

Houston County Board of Adjustment
July 24, 2014

Approved on August 28, 2014 by Greg Myhre and Tim Orr

The Houston County Board of Adjustment met at 6:30 p.m. on Thursday, July 24, 2014. A summary of the meeting follows.

The meeting was called to order by Garland Moe, Chairman. Members present were Chairman Moe, Tim Orr and Greg Myhre. Others present were Tom Andrews, Cyndi Andrews and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. (*Kent Holen was absent*).

Notice of **Public Hearing No. 402** was read. **Tom Andrews**, 12407 West Twin Ridge Road, Houston, MN 55943 is seeking a variance of 12 feet to meet the required 65 foot setback requirement from the centerline of a township road to build a shed in Black Hammer Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented that Mr. Andrews plans to:

- Build a pole shed that would be situated 53' from the centerline of West Twin Ridge Road.
- The slope is the reason for the variance request and to save cropland.
- The Black Hammer Township board and adjoining property owners were notified. There were no calls to the Zoning Office in regard to the application.

Chairman Moe asked if the Tom Andrews had anything to add. Tom said Bob summed it up in his comments.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No

- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Tim Orr made the motion to grant the variance as submitted. Greg Myhre seconded and the motion carried.

Notice of **Public Hearing No. 403** was read. **Bob Koch**, 20290 Camp Winnebago Road, Caledonia, MN 55921 is seeking a variance of 575 feet to meet the required $\frac{1}{4}$ mile setback from an expanding existing feedlot to an existing dwelling in Winnebago Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented that Mr. Koch plans to:

- Bob Koch plans to build a freestall barn for 240 heifers and a loose housing barn for 200 calves.
- The new freestall barn would be the closest structure.
- The offset model determined that the feedlot would be odor free 94% of the time at 745 feet away.
- The Winnebago Township board and adjoining property owners were notified. There was one inquiry to the Zoning Office in regard to the application. The individual was confused with a building project at the other farm up the road.

Chairman Moe asked if the Bob Koch had anything to add. Bob Koch was absent.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No
- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Greg Myhre made the motion to grant the variance as submitted. Tim Orr seconded and the motion carried.

Greg Myhre made the motion to approve the summary minutes of the June 26, 2014 meeting. Tim Orr seconded it. Motion carried.

Greg Myhre made the motion to adjourn the meeting and Tim Orr seconded it. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on July 28, 2014.

Houston County Board of Adjustment
August 28, 2014

Approved on October 23, 2014 by Greg Myhre and Tim Orr

The Houston County Board of Adjustment met at 6:45 p.m. on Thursday, August 28, 2014. A summary of the meeting follows.

The meeting was called to order by Garland Moe, Chairman. Members present were Chairman Moe, Tim Orr and Greg Myhre. Others present were Doug Sparks and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning.

Notice of **Public Hearing No. 404** was read. **Doug Sparks**, 7635 County 22, Houston, MN 55943 is seeking a variance of 45 feet to meet the required 50 foot setback requirement from the south property line and variance of 50 feet to meet the required 100 foot setback requirement from a tributary stream to build a pole barn Mound Prairie Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented on the application for Mr. Sparks:

- Lot size and shape are the limiting factors.
- The stream is about 50 feet from where the shed would be.
- 36' x 48' shed.
- Doug has contacted the DNR several times about putting rip rap along the stream bank. (Corey Hanson of the DNR has not responded.)
- The Mound Prairie Township board and adjoining property owners were notified. There were no calls to the Zoning Office in regard to the application.

Chairman Moe asked if the Doug Sparks had anything else to add. He did not.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No
- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Tim Orr made the motion to grant the variance as submitted. Greg Myhre seconded and the motion carried.

Greg Myhre made the motion to approve the summary minutes of the July 24, 2014 meeting. Tim Orr seconded it. Motion carried.

Greg Myhre made the motion to adjourn the meeting and Tim Orr seconded it. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on September 2, 2014.

Houston County Board of Adjustment
October 23, 2014

Approved on November 20, 2014 by Kent Holen and Greg Myhre

The Houston County Board of Adjustment met at 6:45 p.m. on Thursday, October 23, 2014. A summary of the meeting follows.

