



**STEELE COUNTY
BOARD OF ADJUSTMENTS AGENDA**

Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Tuesday, October 29, 2024 at 7:00 p.m. – Steele County Boardroom

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Minutes (August 3rd, 2024)
5. Public Hearing: Variance #665 (Dillemuth – Front Yard Setback)
6. Adjournment

**Minutes
of the
Steele County Board of Adjustments
September 3, 2024,**

Call to Order:

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

Agenda:

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

Minutes:

Motion by Hansen, second by Ulrich to approve the July 2nd, 2024, minutes corrections as noted. Motion passed 3 to 0.

Public Hearing – Variance #663 (Rypka- Lot Size)

This hearing is to consider a variance request from Dann Rypka to reduce their non-conforming lot to less than the required minimum lot size for the purpose of transferring 20 feet to Brad and Elizabeth Boyum.

Questions & Comments by board members:

- Ulrich- Will the septic need a compliance inspection?
Oolman- No, the transfer of land would not involve the house or septic system.

The public hearing was opened.

- Rypka- Asked if he would need a variance to improve his garage next to the property line?
Oolman- No, the setback is 20 feet, so as long as the improvement does not put his garage closer than 20 feet, he would not need a variance.

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

The board reviewed the criteria for considering variance request #663

- 1) **Is the variance in harmony with the intent of the comprehensive plan and ordinance?**
All members felt the request met 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.**
All members felt the character of the locality would remain the same.

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

All members' agreed economics were not the only reason for the request.

Motion by Ulrich, second by Hansen to approve variance request #663 based upon the findings of the board. Motion passed, 3 to 0.

Public Hearing – Variance #664 (Wencl- Front Yard Setback)

This hearing is to consider a variance request from Samual and Katie Wencl to construct a storage building 39 feet from the front yard property line of SE 74th Ave. Steele County ordinances require structures to be setback 50 feet from front yard property lines.

Questions & Comments by board members:

No comments by the board

The public hearing was opened.

- Jim O'Conner- sold the property to his daughter and son-in-law. Their intent is to move the existing shed on the property so they can build a house in the sheds location. He constructed the grain bins in their location which now resulted in the shed needing to be over further. He has a shed on his own building site that sits 50 feet from the center of the road and there has never been a problem. He would like to not see a condition regarding the trees as part of the variance so that he can try to work something out with the highway department or possible acquire some of the right-of-way where the trees are.
- Sam Wencl- Explained he maintains the property and mows the ditch.

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

Discussion by the board.

- The board discussed the row of trees at length asking if the violation of the trees is the responsibility of the zoning department or the highway department?
Oolman explained they would be both as some of the trees appear to be in the right-of-way and some of them appear to be in the setback.
The board discussed if a condition could be worded that gave the owners time to see if they could acquire more right-of-way.

The board reviewed the criteria for considering variance request #664

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

All members felt the request met the intent of the comprehensive plan and ordinance.

8) 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.

9) 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.

10) 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.

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

All members felt the character of the locality would remain the same.

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

All members' agreed economics were not the only reason for the request.

Motion by Ulrich, second by Hansen to approve variance request #664 based upon the findings of the board with one condition.

1. The row of oak trees planted in the road right-of-way and in the road setback must be removed by November 15th, 2025, unless there is an agreement with the Steele County Highway department for them to remain.

Motion to pass by a 3 to 0 vote.

Adjournment:

Motion by Hansen, second by Ulrich to adjourn. Motion passed. Meeting adjourned at 07:45 PM.

