

BOARD OF ADJUSTMENT
MINUTES OF MARCH 24, 2003
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 Allard Moorhouse in the Goodhue County Justice Center Building located at 454 West Sixth Street in Red Wing, Minnesota.

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

Stanley Klair made a motion to approve the March 24, 2003 agenda. Seconded by Conrad Rapp. Motion carried 5:0.

Conrad Rapp made a motion to approve the February 24, 2003 meeting minutes. Seconded by Darwin Fox. Motion carried 5:0.

Conflict / Disclosure of Interest – None to be disclosed.

Lisa Skipton mentioned with the budget crunch and trying to save money where we can, we will pay for one board member and one staff member to do site visits and take pictures. She said we are not trying to discourage anyone from viewing the site for themselves.

Conrad Rapp asked if there is a controversial issue where there is a lot of public interest does the one staff and one board members still apply or can this be case by case. Lisa Skipton said the County is looking at every line item in the budget and looking for ways to cut costs.

Lisa Skipton read the letter from Mayor Richard Bauer from the City of Zumbrota regarding the Haugen request. The letter basically reiterated their point that variances are not to be granted for financial purposes.

Janis & Sam Michels – E330.92ft of SW ¼, Sec 28, T110N, R15W, Zumbrota Township. The request is for a variance to the four dwellings allowed in the section in an (A-1) Agricultural Protection zoning district. (Tabled from February meeting)

Sam & Janis Michels were present. Sam Michels handed out several documents including a worksheet from the Soil & Water Conservation District and a letter of support from the Township. He said the worksheet indicated the slope and he verified the slope with a surveyor. The slope is almost 15%. The erosion factor is great and the land is too narrow to contour farm. He figures it would loose 12 ton per year and at that rate it would become flat pretty quick. He said allowing one more home in the section would not change the density. He explained the part that was split off was land locked and the driveway would cost a fortune. He said Ms. Wood did visit the property.

Richard Sviggum asked if the 19.9-acres was split in 1999 and if the house is on the 60 acres.

Janis Michels said there was a 60-acre parcel belonging to her grandmother and when she died it was split between the three kids.

Sam Michels said Janis purchased the 19.9-acres from her mother (one of the three kids) and Janis wanted the land in her name. He said Janis is the third generation owner of the property and they would like to stay in Zumbrota Township. They have been there for 30 years and don't want to leave now.

Allard Moorhouse asked if there were four homes in the section.

Janis Michels said there are five homes including the farm.

Sam Michels said no one lives in the farm building site; it has been vacant for 20 some years. The section is rough and the river runs through the section, but it is zoned (A-1).

Richard Sviggum asked if the buildings are still standing on the vacant farm site. He asked if the house could be replaced.

Sam Michels said the buildings are there.

Allard Moorhouse said there are really five sites in this section.

Joanne Wood explained the parcel was an existing 60-acre parcel and because of splitting off the 19.9-acre parcel to register it into Janis Michels' name it does not qualify as a "Ten Year Parcel of Record". If the 60-acre parcel was in Ms. Michels' name, they would not have to be here for a variance to build a home. She said there is quite a bit of slope. She said the Board has never had this type of request before them before. The property was split after 1993 due to the fact it was in an estate. She asked if the relative still owns the remaining property.

Sam Michels said there is 14.7% slope. He said the soil book indicates the soil to be 60 CER.

Janis Michels said her cousin who lives in Illinois owns the property and the 40-acres went with the vacant building site.

Conrad Rapp asked if there was any part of the 60-acre parcel that was farmed.

Sam Michels said it is mostly pasture. It is not a farm that you do much tilling on.

BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 2

Allard Moorhouse said the map shows contour strips.

Sam Michels said they had hay and barley on the land at one time. He said the map must be old because the fields have been in CRP for years. The strip that belonged to his mother-in-law was row cropped until placing the property in CRP. The lowest part is the light part and where they split the property, there has been nothing but cattle on it for the last 12-15 years.

Allard Moorhouse said the issue is the density (the four per section) and the section is filled plus one vacant farm site.

Sam Michels said if his wife hadn't split the property off the original 60 acres, they wouldn't have to be here. They split the 19.9 acres in 1999 and not being a real estate person, they didn't know that splitting would affect the building site.

Allard Moorhouse 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 (Moorhouse). *Richard Sviggum made a motion, it was seconded, and carried to close the public hearing.*

Conrad Rapp asked Ms. Wood if this section would be one of the "58 Sections" that could change from (A-1) to (A-2) based on the CER change.

