

AGENDA
of the
Steele County Board of Adjustments

Tuesday, October 3rd, 2023
7:00 PM

Steele County Administration Center
Board Room
630 Florence Avenue
Owatonna, MN 55060

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Minutes (08-01-23)
5. Public Hearing: Variance #658 (Krell – Front Yard Setback)
6. Adjourn

**Minutes
of the
Steele County Board of Adjustments
August 1, 2023**

Call to Order:

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

Agenda:

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

Minutes:

Motion by Nelson, second by Ulrich to approve the July 11th, 2023, minutes as submitted. Motion passed.

Public Hearing – #657 (Brown/ Bartsch - Feedlot Setback)

This hearing is to consider a variance request from Justin and Tess Brown to construct a new residence less than 1000 feet from a neighboring registered feedlot. The property is located in the SW ¼, SW ¼, SE ¼ Section 35, Meriden Township and is owned by Dale Bartsch.

The public hearing was opened.

- Herbert Rand, owner of the registered feedlot asked what the effect of the variance would be on his feedlot. Would he be able to expand in the future?
Oolman explained he would be able to expand his feedlot but not closer to the proposed residence than he currently is. Currently we would measure the setback from the closest edge of the nearest building.
- Rand - Have you ever approved a variance like this before?
Oolman- Not to build a residence closer to a feedlot. The County has approved variances to re-register an existing site as a feedlot less than 1000 feet to an existing residence.
- Schmidt- You have maintained your registration for years. When is the next time you need to register it?
Rand - 2 more years.
- Rand - Has concerns about putting livestock in the facility in the future and the owners complaining about odors.
Brown- We are aware of the smells that come with a feedlot.
- Schmidt- Does the feed lot registration go with the property?
Oolman- Yes it stays with the property as long as they maintain the registration and buildings that can house livestock.
- Ulrich – Can a stipulation be put on the variance that the owners can't object to the feedlot?
Oolman indicated that would be difficult as the owners may change over time. Also, odors have a health standard, and you can't waive your rights to a health standards.

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

The board reviewed the criteria for considering variance request #657

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

All members felt the request did not meet the intent of the comprehensive plan and ordinance because the requested residence did not meet the feedlot setback.

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

All members felt the property owner was proposing to use 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 applicant.

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

All members felt the character of the locality would not remain the same as the variance would allow a residence that does not meet the setback.

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

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

Motion by Nelson, second by Ulrich to deny variance request #657 as it did not meet all of the criteria needed to grant a variance. Motion to deny passed by a vote of 5 to 0.

Adjournment:

Motion by Jaster, second by Lammers to adjourn. Motion passed. Meeting adjourned at 7:29 PM.

Staff Report
for
Appeal for a Variance #658
Krell

Applicant: Rodney Krell

Property Owner: Rodney and Michelle Krell

Property Address: 12458 74th Ave. SE
Blooming Prairie, MN 55917

Property Description:

The East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 10, Township 105 North, Range 19 West, Steele County, Minnesota.

Zoning District: Agricultural

Ordinance:

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

Variance Request:

Build a storage structure 80 feet from the centerline of 74th Ave. SE.

Background:

Rodney Krell is requesting to build an agricultural storage building 80 feet from the centerline of 74th Ave. SE. The structure will be 26' wide by 40' long and located along the driveway next to the house. He indicates the limited available space and unique property angles limits the locations the building can be placed on the farm.

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 setback is multi- purpose:

- Provide safety to motorist and the structure should a vehicle leave the road.
The building site is situated next to the road and was established decades before the ordinances were adopted. Of the existing buildings, a loafing shed built in the early 1970's is about 80 feet from the center of the road although the open lot and fence is as close as 40 feet from the road center. The house located near where the proposed shed is to be located was built in 1979 and appears to be 100 feet from the center of road. By 1979, the 100 feet setback would have been adopted.
There is an existing row of trees between the proposed structure and the road, although they are nearing their end of life and may be removed and/or replaced in the future.

Staff Report
Variance #658
Krell

The road is a gravel township road. The building site sits approximately 500 feet from a 90 degree turn which should result in reduced traffic speeds in the area.