Staff Report
for
Appeal for a Variance #665
Dillemuth

Applicant: Kevin Dillemuth

Property Owner: Kevin Dillemuth

Property Address: 5660 Rose Street.
Owatonna, MN 55060

Property Description:

All that part of the SW 1/4 of Section 9, T 107 N, R 19 W, Steele County, Minnesota described by:
Beginning at the northwest corner of said SW 1/4; thence S 89°28'21" E, assumed bearing, 1216.33 feet along the north line of said SW 1/4; thence S 0°31'39" W 505.92 feet; thence N 89°28'21" W 67 feet to the east end of a curve; thence southwesterly along a tangential curve concave to the southeast, central angle 70°1'2", radius 100 feet arc length 122.20 feet to the southerly end of said curve; thence S 20°30'38" W 13 feet to the northerly line of Edin-Hartle Addition, Steele County, Minnesota; thence N 47°59'5" W 394.99 feet to the northwest corner of said addition, thence S 37°19'56" W 383.62 feet to the westerly corner of said addition; thence S 9°56'24" W 576.96 feet to the southwest corner of said addition, last said corner being on the centerline of C.S.A.H. No. 19; thence N 82°57'37" W 422.99 feet along the centerline of said highway to the west line of said SW 1/4; thence N 0°0'4" E 1150.72 feet to beginning; subject to a public highway easement 49.50 feet in width along the north side of said C.S.A.H. No 19 centerline; containing 21.01 acres, more or less, said area includes said highway easement.

Zoning District: Agricultural

Ordinance:

Section 705.4c of the Steele County Zoning Ordinance requires a maximum road setback of 700 feet from the centerline of the public road it accesses.

Variance Request:

Construct a residence 900 feet from the centerline of Rose Street.

Background:

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 maximum setback is to ensure emergency services can find and access the site if needed and to provide another limitation to residential building in the agricultural district. Modern 911 addressing has vastly improved the locating of building sites for emergency services providers. The private road leading up to the property already accesses three houses. This road is maintained

privately and this property has an easement to use that road and a responsibility to share in the maintenance.

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

Residences are allowed in the agricultural district provided they meet performance standards. This property meets all the performance standards except the maximum setback distance. For instance, there are no other residences on agricultural zoned property in that ¼, ¼, Section as the existing three houses are on residential zoned property. The property has not been used for cropping or generated farm income in any of the past 5 years. The property has frontage on a public road, although that frontage is west of the existing houses. And the owner has identified a location suitable for a septic system.

3) Is the plight of the landowner due to circumstances unique to the property?

The property is 21 acres in size and was once part of the larger ¼ Section before individual parcels were sold off in the 1970's. The three developed lots were rezoned to residential and platted in 1972. This parcel was divided from the ¼ section in 1974 but not rezoned or platted. And the two wooded parcels to the east were subdivided in 1977. At one time there may have been a plan to rezone and subdivide this lot and the adjoining parcels to the east into multiple lots but that plan never materialized. It should also be noted that the maximum road setback requirement was not adopted until 2000 well after these parcels were created. Most of this parcel is encompassing the stream and is wetland and located in floodplain. However, the location where he wants to build the house is on higher elevation.

4) The unique circumstances were not created by the landowner?