The meeting was called to order by Garland Moe, Chairman. Members present were Chairman Moe, Tim Orr and Greg Myhre. Others present were Daryl Taylor, Cynthia Taylor, Wayne Houdek, Kris Houdek and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning.

Notice of **Public Hearing No. 405** was read. **Daryl Taylor**, 11488 Ridgeview Road, Hokah, MN 55941 is seeking an after-the-fact variance of 18 feet to meet the required 50 foot setback requirement from the west property line to build a pole shed Union Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented on the application for Mr. Taylor:

- A pole shed is being built for use as storage for hay, machinery and horses.
- Shed is 32' from west property line.
- The topography is the reason for putting the shed there.
- The Union Township board and adjoining property owners were notified. There were 2 inquiries to the Zoning Office in regard to the application.

Chairman Moe asked if the Daryl Taylor had anything else to add. He did not.

Wayne Houdek spoke. He owns the neighboring parcel to the west and is concerned about the fencing between the properties because he has livestock.

Wayne Houdek asked if Daryl had a building permit. Daryl stated he didn't think he needed a permit because of it being an agricultural building.

The reason for the building location is topography and their arena location.

Wayne is concerned about the fencing and when the snow melts that it would take the fence down and his livestock will get out.

Daryl Taylor said he plans to maintain the fence line between their property and the Houdek's.

Wayne Houdek said there are no cattle there in the winter months but right away in the spring.

Motion was made by Greg Myhre to view the site. Tim Orr seconded the motion. Motion carried. The site will be viewed on November 20, 2014 at 3:00 p.m. Hearing will reconvene at 6:15 p.m.

Greg Myhre made the motion to approve the summary minutes of the August 28, 2014 meeting. Tim Orr seconded it. Motion carried.

Tim Orr made the motion to adjourn the meeting and Greg Myhre seconded it. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on October 24, 2014.

Houston County Board of Adjustment
December 18, 2014

Approved on May 28, 2015 by Greg Myhre and Tim Orr

The Houston County Board of Adjustment met at 6:00 p.m. on Thursday, December 18, 2014. A summary of the meeting follows.

The meeting was called to order by Garland Moe, Chairman. Members present were Chairman Moe, Greg Myhre, Alternate Kent Holen, (Tim Orr was absent). Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. See sign in sheet for others present.

Notice of Continuation of **Public Hearing No. 408** was read. **Kevin Weichert**, 12352 Knollwood Road, Caledonia, MN 55921 is seeking a variance of 34 feet to meet the 50 foot setback requirement on the north property line to build a garage addition and variance of 420 square feet to meet the square foot requirement of 1,500 square feet for a garage in a residential district in Caledonia Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented on the application for Mr. Weichert:

- Kevin needs two variances as stated above to build the garage he has proposed.
- The Caledonia Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application.

Chairman Moe asked if Kevin Weichert would like to add anything. Kevin was not present.

Greg Myhre asked what the north property line was zoned. Bob said it was a field and zoned agricultural.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No
- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Greg Myhre made the motion to grant the variance as submitted.

Kent Holen wondered if #6 could be questioned. Motion failed for lack of a 2nd motion.

There was discussion on possible residential expansion. Variances were discussed with Kent Holen and the reasons we have them.

Greg Myhre made the motion to grant the variance as submitted. Garland Moe seconded. Kent Holen voted against the motion. Motion carried.

Notice of **Public Hearing No. 409** was read. **Matt Klug**, 411 North Hokah Street, Caledonia, MN 55921 is seeking a variance of 30 feet to meet the 100 foot street width requirement in Caledonia Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented on the application for Mr. Klug:

- Matt is looking to buy land from Pat Jilek and split the lot.
- The split includes road frontage on the street.
- The Caledonia Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application.

Chairman Moe asked if anyone had anything to add. There were no comments.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No
- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Greg Myhre made the motion to grant the variance as submitted. Kent Holen seconded and the motion carried.

