



WASECA COUNTY BOARD OF ADJUSTMENT

APPROVED MINUTES

Date: January 6, 2022 **Time:** 6:00pm

Venue: East Annex, Waseca, MN

CALL TO ORDER/ESTABLISH A QUORUM

Chairperson Roemhildt called the Waseca County Board of Adjustment meeting to order at 6:00 p.m. in the East Annex, Waseca, Minnesota and GoToMeeting. A quorum was established to conduct business with the following marked members present.

Members	<input checked="" type="checkbox"/>	Stephanie Roemhildt Chair	<input checked="" type="checkbox"/>	Rodney Born Vice Chair	<input checked="" type="checkbox"/>	Duane Rathmann
			<input checked="" type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Staff	<input checked="" type="checkbox"/>	Maame Yorke, Acting P&Z Administrator				
	<input checked="" type="checkbox"/>	Shelley Hyatt, P&Z Assistant				
Other County Staff	<input checked="" type="checkbox"/>	Brad Krause, County Board Commissioner				
Others Present	Names include as seen on sign-in sheet. Spellings of names shown as best as possible from handwritten signatures. I. Scott Nokes (online)					

APPROVAL OF AGENDA

Revisions	None					
Motion	Motion to Approve the Agenda as presented					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input checked="" type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Vote to approve Agenda	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
Decision	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

ELECTION OF CHAIR AND VICE CHAIR FOR 2022

Motion	Motion to nominate 2021 chairperson and vice chair for 2022					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input checked="" type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Vote to approve Chair and Vice Chair nomination	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
Decision	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

APPROVAL OF 2022 MEETING CALENDAR

Motion	Motion to approve the 2022 meeting calendar as presented by staff					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input checked="" type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input checked="" type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Vote to approve 2022 Meeting Calendar	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	

Decision	APPROVE <input checked="" type="checkbox"/>	APPROVE WITH REVISIONS <input type="checkbox"/>
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REVIEW/APPROVAL OF MINUTES: October 7, 2021

Revisions	None					
Motion	Motion to approve October 7, 2021 meeting					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input checked="" type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Vote to approve Minutes	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
Decision	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

PUBLIC HEARINGS:

- A. Request for a variance to construct a shed structure on a property located in Keyes Addition in Janesville Township – Scott Lee Nokes & Rita Ruth Mitchell.

Applicant Name	Scott Lee Nokes & Rita Ruth Mitchell
Request	Scott Lee Nokes requests a variance to construct a shed structure on Lot 12 and Lots 13 & 14 (PID 06.402.0130 - Keyes Addition & 06.525.0010 - RBK Subdivision No. 2) located in Janesville Township. The variance request of 22.3 ft. will allow the structure to be located approximately 77.7ft from the Ordinary High Water Level (OHWL) of Lake Elysian. The UDC requires structures to be setback 100ft from OHWL. The parcels under review are located in the LR-Limited Residential Zoning District and Shoreland Overlay of Lake Elysian.
UDC Reference	<ul style="list-style-type: none"> ✦ §3.08 Variances and Appeals ✦ §6.14 LR Limited Residential District ✦ §6.22 SO Shoreland Overlay District Standards
Site Plan	Yorke showed a survey drawing and explained the requested variance and the location of the proposed shed.
Issues with the Request	<p>Sewer Line Location: It appears that the proposed addition will be constructed on the existing septic piping that is located between the septic field and drain field. The applicant will need to confirm with the contractor to determine whether the piping will be impacted and how the piping can be maintained.</p> <p>This issue was in line with the comment received from Public Health. The applicant was notified about this. An excerpt of the applicants' contractor's response is shown below:</p> <p style="padding-left: 40px;">Thank you for the information. At your suggestion, I spoke with my contractor today, and he indicated that the plan is for a floating concrete slab (no foundation), similar to the existing small shed, but perhaps slightly thicker (approx. 6" - thickened at the edges) to accommodate the proposed structure, as well as the slight slope of the land. As such, the existing septic piping will not be impacted since they are deep in the ground to prevent freezing.</p>
Agency Comments	<p>An email containing the link to the staff report was provided to the Department of Natural Resources, Waseca County Public Health Services, Sheriff, Attorney and Public Works Departments for their review and comments.</p> <p>Yorke informed the Board of Adjustment that comments were received from the DNR and Waseca public health.</p> <p>Public Health Comments: From: Sarah Berry Sent: Monday, December 20, 2021 4:06 PM To: Maame Yorke <Maame.Yorke@co.waseca.mn.us> Cc: Michele Mays <Michele.Mays@co.waseca.mn.us>; Shelley Hyatt <Shelley.Hyatt@co.waseca.mn.us> Subject: RE: Variance request for Scott Nokes - PID#06.402.0130&06.525.0010</p> <p>Maame, According to your attached map, the pump line is what would be most impacted by</p>