- Reduce the obstruction of sightlines as viewed from the road or an access.
Sight lines from the road are good as the road is straight and level in the location of the proposed structure. Sight lines from the accesses will not change as there is already a row of mature evergreen trees along the access drive.
- Prevent damage to structures from road maintenance activities.
Snow or ice from snow plowing has the potential to reach the proposed structure although the applicant has pointed out that his mailbox is located on the west side of the road already causing the snowplow to minimize speeds. The Krell's mow the ditch as part of their normal lawn mowing so the potential of thrown rocks from township mowing is minimal. When we have granted variances from front yard setback in the past, we have including a condition limiting the liability of the township from damages from maintenance activities.
- Provide for and area for construction should the road need to be rebuilt.
It is anticipated that any road construction activities can take place within the existing road right of way which is the standard 66 feet for a township road.
- Minimize snow drifting on the road.
Because of the existing trees, snow drifting would most likely not be any different than current.

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

Storage structures are an allowable use in the agricultural district provided they meet performance standards and building codes.

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

The Krell's state the location and layout of the existing buildings on the site make the site unique. The building site was established before setback ordinances were adopted. The topography drops off to the north and west making those locations less desirable. They also state that the area across the driveway to the north is lower and has been filled in the past making that location undesirable.

4) Were the unique circumstances not created by the landowner?

The development of the building site and its proximity to the road was not the direct result of the Krell's.

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

The character of the building site should not change with the construction of a new building.

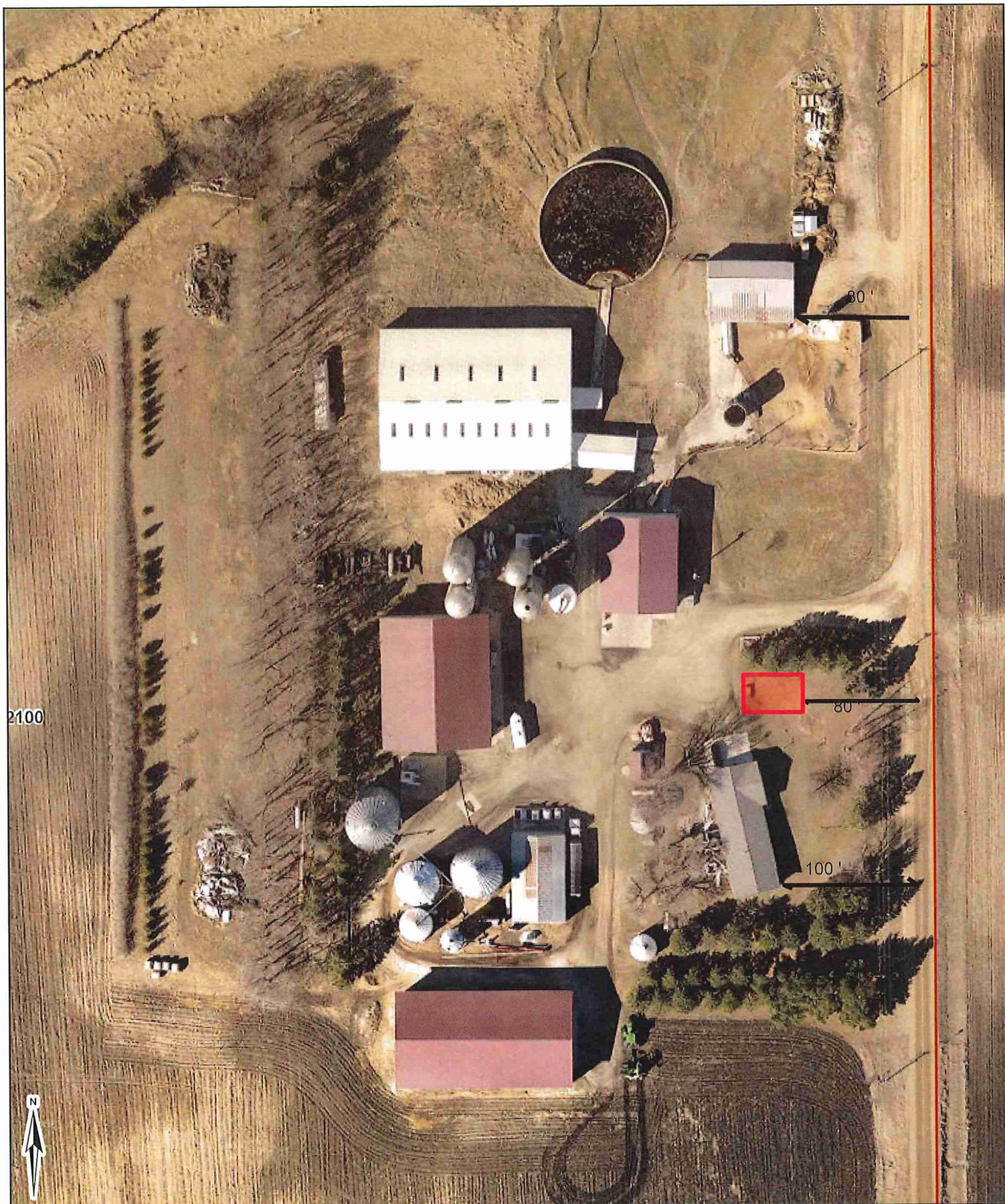
6) Economic considerations alone do not constitute a practical difficulty.

