

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

Tuesday, September 3rd, 2024 at 7:00 p.m. – Steele County Boardroom

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Minutes (July 2nd, 2024)
5. Public Hearing: Variance #663 (Rypka – Lot Size)
6. Public Hearing: Variance #664 (Wencl – Front Yard Setback)
7. Adjournment

**Minutes
of the
Steele County Board of Adjustments
July 2, 2024,**

Call to Order:

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

Agenda:

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

Minutes:

Motion by Ulrich, second by Lammers to approve the May 7th, 2024, minutes as submitted. Motion passed 4 to 0.

Public Hearing – Variance #662 (Stadheim- OHWL Setback)

This hearing is to consider a variance request from Darrin Stadheim to replace an existing cabin 18 feet from the OHWL of Beaver Lake.

Questions & Comments by board members:

- Ulrich- You stated that the cabin is going to be bigger than the existing cabin, how would the deck be the same size and still have the same amount of impervious surface?
Oolman-The deck would be smaller. Stadheim is adding cabin space over where the current deck is.
- Schmidt-Is the deck getting tore off?
Oolman-Yes, Stadheim is replacing the deck as well.
- Stadheim stated that he was first going to remodel the cabin, but it was in too rough of shape.
- Schmidt-Where is the road from the cabin?
Oolman-About 30 to 40 feet away from the cabin
Stadheim- Stated that the septic was about 12 feet away from the road.
- Schmidt- What is the set back from the road?
Oolman- It is a privet road, there are no setbacks from the road.
- Schmidt- Could everything get pushed closer to the road?
Stadheim – No there is a holding tank there and a couple of trees.

The public hearing was opened.

As there were no comments the public hearing was closed.

The board reviewed the criteria for considering variance request #662

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

Members, Jaster and Lammers felt the request met the intent of the comprehensive plan and ordinance. Members Schmidt and Ulrich felt the request did not meet 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?**
Members, Jaster and Lammers did agreed economics were not the only reason for the request. Members, Schmidt and Ulrich did not agreed economics were not the only reason for the request.

Motion by Lammers, second by Jaster to approve variance request #662 based upon the findings of the board. Motion to deny passed by a 4 to 0 vote, with the following conditions.

- 1) The OHWL setback shall be measured from the wall of the cabin, instead of the edge of the overhang. For this reason, the area under the overhang shall not be allowed to be enclosed with walls or screens.
- 2) To prevent an increase in impervious surface of the lot, the total deck area shall be no larger than the existing deck square feet minus the additional cabin square feet (438 ft² – 88 ft²) or 350 ft².
- 3) No other additions allowed on the lot.

Adjournment:

Motion by Jaster, second by Ulrich to adjourn. Motion passed. Meeting adjourned at 07:29 PM.

Staff Report
for
Appeal for a Variance #663
Rypka / Boyum

Applicant: Dan Rypka and Susan Kristoffersen Rypka

Property Owner: Dan Rypka and Susan Kristoffersen Rypka

Property Address: 2165 NW 50th St.
Medford, MN 55049

Parcel Number: 12-101-0103

Property Description:

Sub Lot 1 of Saw Mill Lot and Grist Mill Lot; all being in Village of Clinton in Clinton Township in the Southwest Quarter of Section 21, Township 108 North, Range 20 West.

Zoning District: Agricultural

Ordinance:

Section 705.1 of the Steele County Zoning Ordinance requires a minimum lot size of 2.5 acres.

Variance Request:

Transfer approx. 2100 ft² (0.05) acres of their 1.43 ac. non-conforming parcel to the neighbor to add to their 0.62 ac. non-conforming parcel.

Background:

Dann Rypka and Susan Kristoffersen Rypka own parcel #12-101-0103 which is 1.43 acres. Elizabeth and Bradley Boyum purchased the adjacent parcel #12-101-0102 in 2022 which is 0.62 acres. At some point it was discovered that the garage belonging to the Boyum's sits across the property line onto Rypka's property. Boyum's have an agreement with Rypka's to acquire 20 feet which includes the other half of the garage. The new property line would be 5 to 6 feet from the east side of the garage. Because the Rypka's parcel is already less than the minimum parcel size of 2.5 acres, they need a variance to reduce the size of their lot further by 0.05 ac. It should be noted that Ripka's also own a separate parcel of 2.22 ac. which is across the road.