Joanne Wood said she did not recall if it qualified or not.

Conrad Rapp asked about the original home site.

Janis Michels said that would make the 6th house in the section, but it is currently vacant.

Sam Michels said the five dots on the aerial photo are the five existing dwellings, including the vacant building site.

Richard Sviggum said this board has never broken the density requirement yet. The variance is to the four dwellings in (A-1) and he does not see any special circumstances affecting the land. ***Richard Sviggum made a motion to deny the variance. Seconded by Stanley Klair. Motion carried 5:0.***

Findings: No hardship exists. There are no special circumstances or conditions affecting the land.

Brian & Melissa Haugen – W1ac of NW ¼ of NE ¼ & Pt of NE ¼ of NW ¼, Sec 32 & Pt of SE ¼ of SW ¼, Sec 28, T110N, R15W, Zumbrota Township. The request is for a variance to build a dwelling on less than the required 35 acres in an (A-3) Urban Fringe zoning district.

Brian & Melissa Haugen were present. Brian Haugen explained he owns 47-acres in sections 29 & 32 of Zumbrota Township. They had purchased the property with the plan to build a home in the future. After talking to Zoning, because of the minimum of 35-acres required, he is applying for a variance to allow a dwelling on the 47-acres separated by a section line. He said they plan on putting the house in Section 32. He said they meet all the road frontage requirements. The ground is highly erodible.

Richard Sviggum asked if the 47-acres are two separate parcels.

Brian Haugen said essentially the 47-acres is one piece, separated by a section line creating two parcels both of which are in the (A-3) zoning district. He would like to build their home in section 32.

Richard Sviggum asked Mr. Haugen if he would be opposed to having the other parcel not buildable.

Brian Haugen said he wouldn't want another home there if they build. He is not opposed to that. He said they could not get back there, the only frontage is on County 4. He said the river runs through the northern parcel and High Street runs into Section 29. He said they talked to the City the other night and they seem to understand his request.

Joanne Wood said she also talked to the City about this request and the City generated the letter. She said Mr. Haugen owns more than 35-acres on contiguous land, but needs a variance to get one building site on there.

Allard Moorhouse opened the meeting to the public.

Sam Michels was present and said he is the Chairman of the Zumbrota Planning Commission. He said the Haugens have not been to the Township and he does not know what the Township is going to do about this. He said he is tired of the City of Zumbrota controlling property in the Township. He said they would like the people living in the Township to come to the Township. He said there are a couple of platted building lots in that area that they want to build on. He doesn't know if we would give them a variance. He said there is a lot better farm land there than some of the other areas. He said Forest Mills is platted. He said the Township and Isaac Walton owns the property to the river.

BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 3

Brian Haugen said his father-in-law built one house in Forest Mills. He said he hired a surveyor and the survey showed their property going to the river. He said he owns four parcels in this area. One of the parcels is a separate parcel that is in Forest Mills and is a vacated street and would not be buildable. The two he is talking about are not affiliated with the platted area.

Sam Michels said the Township received a letter a few years ago telling about a few hundred feet of land for sale along the river. They purchased the land. He said no one borders the river but Isaac Walton.

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

Richard Sviggum said the property falls in two sections creating two parcels. He said he does not see a problem as long as both parcels are being tied together.

Brian Haugen said if they build in there, they are planning to locate the house along the tree line and would not want another home there. He said the area is highly erodable ground.

Richard Sviggum made a motion to allow a dwelling with the condition that both parcels are connected to the building site (47-032-1500 & 47-029-1700). Seconded by Stanley Klair. Motion carried 5:0.

Findings: 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. *The area is an Urban Fringe zoning district and the purpose is to allow for slightly higher density provided the adjacent municipality does not have this area designated for other types of uses. The properties have two residential areas (Forest Mills & the small lots on County 10) adjoining them.*

Christopher Bakken – Skyberg Addition, Lots 7-12, Block 1, Section 36, T109N, R18W, Kenyon Township. The request is for a variance to build a dwelling on a substandard lot of record and to locate the dwelling 5-ft from the west property line and not the required 8-ft property line setback in an (R-1) Suburban Residential zoning district.

Chris Bakken was present and explained he is applying for a variance to Lots 7-12 of Block 1 of the Skyberg addition in Kenyon Township. He said the lot is smaller than the County allows and he also would like a variance to be 5-ft from his west property line, which adjoins another parcel that he owns. He said he cannot join the two parcels together because the parcel to the west is in the Ellis Addition and this parcel is in the Skyberg Addition. He said as far as the lot size he has another parcel within the Skyberg addition that he could add to this parcel to get closer to the required square footage putting it at 18,800 sq ft. He plans on installing the on-site septic system on that lot.

