from between Boys Scout Camp and his property.

Allard Moorhouse said there are some trees on the west end. He said as far as the shooting range, the 20-acres would be close.

Mark McCabe said it is a noise factor.

Joanne Wood said there are two buildable sites.

Gary Spillman said he believes he knows that one of the sites is next to Dubbles, but where is the other one? He viewed an aerial photo. He asked what is going to happen when they move the buildable site from Section 15 to Section 22. He said his family owns land in Section 22; will that change the numbers in the section?

Joanne Wood explained there are currently 8 homes in Section 22 and it would add another home in the section.

Gary Spillman said pulling sites from one section to another really defeats the ordinance.

Joanne Wood asked Mr. Moorhouse what was the reason for moving the site in Section 15 to Section 22.

Allard Moorhouse said it is more of a desirable building site.

Del Gustafson was present and explained he lives in Section 27. He wanted to remind the Board that a variance is not for convenience.

Donald Benson, neighboring landowner, was present and explained that the Board had denied him from moving across section lines. He said he doesn't know how they can say that this connects when there is an easement, because it is not a continued piece of land. He said as far as the camp goes, these two building sites will be 1000-ft and 650-ft from the shooting range, which is shooting in that direction. He said he has waste land across the road and would like to push it back another 1000-ft.

Lisa Skipton said Mr. Moorhouse is the fee owner of the easement, so the easement does not separate the parcels.

Robert Benson said he has easement between Moorhouse and Spillman. Mr. Moorhouse's property connects fully because he has an easement.

Lisa Skipton said there is an underlined owner of the property where there is an easement. She explained to Mr. Benson that Mr. Spillman gave him access across his property, but Mr. Spillman owns the land.

Robert Benson said that Mr. Spillman gave Allard Moorhouse easement to get to his property.

Allard Moorhouse said it is fenced off because he owns it.

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

***Stanley Klair made a motion to approve the reassignment / transfer from the southern ¼, ¼ to the northern ¼, ¼ (across the road). Seconded by Conrad Rapp. Motion carried 4:1 with Darwin dissenting.***

***Brad Anderson made a motion to approve the reassignment / transfer from Section 15 to Pt of the property in Section 2 based on staff's recommendation and that the property is contiguous. Seconded by Conrad Rapp. Motion fails 2:3 with Darwin Fox, Richard Sviggum, and Stanley Klair dissenting.***

***Darwin Fox made a motion to deny the reassignment / transfer from Section 15 to Section 22 based on no hardship proven. Seconded by Stanley Klair. Motion carried 3:2 with Conrad Rapp & Brad Anderson dissenting.***

Findings: No hardship was proven.

Gary Robinson – Pt of NE ¼, Sec 21, T112N, R18W, Stanton Twp. Request is a variance to the ¼, ¼ density requirement in an (A-2) Agricultural Zoning district; to reassign the SE ¼ of NE ¼ to NE ¼ of NE ¼, Sec 21.

Gary Robinson was present and explained he would like to move a building site from the SE ¼ of the NE ¼ to the NE ¼ of the NE ¼. In 1998 he asked for a variance to move the SE ¼ to the NW ¼, but the Board said it was not a buildable ¼, ¼. The Board could transfer the NE ¼ of the NE ¼ to the NW ¼ of the NE ¼. He said the SE ¼ has soils rated under 60 CER and he would like to move the site to the NE ¼. Moving the site would be much closer to the road, taking up less ag land.

Richard Sviggum asked Ms. Wood if the SE ¼ of the NE ¼ was buildable.

Joanne Wood explained there was a portion on the northeast corner that has a low CER that would make it buildable. She commented about her recommendation and asked Mr. Robinson to clarify what happened in 1998.

Gary Robinson said he asked for a variance to move / reassign a site in 1998. He had three sites, but moved just one site.

Lisa Skipton asked about the hardship.

Joanne Wood said in 1998 this was all new.

Gary Robinson said there is a sharp bank where he would like to locate the house. The proposed site is much closer to the Township Road and would take up much less tillable ground. He said the Board required the NE ¼ rather than the SE ¼ at that time. He said the Board never asked if there was a hardship involved. He said he asked for the SE ¼, but he hadn't done his homework at that time.

Richard Sviggum opened the meeting to the public.

