

**AGENDA**  
of the  
**Steele County Board of Adjustments**

Tuesday, August 1<sup>st</sup>, 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 (07-11-23)
5. Public Hearing: Variance #657 (Brown / Bartsch – Feedlot Setback)
6. Adjourn

**Minutes  
of the  
Steele County Board of Adjustments  
July 11th, 2023**

**Call to Order:**

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

**Agenda:**

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

**Minutes:**

Motion by Nelson, second by Ulrich to approve the May 2nd, 2023, minutes as submitted. Motion passed.

**Public Hearing - Variance #656 - Schmidt**

This hearing is to consider a variance request from Leland Schmidt to subdivide a lot with less than the minimum lot width located in the S ½, SW ¼, Section 13, Deerfield Township.

Questions & Comments by board members:

- Schmidt- Will the property need to be surveyed to subdivide?  
*Oolman indicated that the subdivision ordinance requires a survey anytime a parcel is subdivided.*
- Nelson- If the variance would be granted, does the land meet setback requirements of 20 feet from the property line?  
*Oolman- The property owners have indicated it would.*  
*Debra Schmidt responded they have had a survey completed already.*
- Leland Schmidt explained they bought the property along with John Cramer 30 years ago. At that time there were 3 dwellings on the property. They were told they could not subdivide the property at that time. Now, apparently ordinances have changed, and they could subdivide the property if they obtained a variance from the required driveway width.

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 #656

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

Motion by Jaster, second by Nelson to grant variance request #656 based upon the findings of the board with the following condition.

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 52<sup>nd</sup> Ave.

Motion to approve passed 4 to 0

**Adjournment:**

Motion by Ulrich, second by Nelson to adjourn. Motion passed. Meeting adjourned at 07:17 PM.

**Staff Report**  
**for**  
**Appeal for a Variance #657**  
**Brown / Bartsch**

**Applicant:** Justin and Tess Brown

**Property Owner:** Dale Bartsch

**Property Address:** Not Assigned

**Property Description:**

Commencing at the Southwest Corner of the Southeast Quarter of Section 35, Township 107 North, Range 21 West, running thence East Forty Rods, thence North Thirty-Two Rods, thence West Forty Rods, thence South Thirty-Two Rods to the place of beginning, containing 8 acres, more or less.

**Zoning District:** Agricultural

**Ordinance:**

1525.3 of the Steele County Zoning Ordinance requires a new animal feedlot to be located no closer than 1000 feet to a residence.

*MN Stat. 394.25 Subd. 3c states that a local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlot at the same distance.*

Section 107.001(a) of the Steele County Livestock Operation Ordinance states that no new animal feedlot or manure storage facilities shall be located closer than 1000 feet from a neighboring residence nor shall a new residence be located closer than 1000 feet from a registered feedlot.

**Variance Request:**

Construct a new residence as close as 320 feet to an existing barn on a site registered as a feedlot.

**Background:**

Justin and Tess Brown are interested in buying an 8.0 acre wooded parcel from Dale Bartsch on which they wish to build a house. Much of the 8 ac. parcel lies within 1000 feet of a barn on the neighbors property which has maintained a feedlot registration.

**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 requirement is to reduce conflict between rural residents and registered feedlot operations. These conflicts can come from noise, dust, flies, etc. but mostly

odors. The feedlot in this case belongs to Herbert Rand who has continued to register the site as a feedlot since the feedlot registration requirement went into effect. Although from aerial photos, there appears to have been no livestock on site since at least 2010. He has been allowed to keep the site registered based on Section 104.20 of the Livestock Ordinance which allows sites that maintain structures capable of housing livestock to remain registered even if they have had no livestock during the previous five years. Rand's site has two barns on it that could potentially be converted back to housing livestock and Rand has maintained his registration without interruption. Based on the ordinance, as long as he maintains the registration he could put livestock back on the property not only in these two existing buildings, but he or someone else could also potentially construct new building(s) expanding to as much as 999 animal units without having to obtain a conditional use permit or get board approval.

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

Rural building sites are allowed in the Agricultural District provided they meet performance standards established in ordinance. These standards include, but are not limited to density limitations (1 dwelling / ¼, ¼ section), cropping limitations, (no new dwelling on land that has been cropped or generated farm income in the past 5 years), road frontage requirements, road setbacks, and feedlot setback (1000 feet) etc. The site meets all of the performance standards for a buildable site except the required feedlot setback. In addition to the performance standards it must also show that it is suitable for a septic system.

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

The Browns are not the landowner but want to purchase the property from Dale Bartsch for the purpose of constructing a house. The parcel is an 8 ac. wooded parcel. It contains no buildings or cropland but is adjacent to a larger wooded area.

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

Dale Bartsch did not create the parcel but was deeded the parcel from Irene Bartsch in 2003 who acquired it with her husband Hugo, in 1943. As far as I know the Bartsch's did not own the adjacent farmland surrounding the parcel, but did own farmland in the area that has since been sold to other parties.

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

The character of area is rural in nature with several building sites.

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

Economics are probably not a consideration in the request for the Browns who want to purchase the property as a building site, but most likely is for Bartsch, as the parcel is presumably worth more as a buildable site.

**Reason for Variance:** Section 1525.3 of the Steele County Zoning Ordinance prohibits new animal feedlots or manure storage structures closer than 1,000 feet from a neighboring residence.