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

Richard Sviggum said he is familiar with this area. The lots are Substandard lots and were platted a long time ago. He said he believes there is a hardship. ***Richard Sviggum made a motion to approve the variances. Seconded by Darwin Fox.***

Joanne Wood said the Township Clerk contacted our office and was concerned that he hadn't gone through the Township first. She asked if the Township had gone to the site.

Chris Bakken said the Township was concerned about the 5-ft setback being to a neighbors property line, but it is his own property line. He said he is going to the Township on April 7.

Motion carried 5:0.

Findings: A hardship exists. A hardship exists. 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. *The area is zoned residential and allowing a dwelling on the lot would not change the character of the locality.* The plight of the landowner is due to circumstances unique to his property not created by the landowner. *The area was platted long before our current Zoning Ordinance was in place.*

-
BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 4
-
-

Kirk Hiner – Pt of W ½ of NW ¼, Section 14, T109N, R18W, Kenyon Township. The request is for a variance to build a house addition 50-ft from the road right-of-way line and not the required 60-ft setback in an (A-1) Agricultural Protection zoning district.

Kirk Hiner was present and explained he would like to build an addition onto the house; the way the house sits, for appearances and function this is the only possibility for the addition. They need to add onto the house as a “T” bringing the garage 10-ft closer to the road than what the Ordinance allows. He is asking for a 10-ft variance to locate the garage addition 50-ft from the Township road right-of-way line and not the 60-ft setback.

Allard Moorhouse said the picture shows the two bricks.

Stanley Klair asked if they could not move the garage 10-ft.

Mrs. Hiner said if they move the garage 10-ft the opening would be from the dining room and would not work as well as from the living room.

Allard Moorhouse 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 (Moorhouse). *Richard Sviggum made a motion, it was seconded, and carried to close the public hearing.*

Conrad Rapp asked if they checked with the Township.

Lavon Augustine said the Township granted a variance and a building permit application.

Richard Sviggum said there are only two people on that road.

Kirk Hiner said the garage will extend toward the road and there were no neighbors concerned.

Conrad Rapp made a motion to approve the 10-ft variance (garage to be 50-ft from road right-of-way line). Seconded by Richard Sviggum. Motion carried 5:0.

Findings: A hardship exists. 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. *The building site has limited space for the house addition.*

Roger Poole / Todd Schulz – E ½ of W ½ of SE ¼, Section 25, T109N, R15W, Pine Island Township. The request is for a variance to build a dwelling and an accessory building 70-ft from the west property line and not the required 100-ft property line setback in an (A-2) Agricultural zoning district.

Mike Kaye and Roger Poole were present. Roger Poole explained he is buying the 40-acres from Mr. Schulz. They only have 1.7 acres available to locate the house. The remaining acreage is in the Reinvest In Minnesota (RIM) program and he is working with Chris Fritz from the Soil & Water Conservation District. The RIM program cannot be built on. He said they would like to build their home 30-ft closer to the property line to allow the house and garage to be located just out of the RIM land. He said there are only four homes in the section at this time. They have been to the Township Board and were given a verbal approval.

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

Stanley Klair made a motion to approve the 30-ft variance (house and accessory building to be 70-ft from the west

property line). Seconded by Richard Sviggum. Motion carried 5:0.

Findings: A hardship exists. 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. *The building site has limited space for the house and accessory building due to registering the most of the parcel in the "RIM" program.*

Daniel Jeanson / David Jeanson – Pt of E ½ of NE ¼, Section 25, T109N, R16W, Roscoe Township. The request is for a variance to create a parcel and build a dwelling on less than the required 35-acres in an (A-3) Urban Fringe zoning district.

Daniel and David Jeanson were present. Daniel Jeanson explained his mother is on dialysis and between his brother, dad and himself they watch her all the time. He said nursing homes are too expensive so they are caring for her themselves. Sometimes they are helping in the middle of the night, so to be closer would make the situation easier. He said he would also like to be closer to home.

Allard Moorhouse said the request is to create a parcel and build a dwelling on less than 35-acres west of Pine Island.

Richard Sviggum asked if there was currently a dwelling on the parcel. He asked where his brother and parents live.

Joanne Wood said there is a dwelling on the parcel now and there is a dwelling next to the road. She showed the aerial photo.