Gary Spillman asked if they pull this permit, does it leave the remaining land unbuildable in the future. He said moving the site north is pulling it farther away from his feedlot, so he is in favor. He said the farther away from his feedlot the better. He asked they still have to meet the 1000-ft spacing.

Joanne Wood explained this is zoned (A-2) which limits the number of homes per section to 12 and only one home per ¼, ¼.

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

Stanley Klair asked where exactly is the site in the SE ¼. Is it near the road?

Joanne Wood said there is a low CER in the right corner. They viewed the aerial and soil photo. She said that DkB soil is rated

Stanley Klair asked Mr. Robinson if the proposed site was going by the wood line or by the road.

Gary Robinson said the proposed house was going by the wood line.

Joanne Wood said the soil type going back to the wood line is 40 CER. EsA = 40 and the wooded is SaE has slopes.

Conrad Rapp asked if this was next to the gravel pit. He asked what the setback would be to the gravel pit.

Joanne Wood said the quarry is existing and setbacks do not apply.

Brad Anderson asked if Mr. Robinson came in last time and the Board of Adjustment would have transferred it out of the SE ¼ to the NW ¼, would he need to be here tonight? Basically, it would have been buildable if the Board of Adjustment would have transferred the SE ¼ in 1998.

Gary Robinson said he asked the Board to move the SE ¼, but the Board took it from the NE ¼. He said he looked into it later.

Joanne Wood said she was not sure where the low soil type came into the land. She asked Mr. Robinson if he know the slope. She asked if a driveway could cross over the hillside. She said 10 CER is usually steep. She said there may have been some confusion in 1998 when Mr. Robinson originally wanted to give up the SE ¼.

Gary Robinson said the slope varies. He said they used to cut hay there.

***Stanley Klair made a motion to approve the variance to transfer the SE ¼ of NE ¼ to the NE ¼ of the NE ¼ based on the staff recommendation. Seconded by Brad Anderson. Motion carried 5:0.***

Findings: That 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 that the granting of the variance will not alter essential character of the locality. The applicant wishes to preserve tillable land for driveway access to the site.

Blaine Husbyn – Pt of SE ¼ of NE ¼, Sec 35, T112N, R18W, Stanton Twp. Request is a variance to build a replacement dwelling within the 60-ft road right-of-way setback.

Mr. & Mrs. Blaine Husbyn were present and he explained they would like a variance from the 60-ft setback from the right-of-way. They would like to be 50-ft from the right-of-way line. The Township is 50-ft from the right-of-way.

Joanne Wood pointed out that the site drawing is not correct because it shows the house to be 80-ft from the center line of the County Road. She said she talked to Greg Isakson, County Engineer, and he went out to the site. He told Ms. Wood that the County right-of-way is 100-ft. He told her that he would not have a problem with keeping the proposed house 100-ft from the centerline. She asked Mr. Husbyn if they could get rid of the 3<sup>rd</sup> car garage. She said the other option is to sign a waiver from the applicant regarding the snowplow throwing debris and possibly damaging the house or garage.

Lisa Skipton asked if they are requesting a 30-ft variance. The site plan shows 80-ft. She asked if they could move the house back.

Joanne Wood explained the 100-ft right-of-way plus 60-ft setback would make 110-ft from the centerline. She said the Husbyns are asking to be 100-ft from the center line, which is only a 10-ft variance.

Mrs. Husbyn said they could not move away from the road because of the ravine and creek.

Joanne Wood said they are very limited because of the creek.

Stanley Klair asked if the stake was the edge of the proposed garage.

Mrs. Husbyn said the stake indicates 110-ft from the center of the road.

Conrad Rapp asked if the 3<sup>rd</sup> car garage had to stick out that far.

Mrs. Husbyn said the house was designed that way. They could remove some trees and fill in the ravine.

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 (Klair). *There was a motion made, it was seconded, and carried to close the public hearing.*

Stanley Klair asked if the County Engineer had a problem when he was out to the site.

Lisa Skipton said Greg Isakson was not too crazy about this, because they get complaints about the debris and that is why he suggested they sign a waiver.

Stanley Klair asked Mrs. Husbyn if the tree line along the road was going to stay.

Mrs. Husbyn said most of the tree line would stay. She said if they could get a variance to be 100-ft from the center line, they would not need a variance from the Township.

Richard Sviggum asked if they were asking for a 10-ft variance to the road right-of-way line setback.

