

**Minutes
of the
Steele County Board of Adjustments
September 3, 2024,**

Call to Order:

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

Agenda:

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

Minutes:

Motion by Hansen, second by Ulrich to approve the July 2nd, 2024, minutes corrections as noted. Motion passed 3 to 0.

Public Hearing – Variance #663 (Rypka- Lot Size)

This hearing is to consider a variance request from Dann Rypka to reduce their non-conforming lot to less than the required minimum lot size for the purpose of transferring 20 feet to Brad and Elizabeth Boyum.

Questions & Comments by board members:

- Ulrich- Will the septic need a compliance inspection?
Oolman- No, the transfer of land would not involve the house or septic system.

The public hearing was opened.

- Rypka- Asked if he would need a variance to improve his garage next to the property line?
Oolman- No, the setback is 20 feet, so as long as the improvement does not put his garage closer than 20 feet, he would not need a variance.

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

The board reviewed the criteria for considering variance request #663

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

Motion by Ulrich, second by Hansen to approve variance request #663 based upon the findings of the board. Motion passed, 3 to 0.

Public Hearing – Variance #664 (Wencl- Front Yard Setback)

This hearing is to consider a variance request from Samual and Katie Wencl to construct a storage building 39 feet from the front yard property line of SE 74th Ave. Steele County ordinances require structures to be setback 50 feet from front yard property lines.

Questions & Comments by board members:

No comments by the board

The public hearing was opened.

- Jim O'Conner- sold the property to his daughter and son-in-law. Their intent is to move the existing shed on the property so they can build a house in the sheds location. He constructed the grain bins in their location which now resulted in the shed needing to be over further. He has a shed on his own building site that sits 50 feet from the center of the road and there has never been a problem. He would like to not see a condition regarding the trees as part of the variance so that he can try to work something out with the highway department or possible acquire some of the right-of-way where the trees are.
- Sam Wencl- Explained he maintains the property and mows the ditch.

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

Discussion by the board.

- The board discussed the row of trees at length asking if the violation of the trees is the responsibility of the zoning department or the highway department?
Oolman explained they would be both as some of the trees appear to be in the right-of-way and some of them appear to be in the setback.
The board discussed if a condition could be worded that gave the owners time to see if they could acquire more right-of-way.

The board reviewed the criteria for considering variance request #664

7) 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.

8) 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.

9) 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.

10) 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.

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

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

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

All members' agreed economics were not the only reason for the request.

Motion by Ulrich, second by Hansen to approve variance request #664 based upon the findings of the board with one condition.

1. The row of oak trees planted in the road right-of-way and in the road setback must be removed by November 15th, 2025, unless there is an agreement with the Steele County Highway department for them to remain.

Motion to pass by a 3 to 0 vote.

Adjournment:

Motion by Hansen, second by Ulrich to adjourn. Motion passed. Meeting adjourned at 07:45 PM.