Daniel Jeanson said his parents live right next to the road. He said his brother has a home on the 25-acre parcel.

Allard Moorhouse opened the meeting to the public.

Wayne Livingston, Roscoe Township Chairman, was present and explained he would like to see where they would like to build the house. He viewed the aerial photo and said he had no problem with that.

Orrie Finstun was present and said he sold the 25-acres parcel to Jeansons and the 30-ft cartway on the side of the property. At the time there was a variance two years ago and Joanne Wood said there would be one house allowed on the 25-acres. The property to the north was just granted a variance to build a home. Now there is going to be another home on Larry Berg's land. He said they are in the middle of a building zone with a lot of homes in a short span. He said he is opposed to the request. He said he didn't oppose the first request on the 25-acres, but now they want two homes there.

Raymond Bye was present and said he would like to see the proposed site. He viewed the aerial photo. He said his feeling is that this is putting them in a bind. He said they know the family and the proposed building site would put them in a bind in relation to their livelihood of farming. They raise crops, spread manure and stuff like that and they don't want something to come up down the road that will affect them. He said Daniel Jeanson recently moved a home onto some land near Zumbrota and is not far from here now and his brother is already in the area. He said due to the location of the proposed building site he does not want any problems in the future.

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

Richard Sviggum asked Ms. Wood if there was anything in the Ordinance regarding medical hardships.

Joanne Wood said they could go through the Planning Commission for a mobile home as a temporary second dwelling when there are temporary situations for health care reasons. She asked Mr. Jeanson if there was a variance granted on the 25-acre parcel.

Daniel Jeanson said in 1991 there was a variance. His brother built the home two years ago. He said he would be building in the woods.

Darwin Fox made motion to deny the variance. Seconded by Richard Sviggum. Motion carried 5:0.

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. *The area is an Urban Fringe zoning district and the purpose is to allow for slightly higher density. However the 25-acre parcel has a dwelling already on it and allowing another home would change the character of the locality.*

Richard Banks – Govt Lot 1, Section 18, T111N, R17W, Leon Township. The request is for 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".

Rick Banks was present and explained he would like an appeal to the soils on a "Parcel of Record" on property located off County 14 by Sogn. One of the sites is on the edge of a wetland and the other site is across the creek. The County Commissioners approved the appeal process to the Parcel of Records so he thought it was worth asking to move the site from across the river rather than building a driveway across more cropland and / or a creek. He said the Parcel of Record site is not the most advantageous site, so they would like to move the site to the field. He had the property surveyed to meet the 1000-ft setback from dwellings and the feedlot setback. He said the site would be closer to Shady Lane Trail and not Cty 11 with access from Shady Lane Trail. He said most of the field is rated 80 CER.

Conrad Rapp asked if they are moving the site closer to the road rather than disturbing the wetlands or crossing the creek.

Rick Banks said that was correct.

BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 6

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

Conrad Rapp made a motion to approve the appeal. Seconded by Richard Sviggum. Motion carried 5:0.

Findings: There are special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other properties in the same vicinity. *This parcel has a potential building site under the "Ten Year Parcel of Record". The proposed site would be located closer to the road, eliminating a long driveway across prime tillable soil. Approving the appeal would maintain and conserve the natural resources, which is consistent with the Goodhue County Zoning Ordinance and the Comprehensive Plan. The request would not change the character of the locality.* 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.

Brad & Kathy Anderson / Tim & Heidi Anderson – N ½ of SE ¼, Section 23, T111N, R17W, Leon Township. The request is for 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".

Brad & Kathy Anderson were present. Brad Anderson explained this is the same type of thing as the Board just looked at. He said they own an 80-acre parcel with a pasture area in the southeast. The Crop Equivalency Rating (CER) in the pasture area where they would like to locate the house is either on a 60 CER or up to 75 CER. Currently the house could be located down by the creek, but they would like to move the proposed building site farther up the hill away from the creek. The tillable land is rated at 95 CER. He said the proposed building site is a little northwest of the X on the aerial photo, which would be more conducive with the driveway and would not take away any cropland.

Conrad Rapp asked if the driveway would cross the creek.

Brad Anderson said they would not cross the creek. The creek goes under the road and flows through the pasture.

Allard Moorhouse opened the meeting to the public.

John Olson was present and asked if this request was going to give us more building sites. He asked what the criteria for a building site would be. He asked about this being a hardship situation. He asked if this would change the value of the property in the area.

