

Houston County Board of Adjustment
April 24, 2025

Approved May 22, 2025 by Ken Visger and Wayne Runningen.

The Houston County Board of Adjustment met at 5:00 p.m. on Thursday, April 24, 2025. A summary of the meeting follows.

The meeting was called to order by Environmental Services Director Amelia Meiners. Roll call was taken. Members present were Ken Anderson, Franklin Hahn, Dean Happel, Wayne Runningen, and Ken Visger. Amelia Meiners, Jeremy Burt, and Michelle Burt were present for Environmental Services.

Election of Chairperson for 2025 took place. Wayne Runningen nominated Franklin Hahn for Chairperson. Dean Happel seconded. There were no other nominations. All were in favor. Motion carried.

Election for Vice Chairperson for 2025 took place. Wayne Runningen nominated Ken Visger for Vice Chairperson. Franklin Hahn seconded. There were no other nominations. All were in favor. Motion carried.

Wayne Runningen made a motion to approve the minutes of November 21, 2024. Ken Anderson seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 547 was read for **David and Judy Winksy**, 4380 County 25, La Crescent, MN 55947.

The petitioners are seeking a variance to reduce front yard setback requirements to replace and expand a detached garage (14.7 Subd. 2) in La Crescent Township.

- The dwelling at this site dates to 1900 and it's presumed some of the outbuildings do as well. There are two buildings within the front yard setback to CSAH 25 on this property, but these are considered legal non-conforming since they predate the zoning ordinance. The applicants would like to replace the existing garage and expand the footprint slightly. Non-conforming uses cannot be extended or enlarged unless they are brought into compliance. A reduced setback allowed through variance is considered compliant. The existing structure is right on the CSAH 25 right-of-way, and the minimum allowance is 20 feet off of right-of-way. The landowners were able to accommodate that requirement, and it's reflected in this request. There is one additional structure considered legal, non-conforming, but this variance is not intended to approve any replacement of that structure within the front yard setback. It will need to be reviewed independently.
- La Crescent Township and the ten nearest property owners were notified. No comments were received.
- The County Engineer previously provided a comment that he could live with the building being 20' beyond the existing R/W, although 100' from the centerline would be preferred.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 9 - NON-CONFORMING USES

9.1 INTENT AND GENERAL APPLICATION

Subdivision 1. Establishment of Nonconforming Uses. *Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before August 30, 1967, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.*

Subdivision 2. Nonconforming Uses May Be Continued. *It is the intent of this Ordinance to permit these nonconforming uses or structures to continue until they are removed, but not to*

encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Subdivision 3. Nonconforming Uses May Not Be Extended Or Enlarged. *A non-conforming use of a structure, a non-conforming use of land and water, or a non-conforming structure, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.*

14.7 FRONT YARD SETBACK STANDARDS

Subdivision 2. County Highways. *There shall be a front yard setback of not less than one hundred (100) feet from the centerline of all County roads.*

- Site Characteristics:
 - This is a 257.07-acre farm just over two miles west of the City of La Crescent located off CSAH 25. There are no slope or bluff concerns with this proposal.
 - There are multiple intermittent streams in all directions, but all are over 1,000 feet away. There is no floodplain, wetland or shoreland concerns with this proposal.

David and Judy Winsky were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. David Winsky stated that the existing garage would be replaced as a two-car garage with similar floor plans,

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: The proposed structure is an allowable use in the agricultural protection district and a setback request is an area variance allowed within the ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The farmstead predated CSAH 25 and to keep the garage in the same vicinity as the old will require a variance. That building has not had an issue during its existence.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: The layout of the current farmstead has buildings in close proximity to the highway since it was established long before zoning rules were adopted.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: There are open areas on the property, however, the goal of this structure is to stay within proximity to the dwelling and reduce impact to tillable acreage. This proposal will actually lessen the current encroachment.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: This request is to replace an existing structure that has been present for close to a century. In addition, this area consists of rural residential and farm properties which commonly have accessory structures. It should have no impact on public health, safety or welfare.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This request is an area variance and there is no floodplain in the vicinity of the request.

Board agreed to the finding by a unanimous vote.

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

Ken Anderson made a motion to accept the findings. Wayne Runnigen seconded. All were in favor. Motion carried.

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

Ken Anderson made a motion to grant a variance of 30 feet to meet the 100-foot setback from the centerline of CSAH 25 to replace an accessory structure.

Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 548 was read for **Benjamin and Levenda Ranney**, 6635 Gonia Drive, Caledonia, MN 55921.

The petitioners are seeking a variance to reduce property line setback requirements for a proposed accessory structure (14.8 Subd. 1) in Union Township.

- The landowners purchased the property in 2016 and constructed a dwelling in 2017. The septic system is located north of the dwelling and a secondary location was identified adjacent to it. There is a dry run the runs along their north property boundary and much of that is mapped floodplain. In order to locate the structure outside of the FEMA floodplain it will require encroachment on the property lines. Since there is a bluff to the north and the property to the west will also have floodplain requirements there likely won't be another structure in the immediate vicinity of this proposal and therefore minimal impact.
- Union Township and the ten nearest property owners were notified. Two inquiries were received, but no comments were submitted for the record.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):
14.8 SIDE YARD SETBACK STANDARDS
Subdivision 1. Minimum Side Yard Setback. *There shall be a side yard width of not less than fifty (50) feet on each side of the building.*
- Site Characteristics:
 - There are limited locations to build and the only alternatives are within floodplain or over a secondary septic system location.
 - Slopes may allow building south of or "behind" the dwelling, but there is a ditch in that location and the elevation difference would require an extensive amount of dirt work to get it to sit nice which would have a greater impact on the resource.
 - This proposal meets the slope and bluff setback requirements. There is no wetland in the vicinity and this is not a mapped public water.

Benjamin Ranney was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Environmental Services Director, Amelia Meiners, stated that there were changes in the request and due to the floodplain fault they should request 20 feet rather than 10 feet to give themselves room to work. Benjamin Ranney stated that they are requesting to place the shed 20 feet from the north property line and 35 feet from the west property line. The shed will be 30'x32'.

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and

when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: Reduced setbacks are allowed within the Zoning Ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The building site is situated at the end of a valley and there is limited area to build outside of floodplain. Area in front of the dwelling is cited for the secondary septic system and should be protected from future development.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This site has a limited building envelope and this location will create the least impact. Adjacent property in this location has limited development opportunities due to slopes and floodplain so there should be no immediate impact on neighboring properties.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: There is no other reasonable location to construct a structure within the buildable envelope of this property.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Properties in this area are rural residential in nature and typically include a dwelling with accessory structure(s). Therefore, this variance will not alter the essential character of the locality.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and the building will be located outside of FEMA floodplain. Based on natural ground elevations some floodplain requirements will still apply, but the variance will not facilitate them to meet a lower degree of flood protection.

Board agreed to the finding by a unanimous vote.

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

Ken Anderson made a motion to accept the findings. Ken Visger seconded. All were in favor. Motion carried.

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

Ken Visger made a motion to grant a variance of 20 feet to the north property line and 35 feet to the west property line to meet a 50-foot setback required for a proposed accessory structure.

Dean Happel seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 549 was read for **Joseph and David Holten**, 16499 Four Corners Drive, Spring Grove, MN 55974.

The petitioners are seeking the following variances in Wilmington Township:

1. Variance to reduce side yard setback requirements for a proposed accessory structure (14.8 Subd. 1).
 2. Variance to reduce ordinary high water level setback requirements for an existing accessory structure (22.6 Subd. 4, Subs. 1(a)).
- The applicant is looking to construct an accessory structure near the dwelling. The property was split in 2021 and the tillable acreage was sold. At that time the applicant intended on meeting the 50-foot setback requirement and lines were drawn accordingly, but now he would like to add a lean-to to the planned structure and because of the slope, shifting the structure towards the west would allow for better access to the lean.
 - The second variance is for a picnic shelter permitted in 2004. The permit conditions require a 100-foot ordinary high water level setback, but the structure appears to be closer to 84 feet. It does not appear the channel shifted but staff will investigate further prior to the hearing.
 - Wilmington Township and the ten nearest property owners were notified. No comments were received.
 - Below are relevant sections of the Houston County Zoning Ordinance (HCZO):
14.8 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. *There shall be a side yard width of not less than fifty (50) feet on each side of the building.*

- Site Characteristics:
 - This property consists of three parcels totaling 49.32-acres. Much of these parcels fall within the shoreland overlay district and the low ground is floodplain. There is limited wetland along Bee Creek. The surface water will not impact either proposal and slopes meet the standard for building requirements.
 - There does appear to be a location in the pasture west of the vacant feedlot that may accommodate a building, but it isn't in the immediate vicinity of the dwelling.