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?

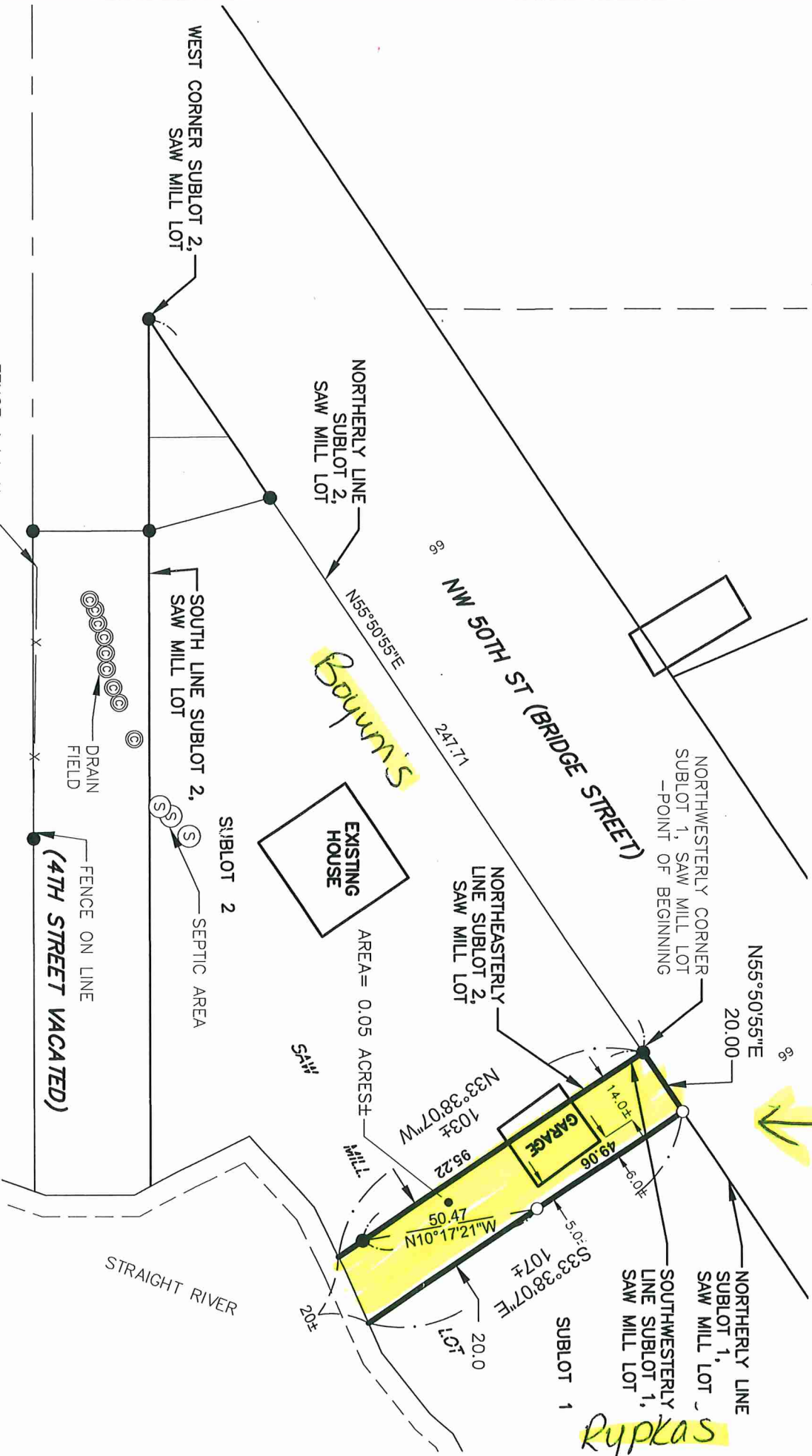
The intent of the minimum lot size is to provide the needed space to place a sewage treatment system and a replacement system on the parcel. The Ripka's septic system was installed in 1993. Although there is a question as to where a replacement system could be placed, when

and if it is needed, it seems reasonable to conclude that the 20 feet being transferred is not a suitable location for a drainfield as its too close to the river.