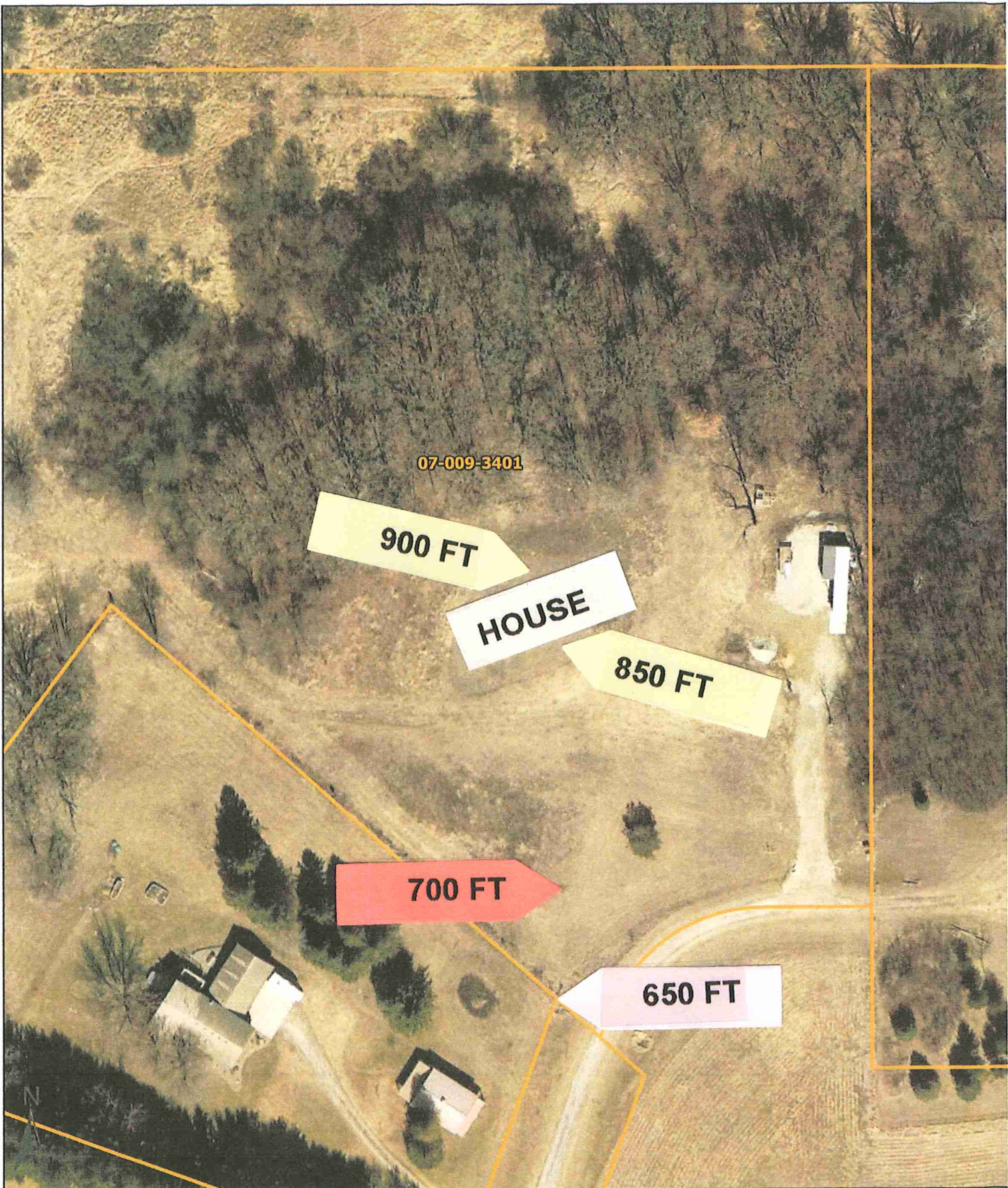
The current landowner bought the property in 2017. All of the previous described aspects of the property were in place when he purchased the property.

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

The area already has the characteristics of a small rural subdivision.

6) Economic considerations alone do not constitute a practical difficulty.

Economics do not appear to be a factor in this request.