Economics do not appear to be a reason for the request for the variance. Rather it's the proximity to the house that appears to necessitate the desire for a variance. The board should be aware that the applicant has applied for an agricultural permit for the structure. Based on the dimensions, appearance, and location of the proposed structure, staff believes the structure's actual use is more of a garage and intend to require a residential building permit rather than issue an agricultural permit. This determination is not part of the variance request and is typically a staff level decision. However, one of the duties of the board of adjustments is to act upon questions in the interpretation of the ordinance and to hear appeals of staff's interpretation of the ordinance. If the Board feels that staff's interpretation is incorrect, they would have the authority to override this determination.

Potential Conditions:

In granting previous variances from road setbacks, the board of adjustments have added the following conditions.

The land owner acknowledges that the minimum setback requirements from which he or she is requesting a variance are in place to provide for the general safety and welfare of the residents of Steele County. The land owner also acknowledges that his or her request for a variance from those standards places the land owner and land owner's property at increased risk of damage due to the decreased distance from the public right-of-way. With that knowledge, the land owner agrees to hold Blooming Prairie Township, its employees and officials harmless from any claims, demands or actions or causes of action, including reasonable attorney's fees and expenses, arising out of any act or omission by Blooming Prairie Township in the normal course of its business, which results in damage to the land owner's property. Activities in the normal course of business include, but are not limited to, snow removal, maintenance of ditches, maintenance of any Township maintained culverts, and road work including patching, grading, or resurfacing, regardless of whether such activities are performed negligently or not.



2100



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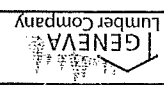
Krell Site