Mrs. Husby said that was correct.

Joanne Wood said Greg Isakson did not have a problem with a 10-ft variance.

***Stanley Klair made a motion to approve a 10-ft variance from the road right-of-way (100-ft from center line). Seconded by Darwin Fox. Motion carried.***

Findings: That 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 that the granting of the variance will not alter essential character of the locality. The property is allowed a replacement dwelling and moving the dwelling further away from the ravine would be a better location.

Maltby Family Limited Partnership – Pt of SE ¼ of SE ¼, Sec 7, T112N, R18W, Stanton Twp. Request is a variance to the ¼, ¼ density requirement in an (A-2) Agricultural zoning district; to reassign the SE ¼ of NE ¼ of Sec 18 to the SE ¼ of SE ¼ of Sec 7 for the purpose of building a dwelling located in the Wild & Scenic River District.

Wendell Maltby was present and explained he would like to transfer a building site from Section 18 to Section 7. The site on Section 18 is about 16-acres sited on the old railroad right-of-way with about a 200-ft frontage onto Sciota. He said it is a legal building site. He said they own all the land on the north side of the road and they are the only owners in Section 7 of Goodhue County. He said there is only one building site currently in Section 7 and he would like to move the site from Section 18 to Section 7.

Joanne Wood said there is only one dwelling in Section 7 because it is surrounded by the Cannon River and the other side is Dakota County. She said he actually has two  $\frac{1}{4}$ ,  $\frac{1}{4}$  in Section 7 and one has his current house. She said Mr. Maltby purchased the old railroad right-of-way in Section 18 which is 100-ft wide and pretty long. She said the railroad right-of-way abuts a public road and the property line setbacks are 30-ft. She showed the Board the photos. She said he has room to build a home and his house is the only one in Section 7. She said she had a call from an individual who purchased the Augustine property. When the individual purchased the property he was told he had three (3) building sites on that property and he is concerned that moving the site would take away one of his building sites. She said the railroad right-of-way owned by Mr. Maltby also has potential under the Grandfather rules.

Richard Sviggum said if the house were to go on the railroad right-of-way, it would be counted in the numbers.

Joanne Wood said if Mr. Maltby gives up the right to build there, it gives up the entire quarter quarter.

Richard Sviggum opened the meeting to the public.

Karen Sweneker was present and explained she owns property to the west in Section 18. She asked if the buildable site moves from Section 18 to Section 8, is it being moved to the Maltby Preserve or their personal property? Would the house be taxable or not?

Wendell Maltby said the property is owned by the partnership and is taxable.

Karen Sweneker said as a neighbor on the road, she is in favor of moving the site to Section 7. Moving the site would help keep the area more of a rural setting and the house would be hidden in Section 7.

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

Richard Sviggum asked if there was a concern about Section 7 ever having 12 homes.

Joanne Wood replied never.

Lisa Skipton said this property falls in the Wild & Scenic River District and asked if they could even put a home in there.

Joanne Wood explained single family dwellings are a permitted use under the Wild & Scenic River District. She said single family dwellings are a permitted use as permitted by adjoining or adjacent zoning districts. She said that you could not see the proposed house from the river. The existing house is in the same area.

Wendell Maltby said he owns all the land surrounding the area. He said they are the only ones in Section 7.

Joanne Wood said she talked with the DNR regarding another property in that area and they don't have a problem with single family dwellings in the Wild & Scenic River District. Each dwelling needs to be on a separate parcel. She said the Wild & Scenic River District does regulate vegetation.

Wendell Maltby said he had a survey done. The existing driveway will service both dwellings.

Lisa Skipton asked Mr. Maltby if the reason he is asking for the variance is because it would be a better location.

Wendell Maltby said it would be a better location and would be less expensive because of the well and septic. They would save about \$15,000 – \$20,000. He talked about designing an adequate sized septic system.

Joanne Wood said she thinks it is a better site than building on the railroad right-of-way.

Conrad Rapp asked if there was any correspondence from Stanton Township.

Robert Benson, Stanton Township Chair, was present and explained the Township does not have any objection to what the Maltby's are doing.

Wendell Maltby said he appeared before the Township Planning Commission and the Township Board regarding this. He said it had no objections to it.