- 2) **Is the property owner proposing to use the property in a reasonable manner?**
The use of the property will not change. The Boyum simply want to correct a property line.
- 3) **Is the plight of the landowner due to circumstances unique to the property?**
The uniqueness of the property is that the garage already sits across the property line.
- 4) **Were the unique circumstances not created by the landowner?**
Neither the Ripka's nor the Boyum's created the property line or constructed the garage.
- 5) **The variance will not alter the essential character of the locality.**
The character of the property will not change as a result of this variance.
- 6) **Economic considerations alone do not constitute a practical difficulty.**
Economics do not appear to be a factor in this request.

CERTIFICATE OF SURVEY
PART OF SUBLOT 1 OF SAW MILL LOT, OF THE SUBDIVISION OF
SW1/4 SECTION 21-1-T108N-R20W
STEELE COUNTY, MINNESOTA

*description of
land to be purchased
By Bayum's*





Boyum Property

Garage

new property line

Ripka Property

CHILTON FALL 12-101-0103

12-100-0102

12-100-0100

12-101-0102

0-0902

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Rypka / Boyum Variance

July 24, 2024



FINDINGS OF FACT for VARIANCE

663

PARCEL#:	<u>12-101-0103</u>	PROP. ADDRESS:	<u>2165 50th St. NW</u>
DISTRICT:	<u>Agricultural</u>		<u>Owatonna, MN 55060</u>
	<u>Shoreland</u>		

APPLICANT:	<u>Dann & Susan Rypka</u>	LANDOWNER:	<u>Dan & Susan Rypka</u>
ADDRESS:	<u>2165 NW 50th St.</u>	ADDRESS:	<u>2165 NW 50th St.</u>
	<u>Medford, MN 55049</u>		<u>Medford, MN 55049</u>

LEGAL DESCRIPTION OF PROPERTY:

Sub Lot 1 of Saw Mill Lot and Grist Mill Lot; all being in Village of Clinton in Clinton Township in the Southwest Quarter of Section 21, Township 108 North, Range 20 West.

ORDINANCE THAT VARIANCE IS REQUESTED FROM:

Section 705.1 of the Steele County Zoning Ordinance requires a minimum lot size of 2.5 acres.

VARIANCE REQUEST:

Reduce their 1.43 ac. non-conforming parcel by 0.05 acres for purpose of add to neighboring 0.62 ac. non-conforming parcel.

RECORD of FINDINGS

663

PARCEL #: 12-101-0103
DISTRICT: Agricultural

PROP. ADDRESS: 2165 50th St. NW
Owatonna, MN 55060

APPLICANT: Dann & Susan Rypka
ADDRESS: 2165 NW 50th St.
Medford, MN 55049

LANDOWNER: Dan & Susan Rypka
ADDRESS: 2165 NW 50th St.
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 _____

Approve

☐

Deny

☐

Second _____

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

Staff Report
for
Appeal for a Variance #664
Wencl

Applicant: Samuel & Katie Wencl

Property Owner: Samuel & Katie Wencl

Property Address: 7500 168th St SE
Blooming Prairie, MN 55917

Parcel Number: 01-100-0010

Property Description:

Steele County Highway Right-of-Way Plat No.8, Parcel #10, according to the map or plat thereof on file and of record in the office of the Steele County Recorder. Being part of SE 1/4 of Section 34, Township 105 North, Range 19 West.

Zoning District: Agricultural

Ordinance:

Section 703.4b of the Steele County Zoning Ordinance requires structures to be setback no closer than 50 feet from front yard property lines. In instances of corner lots, there shall be two front yard requirements.

Variance Request:

Relocated an agricultural structure 39 feet from the front yard property line of SE 74th Ave.

Background:

Samual and Katie Wencl own a building site located on three parcels totaling 4.22 acres located on the corner of SE 168th St. and SE 74th Ave. in Sections 34 and 35 of Blooming Prairie township. One parcel contains a 42' x 72' agricultural storage building and another parcel contains two grain bins. They wish to relocate the agricultural building to the grain bin parcel in anticipation of someday building a house in the area where the shed now sits. They are asking to place the relocated shed 104 feet from the center of SE 74th Ave. or 39 feet from the front property line of SE 74th Ave. The right-of-way of SE 74th Ave. is 130 feet wide which is wider than a typical 100 feet wide County Road right-of-way. This right-of-way is wider because the curve was re-aligned and reconstructed around 2001 and the County acquired the property to perform the construction.