**Practical Difficulty in complying with ordinance:**

This property has been in the family of Dale Bartsch since 1943. He purchased with intention to build on it someday. As life has changed, Dale has interest in selling the parcel to Justin and Tess Brown. This family would like to build a single-family residence on the parcel. The parcel is located within 1,000 feet of an existing homestead that has an animal feedlot permit. Bartsch's acreage is considered buildable by Steele County and adheres to the definition of Dwelling, Rural Residential zoning besides being within 1,000 feet of a homestead that has a feedlot permit.

**Is the variance request in harmony with the purpose and intent of the ordinance and consistent with the comprehensive plan?**

The intent of the setback is to reduce conflicts between feedlots and neighboring residents. Conflicts may include mostly odor, dust and noise. The Brown family that is hoping to build on this parcel does not mind these possibilities. The back acreage of this parcel is still a considerable distance away from the homestead with feedlot permit.

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

If variance is granted, Bartsch will sell acreage to Justin and Tess Brown. They will build a single-family residence with possibility of a shed structure in the future similarly to the surrounding homesteads within 2 years of purchase. At this time there is no future plan for livestock or farming.

**Is the plight of the landowner is due to circumstances unique to the property?**

This parcel was originally purchased in 1943 with intention to someday build a single-family residence on it. At the time, the neighboring residence within 1,000 feet did not have a feedlot permit.

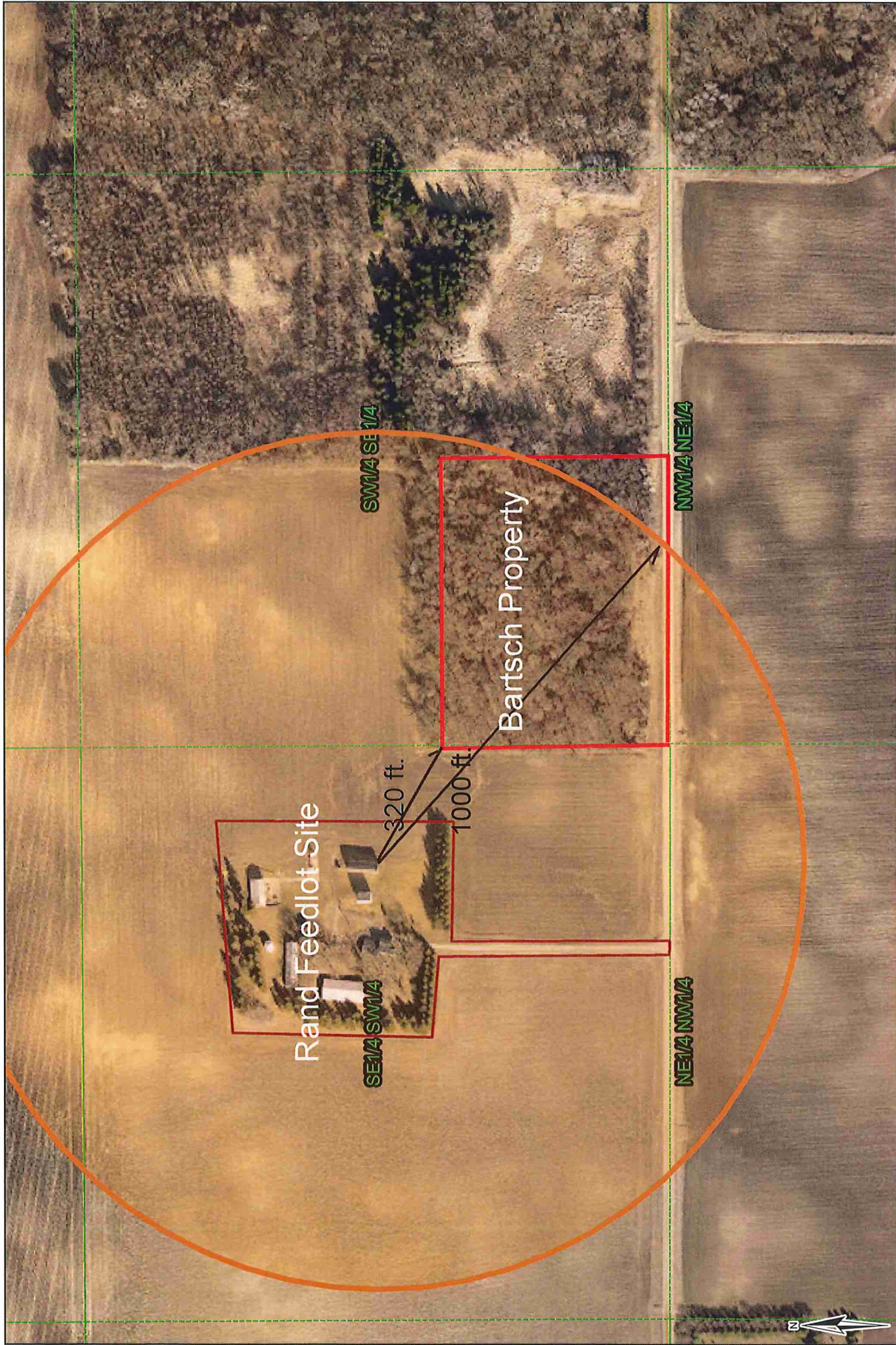
**Was the practical difficulty created by the landowner?**

Bartsch's parcel has been considered buildable since purchase. The neighboring homestead's feedlot permit hinders building on the parcel since the acquisition of the permit.

**Granting the variance will not alter the essential character of the locality?**

If variance is granted, the Brown family will purchase parcel from Dale Bartsch and build single-family home and shed similar to surrounding homesteads.

Economic considerations alone are not the purpose of practical difficulties. A lifelong Steele County family is simply looking to build their forever home.



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## Brown / Bartsch Variance



July 20, 2023

