



STEELE COUNTY
BOARD OF ADJUSTMENTS AGENDA
Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Tuesday, January 14th, 2025 at 7:00 p.m. – Steele County Boardroom

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Organize for 2025
5. Minutes (October 29th, 2024)
6. Public Hearing: Variance #666 (Johnson – Septic Setback)
7. Public Hearing: Variance #667 (Owatonna Township – Front Yard Setback)
8. 2025 Meeting Schedule
9. Adjournment

**Minutes
of the
Steele County Board of Adjustments
October 29th, 2024**

Call to Order:

The meeting was called to order by Chair Schmidt at 7:00 pm. Members present were Schmidt, Ulrich, Jaster, Hansen, Lammers and staff member Oolman.

Agenda:

Motion by Jaster, second by Ulrich to approve the agenda as submitted. Motion passed.

Minutes:

Motion by Hansen, second by Lammers to approve the September 3rd, 2024 minutes corrections as noted. Motion passed 5 to 0.

Public Hearing – Variance #665 Dilemuth (Front Yard Setback)

This hearing is to consider a variance request from Kevin Dilemuth to construct a residence 900 feet from the center of Rose Street. Steele County ordinances allow residences to be setback no more than 700 feet from the center of a public road.

Questions & Comments by board members:

- Schmidt- Is the submitted sketch of future lots still going to happen?
- Oolman- *No, that was the plan back in the 1970's. It never was developed that way.*
- Hansen- The service road in front of the houses, is that privately owned?
- Oolman- *Yes, there is an easement for all the houses and this parcel to use it.*
- Ulrich- Did the county put the private road in for the houses?
- Oolman- *No it was the developer.*
- Dilemuth- Explained what he has done with the property in the 7 years that he has owned it.
- Ulrich- Why can't you build within the required 700 feet from the road?
- Dilemuth- *There is a deep ditch at 700 feet from the road.*
- Hansen- Was there a house on the property at one time?
- Larson (longtime resident in the area)- *No there was only a barn on the property for livestock.*

The public hearing was opened.

- Lowell Larson, 5247 Dane Road, - Has concerns about the wildlife on along Maple Creek and the effect more development may have on it. He also has concerns about the maintenance of the private road to the property.
Dilemuth- The easement for the road and the responsibility to maintain it is recorded in our deeds.
Larry Schubert (Owatonna Township)- Explained that the township does not own or maintain the road.
Hansen – is also concerned with wildlife preservation but allowing the house at 700 feet instead of 900 feet doesn't have a negative effect on the wildlife.

As there were no other comments the public hearing was closed.

The board reviewed the criteria for considering variance request #665

- 1) **Is the variance in harmony with the intent of the comprehensive plan and ordinance?**
Members, Schmidt, Jaster, Ulrich, and Lammers felt the request met the intent of the comprehensive plan and ordinance. Member Hansen felt the request did not meet the intent of the comprehensive plan and ordinance.
- 2) **Is the property owner proposing to use the property in a reasonable manner?**
All members felt the property owner was using the property in a reasonable manner.
- 3) **The plight of the applicant is due to circumstances unique to the property.**
All members felt the uniqueness of the property contributed to the plight of the applicant.
- 4) **Was the plight of the landowner created by someone other than the landowner?**
All members felt the circumstances were created by someone other than the landowner.
- 5) **The variance will not alter the essential character of the locality.**
Members, Schmidt, Jaster, Ulrich, and Lammers felt the character of the locality would remain the same. Member Hansen felt the request did not meet the character of the locality of the comprehensive plan and ordinance.
- 6) **Economic considerations alone are not the only practical difficulty?**
All members' agreed economics were not the only reason for the request.

Motion by Lammers, second by Jaster to approve variance request #665 based upon the findings of the board. Motion passed, 5 to 0.

Adjournment:

Motion by Hansen, second by Lammers to adjourn. Motion passed. Meeting adjourned at 7:50 PM.