07-009-3401

900 FT

HOUSE

850 FT

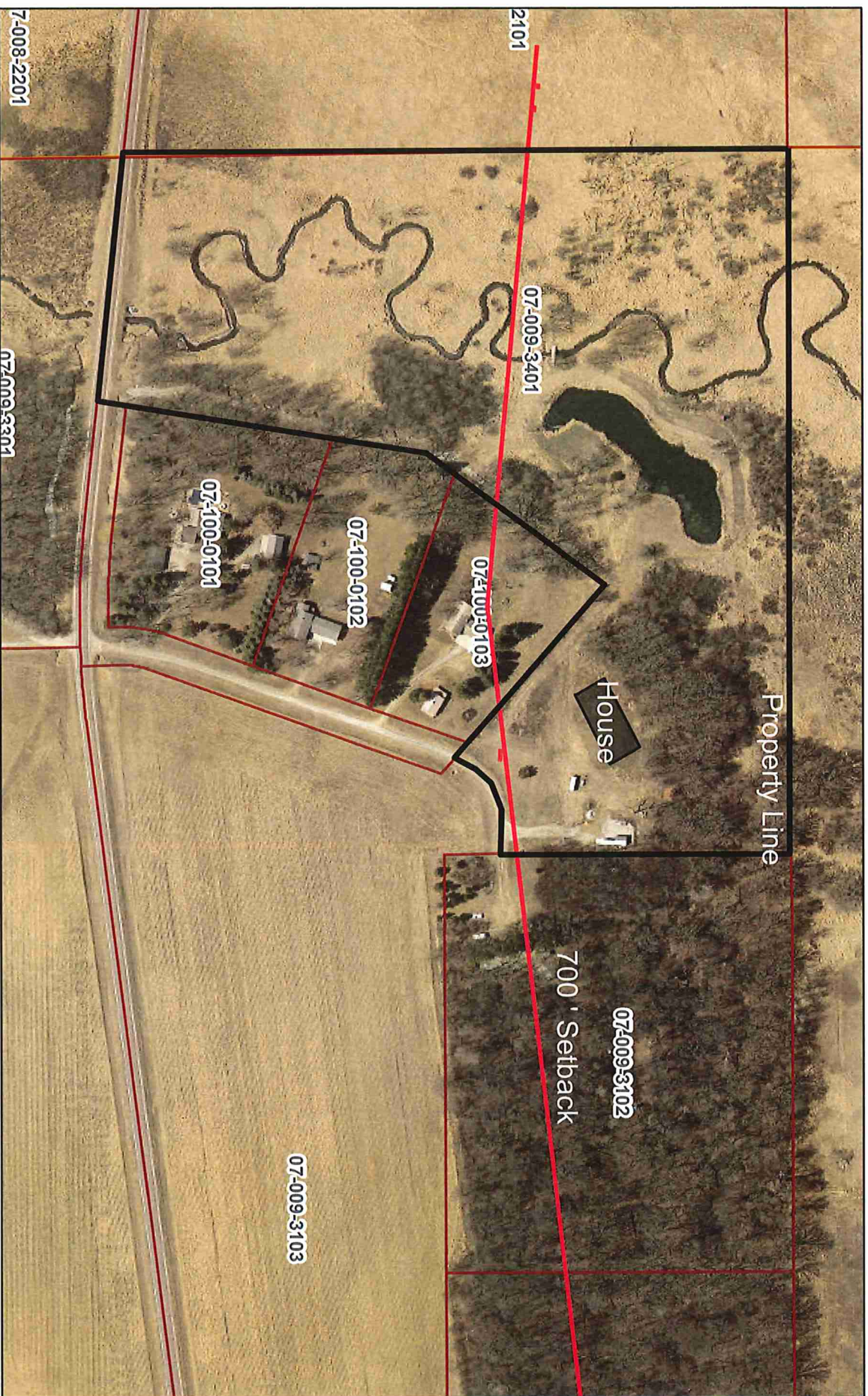
700 FT

650 FT

 Parcels

Tax Parcel
07-009-3401

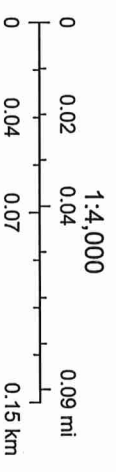
Dilemuth Variance

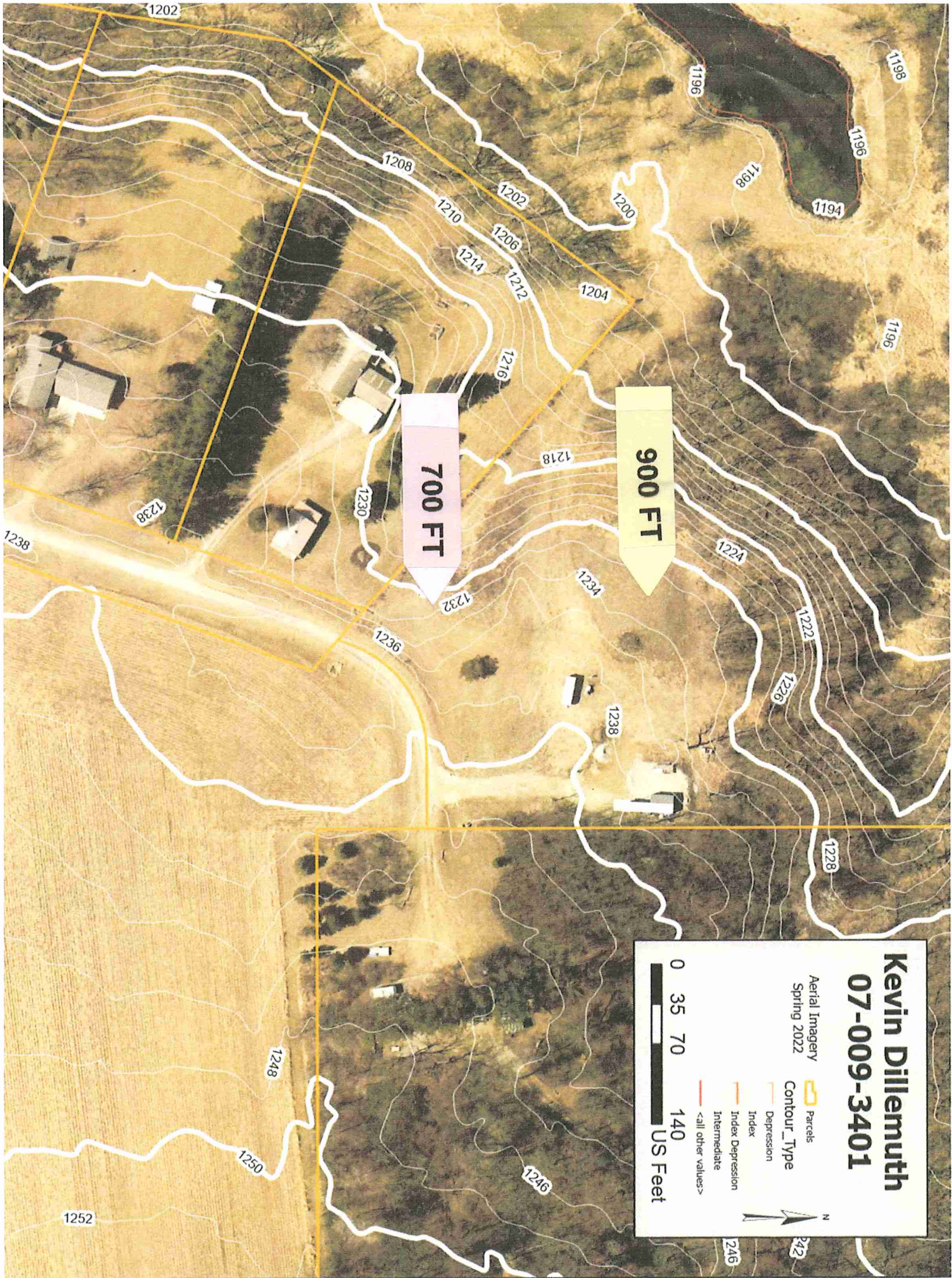