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 will be located 104 feet from center of a two-lane road. On County roads with a typical 100 feet right-of-way we only require structures to be 100 feet from center or 50 feet from edge of right-of-way. This building would meet the minimum required setback from center of road if the road didn't have a wider right-of-way.
- Reduce the obstruction of sightlines as viewed from the road especially near accesses.
The building is to be located on the outside of a curve so its placement would not be an issue for vehicle traffic using SE 74th Ave. nor would it obstruct views from vehicles exiting from SE 168th Street.
- Prevent damage to structures from road maintenance activities.
The building will be located 104 feet from center of road or approximately 85 feet from shoulder. At this distance damage to the building from snow plowing activities should not be a concern. The County could be mowing closer to the building than they typically would which could potentially throw rocks or debris which could damage the building. However, the County does not currently the entire ditch unless weeds are an issue.
- Provide additional area for future construction should the road need to be rebuilt.
The assistant county highway engineer has indicated the right-of-way is an adequate width to perform any anticipated road construction.
- Minimize snow drifting on the road.
There are currently three rows planted between the proposed building and the road that would eventually stop snow before any building does. However, the inside row is a row of spruce and may have to be removed to place the building. The middle row of arborvitae is approximately 18 to 20 feet from the property line or right-of-way line. And the outside row of Oaks appears to be on or in the right-of-way. Steele County ordinances require trees to be 25 feet from right-of-way. The Highway department request's the outside row be removed at a minimum. If the board grants the variance they should consider requiring the removal of the outside of trees as a condition.

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

Agricultural 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 Wencil's say the shape of the property, the wider than typical right-of-way and the location of existing grain bins are all unique factors in this situation. They indicate the extra space is needed to provide room for augers to load and unload the grain bins.

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

The parcel and road right-of-way was created in 2001 when the County re-routed the road from the east side of the building site to the west side of the building site. The road right-of-way and parcel shape were created at that time with the right-of-way plat. The Wencil's acquired the property in 2017 and the grain bins appear to have been erected sometime between 2017 and 2021. The trees were also planted around that time frame.

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

The character of the building site should not change with the relocation of the 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.

Staff Comments:

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

1. The row of oak trees planted in the road right-of-way and in the road setback must be removed by November 15th, 2024.



Wencil Variance

August 22, 2024

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FINDINGS OF FACT for VARIANCE**# 664**

PARCEL#:	<u>01-100-0010</u>	PROP. ADDRESS:	<u>7500 168th St SE</u>
DISTRICT:	<u>Agricultural</u>		<u>Blooming Prairie, MN 55917</u>

APPLICANT:	<u>Samuel & Katie Wencil</u>	LANDOWNER:	<u>Same</u>
ADDRESS:	<u>33902 890th Ave.</u>	ADDRESS:	<u></u>
	<u>Blooming Prairie, MN 55917</u>		<u></u>

LEGAL DESCRIPTION OF PROPERTY:

Steele County Highway Right-of-Way Plat No.8, Parcel #10, according to the map or plat thereof on file and of record in the office of the Steele County Recorder. Being part of SE 1/4 of Section 34, Township 105 North, Range 19 West.

ORDINANCE THAT VARIANCE IS REQUESTED FROM:

Section 703.4b of the Steele County Zoning Ordinance requires structures to be setback no closer than 50 feet from front yard property lines. In instances of corner lots, there shall be two front yard requirements.

VARIANCE REQUEST:

Relocated an agricultural structure 39 feet from the front yard property line of SE 74th Ave.

RECORD of FINDINGS

664

PARCEL #: 01-100-0010
DISTRICT: Agricultural

PROP. ADDRESS: 7500 168th St SE
Blooming Prairie, MN 55917

APPLICANT: Samuel & Katie Wencil
ADDRESS: 33902 890th Ave.
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

☐

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