

AGENDA
of the
Steele County Board of Adjustments

Tuesday, July 11, 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 (05-02-23)
5. Public Hearing: Variance #656 (Schmidt – Lot width))
6. Adjourn

Minutes
of the
Steele County Board of Adjustments
May 2nd, 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 Jaster, second by Ulrich to approve the agenda as submitted. Motion passed

Public Hearing – Variance #655 Rypka

This hearing is to consider a variance request to transfer property from the Jerome A. Rypka Testamentary Trust to David Rypka, Dann Rypka, and Dixon Rypka individually without completing a septic compliance inspection.

Questions & Comments:

- Dixon Rypka -The property will be developed at some point in the future. They don't see any way the house will be saved as part of a development, but would like to keep it for the present time as their brother stays there occasionally when he is in town. The well is in the house and services the other buildings so it would be difficult to shut that off.
- Schmidt- What triggered the transfer to begin with?
Rypka indicated it was the acquisition of a portion of the property for the roundabout.
- Schmidt- What could occur that would make the Ripka's upgrade the septic system.
Oolman answered, if it was found thru some other means other than a compliance inspection to be non-compliant, they would still have to upgrade or discontinue use.

The public hearing was opened.

- Dave Dietz, Owatonna Township, stated the township does not have an issue with this if there is a sunset date put on when the septic needs to be inspected by, if the property is not developed.

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

Discussion:

- Schmidt felt that the variance was appropriate but would like to see a sunset date put on it by which the property would need to be inspected or developed into the city.
- Further discussion by board members on the sunset date. It was felt that 5 years was an appropriate amount of time.

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

Motion by Ulrich, second by Nelson to grant variance request #655 based upon the findings of the board with the following condition.

1. The septic must be inspected or abandoned within 5 years of the property transfer.

Motion to approve passed 5 to 5.

Adjournment:

Motion by Schmidt, second by Lammers to adjourn. Motion passed. Meeting adjourned at 7:30 PM.

Staff Report
for
Appeal for a Variance #656
Schmidt

Applicant: Leland Schmidt

Property Owner(s): Leland and Debra Schmidt
John Cramer

Property Address:
2655 NW 52nd Ave. & 2641 NW 52nd Ave.
Medford, MN 55049

Property Description:

All that part of the South Half of the SW1/4 of Section 13, T 108 N, R 21 W, Steele County, Minnesota, described by:

Commencing at the Southwest corner of said SW1/4; thence N 0°00' E, assumed bearing, 238.00 feet along the west line of said SW1/4 to the True Point of Beginning; thence N 87°46' E 492.37 feet; thence S 0°00' E 88.19 feet; thence N 90°00' E 432.00 feet; thence N 3°28'20" W 445.82 feet; thence S 90°00' W 608.00 feet; thence S 0°00' E 317.73 feet; thence S 87°46" W 289.22 feet to the west line of said SW1/4; thence S0°00' E 47.00 feet to said True Pont of Beginning.

Zoning District: Agricultural

Ordinance:

Section 705.7a requires a minimum driveway width of thirty-three (33) feet as measured at right angles to the public road.

Variance Request:

Leland and Debra Schmidt and John Cramer jointly own this 6.26 acre building site with two houses already established. They would like to be able to subdivide the parcel so each party could individually own their own house. The parcel is large enough so that they can make two - 2 ½ acre lots out of it ,but it is not wide enough along the drive way for each to have the required 33 feet width.

Practical Difficulty in Complying with Ordinance:

The width of that portion of the property that contains the driveway is only 47 feet wide. Therefore it is not possible to split the property into two lots and create an access width of 33 feet for each.

Criteria for Granting Variances:

The following criteria must be examined by the Board of Adjustments when considering a variance.