10/17/2024, 2:46:37 PM

☐ Tax Parcels ☐ Sections

☐ Steele County





Kevin Dilemuth
07-009-3401

Aerial Imagery
Spring 2022

Parcels

Contour_Type

Depression

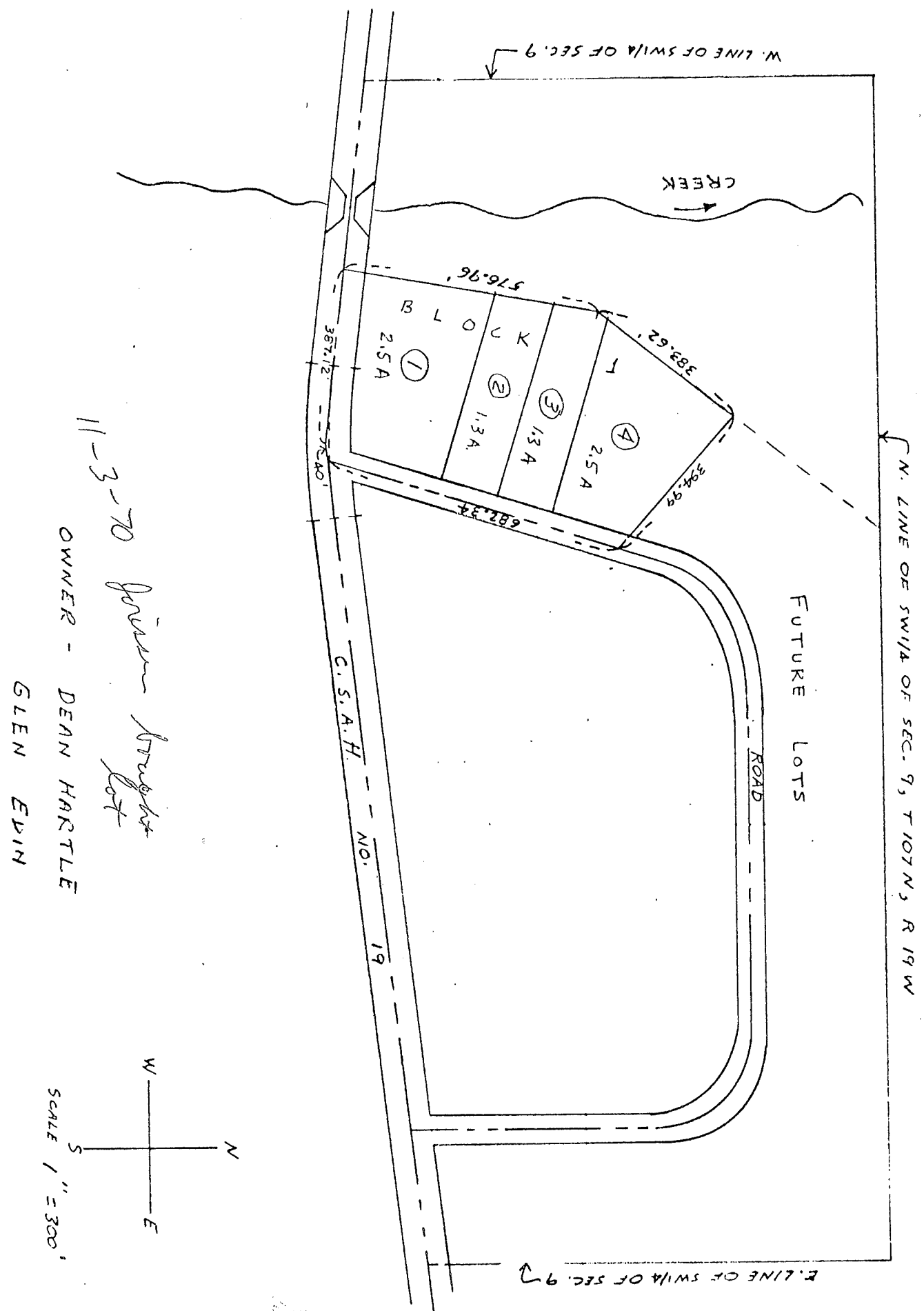
Index

Index Depression

Intermediate

<all other values>





C.D. HOEFIELD
REG. LAND SURVEYOR

PICTURE OF OLD BARN (1940'S) LOOKING WEST ON THE SAME LOCATION I PLAN TO BUILD MY HOUSE. BARN WAS TORE DOWN AROUND THE LATE 1980'S. IT HAD ELECTRICITY, WATER AND A PHONE LINE IN THE 1970'S.





