

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

Tuesday, May 7th, 2024 at 7:00 p.m. – Steele County Boardroom

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Minutes (04-02-24)
5. Public Hearing: Variance #661 (Oeltjenbruns – Lot Width)
6. Adjournment

- 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 did agreed economics were not the only reason for the request.

Motion by Jaster, second by Hansen to grant variance request #659 a based upon the findings of the board.

Motion to approve passed 5 to 0.

Public Hearing – Variance #660 (Prime 45, LLC – Front Yard Setback)

This hearing is to consider a variance request from Prime 45, LLC to construct two self-storage structures 35 feet from the right of way of County Road 45. Steele County ordinances require the structures to be 50 feet from the right of way. The property is located in the NE1/4 of the NE ¼, Section 29 Clinton Falls Township. The property address is 4500 County Road 45 North.

Questions & Comments by board members:

Schmidt- Are the water retention ponds required?

Oolman- Water retention pond regulations are enforced by the MPCA in rural areas of the county.

Prime 45 LLC representative stated that the ponds were shown on the site plan to indicate where they could be placed should they need to be.

Schmidt- Indicated he met with the Highway Engineers to clarify questions about the right of way.

Commissioner Brady- Stated that the Steele County Board has agreed to turnback 30 feet of right of way along the road. County Road 45 was originally a State Highway with wide right of ways. The county has done the same for many of the property owners along the road when requested.

Hansen- Asked for clarification on the setbacks from the road.

Oolman- In the General Business zone, setbacks are measured from the edge of the right of way as opposed to agricultural zones where the setback is typically measured from the center of the road.

Hansen- Inquired about which direction the doors of the new buildings would face.

Building A would face east, building B would face north, and the Building C which is a typical ministorage building will have doors on the east and west.

Schmidt- Are the new driveways going to be paved or left gravel?

Prime 45, LLC- They will remain gravel.

The public hearing was opened.

As there were no comments the public hearing was closed.

The board reviewed the criteria for considering variance request #660

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

All members felt it was not because the parcel was created after the ordinance was adopted.

1) 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.

2) 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.

3) 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.

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

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

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

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

Motion by Lammers, second by Ulrich to approve variance request #660 based upon the findings of the board.

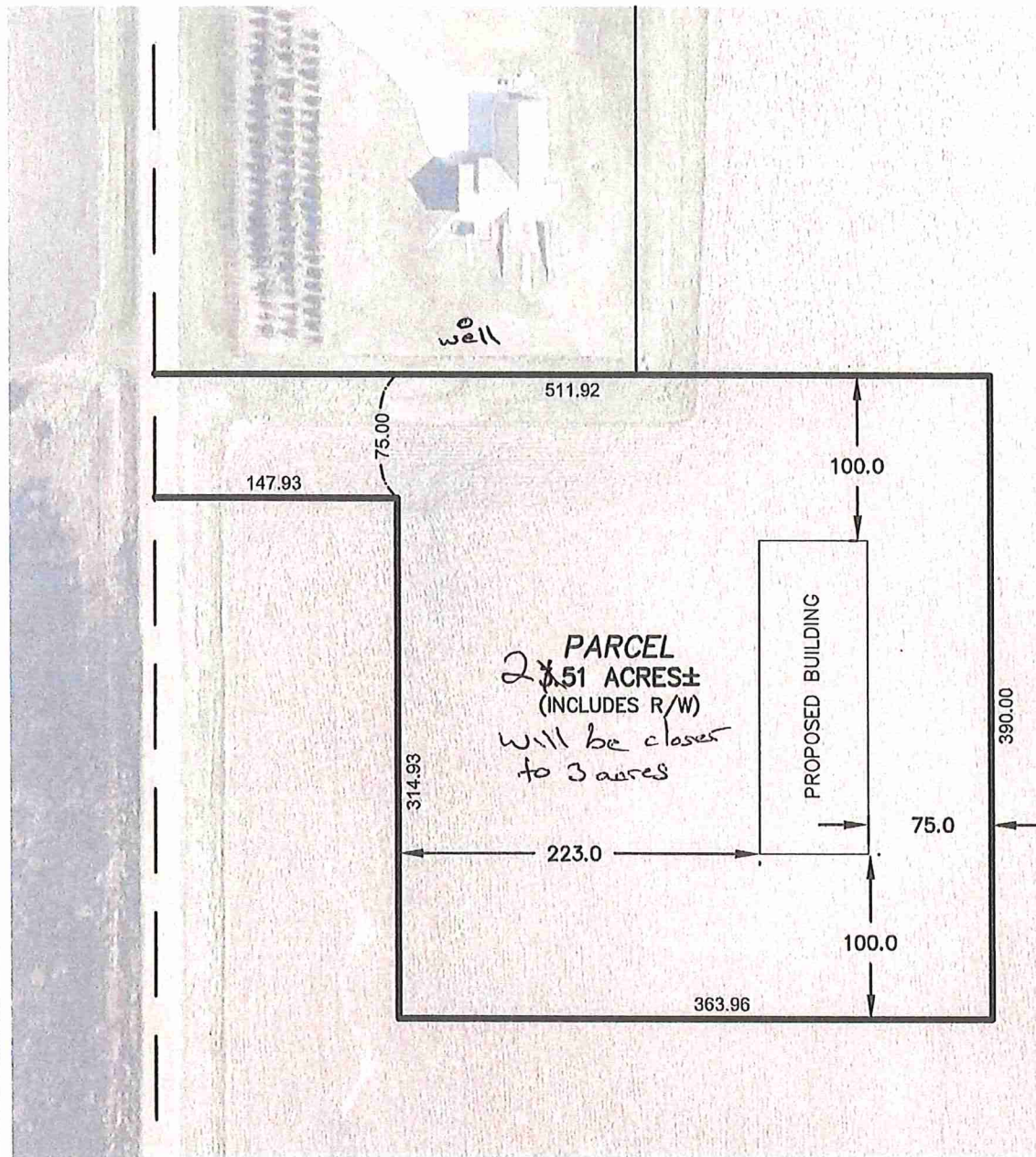
Motion to approve passed 5 to 0.