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

The requirement for a minimum access width is to ensure that rural building sites have adequate room for a driveway and adequate room for maintenance of that driveway. The

applicants are not seeking to create a new drive and would continue to share the existing driveway. Rather they would like to separate the parcel into two lots, each containing their individual residence. If the Board of Adjustments grants the variance, they may want to consider adding a condition that requires an easement be recorded for the property owners to continue to share the access.

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

The use of the property will not change from existing.

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

The applicant claim of uniqueness is the size and width of the property containing the access drive and that the property already contains two houses.

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

The property boundary was created in 1991 when the previous owner sold the farmland separate from the building site. The houses were also already there at that time. According to the assessor's records, the house located at 5655 NW 52nd Ave. (north house) was built in 1920 and the house located at 5641 NW 52nd Ave. (south house) was built in 1955.

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

The character of area will not change if the variance is granted.

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

Economics may be part of the request in that each individual residence would control their own property. However, it may be the properties are not worth more individually than together. Rather the request is more likely for the purpose of division of the assets when that time comes.

Staff Comments:

If the Board of Adjustment grants the variance, they may want to consider adding a condition that prohibits additional accesses and requires an easement be record on the properties for the shared access.

1. An easement shall be recorded on both parcels allowing shared ingress and egress to the properties. No additional accesses will be allowed onto NW 52nd Ave.



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Schmidt / Cramer Site

June 28, 2023



FINDINGS OF FACT for VARIANCE

656

PARCEL#:	<u>13-013-3302</u>	PROP. ADDRESS:	<u>5655 NW 52nd Ave.</u>
DISTRICT:	<u>Agricultural</u>		<u>Medford, MN 55049</u>

APPLICANT:	<u>Leland Schmidt</u>	LANDOWNER:	<u>Leland & Debra Schmidt</u>
ADDRESS:	<u>5655 NW 52nd Ave.</u>	ADDRESS:	<u>5655 NW 52nd Ave.</u>
	<u>Medford, MN 55049</u>		<u>Medford, MN 55049</u>
		LANDOWNER:	<u>John Cramer</u>
		ADDRESS:	<u>5641 NW 52nd Ave.</u>
			<u>Medford, MN 55052</u>

LEGAL DESCRIPTION OF PROPERTY:

All that part of the South Half of the SW1/4 of Section 13, T 108 N, R 21 W, Steele County, Minnesota, described by:

Commencing at the Southwest corner of said SW1/4; thence N 0°00' E, assumed bearing, 238.00 feet along the west line of said SW1/4 to the True Point of Beginning; thence N 87°46' E 492.37 feet; thence S 0°00' E 88.19 feet; thence N 90°00' E 432.00 feet; thence N 3°28'20" W 445.82 feet; thence S 90°00' W 608.00 feet; thence S 0°00' E 317.73 feet; thence S 87°46" W 289.22 feet to the west line of said SW1/4; thence S 0°00' E 47.00 feet to said True Point of Beginning.

ORDINANCE THAT VARIANCE IS REQUESTED FROM:

Section 705.7a requires a minimum driveway width of thirty-three (33) feet as measured at right angles to the public road.

VARIANCE REQUEST:

Divide the building site into two lots with each having a driveway width of approximately 23.5 feet.

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 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 that are 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

Conditions of Steele County Variance # 656

- 1 An easement shall be recorded on both parcels allowing shared ingress and egress to the properties. No additional accesses will be allowed onto NW 52nd Ave.

RECORD of FINDINGS

656

PARCEL #: 13-013-3302
DISTRICT: Agricultural

PROP. ADDRESS: 5655 NW 52nd Ave.
Medford, MN 55049

APPLICANT: Leland Schmidt
ADDRESS: 5655 NW 52nd Ave.
Medford, MN 55049

LANDOWNER: Leland & Debra Schmidt
ADDRESS: 5655 NW 52nd Ave.
Medford, MN 55049

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

☐

Schmidt	Aye	☐	Nay	☐
Jaster	Aye	☐	Nay	☐
Ulrich	Aye	☐	Nay	☐
Nelson	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