0 0.01 0.01 0.03 mi

September 25, 2023



Michaela Krell
PHONE: 503.255.1234
EMAIL: michaela.krell@geneva.com

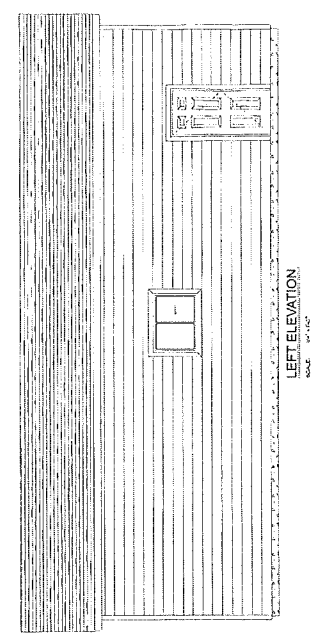
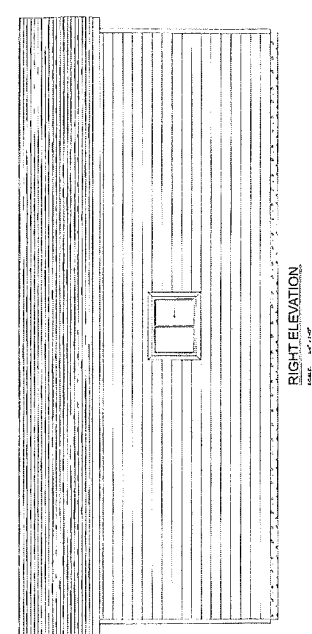
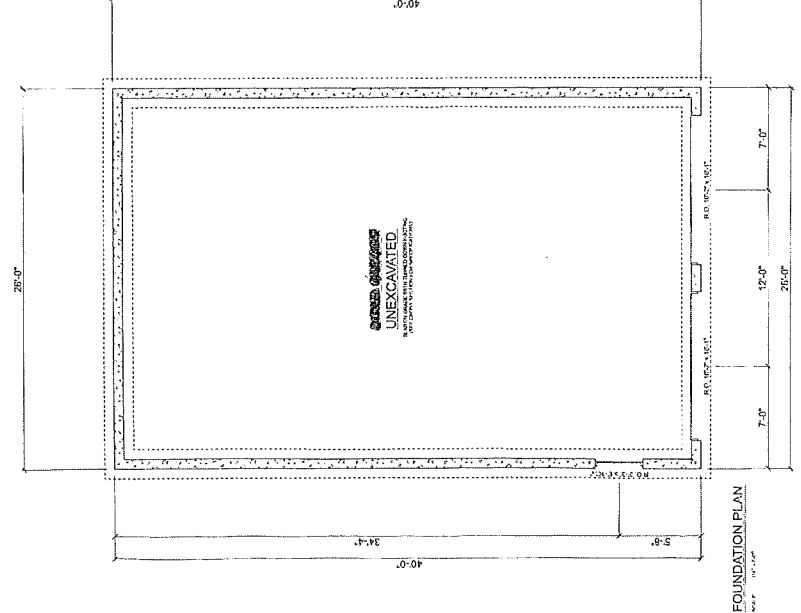
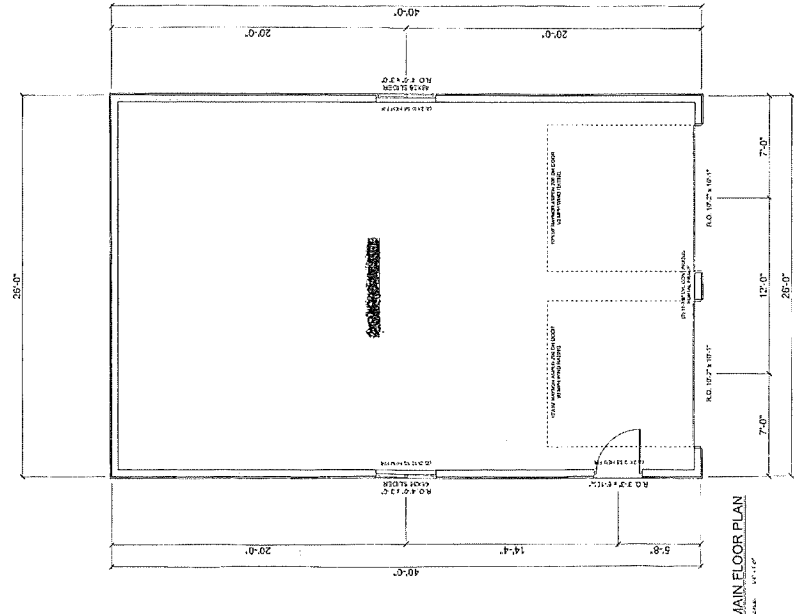
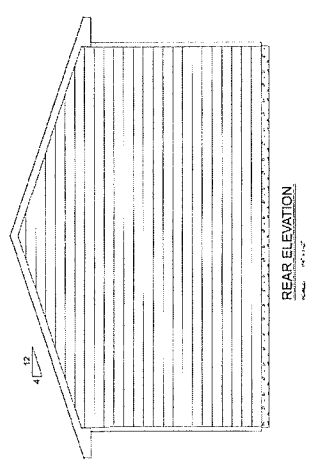
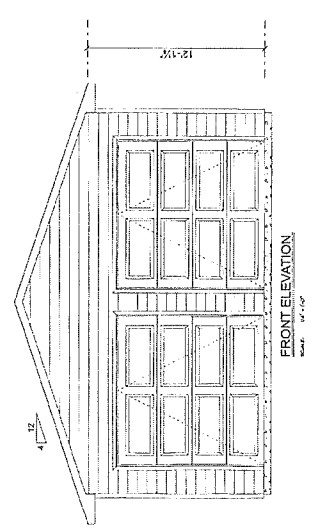
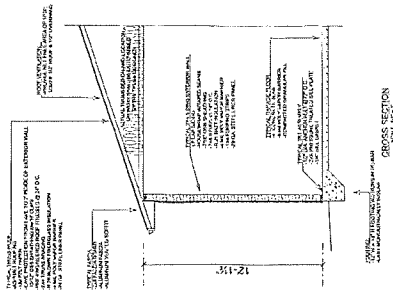


GENEVA LUMBER COMPANY
413 WEST MAIN STREET
GENEVA, WA 98026
PHONE: 509.226.0045
FAX: 509.226.1871
EMAIL: info@genevalumber.com