Staff Report
for
Appeal for a Variance #666
Jeremiah Johnson

Applicant: Andrew Matthes (Matthes Excavating and Septic LLC)

Property Owner: Jeremiah Johnson

Property Address: 4654 County Road 4 North
Owatonna, MN 55060

Property Description:

Lot 4 in Block 15 in town of Clinton, also known as the Village of Clinton Falls, Minnesota.

Zoning District: Rural Residential

Ordinance:

MN Rules Section 7080.2150, Table VIII requires a minimum setback distance of 10 feet between absorption areas and property lines and 20 feet between absorption areas and structures.

Variance Request:

Install a septic seepage bed as close as:

- 1 foot to the west property line,
- 8 feet to the south property line,
- 18 feet to the house.

Background:

Jeremiah Johnson owns the house located on this site. The property is only 0.20 acres in size and contains the 4 bedroom house and a small utility shed. The well is located east of the house leaving the only potential location for the septic system to the west of the house. Currently the house is serviced by a holding tank, but the owner would like to install a system with a drainfield to eliminate the frequent pumping of the tank.

Criteria for Granting a Variance:

Variances may be granted when the applicant establishes that there are practical difficulties in complying with the official control. The Board of Adjustments shall utilize the following criteria to determine if the request meets the meaning of "Practical Difficulties"

1) Is the variance in harmony with the intent of the comprehensive plan and ordinance?

The setbacks are listed in MN Rules Chapter 7080, Table VII. (Subsurface Sewage Treatment Systems). Typically, the county does not have the authority to give variances from MN Rules but in this case MN Rule 7080.1200, Subp. 3 gives counties the authority to grant variances for certain things.

The intent of the setbacks in the Rule is to protect the system from damage from activities on the neighboring property such as water directed onto the septic drainfield from landscaping or roof

water. And to protect neighboring property or nearby structures from effects that could potentially occur from the septic system such as surface water redirected or ponding on the neighboring property behind a mound.

The property is relatively flat with a slight slope to the south. Because the system is a seepage bed and not a mound, there should be minimal cover required that would cause redirection of water.

Both the property lines to the west and to the south are road right of way with the closest line located to the west. Water already flows from north to south in the right of way so ponding should not be a problem on neighboring properties. There could be a concern if the township plows snow onto or adjacent to the septic drainfield. Currently the actual road is located on the western edge of the right of way with the eastern half of the ROW being used as lawn for this house. A small shed is actually located in the ROW. This makes the road edge approximately 35 feet from where the drainfield will be.

The seepage bed will be located 18 feet from the house but the roof line is sloped so that water from the closest part of the house sheds to the north and to the south, not towards the system.

2) Is the property owner proposing to use the property in a reasonable manner?

Proper treatment of sewage is required by MN State Rules and local ordinances. The design and construction of these systems is also governed by MN Rules 7080-7083. Sewage treatment is a requirement for the property. The only alternative to the proposed septic design may be the current utilization of a holding tank. Holding tanks are not preferred for residences because they require frequent pumping when they are full.

3) The practical difficulty is due to circumstances unique to the property.

The applicant indicates the size of the property is the limiting factor in the placement of a septic system. The total property size is 0.20 acres and contains the house, a small shed, and a well. The location of the well east of the house makes that area unsuitable for a septic system.

4) The practical difficulty was not created by the landowner.

The size of the parcel nor the location of the well were created by the owner.

5) The variance will not alter the essential character of the locality.

The placement of the septic should have no bearing on the character of the locality.

6) Economic considerations alone are not the only practical difficulty?

Economics are not a factor in the placement of the septic system. As mentioned before, the only other alternative may possibly be the use of a holding tank. Holding tanks are not a preferred option for full time residences because they have to be pumped frequently and therefore are expensive to maintain. However, the county does not prefer holding tanks as an alternative unless other options are not practical.