	<p>the additional building. These lines tend to be installed rather shallow – perhaps 4-5 feet in depth generally, and sometimes less. Additional pressures on the soil either during construction or by the building itself could cause a sag in the line. Sags can cause water to remain in the line instead of draining back to the tank. During a typical Minnesota winter, this means there is a high potential for freeze-up in the line which renders the line unusable until it can be thawed or replaced. Additionally, if the construction occurs, replacing or repairing this line can become costly to the homeowner, as it might result in the need to bore the line instead of installation by excavating.</p> <p>To my knowledge, there is not a required setback from the line to the building. However, we should be mindful that there is a setback from the drain field (soil treatment area), usually 20 feet. It’s difficult to tell if that setback will be maintained from your attached map.</p> <p>Please let me know if you have any further questions. Thanks!</p> <p>Sarah Berry Public Health Director Waseca County Phone: 507-835-0656</p> <p>DNR Comment: From: Girolamo, Daniel (DNR) [mailto:daniel.girolamo@state.mn.us] Sent: Thursday, December 16, 2021 6:07 PM To: Maame Yorke <Maame.Yorke@co.waseca.mn.us> Subject: RE: Request for Variance to construct a 768sqft boathouse 77.7 to OHWL of Lake Elysian</p> <p>Hi Maame, I would call the proposed new building a “shed” instead of a boat house. Your Code limits a boat house to 400 ft2 and 20 feet in length parallel to shore on GD and RD lakes (6.22 7g). Elysian is a RD lake, and the impervious surface coverage limit is less than the maximum so it should be ok. Also the “shed” is outside of the SIZ so I have no other concerns.</p>
Applicant Comment	The applicant Scott Nokes explained the need for the variances and the reasoning behind the shed size.
Public Comments	The Public Hearing was opened by Born at 6:14pm There were no public comments from the public both online and in-person The hearing was closed by Born at 6:15pm
Board of Adjustment Discussion/Questions	Rathmann asked if the applicant was removing an existing shed and replacing it with the proposed structure. Nokes responded that the proposed structure was an additional shed
Criteria for Approval	<p>Staff did not read the criteria into record since there were no changes to the initial criteria sent to the Board of Adjustment members.</p> <p>A) Is the variance request in harmony with the general purposes and intent of the official controls and consistent with the county’s Comprehensive Plan? Applicant: Yes. The proposed 24’x34’ boathouse is a reasonable use for larger watercraft and will allow same to be kept out of sight. Staff: The variance request is in harmony with the general purposes and intent of official controls. The Waseca County comprehensive land use plan places the property in the shoreland residential area. Sheds are accessory buildings which are incidental to the principal use.</p> <p>B) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control? Applicant: Yes/No. The type of use (a boathouse) is permitted, however the size and location are at issue. Would rather stay away from lakeshore. Staff: The applicant is proposing to use the property in a reasonable manner permitted in the Unified Development Code (UDC). Accessory structures (shed) are permitted uses in the zoning district. The variance will enable the construction of a shed onto the property solely for the storage of water oriented equipment and accessories thereby improving general aesthetics.</p> <p>C) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?</p>

	<p>Applicant: Yes. The property was developed in the early 1960's and the regulations were quite different then and do not match current regulations.</p> <p>Staff: Yes. The need for the variance is due to circumstance unique to the property. The applicants are limited in the placement of the shed due to the location of their septic field. As mentioned earlier, the applicants are proposing to construct the shed to store water oriented equipment and accessories.</p> <p>D) Will the issuance of the variance maintain the essential character of the locality?</p> <p>Applicant: Yes. The property is on Lake Elysian and a boathouse is a customary structure on lake property.</p> <p>Staff: The issuance of the variance will not alter the essential character of the locality. Sheds are permitted in this zoning district. The shed addition will not be detrimental to adjacent property owners.</p> <p>E) Does the need for the variance involve more than economic considerations?</p> <p>Applicant: Yes. Setbacks, Size of Boathouse</p> <p>Staff: The need for the variance involve more than economic consideration since there are no other feasible options to place the addition due to the location of current septic.</p>					
Discussion on the Criteria	<p>Rathmann commented on the criteria by stating that the need for the variance was not solely due to the nature of the parcel but also due to how large the proposed structure was.</p> <p>Yorke added that the applicant's intent was to prevent outdoor storage which may not be aesthetically pleasing.</p>					
Motion on Criteria	Motion to approve the criteria as presented in the staff report					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input checked="" type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Vote	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
Decision on Criteria	APPROVE <input checked="" type="checkbox"/>			APPROVE AS AMENDED <input type="checkbox"/>		
Conditions	Staff recommended approval of the request if the Waseca county Board of Adjustment finds that the proposal meets the standard criteria for approval. Staff did not recommend any conditions to be placed on the applicants' variance request.					
Discussion on Condition	<p>Vogelsang commented that his only concern was the fact that part of the proposed shed would be over the existing sewer line but if the applicants' contractor has reviewed it and come up with innovative ways of remedying this then that shouldn't be a problem.</p> <p>Born added that the applicant was well aware of the sewer line being under the proposed structure so the applicant can solve any problem that might arise in the future.</p>					
Motion on Variance Request	Motion to approve the variance request without any conditions being that the proposal was typical of the area and the structure is a greater distance from the shoreline.					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input checked="" type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Board of Adjustment Discussion	None					
Decision on Request	Recommend Approval with Conditions			Table Request Reason <input type="checkbox"/>		Deny Reason: <input type="checkbox"/>
	As presented	<input checked="" type="checkbox"/>				
	With revisions	<input type="checkbox"/>				

Vote to Approve the Request	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No
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MISCELLANEOUS: None

ADJOURNMENT:

Motion	Motion to adjourn the meeting.					
Motion By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
Second By:	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input checked="" type="checkbox"/>	Robert Vogelsang
Vote to Adjourn	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
Time	6:23 pm					

Note:

1. Full Planning Staff Report on this matter can be found at:
https://www.co.waseca.mn.us/AgendaCenter/ViewFile/Agenda/_01062022-549
2. Contact the Planning and Zoning Department to listen to the full meeting recording.
Waseca County Planning and Zoning Department
300 N State Street
Waseca, MN 56093
Phone: 507-835-0650; Fax: 507-837-5310