***Brad Anderson made a motion to reassign / transfer the building site from the SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  in Section 18 to Section 7 based on Staff recommendation and in keeping with the rural atmosphere on Sciota Trail. Seconded by Stanley Klair. Motion carried 4:1 with Darwin Fox dissenting.***

Findings: That 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 that the granting of the variance will not alter essential character of the locality. The Board determined this would be in keeping with the rural atmosphere on Sciota Trail.

Tony & Shelley Beck – Pt of Lots 9, 10, 11, & 12 of SE  $\frac{1}{4}$ , Sec 36, T109N, R16W, Roscoe Twp. Request is to build an accessor

building 564 sq ft over the 2400 sq ft limitation (2964 sq ft total).

Tony Beck was present and explained his previous shed burnt in a fire and he would like to build a bigger shed this time. He needs a larger shed to run his home based vehicle repair business and for personal storage. He said the County told him that as long as only ½ the building is used for business, he could apply for a permit. He said the Township does not have a problem with this as he already has the permit from them.

Richard Sviggum opened the meeting to the public.

Jacolyn Walter was present and explained she lives on County 27 Blvd. She said she was wondering if this was a replacement shed and she did not realize it was going to be used for a business. She said she would rather not see the shed be larger.

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

Conrad Rapp said this is a replacement building. The shed meets all the setbacks from the property line.

Richard Sviggum said the Board generally looks to see if the shed will obstruct anyone's view or if there are any other concerns. He said they have been receiving quite a few of these types of requests (oversized buildings).

Joanne Wood said Mr. Beck has applied for a Land Use Permit to operate the auto repair business.

**Conrad Rapp made a motion to approve the 564 sq ft variance (2964 sq ft total). Seconded by Brad Anderson. Motion carried 5:0.**

Findings: 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. The variance will not alter the essential character of the locality.

Eric Boie – Pt of Lot 7 in NW ¼, Sec 36, T109N, R16W, Roscoe Twp. Request is to build an accessory building 160 sq ft over the 2400 sq ft limit (2560 total sq ft) and to locate the building 10-ft from the south property line.

Eric Boie was present and explained he would like to build an accessory building for personal storage 10-ft from the neighbor's property line. He said he has a letter from the neighbor, Mike and Sherry Sogan.

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 (Klair). *There was a motion made, it was seconded, and carried to close the public hearing.*

Darwin Fox asked why the building needs to be 10-ft from the property line.

Eric Boie said the horse pasture is located in front of the proposed building and the neighbor's property line starts at the woods. He said they would like to preserve their pasture.

Joanne Wood showed the Board the photos. She said the proposed location appears to be a natural site for the building. She asked how many acres is fenced for the horses.

Brad Anderson asked about the distance between the house and proposed building.

Eric Boie said the proposed building would be 200-ft from the house. He said there are about 2-½ to 3 acres of pasture.

**Conrad Rapp made a motion to approve the variance for size and setback. Seconded by Brad Anderson. Brad Anderson withdrew his second. Conrad Rapp made a new motion to approve the 160-ft over the 2400 sq ft limit and 10-ft from the south property line and not the required 30-ft setback. Seconded by Stanley Klair. Motion carried 3:2 with Brad Anderson and Darwin Fox dissenting.**

Findings: 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 that the granting of the variance will not alter the essential character of the locality.

Todd & Sonya McAdams – Pt of SW ¼ of NW ¼, Sec 26, T109N, R16W, Roscoe Twp. Request is to build an accessory building 800-sq ft over the 2400 sq ft limit (40 x 80 = 3200) and to locate the accessory building within the 100-ft setback from the East property line.

Todd McAdams was present and explained he would like to build a pole barn over the 2400 sq ft size limit and to locate the barn 25-ft from the property line. He explained if he is required to move the shed 30-ft, the 5 additional feet would require the removal of some 25-ft pine trees. He said the building is going to be divided down the middle for livestock and horses; the other side for tractors and vehicles. He said he had removed 52 trees so far. He said the neighbors don't mind because there is nothing but pasture for horses. He said the Township already approved the permits.

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 (Klair). *There was a motion made, it was seconded, and carried to close the public hearing.*

Joanne Wood said they were limited where they could build their house, garage and shed because the hill does drop off.

**Darwin Fox made a motion to approve the variance to the shed size and the property line setback of 75-ft. Seconded by Stanley Klair. Motion carried 5:0.**

Findings: 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 that the granting of the variance will not alter the essential character of the locality. Due to topography the proposed site location of the accessory structure would be the best location. The size of the structure would be needed in order to accommodate for the personal items listed in the application.