☐ Tax Parcels ☐ Sections

Stearns County, MN

FINDINGS OF FACT for VARIANCE

666

PARCEL#:	<u>12-100-1504</u>	PROP. ADDRESS:	<u>4654 County Road 45 N.</u>
DISTRICT:	<u>Rural Residential</u>		<u>Owatonna, MN 55060</u>

APPLICANT:	<u>Andrew Matthes</u>	LANDOWNER:	<u>Jeremiah Johnson</u>
ADDRESS:	<u>24680 Hamel Trail</u>	ADDRESS:	<u>3838 28th St. SW</u>
	<u>Morristown, MN 55052</u>		<u>Owatonna, MN 55060</u>

LEGAL DESCRIPTION OF PROPERTY:

Lot 4 in Block 15 in town of Clinton, also known as the Village of Clinton Falls, Minnesota.

ORDINANCE THAT VARIANCE IS REQUESTED FROM:

MN Rules, Section 7080.2150, Table VIII requires a minimum setback distance of 10 feet between absorption areas and property lines and 20 feet between absorption areas and structures.

VARIANCE REQUEST:

Install a septic seepage bed as close as

- 1 foot to the west property line,
 - 8 feet to the south property line,
 - 18 feet to the house.
-

RECORD of FINDINGS

666

PARCEL #: 12-100-1504
DISTRICT: Rural Residential

PROP. ADDRESS: 4654 County Road 45 N.
Owatonna, MN 55060

APPLICANT: Andrew Matthes
ADDRESS: 24680 Hamel Trail
Morristown, MN 55052

LANDOWNER: Jeremiah Johnson
ADDRESS: 3838 28th St. SW
Owatonna, MN 55060

RECORD of FINDINGS of the BOARD OF ADJUSTMENT

(to grant a variance the board of adjustments must answer yes to all of the following.)

- 1 Is the variance request in harmony with the purpose and intent of the ordinance and consistent with the comprehensive plan?

Schmidt	Yes	☐	No	☐	Why?	
Jaster	Yes	☐	No	☐	Why?	
Ulrich	Yes	☐	No	☐	Why?	
Hansen	Yes	☐	No	☐	Why?	
Lammers	Yes	☐	No	☐	Why?	

- 2 Is the owner proposing to use the property in a reasonable manner?

Schmidt	Yes	☐	No	☐	Why?	
Jaster	Yes	☐	No	☐	Why?	
Ulrich	Yes	☐	No	☐	Why?	
Hansen	Yes	☐	No	☐	Why?	
Lammers	Yes	☐	No	☐	Why?	

- 3 Is the plight of the land owner due to circumstances that are unique to the property?

Schmidt	Yes	☐	No	☐	Why?	
Jaster	Yes	☐	No	☐	Why?	
Ulrich	Yes	☐	No	☐	Why?	
Hansen	Yes	☐	No	☐	Why?	
Lammers	Yes	☐	No	☐	Why?	

- 4 Were the unique circumstances created by someone other than the landowner?

Schmidt	Yes	☐	No	☐	Why?	
Jaster	Yes	☐	No	☐	Why?	
Ulrich	Yes	☐	No	☐	Why?	
Hansen	Yes	☐	No	☐	Why?	
Lammers	Yes	☐	No	☐	Why?	

5 Will the character of the locality remain the same after granting the variance?

Schmidt	Yes	☐	No	☐	Why?	_____
Jaster	Yes	☐	No	☐	Why?	_____
Ulrich	Yes	☐	No	☐	Why?	_____
Hansen	Yes	☐	No	☐	Why?	_____
Lammers	Yes	☐	No	☐	Why?	_____

6 Does the practical difficulty involve more than economic considerations?

Schmidt	Yes	☐	No	☐	Why?	_____
Jaster	Yes	☐	No	☐	Why?	_____
Ulrich	Yes	☐	No	☐	Why?	_____
Hansen	Yes	☐	No	☐	Why?	_____
Lammers	Yes	☐	No	☐	Why?	_____

Motion _____

Second _____

Approved ☐ Denied ☐ _____ Date: _____

Information and testimony presented supporting this decision are hereby certified to be the Findings of the Steele County Board of Adjustments.