David Holten was present to answer questions. Chairman Hahn asked the applicants if they had anything to add. David Holten stated that the existing picnic shelter has no sides and meets floodplain requirements.. For the proposed structure, David Holten stated that it will be 36 feet x 48 feet with a 10-foot open lean on the east side of the building.

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: Area variances are allowed by the Zoning Ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: An accessory structure is a reasonable and common use of property and this site does have limited area available due to slopes and surface water on the lower ground.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: A change in plans by the property owner is driving this request.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicant is requesting a minimal variance.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Accessory structures are common in the ag district and will not alter the character of the locality. This proposal shall have no effect on public health, safety or welfare of neighbors.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance request and has no impact on floodplain.

Board agreed to the finding by a unanimous vote.

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

Ken Anderson made a motion to accept the findings. Ken Visger seconded. All were in favor. Motion carried.

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

Ken Anderson made a motion to grant the following variances:

1. Variance of 10 feet to reduce the side yard setback requirements for the proposed accessory structure.
2. Variance of 17 feet to reduce ordinary high water level setback requirements for an existing accessory structure.

Wayne Runnigen seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 550 was read for **Steven and Vicki Neeser**, 520 E Main Street: P.O. Box 451, Eitzen, MN 55931.

The petitioners are seeking a Variance from the one dwelling per quarter-quarter section requirement (14.2 Subd. 1) in Winnebago Township.

- The applicants purchased the property in 2010. The land use has remained mostly unchanged with most of the property north of Winnebago Creek being tillable acreage and that south of the creek consisting of timber. Shortly after purchasing they removed an approximately one-acre area adjacent to CSAH 5 from production to create a camping site and that has experienced incremental development since that time. In February 2015, a change of use permit was issued to the neighbor within the same quarter-quarter to change the use of a structure from a garage to a dwelling.
- This winter the applicant reached out to staff with questions regarding placing a dwelling on this property, which includes both PID 16.0164.000 and PID 16.0155.001. Staff informed them of the quarter-quarter rule and discussed other site limitations such as wetland, floodplain and public waters. They were encouraged to explore other locations, but to limit land disturbance and utilize existing developed areas of this property the landowner is asking to place a dwelling within the NE SE quarter-quarter.
- The Board of Adjustment has two roles. One is to grant variances and the second to review appeals of the Zoning Administrators' decisions. In this situation, the applicant was told that a permit would not be issued in their desired location and so they are requesting relief from that rule from the Board of Adjustment. Since no formal ruling had been made an appeal was not applicable but is essentially the request at hand.
- Winnebago Township and the ten nearest property owners were notified. No comments were received.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 12 – BOARD OF ADJUSTMENT

12.4 POWERS AND APPEALS

Subdivision 1. Powers. *The Board of Adjustment shall have power to grant a variance to any of the provisions of this Ordinance to the extent of the following and no further:*

(1) To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

(2) To hear and determine appeals as to the exact boundaries of Land Use Districts.

Subdivision 2. Appeals. *The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 559, Laws of 1959, as amended.*

(1) Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Section 394.21 to 394.3, Minnesota Statutes, Chapter 559, Laws of 1959, as amended, shall have the right to appeal to the Board of Adjustment.

(2) Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

(3) The decision of the Board of Adjustment shall not be final, and any person having an interest affected by such Ordinance shall have the right to appeal to the District Court within thirty (30) days on a point of fact or law.

12.6 PROHIBITED ACTIONS

Subdivision 1. Use Variances Prohibited. *No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.*

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT

14.2 PERMITTED USES

Subdivision 1. Permitted Uses. *In the Agricultural Protection District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:*

(4) Single Family Dwellings. Single family dwellings located on 40 or more contiguous acres subject to one dwelling per quarter-quarter section and having ownership of at least 33 feet of road frontage on a public roadway or a legally recorded perpetual access at least 33 feet wide from an existing public roadway, on sites considered Buildable Lots as defined by this Ordinance. An erosion control plan, as set forth by Section 24, shall be submitted with all applications for new single-family dwellings.