Randall Clark – Pt of SW ¼ of NE ¼ and Pt of SE ¼, Sec 18, T112N, R13W, Florence Twp. Request is a variance to build another dwelling in excess of the 12 dwellings allowed per section and a variance to the ¼, ¼ density requirement in an (A-2) Agriculture zoning district.

Randall & Mrs. Clark were present. Randall Clark explained he would like a variance to build a single family dwelling in Section of Florence Township. He said they are asking to build on an existing building site according to Gordon Boldt, who has been farming there since the late 1970s. He said the barn has been there since the early 1980s. There is also an electrical transformer on the site. The site is in a woodland area, so no tillable land would be disturbed. He said they purchased the 38-acre piece of land recently from Rick Rodewald thinking down the road that the zoning may change. Mr. Rodewald originally had a 40-acre piece of land and divided off his house and business. They were hoping to take advantage of the low interest rates. He said they were at the Township meeting tonight and the Township made a motion to accept the concept. He said he had a letter signed by David Martinson, Florence Township Clerk. He brought pictures of the shed and transformer.

Richard Sviggum asked if he was asking for a replacement site.

Joanne Wood said the request is for a variance to the 12 dwellings allowed per section and the ¼, ¼ density requirement. She said they went out to Mr. Clark's for a site visit, but they didn't have an opportunity to look at property real close.

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 (Klair). *There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Sviggum asked Mr. Clark if he knew when he purchased the property if it had a buildable site.

Randall Clark said he knew he had to apply for a variance, but thought with structures there, the Board might be in favor of allowing a buildable site. He thought there was potential for a building site.

Richard Sviggum said one thing that the Board has held firm on is the density requirements. He asked what the building was used for.

Randall Clark said he had heard that from several people, but was hoping they would be more favorable since this property has a structure on it. He described where they would like to locate the dwelling, which would be about 500-ft from the east property line and a point across from this building. He said he thought the building was used as a hay barn. He said the building is about ¾ c the way down because of the snow-load on the roof.

**Stanley Klair made a motion to deny the request based on there being 12 dwellings already in the section according to Staff recommendation. Seconded by Darwin Fox. Motion carried 5:0.**

Findings: No hardship exists. The plight of the landowner is not due to circumstances unique to the property and was created by the landowner. 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 control. Mr. Clark purchased the property and created his own situation. Section 18 currently contains 12 dwellings. The Board has yet to approve a variance to allow applicants to build additional dwellings above the required number per section. The purpose and intent of the (A-2) Agriculture zoning district is to control the density in these areas but also provide for a slightly higher density of dwellings than the (A-1). In this scenario, the variance is not in harmony with the general purpose and intent of the (A-2)

zoning district. The Board also has generally not approved ¼, ¼ variances unless the applicant is in a position to reassign a ¼, ¼ from adjacent property. It is my understanding that Mr. Clark does not own any additional property in the County.

Joanne Wood said the County is working on a new Comprehensive Plan, which may or may not help you (Mr. Clark).

Tim Meyers – Pt of SE ¼ of SW ¼ Sec 32, T112N, R16W, Vasa Twp. Request is to install an on-site septic system 2 ft from the North and East property line and not the required 10-ft setback.

Mr. & Mrs. Meyers were present. Mr. Meyers explained they are looking for a variance to be 2-ft from the property line with their drainfield and not the required 10-ft setback. He explained there was a valid permit before they purchased the property, but when it came time to install the system, there was not enough room. He said the tanks are in and they have purchased more land, but they could not get enough land. He said they are still 8-ft short.

Joanne Wood explained the Meyers' own the old White Rock garage and have remodeled it into a home. She said these lots are pretty small. She talked to the Environmental Health Department and they did not have a problem with the request.

Stanley Klair said they have a very limited lot.

Conrad Rapp said he believes the couple was misled. He said the Meyers' have three small children and the place is thousand times better than what it was.

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 (Klair). *There was a motion made, it was seconded, and carried to close the public hearing.*

***Brad Anderson made a motion to approve the 8-ft variance to the East and North property lines based on Staff recommendation (septic drainfield to be 2-ft from the North and East property lines). Seconded by Darwin Fox. Motion carried 5:0.***

Findings: A hardship exists. The property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; 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.

