



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

Tuesday, April 1st, 2025 at 7:00 p.m. – Steele County Boardroom

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Minutes (January 14th, 2025)
5. Public Hearing: Variance #668 (Jacobsen – fence height)
6. Adjournment

**Minutes
of the
Steele County Board of Adjustments
January 14, 2025**

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 Lammers to approve the agenda as submitted. Motion passed.

Organization:

Motion by Hansen, second by Ulrich to reappoint Brian Schmidt as Chair. Motion passed unanimously.

Motion by Hansen, second by Ulrich to reappoint Steve Jaster as Vice Chair. Motion passed unanimously.

Minutes:

Motion by Jaster, second by Hansen to approve the October 29th, 2024 minutes as printed. Motion passed 5 to 0.

Public Hearing – Variance #666 Johnson (Septic Setback)

This hearing is to consider a variance request from Andrew Matthes to construct a septic drain field one foot from the west property line, eight feet from the south property line, and 18 feet from the house on property owned by Dennis Johnson and located at 4654 County Rd 45 North. MN Rules require septic systems to be 10 feet from property lines and 20 feet from structures.

Questions & Comments by board members:

- Lammers: Has the system always had a holding tank?
Oolman: The holding tank was installed approximately 15 years ago when Dennis Johnson acquired the property.
- Schmidt: When the property was acquired has it been a rental property?
Susan Johnson: Yes, it was, but it has been empty the last 5 years or so.
- Schmidt: Do we know why the system was never updated from a holding tank?
Oolman: The lot was deemed too small to accommodate a drain field.
- Hansen: Is there enough footage on the property for a drain field now?
Oolman: If the Variance is granted.
- Lammers: Inquired about what type of system will be installed.
Andrew Matthes: It will not be a mound. It will be underground so the water sheds appropriately and doesn't cause problems.
- Johnson: Stated that a system with a drainfield would be a better option then a holding tank.
- Schmidt: If the Variance is granted, will the property still be a rental property?
- *Johnson: That is still unknown.*

The public hearing was opened.

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

The board reviewed the criteria for considering variance request #666

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?

Members, Jaster, Ulrich, and Lammers felt the circumstances were created by someone other than the landowner. Members, Schmidt and Hansen felt the landowner knew the property was small when he bought it.

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

Members, Hansen, Jaster, Ulrich, and Lammers felt the character of the locality would remain the same. Member Schmidt felt the character would change as the entire yard would be a septic drain field.

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 Jaster to approve variance request #666 based upon the findings of the board. Motion passed, 3 to 2 with Ulrich, Lammers, and Jaster voting in favor and Schmidt and Hanson voting against.

Public Hearing – Variance #667 Owatonna Township (Front Yard Setback)

This hearing is to consider a variance request from Owatonna Township to construct a new town hall 82 feet from the center of Austin Road on property located in the SE ¼, SE ¼, SE ¼, Section 22, Owatonna Township. The property address is 1334 28th Street SE. Steele County ordinances require structure to be setback 100 feet from road centerlines.

Questions & Comments by board members:

- Schmidt: Have you considered moving the building to the south?
Joe Elbert, Owatonna TWP: Yes, but we are trying to avoid moving the electrical and gas utilities that are located west of the existing building.
- Jaster: I see there is not a propane tank on the property, is it naturel gas?
Elbert: Yes, it is.
- Dave Dietz, Owatonna TWP: Stated why they need to place the building in that particular spot on the property. Moving it further south would require moving the handicap parking spots as well.

The public hearing was opened.

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

The board reviewed the criteria for considering variance request #667

- 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 Jaster, second by Lammers to approve variance request #667 based upon the findings of the board. Motion passed, 5 to 0.

Adjournment:

Motion by Hansen, second by Ulrich to adjourn. Motion passed. Meeting adjourned at 7:40 PM.