Joanne Wood explained the County Board of Commissioners extended the "Grandfather Clause" for one year, until June 4, 2004. They also added language to allow an appeal to the CER. In this particular case they are requesting to move the proposed building site onto a higher CER than the County allows. The appeal is to build on a higher rated soil because of the slope and the wetlands. She said the language was added to allow people to apply for an appeal to move their proposed building site onto more feasible ground. She said appeals are different than variances.

John Olson said this will definitely raise property / land values in the area. He said there was a reason for the low soil rating.

Rick Banks was present and said he was at the County Commissioners' meeting when they added the appeal language. He said the intent was not to add building sites, but to preserve the ag land and other resources by allowing people to apply for appeals to move the proposed building sites.

John LeClair was present and said this land was rated as agricultural land and apparently the law was passed to keep it that way. He said tillable land should be kept that way. He said there are other lands that could be used for building sites. He said when the Board starts granting variances, then everyone has a shot at having one granted.

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

Richard Sviggum said he understands that some of the CER are preserving sensitive areas.

Richard Sviggum made a motion to approve the appeal. Seconded by Darwin Fox.

Allard Moorhouse said the pasture area has some good slope.

Motion carried 5:0.

Findings: There are special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other properties in the same vicinity. *This parcel has a potential building site under the "Ten Year Parcel of Record". The proposed site is within the pasture and would not be using any tillable land. The request would not change the character of the locality.* 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.

BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 7

Rodney Woock – Pt of NW ¼ of NW ¼, Section 1, T110N, R18W, Holden Township. The request is for a variance to build a shed 30-ft from the south property line and not the required 100-ft property line setback.

Rodney Woock was present and explained he would like to build a shed and needs a variance to the 100-ft setback to the property line. He said his farm was built in the 1870s and is very close to the property line. He said he owns two parcels, one in section 1 and the other is in section 2. He would like to locate the machine shed where the former barn and shed were located. This is within the historical district and he is trying to locate the machine shed in an area where it won't disturb the historical district.

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

Richard Sviggum said we have had many of these types of requests in the past and this certainly won't be a problem. He said Mr. Woock is very limited by the location, the road, and the hills that surround the building site. The machine shed won't affect any neighbors.

Richard Sviggum made a motion to approve the variance. Seconded by Stanley Klair. Motion carried 5:0.

Findings: A hardship exists. 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. *The building site has limited space for the shed and the shed is being proposed where it has the least visual impact on the surrounding landscape.*

Keith Carlson – Pt of E ½ of SE ¼, Section 11, T113N, R16W, Welch Township. The request is for a variance to the four dwellings allowed in the section in an (A-1) Agricultural Protection zoning district.

Keith Carlson was present and explained he owns 100 acres of land in Welch Township. The land is in three parcels and the 35-acre parcel has land that has too high of crop land. Another little piece is a pie shaped piece. The last piece is the parcel he is apply for a variance. It is now 65 acres and when the State put in Highway 61, they changed the abstract. He said he has owned the land since 1975.

Conrad Rapp asked about the split on the parcel.

Keith Carlson said the property would have qualified under the "Ten Year Parcel of Record" but the abstract was changed when the State purchased part of the land for Highway 61. He said the State would have obtained the property no matter what he would have said or done to stop it. The bottom line is the abstract was changed and was out of his control.

Allard Moorhouse opened the meeting to the public.

Mike Childs Jr. was present and stated he would like to see the proposal. He viewed aerial photo.

Keith Carlson said the proposed building site is across the woods from Mr. Childs' building site.

Gene Hawkenson was present and said he lives right next to Mike Kirkland, just east of this property. He said he understands there was only supposed to be four homes allowed in this section. He said we need enough land to grow food for our children. He said he is opposed to allowing another home in the section.

Mike Kirkland was present and said he is against the driveway running next to his living room and bedroom. He said the dwelling is the issue, but you need the driveway to get to the dwelling and the driveway would be next to his house, so he is opposed to it.

Duane Bjorklund was present and said he does not see any need to add another home in this section.

Mike Childs Jr. said he would like to know why there are 9 or 10 homes in the section. He asked if this is going to be the last variance in the section. He asked if we are going to keep giving variances. He is opposed to allowing any more homes in the section.

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

Joanne Wood said the parcel was a "Parcel of Record" until the Highway 61 project went through in 1995. The State took road right-of-way through there and created a split on the parcel. Mr. Carlson came into the Zoning office and asked for his options and we told him that he could apply for a variance to the number of homes allowed in the section. She said it is entirely up to the board. She said Mr. Carlson could not apply for a variance to the "Grandfather Clause".