Conrad Rapp excused himself from the next item.  
Brad Anderson excused himself from the next item.

Conrad Rapp – S5 acres of NE ¼ of NE ¼ and E ½ of SE ¼ of NE ¼ and Pt of S ½ of NW ¼, Sec 20, T112N, R16W, Vasa Twp. Request is a variance to the ¼, ¼ density requirement in an (A-2) Agricultural zoning district; to reassign the NE ¼ of NE ¼ to the SE ¼ of NW ¼, Sec 20.

Conrad Rapp explained he currently owns a 5-acre parcel in Section 20 of Vasa Township that meets all the requirements. He said he would like to move that buildable site from the 5-acre parcel to a different ¼, ¼. He explained the reason he would do this is because the driveway would be through about 1/8 mile of the woods and gully. The CER where he would like to move the site to is appropriate under the requirements.

Richard Sviggum asked about moving the site from the 25-acre parcel.

Joanne Wood said the 20-acres is separate from the 5-acre parcel. She said she walked the property at one time and there are some good slopes and gullies.

Conrad Rapp said moving the building site would not affect the northern 35-acres because that property does not have any road frontage to a public road.

Richard Sviggum opened the meeting to the public.

Lois Johnson was present and explained she is an adjoining property owner. She had some questions and concerns for Conrad Rapp. She asked Mr. Rapp if this proposed site was going to be across from Gergen's; how many acres; driveway location?

Conrad Rapp said the proposed site would be across the road, north side, from the Gergen's because of the CER; about four (4) acres where their CER are under 60; the driveway would be on top of the hill.

Lois Johnson said she is concerned about her well and their septic. She said she spoke with the Environmental Health Department because the septic on the hill will make it into the valley. She said she has no objections as far as the building site.

Nina Hanson was present and explained she lives on White Rock Trail. She said she was out of town and just received the letter on Saturday. She said she owns land that the 5-acre parcel is adjoined to. She explained that Roger Hanson's land is now her land. She asked how Mr. Rapp was going to access it. She said getting to the top of the hill is very steep.

Conrad Rapp said he is not going to access the 5-acres in the back. He said the plan is to move / transfer the site so they would not have to cross the entire property and go through the woods. He said the proposed home would be to the north of the new home and west of Ms. Johnson's.

Richard Sviggum said Mr. Rapp is going to give up the right to build on the 5-acre parcel if they move the site.

Nina Hanson wanted to clarify, so she asked if there would be no building site on the 5-acre parcel. She said moving the site would allow for a good access to the new site.

Myron Samuelson asked how close to his line is it going to be. He asked if there was the 1000-ft spacing between dwellings.

Conrad Rapp said there would be 800 to 900-ft. He said there are parts that are buildable and parts that are not. He said he is going to build in the gully. He said he has a couple of building sites on the farm.

Joanne Wood said the 1000-ft spacing does not apply in this case. She explained the density requirement is only one home allowed per ¼, ¼ with a maximum of 12 homes per section.

Myron Samuelson asked how long was the variance good for. He said pretty soon they will be living in town.

Joanne Wood said there is no time limit on variances, but a building permit is limited to 6-months to start construction.

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

Darwin Fox asked Mr. Rapp if he was willing to give up the building site on the 5-acres.

Conrad Rapp replied yes. He said the northern 35-acres does not have any road frontage.

***Darwin Fox made a motion to reassign / transfer the NE ¼ of NE ¼ to the SE ¼ of NW ¼ of Section 20. Seconded by Stanley Klair. Motion carried 3:0.***

Findings: 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 that the granting of the variance will not alter the essential character of the locality. The properties are located in the same section and the number of building sites will not be affected, only the ¼, ¼ density of which Mr. Rapp currently owns.

Conrad Rapp and Brad Anderson came back to sit on the Board.

Foison Investments – Pt of N ½ of SE ¼, Sec 1, T112N, R16W, Vasa Twp. Request is a variance to create three (3) parcels less than 35-acres and to build three (3) dwellings on less than the required 35-acres in an (A-3) Urban Fringe zoning district.

This item was removed from the agenda.

Comprehensive Plan Update

Other Business

Respectfully Submitted,

Lavon Vieths-Augustine  
Zoning Technician / Recording Secretary