**Staff Report
for
Appeal for a Variance #668
Theo and Leah Jacobsen**

Applicant: Leah Jacobsen

Property Owner: Theo & Leah Jacobsen

Property Address: 4202 82nd Ave SW
Owatonna, MN 55060

Property Location and Description:

All that part of the Northeast Quarter (NE1/4) of Section 32, Township 107 North, Range 21 West, Steele County, Minnesota; described as follows:

Commencing as the southeast corner of the NE1/4 of said Section 32; thence North 00°07'43" West a distance of 383.52 feet, on an assumed bearing on the east line of said NE1/4, to the point of beginning; thence South 85°25'08" West a distance of 482.74 feet; thence North 00°07'43" West a distance of 560.28 feet, parallel with the east line of said NE1/4; thence North 85°25'08" East a distance of 482.74 feet, to a point on the east line of said NE1/4; thence South 00°07'43" East a distance of 560.28 feet, on the east line of said NE1/4, to the point of beginning;
Subject to highway easement on the east side thereof.

Zoning District: Agricultural

Ordinance:

Section 1507.03(1) of the Steele County Zoning Ordinance allows fences on any lot line to a height of 3 ½ feet and a fence up to 6 feet in height may be erected behind the nearest rear corner of the principal building.

Variance Request:

Build a fence, 6 feet in height, around the house and play area with the east 325 feet of 6-foot fencing being privacy fencing.

Background:

Theo and Leah Jacobsen are planning on erecting a 6-foot fence around the house and play area. They have two autistic sons. One of their sons is higher on the autism spectrum and is a significant elopement risk. The proposed fence is to help ensure his safety from the high-speed traffic and farm equipment as well as provide privacy as he frequently refuses to wear clothing. The fence must make a complete perimeter around the house to ensure their son is not able to reach the road if he leaves the house unknowingly. The fence must also enclose his play area. The fence must be 6 feet in height to ensure he cannot climb over it. The proposed fence would be 51 feet from the center of the road and 1 foot from the road right of way.

Criteria for Granting Variances:

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?

Fence height limitations are primarily for safety and aesthetics. Tall fences may obstruct visibility for drivers and pedestrians, possibly creating blind spots and dangerous situations. The ordinance also helps to maintain the visual character of neighborhood. These situations are more relevant to high density residential areas, but the ordinance does not distinguish between them. This ordinance has been in effect since at least 1979. The speed limit on 82nd Avenue is 55 mph. This section of the road is paved and runs straight North to South and site lines appear good.

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 house is on a 6.19-acre parcel surrounded by farmed land. Across the road to the East is another residential property. The house is setback approximately 103 feet from the edge of 82nd Ave. This leaves little time for the homeowners to ensure their son's safety if he leaves the house unknowingly.

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

The house was built in 1895.

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

The character of the area will not change. Many rural properties have tree and bush lines that block the view of the property behind them.

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

Economics are not a part of the consideration as it will cost more money to enclose the perimeter of the house and play area than if they were only around the fence in the back yard.

Staff Comments:

If the Board of Adjustment approves the variance request, they may want to consider adding a condition as requested by the Highway Department.

1. A licensed surveyor should be retained by the property owner to determine that the fence is entirely outside of the highway right of way.



Proposed setback of 51 feet from center of road Variance 668

March 21, 2025

0 0.01 0.01 0.02 mi

Disclaimer: Steele County, MN makes no representations or warranties, express or implied, with respect to the use or reuse of the data provided herewith, regardless of the format in which the data is provided. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENTNESS, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Steele County, MN, shall not be liable for any direct, indirect, or consequential damages, including lost profits, arising from or third party claims resulting in the use of this data, even if Steele County, MN, has been advised of the possibility of such damages. This disclaimer shall not be nullified by any in states that do not allow the exclusion or limitation of incidental or consequential damages.



Black coated chain link fence to be installed on the North, South and West fence lines.



Privacy fence to be installed on the East fence line.



RECORD of FINDINGS

668

PARCEL #: 09-032-1201
DISTRICT: Agriculture

PROP. ADDRESS: 4202 SW 82nd Avenue
Owatonna, MN 55060

APPLICANT: Leah Jacobsen
ADDRESS: 4202 SW 82nd Avenue
Owatonna, MN 55060

LANDOWNER: Theodore & Leah Jacobsen
ADDRESS: 4202 SW 82nd Avenue
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 ☐

Condition(s) _____

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