DATE: 04/18/2023
DRAWN BY: JOSH KRUEGER
SCALE: 1/4" = 1'-0"

CONTRACT NO.: 2023-001
PROJECT NO.: 2023-001
SHEET NO.: 1 OF 1
CRAWLING: 1/4" = 1'-0"

- GENERAL NOTES:**
1. ALL WINDOWS AND DOORS SHALL BE (2) 2X4 S.S. REIN. UNLESS OTHERWISE NOTED.
 2. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 3. SHALL HAVE SAFETY GLAZING.
 4. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 5. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 6. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 7. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 8. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 9. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 10. ALL ROOFING SHALL BE 1/2" OSB SHEATHING OVER 1/2" INSULATION OVER 1/2" INSULATION FLOOR OVER 1/2" INSULATION WITHIN 4" OF DOOR OPENINGS.
 11. PROVIDE A MINIMUM 12" X 30" AT 120 DEGREE.



FINAL
DRAFT

Rodney and Michelle Krell
12458 74th Ave SE
Blooming Prairie, MN 55917
507-390-4149

Subject: Request for Variance for Agricultural Building

Dear Steele County Planning Commission,

We are writing to request a variance in the setback requirements to build a farm shed for our property at 12458 74th Ave SE, Blooming Prairie. We need this variance to construct a 40-foot deep farm storage shed to meet the storage needs on our family farm. Our farm has limited available space and unique property angles. To adequately serve our needs, we must build a 40-foot deep agricultural storage building. This depth is essential to store the equipment, machinery, and supplies necessary.

Our farm has limited space and no other option for the shed location. Our property currently allows for an 80-foot setback, while the standard requirement is 100 feet. This 20 foot difference is due to our property's irregular shape and location of current buildings and driveway leaving us with no other suitable alternative location for the farm storage shed.

The storage facility is essential for our farm's operation, housing equipment, machinery, and supplies. We understand the importance of zoning regulations but believe that this variance will have minimal impact on public safety and travel on the gravel road.

We are committed to working with the board to address any concerns. Granting this variance will enable us to meet the needs of our farming operation.

Thank you for considering our request.

Rodney and Michelle Krell

RECORD of FINDINGS

658

PARCEL #: 01-010-2100
DISTRICT: Agricultural

PROP. ADDRESS: 12458 74th Ave. SE
Blooming Prairie, MN 55917

APPLICANT: Rodney & Michelle Krell
ADDRESS: 12458 74th Ave. SE
Blooming Prairie, MN 55917

LANDOWNER: Same
ADDRESS: _____

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?	_____
Nelson	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?	_____
Nelson	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?	_____
Nelson	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?	_____
Nelson	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? _____
Nelson	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? _____
Nelson	Yes	☐	No	☐	Why? _____
Lammers	Yes	☐	No	☐	Why? _____

Motion _____
Second _____

Approve

☐

Deny

☐

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

FINDINGS OF FACT for VARIANCE**# 658**

PARCEL#:	<u>01-010-2100</u>	PROP. ADDRESS:	<u>12458 74th Ave. SE</u>
DISTRICT:	<u>Agricultural</u>		<u>Blooming Prairie, MN 55917</u>

APPLICANT:	<u>Rodney & Michelle Krell</u>	LANDOWNER:	<u>Same</u>
ADDRESS:	<u>12458 74th Ave. SE</u>	ADDRESS:	<u></u>
	<u>Blooming Prairie, MN 55917</u>		<u></u>

LEGAL DESCRIPTION OF PROPERTY:

The East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 10, Township 105 North, Range 19 West, Steele County, Minnesota.

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 feet from all public dedicated road centerlines.

VARIANCE REQUEST:

Build a storage structure 80 feet from the centerline of 74th Ave. SE.

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? Yes ☐ No ☐

why or why not? _____

- 2 Is the property owner proposing to use the property in a reasonable manner? Yes ☐ No ☐

why or why not? _____

- 3 Is the plight of the land owner due to circumstances unique to the property? Yes ☐ No ☐

why or why not? _____

- 4 Were the unique circumstances created by someone other than the landowner? Yes ☐ No ☐

why or why not? _____

- 5 Will the character of the locality remain the same after granting the variance? Yes ☐ No ☐

why or why not? _____

- 6 Does the practical difficulty involve more than economic considerations? Yes ☐ No ☐

why or why not? _____

☐ **Deny** ☐ **Approve** _____ **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