Chair, Steele County Board of Adjustments

Date

Document prepared by the Steele County Planning and Zoning Director.

Director, Steele County Planning and Zoning

Date

Staff Report
for
Appeal for a Variance #667
Owatonna Township

Applicant: Owatonna Township

Property Owner: Owatonna Township

Property Address: 1334 28th St. SE
Owatonna, MN 55060

Property Description:

All that part of the SE 1/4 of the SE 1/4 of Section 22, T 107 N, R 20 W, Steele County, Minnesota, described by: Commencing at the southeast corner of said SE 1/4; thence N 89°36'44" W, assumed bearing, 372.63 feet along the south line of said SE 1/4 to the True Point of Beginning; thence N 0°13'26" W, assumed bearing 231.00 feet; thence S 89°36'44" E 197.82 feet to the centerline of County State Aid Highway 6; thence S 29°05'30" E 265.34 feet along said centerline to the south line of said SE 1/4; thence N 89°36'44" W 325.93 feet to said True Point of Beginning.

Zoning District: Rural Residential

Ordinance:

Section 705.4a of the Steele County Zoning Ordinance requires a front yard setback of not less than one hundred (100) feet from all public dedicated road centerlines.

Variance Request:

Construct a new town hall 82 feet from the centerline of Austin Road.

Background:

Owatonna Township is planning on constructing a new Township Hall at the location of their present township hall. The new building will be 8 feet wider and 3 feet longer than the existing building but in order to not move some existing infrastructure such as utilities and parking and avoid the existing well, the building will need to be closer to the road than allowed by ordinance.

Criteria for Granting a Variance:

Variances may be granted when the applicant establishes that there are practical difficulties in complying with the official control. The Board of Adjustments shall utilize the following criteria to determine if the request meets the meaning of "Practical Difficulties"

1) Is the variance in harmony with the intent of the comprehensive plan and ordinance?

The intent of the road setback is to ensure room for future road construction activities, to minimize potential hazards to vehicles and individuals should the vehicle leave the road, and to minimize potential damage to properties from vehicles leaving the road. The speed limit on Austin Road changes from 55 mph to the south of the corner to 30 mph north of the corner so the speed is less than a typical rural section. Site lines are good in the area as the road only has a slight curve in it to the east. The building sits at a slight angle to Austin Road so the southeast corner of the building will

Staff Report
Variance #667
Owatonna Twsp.

meet the 100 feet setback thereby not infringing on sight lines of the intersection more than normally allowed.

2) Is the property owner proposing to use the property in a reasonable manner?

The property will be used the same after the project as it is before the project.

3) The practical difficulty is due to circumstances unique to the property.

The property is a 1.39 acre parcel that contains the existing township hall. Like many township halls the building appears to have originally been a rural school house. The NE corner of the existing building is 95 feet from center of Austin Road. The water and electrical utilities for the building are located along the west side and the transformer is located in the NW corner. The well is also located west of the building. Turning the building parallel to Austing Road will require moving these utilities and put the building closer to the well.

The practical difficulty was not created by the landowner.

The location of the existing township hall was not created by the township. The infrastructure such as the electrical utilities, parking and the well were put in their current location to service the existing building.

4) The variance will not alter the essential character of the locality.

The character of the area will not change. The township hall site sits on the end of a residential area. Because many of these houses were built before the County adopted zoning, most of the area is still zoned as agricultural although used as residential. If the area had been zoned as Residential before development occurred the setback would only be 25 feet from right of way and the proposed building would be compliant. Other houses in the neighborhood are located closer to the road than the proposed hall. The neighboring house to the north is approximately 70 feet from centerline and the next house north is 60 feet from centerline.

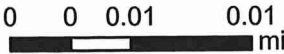
5) Economic considerations alone are not the only practical difficulty?

Economics are part of the consideration as moving the utilities, parking, well etc. will create an additional cost for the township and its taxpayers. However, convenience and conservation of resources can also be considered.