Notice of **Public Hearing No. 410** was read. **Gerald Meier**, 6009 Wayzata Blvd, Suite 224, St. Louis Park, MN 55416 is seeking a variance of 54

feet to meet the 100 foot setback requirement from the centerline of County 5 to change the use of a structure from a garage into a dwelling in Winnebago Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented on the application for Mr. Meier:

- There is a slight change on setback. It should read a variance of 58 feet instead of 54 feet.
- Gerald wants to change a garage into a dwelling. He would like to use it while staying on the farm. It could be a permanent dwelling in the future.
- The Highway Engineer is recommending that if the variance is granted that 1) A permit be obtained and the existing driveways updated to meet the current design standards for a residential driveway prior to occupancy. These updated standards would allow for better visibility and a safer access to County State Aid Highway 5. 2) No new structures or building additions be constructed within the 100 foot setback from the road centerline.
- The Winnebago Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application.

Chairman Moe asked if anyone had anything else to add.

Don Moore asked if a septic system was required. Bob said it would be if the application is granted. Gerald Meier said he has had Myles Esch out to look at the site and Myles has indicated a septic system can be installed at the site.

Steve Hartwick asked what the other building were used for. Bob said they were ag buildings.

Kent Holen asked if another residence would ever be allowed. Bob said a 2nd residence would not be allowed.

Gerald Meier stated he would like to convert the building into a dwelling because the foundation is solid and this is a good location that does not get

flooding. He is also willing to fix the address the Highway Engineer's recommendations on the driveways.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No
- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Kent Holen asked if #2 could be questioned. Bob Scanlan said the County Highway Engineer does not have concerns with the application, so it would be answered no.

Kent Holen made the motion to grant the variance as submitted. Greg Myhre seconded and the motion carried with the conditions stated by the County Highway Engineer.

Notice of **Public Hearing No. 411** was read. **Fred Engelhart**, 21609 State 16, Rushford, MN 55971 is seeking an after-the-fact variance of 16 feet

to meet the 25 foot setback requirement from the toe of a bluff to build a storage shed in Yucatan Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan commented on the application for Mr. Engelhart:

- Complaint driven.
- Fred has already started the building.
- Setback from the toe of the bluff is the issue. A bluff is a slope over 24% as defined in the Zoning Ordinance.
- The Yucatan Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application.

Chairman Moe asked if anyone had anything to add.

Kent asked if this type of variance is usually granted. Bob said if he had met with him on the site he wouldn't have had allowed it to be built there.

The sand was removed and cement poured to hold the bank back after Bob had been there the first time.

Steve Hartwick asked for clarification on the cement being poured. He wonders why he would have started the building before getting a permit was granted and if this after-the-fact variance sets precedence for others.

Fred Engelhart's understanding was that he could pour the wall but would have to remove it if the variance was not granted. Bob said it wasn't recommended to proceed with the project. Fred said he was unaware that he needed a permit.

Mrs. Engelhart talked about how the toe of the bluff has changed over the last 20 years. She is of the opinion that the berm will still be there and the waterway will not change even with the building there.

Greg Myhre questioned why Fred went ahead and put the cement wall up. Fred said he knew he ran the risk of having to take it down if the variance was denied but wanted to protect the nearby power pole. Bob said he didn't

want to put the liability on either party in case the power pole came down, there was good reason. Fred agreed.

Engelhart's showed some photos. The 1st photo from the mid 60's on how the bluff has changed. Next photo showed the man-made berm. They are of the opinion that the waterway will not change.

There was general discussion on the photos. Steve Hartwick was invited to view the photos by Kent Holen.

Chairman Moe asked that the Findings be read being there were no further comments. The Findings were read and comments made as follows:

Area Variance Standards ~ Practical Difficulties

- 1.) Is there a substantial variation in relation to the requirement?
Answer: No
- 2.) Will the variance have a negative effect on governmental services?
Answer: No
- 3.) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties? **Answer: No**
- 4.) Can the practical difficulty be alleviated by a feasible method other than a variance? **Answer: No**
- 5.) How did the practical difficulty occur? Did the landowner create a need for the variance? **Answer: No**
- 6.) In light of all of the above factors, will allowing the variance serve the interests of justice? **Answer: Yes**

Chairman Moe asked for a motion on the variance if there were no additional comments or questions.

Greg Myhre made the motion to grant the variance as submitted. Kent Holen seconded and the motion carried.

Greg Myhre made the motion to approve the summary minutes of the November 20, 2014 meeting. Kent Holen seconded it. Motion carried.

Kent Holen made the motion to adjourn the meeting and Greg Myhre seconded it. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on December 22, 2014.