

**Minutes
of the
Steele County Board of Adjustments
Oct. 3rd, 2023**

Call to Order:

The meeting was called to order by Chair Schmidt at 7:00 pm. Members present were Schmidt, Jaster, Nelson, Ulrich, 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 Aug. 1st, 2023, minutes as submitted. Motion passed 4 to 0.

Public Hearing – Variance #658 (Krell- Front Yard Setback)

This hearing is to consider a variance request from Rodney Krell to construct a new storage structure 80 feet from the centerline of SE 74th Ave. The property is located in the E ½ of the SE ¼, Section 10, Blooming Prairie Township. The property address is 12458 74th Ave. SE.

Questions & Comments by board members:

- Ulrich- if the variance is granted with a condition, does the condition stay with the property?
Oolman- Yes, variances are recorded on the property and any condition would remain.
- Schmidt- A couple of the existing buildings are closer to the road, were they there before the ordinances were made?
Oolman- Yes, the loafing shed on the north side of the building site was probably built before ordinances were adopted. The house, built in 1979, is 100 feet from center of road and was built after setbacks were established.
- Michelle Krell- Explained the reasons they are asking for a variance. The area to the north is low and floods in the spring and during wet weather. Other areas are cropped. They purchased the farm in 1999 although it has been in the family for 120 years. They are looking to continue to grow our family farm, and this would help with storage.
- Ulrich- Could the building be turned to meet the ordinance?
Krell- It would make it difficult to turn heavy equipment in the driveway and a well is located in that area.
- Schmidt- Will there be footings dug or will it be a floating slab?
Krell- Floating slab.
- Jaster- Could you put fill in the low land?
Krell- The drop off in this area is 8 feet lower than the road and 4 feet lower than the other building in that area. Fill would add an additional cost.

The public hearing was opened.

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

Further questions and comments by the board.

- Ulrich felt that there are other buildings at 80 feet from center of road, so he does not oppose this variance.
- Schmidt, Jaster feel that there are at least two other alternative building sites including hauling in fill to the low area to the north of the driveway or turning the building. Also expressed concerns with safety issues with the building so close to the road.

The board reviewed the criteria for considering variance request #658

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

All members felt the variance request was in harmony with 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.

Schmidt, Jaster, and Nelson did not feel the uniqueness of the property contributed to the plight of the applicant. Ulrich felt that it did.

4) Was the plight of the landowner created by someone other than the landowner?

All members felt the landowner did not create the circumstance.

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?

Ulrich and Nelson felt that the variance request involved more than economic considerations. Schmidt, and Jaster felt that it did not.

Motion by Jaster, second by Schmidt to deny variance request #658 based upon the findings of the board. Motion to deny failed with Jaster, Schmidt voting aye and Nelson, Ulrich voting nay.

Motion by Ulrich, second by Nelson to approve variance request 658 with one condition.

1. The landowner acknowledges that the minimum setback requirements from which he or she is requesting a variance are in place to provide for the general safety and welfare of the residents of Steele County. The landowner also acknowledges that his or her request for a variance from those standards places the landowner and landowners' property at increased risk of damage due to the decreased distance from the public right-of-way. With that knowledge, the landowner agrees to hold Blooming Prairie Township, its employees, and officials harmless from any claims, demands or actions or causes of action, including reasonable attorney's fees and expenses, arising out of any act or omission by Blooming Prairie Township in the normal course of its business, which results in damage to the landowner's property. Activities in the normal course of business include, but are not limited to, snow removal, maintenance of ditches, maintenance of any Township maintained culverts, and road work including patching, grading, or resurfacing, regardless of whether such activities are performed negligently or not.

Motion to approve failed with Ulrich, Nelson voting aye and Schmidt, Jaster voting nay.

Additional discussion by board members:

- Jaster and Schmidt reiterated the building could be placed in a different location compliant with the ordinance if fill was brought in. Based on their experience with the construction of their own buildings, this was reasonable.
- Ulrich conceded that other options exist.

Motion to deny variance request #658 based upon the findings of the board. Motion to deny passed by a 4 to 0 vote.

Adjournment:

Motion by Ulrich, second by Nelson to adjourn. Motion passed. Meeting adjourned at 7:53 PM.