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Owatonna Township



December 20, 2024



FINDINGS OF FACT for VARIANCE

667

PARCEL#:	<u>08-022-2220</u>	PROP. ADDRESS:	<u>1334 28th St. SE</u>
DISTRICT:	<u>Agricultural</u>		<u>Owatonna, MN 55060</u>

APPLICANT:	<u>Owatonna Township</u>	LANDOWNER:	<u>Same</u>
ADDRESS:	<u>C/O Joe Elbert- Clerk</u>	ADDRESS:	<u></u>
	<u>3082 Havana Road</u>		<u></u>
	<u>Owatonna, MN 55060</u>		<u></u>

LEGAL DESCRIPTION OF PROPERTY:

All that part of the SE 1/4 of the SE 1/4 of Section 22, T 107 N, R 20 W, Steele County, Minnesota, described by: Commencing at the southeast corner of said SE 1/4; thence N 89°36'44" W, assumed bearing, 372.63 feet along the south line of said SE 1/4 to the True Point of Beginning; thence N 0°13'26" W, assumed bearing 231.00 feet; thence S 89°36'44" E 197.82 feet to the centerline of County State Aid Highway 6; thence S 29°05'30" E 265.34 feet along said centerline to the south line of said SE 1/4; thence N 89°36'44" W 325.93 feet to said True Point of Beginning.
Containing 1.39 acres, more or less.

ORDINANCE THAT VARIANCE IS REQUESTED FROM:

Section 705.4a of the Steele County Zoning Ordinance requires a front yard setback of not less than one hundred (100) feet from all public dedicated road centerlines.

VARIANCE REQUEST:

Construct a new town hall 82 feet from the centerline of Austin Road.

RECORD of FINDINGS

667

PARCEL #:	<u>08-022-2220</u>	PROP. ADDRESS:	<u>1334 28th St. SE</u>
DISTRICT:	<u>Agricultural</u>		<u>Owatonna, MN 55060</u>
APPLICANT:	<u>Owatonna Township</u>	LANDOWNER:	<u>Same</u>
ADDRESS:	<u>C/O Joe Elbert- Clerk</u>	ADDRESS:	<u></u>
	<u>3082 Havana Road</u>		<u></u>

RECORD of FINDINGS of the BOARD OF ADJUSTMENT

(to grant a variance the board of adjustments must answer yes to all of the following.)

- 1 Is the variance request in harmony with the purpose and intent of the ordinance and consistent with the comprehensive plan?

Schmidt	Yes	☐	No	☐	Why?	<u></u>
Jaster	Yes	☐	No	☐	Why?	<u></u>
Ulrich	Yes	☐	No	☐	Why?	<u></u>
Hansen	Yes	☐	No	☐	Why?	<u></u>
Lammers	Yes	☐	No	☐	Why?	<u></u>

- 2 Is the owner proposing to use the property in a reasonable manner?

Schmidt	Yes	☐	No	☐	Why?	<u></u>
Jaster	Yes	☐	No	☐	Why?	<u></u>
Ulrich	Yes	☐	No	☐	Why?	<u></u>
Hansen	Yes	☐	No	☐	Why?	<u></u>
Lammers	Yes	☐	No	☐	Why?	<u></u>

- 3 Is the plight of the land owner due to circumstances that are unique to the property?

Schmidt	Yes	☐	No	☐	Why?	<u></u>
Jaster	Yes	☐	No	☐	Why?	<u></u>
Ulrich	Yes	☐	No	☐	Why?	<u></u>
Hansen	Yes	☐	No	☐	Why?	<u></u>
Lammers	Yes	☐	No	☐	Why?	<u></u>

- 4 Were the unique circumstances created by someone other than the landowner?

Schmidt	Yes	☐	No	☐	Why?	<u></u>
Jaster	Yes	☐	No	☐	Why?	<u></u>
Ulrich	Yes	☐	No	☐	Why?	<u></u>
Hansen	Yes	☐	No	☐	Why?	<u></u>
Lammers	Yes	☐	No	☐	Why?	<u></u>