Darwin Fox said if Highway 61 had not been rebuilt or widened, the parcel would be buildable.

Joanne Wood said that was correct.

BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 8

Richard Sviggum said that would depend on the CER.

Joanne Wood said that was correct. She asked Mr. Carlson if the driveway was coming off Hwy 61.

Stanley Klair asked if Mr. Carlson had sold building sites off the property.

Keith Carlson said he sold Mr. Childs one site along Cty 19 that was a separate parcel quite a few years ago. He said there was an access on Highway 61 from MNDOT. He said he could work out something else if that is a problem. He said he could change sites or something if needed.

Allard Moorhouse asked Mr. Carlson if he knew he had a buildable parcel before the road went through.

Keith Carlson said he was not aware of the grandfather stuff. He said he lives in Dakota County. He said he is aware that Welch Township is not going to extend the "Grandfather Clause".

Stanley Klair asked Mr. Carlson if has been to Welch Township.

Keith Carlson said no.

Darwin Fox said there is an existing farm field to access the land.

Conrad Rapp said it is his understanding and feeling that if it weren't for the Highway 61 project, Mr. Carlson would not have to go through this process.

Richard Sviggum made a motion to deny the variance to the four dwellings allowed per section. Seconded by Conrad Rapp. Motion carried 5:0.

Richard Sviggum made a motion to approve the property to be buildable under the Parcel of Record even though Highway 61 project took right-of-way. 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. The parcel is unique because there is no home on it and it was a Parcel of Record until MNDOT purchased the right-of-way for the Highway 61 project. MNDOT would have gone through the condemnation process if they wouldn't have sold the right-of-way.

Joseph & Joan Skolte / Donald Mickelson – SE ¼ of NE ¼, Section 21, T113N, R16W, Welch Township. The request is for 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".

Joan Skolke was present and explained they are wishing to purchase a 40-acre parcel of land that is currently owned by Mickelson. She said they were told the building site is in the southeast corner of the 40-acre parcel. That area doesn't seem to be a very practical building site because of the slope, the long driveway, and there is a gas line that runs through the property and would be an issue for that particular site. She said that site would have to disturb more of the landscape. She said she would like to move the site to a more practical site that would be closer to the former building site and existing windmill. She said the proposed site is less obstructive to any of the neighbors. She said they would still have to cross the gas lines, but hopefully would not be required to build right next to the gas line. She explained there is a premium building site on better soil, but she would rather build on the soil that is rated slightly higher than required by the County.

Darwin Fox said Ms. Skolte would like to move the building site to a little better building site and the map shows the soils to be a little higher than the required less than 60 CER.

Joan Skolte said the driveway would go down and snake around the hollow to the southeast site, driving right by the proposed site. She said there isn't much left of the former home, but the roof and the windmill. She said the proposed site would have somewhat of a relationship with the old building site.

Allard Moorhouse opened the meeting to the public.

Wayne Peterson was present and said he has a feedlot and thought this had to be 2000-ft from his feedlot. He said they have two feedlots one on each side of County 7. He said the one feedlot is not written down for some reason and that is north and west of this property and borders on three sites. He said he does not want to lose his feedlot because of a house.

Joanne Wood said this is under the Grandfather Clause and has 40-acres with 20-tillable and the feedlot setback does not apply.

Joan Skolte said as far as Wayne Peterson's building site, the proposed site would be farther away and less visible than the allowed building site. She said she did not realize there was another feedlot. She asked how large of a feedlot and the location of the feedlot.

BOARD OF ADJUSTMENT
MARCH 24, 2003 - PAGE 9

Wayne Peterson said he just does not want there to be an issue with his feedlots. He said he pastures the beef cattle in the summer. He indicated on an aerial photo where the cattle are located.

Joanne Wood said the Zoning Ordinance has a "right to farm" clause. She explained that a feedlot consists of 10 animal units or more and would no longer be considered a feedlot if it has been vacant for 5 years or more. She said the feedlot can expand up to 300 animal units before they are required to apply for a conditional use permit from the County.

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

Stanley Klair made a motion to approve the appeal to the CER. Seconded by Richard Sviggum.

Joanne Wood asked what soil type they planned on building. She said they need to be specific, so they are not building wherever they want.

Joan Skolte said they want to build the house on the flat spot instead of the edge. She said she would take the contractors advice for the house, driveway and septic locations. She said the general area is marked on the map.

Motion carried 5:0.

Comprehensive Plan Update.

Meeting adjourned.

Respectfully Submitted,

Lavon Augustine
Zoning Technician