



# WASECA COUNTY BOARD OF ADJUSTMENT

## APPROVED MINUTES

**Date:** March 3, 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.

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

### **APPROVAL OF AGENDA**

<b>Revisions</b>	None					
<b>Motion</b>	Motion to Approve the Agenda as presented					
<b>Motion By:</b>	<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
<b>Second By:</b>	<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
<b>Vote to approve Agenda</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
<b>Decision</b>	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

### **REVIEW/APPROVAL OF MINUTES: January 6, 2022**

<b>Revisions</b>	None					
<b>Motion</b>	Motion to approve January 6 meeting minutes					
<b>Motion By:</b>	<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
<b>Second By:</b>	<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
<b>Vote to approve Minutes</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
<b>Decision</b>	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

### **PUBLIC HEARINGS:**

- A. Request for a 30 feet variance to build a house on a property located in Section 4 of New Richland Township – Vincent Peterson ETAL.

<b>Applicant Name</b>	Vincent Peterson ETAL
<b>Request</b>	Vincent Peterson ETAL request for a 30 feet variance to construct house on their parcel located at 14196 – 260th Ave., New Richland (PID 07.004.0800) in Section 4 T.105N R.22W in New Richland Township. The applicants' new house will be placed approximately 45 feet from the Road Right of Way of 260th Avenue. Section 6.03 and 6.08 of the Waseca County UDC requires a front yard setback of 75 feet. The parcel under review is located in the A-1 Agricultural Protection Zoning District.

UDC Reference	<ul style="list-style-type: none"> <li>✦ §3.08 Variances and Appeals</li> <li>✦ §2.01 Intent</li> <li>✦ §2.04 Nonconforming Structures</li> <li>✦ §6.03 Summary Table Of Dimensional Standards</li> <li>✦ §6.08 A-1 Agricultural Protection District Standards</li> </ul>
Site Plan	Yorke showed a survey drawing and explained the requested variance.
Issues with the Request	<b>SSTS Compliance and upgrade:</b> as part of the site improvement, the applicants are proposing to redo their existing septic. A septic design and septic permit will need to be approved by the Waseca County Public Health. Setback requirements between septic systems and all structures on the property shall be adhered to.
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 (Kim Jewison) Comments: "Looks like everything is covered for me so no comment!"</p> <p>Dan Girolamo (DNR) Comment: "I reviewed Vincent Peterson's application and found this parcel to be adjacent to a county ditch. Therefore, no comment."</p>
Applicant Comment	The applicant Adryn Peterson did not have any additional comments.
Public Comments	<p>The Public Hearing was opened by Born at 6:14pm</p> <p>There were no public comments from the public both online and in-person</p> <p>The hearing was closed by Born at 6:14pm</p>
Board of Adjustment Discussion/Questions	None
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><b>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?</b>  Applicant: Yes.  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 agriculture/open space area. A single family dwelling is a permitted use in this zone.</p> <p><b>B) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?</b>  Applicant: Yes.  Staff: The applicant is proposing to use the property in a reasonable manner permitted in the Unified Development Code (UDC). A single family dwelling is permitted uses in the zoning district. The variance will enable the reconstruct a nonconforming structure in that same location.</p> <p><b>C) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?</b>  Applicant: Consistent to continuing the location of home since 1909.  Staff: The existing house was constructed under prior zoning code which required a different setback. The owners are constrained in moving the house back due to the County Ditch 27 running through the parcel and the elevation of the land south of the existing house. Owing to this, the need for the variance is due to unique circumstances and not created by the current or prior property owners.</p> <p><b>D) Will the issuance of the variance maintain the essential character of the locality?</b>  Applicant: Yes.  Staff: The issuance of the variance will not alter the essential character of the locality. As mentioned above, single family dwellings are permitted in this</p>

	<p>zoning district. The dwelling will not be detrimental to adjacent property owners.</p> <p><b>E) Does the need for the variance involve more than economic considerations?</b>  Applicant: No economic consideration.</p> <p>Staff: The need for the variance involve more than economic consideration due to the unique nature of the parcel and the hardship in terms of moving the existing house further south.</p>					
<b>Discussion on the Criteria</b>	None					
<b>Motion on Criteria</b>	Motion to approve the criteria as presented in the staff report					
<b>Motion By:</b>	<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
<b>Second By:</b>	<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
<b>Vote</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
<b>Decision on Criteria</b>	APPROVE <input checked="" type="checkbox"/>			APPROVE AS AMENDED <input type="checkbox"/>		
<b>Conditions</b>	<p>Staff recommended approval of the request if the Waseca county Board of Adjustment finds that the proposal meets the standard criteria for approval.</p> <p>Staff recommended conditions:</p> <ol style="list-style-type: none"> <li><u>Standards/Regulations</u>: All County, State, and Federal laws, regulations, and ordinances shall be complied with. All permits shall be obtained within 12 months of approval and construction completed within one (1) year of approval of receipt of the Waseca County Zoning Permit.</li> <li>The Subsurface Sewage Treatment System (SSTS) system must be brought into compliance with the requirements of the Waseca Unified Development Code and Minnesota Department of Health Rules as a condition of approval of this variance.</li> <li>Failure to comply with any of the above-listed condition shall be grounds for revocation of the variance granted as described herein. The above condition may be reviewed upon an annual basis and shall be subject to cancellation, revocation or modification for any violation of the above listed conditions or any additions or modifications deemed necessary. The Planning and Zoning Staff will be allowed access to the site at verify the requirements of this variance are being met.</li> </ol>					
<b>Discussion on Condition</b>	None					
<b>Motion on Variance Request</b>	Motion to approve the variance request with the conditions as presented by staff.					
<b>Motion By:</b>	<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
<b>Second By:</b>	<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
<b>Board of Adjustment Discussion</b>	None					
<b>Decision on Request</b>	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"/>		
<b>Vote to Approve the Request</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	

**MISCELLANEOUS:** None

**ADJOURNMENT:**

<b>Motion</b>	Motion to adjourn the meeting.					
<b>Motion By:</b>	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
<b>Second By:</b>	<input type="checkbox"/>	Stephanie Roemhildt Chair	<input type="checkbox"/>	Rodney Born Vice Chair	<input type="checkbox"/>	Duane Rathmann
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Robert Vogelsang
<b>Vote to Adjourn</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>5</u> Yes <u>0</u> No	
<b>Time</b>	6:18 pm					

**Note:**

1. Full Planning Staff Report on this matter can be found at:  
[https://www.co.waseca.mn.us/AgendaCenter/ViewFile/Agenda/\\_03032022-551](https://www.co.waseca.mn.us/AgendaCenter/ViewFile/Agenda/_03032022-551)
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