Minnesota Department of Health

Well Disclosure Certificate

Please Type or Print all Information

Total Number of Wells
on Property: 1

Fill out a separate well information page if more than **two** wells are located on the property.

E. Well Location Legal Description

Well No. 1 – If the property legal description has more than one section, township, or range number; quarter (or government lot); or lot or block number; provide specific legal description information regarding the physical location of this well.

County Steele	Section No. 9	Township No. 107	Range No. 19	Quarter (or Government Lot) SW
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Lot No.	Block No.	Addition Name	Outlot	Tract	MN Unique Well No. or Sealing Record No.
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Well Status (Check only one box.)

Well Is: ☐ In Use (1) ☒ Not in Use (2) ☐ Sealed by Licensed Well Contractor (3)*
*Call MDH to verify sealing record is on file.

Date of Well Construction or Sealing

Name of Licensed Well Contractor

If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing contractor, check the well status as not in use. Also see "Important Note" on page 1.

If well is not in use, is there an MDH variance for this well?
☐ Yes ☒ No

If the well is not in use, is there an MDH maintenance permit for this well? ☐ Yes ☒ No

If yes, provide the variance tracking number (TN): _____

If yes, provide the permit number: _____

Well No. 2 – If the property legal description has more than one section, township, or range number; quarter (or government lot); or lot or block number; provide specific legal description information regarding the physical location of this well.

County	Section No.	Township No.	Range No.	Quarter (or Government Lot)
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Lot No.	Block No.	Addition Name	Outlot	Tract	MN Unique Well No. or Sealing Record No.
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Well Status (Check only one box.)

Well Is: ☐ In Use (1) ☐ Not in Use (2) ☐ Sealed by Licensed Well Contractor (3)*
*Call MDH to verify sealing record is on file.

Date of Well Construction or Sealing

Name of Licensed Well Contractor

If the well has been sealed by someone other than a licensed well contractor or a licensed well sealing contractor, check the well status as not in use. Also see "Important Note" on page 1.

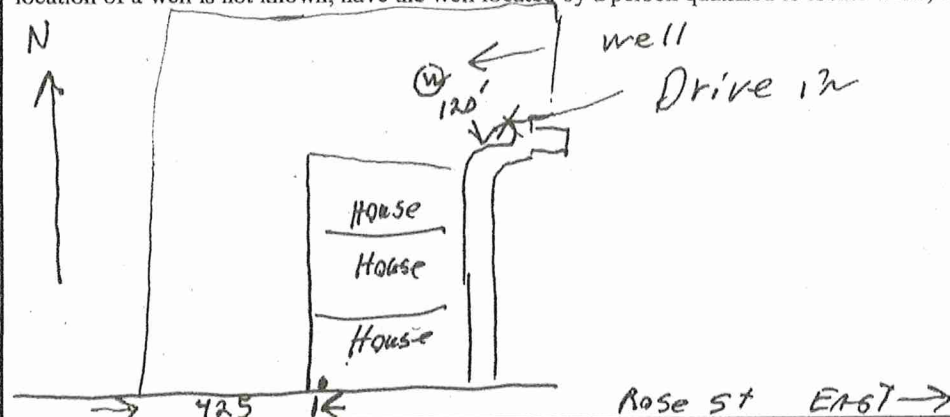
If well is not in use, is there an MDH variance for this well?
☐ Yes ☐ No

If the well is not in use, is there an MDH maintenance permit for this well? ☐ Yes ☐ No

If yes, provide the variance tracking number (TN): _____

If yes, provide the permit number: _____

Sketch Map – Sketch the location of the well(s) and include estimated distances from roads, streets, and buildings. If more than one well on property, use the well location number above to identify each well. The location of the well(s) must be provided. If the location of a well is not known, have the well located by a person qualified to locate wells, such as a licensed well contractor.