- Site Characteristics:
 - This site is just under three miles northeast of the City of Eitzen off CSAH 5. The property consists of two parcels equaling 40.18-acres within four different quarters-quarters, although much of it is unusable. Constructing a water crossing across Winnebago Creek (approximately 700-feet to the south) to access a dwelling is likely not an option and much of the central part of the parcel is floodplain. This is not a delineated area so all floodplain is assumed to be floodway unless it can be demonstrated otherwise. Even ground adjacent to the shaded area may not meet elevation requirements which then adds stipulations to building permits. There are also pockets of wetland throughout the property and a small area near the county road, within the road setback, is classified over 24% grade and not buildable.
 - Since the petitioner owns over 40-acres the soil classification is not relevant, but much of it is considered prime ag soils.
 - There is an alternative location within an open quarter-quarter as outlined in green in Fig. 2 on staff report. The setback from the centerline of CSAH is 100-foot and the 49-foot segment is just to put in perspective the area above the tree line. This area is likely the most challenging on the property in terms of slope but does offer the landowner an open and buildable quarter-quarter.

Steven Neeser was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Neeser stated that the proposed dwelling would be 28 feet x 36 feet without a basement. The deck on the dwelling would extend into the field, which was not a problem with the farmer that runs the land. He also explained that using this location for the proposed dwelling will minimize the amount of land disturbance and workload.

Chairman Hahn asked Environmental Services Director, Amelia Meiners, if the Board of Adjustment has the power to change the Houston County Zoning Ordinance. Meiners stated that this board does not have that power. Ken Visger stated that this is a Use Variance which the Board of Adjustment does not have the authority to change.

Steven Neeser asked, “The two dwellings per 40 acres is to help control the building density issue, correct? Or to help space out dwellings?” He also stated “the 40 acres I own, the 50 acres next to

me, and the 40 acres that are owned by Gerald are not going to be built. That is like 175 acres with only one house. I understand the density issue but at the same time, how many options are there? Without doing the variance I can't see myself spending an extra 25% to go down into the floodplain area and causing more problems."

Chairman Hahn asked Wayne Runningen if he could read an insert out of the Comprehensive Land Use Plan. Wayne Runningen read page 20 which states, "The County has enacted zoning ordinances that permit for agricultural use by right, and has historically limited development of single-family residences to densities of one dwelling per one 40-acre quarter-quarter section in past iterations of agricultural zoning districts. The County has also strived to continue to preserve commercial agriculture as a viable, permanent use and as significant economic activity in the County." Wayne Runningen stated, "This was developed in July of 2023 and that's what we go by." Dean Happel stated, "I guess the bottom line is and it has already been spoken on, is that we do not have the authority to change this."

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: No, this request does not meet the density limit set in the Houston County Zoning Ordinance.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	
Dean Happel		X	
Franklin Hahn		X	
Wayne Runningen		X	
Ken Visger		X	

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The landowner does have property in open quarter-quarters but was hoping to utilize an existing developed area to minimize land disturbance. Also, economic considerations alone do not constitute practical difficulty.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	There are alternatives available.
Dean Happel		X	
Franklin Hahn		X	
Wayne Runnigen		X	
Ken Visger		X	

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This property presents challenges due to surface water and shares a quarter-quarter with neighboring property owners, which leaves certain factors out of the applicants' hands. However, the quarter-quarter rule has always been applied as first-come, first serve and no variance has been granted for similar requests.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		It is unique to property.
Dean Happel	X		
Franklin Hahn	X		
Wayne Runnigen	X		
Ken Visger	X		

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The variance can be alleviated by locating the dwelling on an open quarter-quarter.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	
Dean Happel		X	
Franklin Hahn	X		
Wayne Runnigen		X	
Ken Visger		X	

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Farm dwellings are commonly found in the agricultural district. This proposal will not differ from other surrounding rural residential properties and should not negatively affect property value, public health, safety, or welfare of others in the vicinity.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		

Dean Happel	X
Franklin Hahn	X
Wayne Runningen	X
Ken Visger	X

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is a use variance due to exceeding the single dwelling allowed in the same quarter-quarter section rule.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		Agrees with staff analysis.
Dean Happel	X		
Franklin Hahn	X		
Wayne Runningen	X		Agrees with staff analysis.
Ken Visger	X		

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

Ken Visger made a motion to accept the findings. Wayne Runningen seconded. All were in favor. Motion carried.

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

Ken Anderson made a motion to deny a variance from the one dwelling per quarter-quarter section requirement. Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Dean Happel	X		
Franklin Hahn	X		
Wayne Runningen	X		
Ken Visger	X		

Ken Visger made a motion to adjourn the meeting. Dean Happel seconded. All were in favor. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on April 25, 2025.