Adjournment:

Motion by Hansen, second by Lammers to adjourn. Motion passed. Meeting adjourned at 7:45 PM.

PROPOSED MINOR SUB-DIVISION

PART OF THE SW1/4 OF SECTION 34-107-19
STEELE COUNTY, MINNESOTA



FOR: MARK OELTJENBRUNS

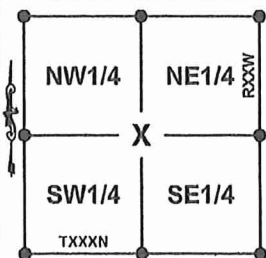
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

PRELIMINARY

Scott A. Tuchtenhagen
Date:

L.S. No. 52646

LOCATION MAP



Scale: 1" = 4000'

Date: -
Drawn by: -
Field Book: -
Coord-System: MNDOT CO. NAD83 (11)
Job No: -

Revised date: -
Survey: -
Page ___ of ___
File: -

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Engineers + Surveyors

515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598

**Staff Report
for
Appeal for a Variance #661
Oeltjenbruns**

Applicant: Mark and Jessica Oeltjenbruns

Property Owner: Will be acquiring approximately 2.5 acres from O's Farms Inc.

Property Address: Not assigned

Parcel Number: 07-034-3200

Property Description:

The South Half of the Southwest Quarter of Section 34, Township 107 North, Range 19 West, excepting therefrom the following:

Commencing at the southeast corner of said Southwest Quarter; thence North 89°53'48" West a distance of 812.96 feet on an assumed bearing on the south line of said Southwest Quarter, to the point of beginning;

thence North 89°53'48" West a distance of 577.09 feet on said south line;

thence North 00°06'12" East a distance of 428.67 feet;

thence South 89°53'48" East a distance of 577.09 feet;

thence South 00°06'12" West a distance of 428.67 feet, to the point of beginning.

Said exception containing 5.68 acres, more or less.

AND

Further excepting; Beginning at the northwest corner of the South Half of the Southwest Quarter; thence South 89°51'12" East 295.92 feet along the north line of the South Half of the Southwest Quarter;

thence South 00°10'20" West 736.00 feet along a line parallel with the west line of said Southwest Quarter;

thence North 89°51'12" West 295.92 feet to the west line of said Southwest Quarter;

thence North 00°10'20" East 736 feet to the point of beginning.

Said exception containing 5.00 acres, more or less.

Zoning District: Agricultural

Ordinance:

Section 705.2(a) requires every lot to have a minimum frontage width of 200 feet on a publicly dedicated road.

Variance Request:

Develop a new lot with only 75 feet of frontage.

Background:

Mark and Jessica Oeltjenbruns are looking to start a new business adjacent to their rural building site in Section 34 of Havana Township. The business would sell and install solar energy systems and he would also repair other types of equipment and vehicles. The business would be operated

Staff Report
Variance #661
Oeltjenbruns

from a new 66 feet by 190 feet building. Oeltjenbruns is looking to locate this building on a separate parcel of land from his home. He is proposing to subdivide a parcel that would only have 75 feet of frontage onto SE 64th Ave. Steele County ordinances require new lots to have 200 feet of frontage on a public road. Mr. Oeltjenbruns reason for only 75 feet of frontage is that the land in front of the building floods during heavy storm events.

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 minimum frontage is to prohibit the creation of “flag lots”. Flag lots are called as such because typically the frontage on the street is narrow and usually contains the driveway. The developable part is wider and located further off the street giving the lot the shape of a flag. In some situations, flag lots are undesirable because they can increase the density of development beyond what is wanted or create undesirable lots. In Steele County flag lots along with a maximum front yard setback are used to ensure emergency services can easily located and access lots should their services be needed. In this situation, the width of the lot in this location should not affect the ability of emergency services to locate or access the property.

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

The applicant will also need to obtain a conditional use permit for the business. Ultimately, the planning commission and the County Board will determine if the use is reasonable. The hearing for the Conditional Use Permit will be held on May 6th.

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

The owners claim of uniqueness is that the area of the property closer to the road is wet and unsuitable for building so they do not want it to be part of the lot.

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

If the Board agrees that soil conditions and drainage are a unique circumstance in this case, then the applicant did not create the drainage of the property.

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

The property accesses onto a township road leaving approximately 325 feet between a proposed new driveway and the drive to his rural building site to the north. The width of frontage of the parcel on the road will not change the character of the locality provided the township approves the location of the new access.

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

The only economics would be that the applicant would have to acquire another .42 acres to meet the 200 feet of frontage requirement.

RECORD of FINDINGS

661

PARCEL #:	<u>07-034-3200</u>	PROP. ADDRESS:	<u>Not assigned</u>
DISTRICT:	<u>Agricultural</u>		
APPLICANT:	<u>Mark & Jessica Oeltjbruns</u>	LANDOWNER:	<u>O's Farm Inc.</u>
ADDRESS:	<u>4677 SE 64th Ave.</u>	ADDRESS:	<u>217 Julia Street</u>
	<u>Claremont, MN 55924</u>		<u>Claremont, MN 55924</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?	
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

☐

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