Information provided on this form is classified as public information under Minnesota Statutes, chapter 13.

To request this document in another format, call 651-201-4600.

MDH Well Management Section, Well Disclosure/Property Transfer (www.health.state.mn.us/divs/eh/wells/disclosures).

HE-01387-13

origs/well disclosure certificate-instructions

7/27/2015R

September 9, 2020

Kevin Dilmath
5660 Rose Street SE
Owatonna, MN 55060

I visited the property address above and did a visual inspection as well as several soil borings based on my findings. I am confident there is a suitable soil for a Type I septic system. There also is ample space for a Type I Septic system installation. If there are any questions feel free to call me at any time.

Bill Bartusek L-3479
SSTS Professional
Telephone 507-456-7300

*Bill
Bartusek L-3479
9-9-2020*

SEPTIC AREA LOCATED SEP 2020

FINDINGS OF FACT for VARIANCE

665

PARCEL#:	07-009-3401	PROP. ADDRESS:	5660 Rose Street
DISTRICT:	Agricultural		Owatonna, MN 55060

APPLICANT:	Kevin Dillemath	LANDOWNER:	Kevin Dillemath
ADDRESS:	2435 3rd Ave. NE	ADDRESS:	2435 3rd Ave. NE
	Owatonna, MN 55060		Owatonna, MN 55060

LEGAL DESCRIPTION OF PROPERTY:

All that part of the SW 1/4 of Section 9, T 107 N, R 19 W, Steele County, Minnesota described by: Beginning at the northwest corner of said SW 1/4; thence S 89°28'21" E, assumed bearing, 1216.33 feet along the north line of said SW 1/4; thence S 0°31'39" W 505.92 feet; thence N 89°28'21" W 67 feet to the east end of a curve; thence southwesterly along a tangential curve concave to the southeast, central angel 70°1'2", radius 100 feet arc length 122.20 feet to the southerly end of said curve; thence S 20°30'38" W 13 feet to the northerly line of Edin-Hartle Addition, Steele County, Minnesota; thence N 47°59'5" W 394.99 feet to the northwest corner of said addition, thence S 37°19'56" W 383.62 feet to the westerly corner of said addition; thence S 9°56'24" W 576.96 feet to the southwest corner of said addition, last said corner being on the centerline of C.S.A.H. No. 19; thence N 82°57'37" W 422.99 feet along the centerline of said highway to the west line of said SW 1/4; thence N 0°0'4" E 1150.72 feet to beginning; subject to a public highway easement 49.50 feet in width along the north side of said C.S.A.H. No 19 centerline; containing 21.01 acres, more or less, said area includes said highway easement.

ORDINANCE THAT VARIANCE IS REQUESTED FROM:

Section 705.4c of the Steele County Zoning Ordinance requires a maximum road setback of 700 feet from the centerline of the public road it accesses.

VARIANCE REQUEST:

Construct a residence 900 feet from the centerline of Rose Street.

RECORD of FINDINGS

665

PARCEL #: 07-009-3401
DISTRICT: Agricultural

PROP. ADDRESS: 5660 Rose Street
Owatonna, MN 55060

APPLICANT: Kevin Dillemath
ADDRESS: 2435 3rd Ave. NE
Owatonna, MN 55060

LANDOWNER: Kevin Dillemath
ADDRESS: 2435 3rd Ave. NE
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 _____

Approve

☐

Deny

☐

Schmidt	Aye	☐	Nay	☐
Jaster	Aye	☐	Nay	☐
Ulrich	Aye	☐	Nay	☐
Hansen	Aye	☐	Nay	☐
Lammers	Aye	☐	Nay	☐

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