



REDWOOD COUNTY ENVIRONMENTAL OFFICE

**Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector**

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REDWOOD COUNTY BOARD OF ADJUSTMENT

MINUTES

Meeting Date: September 25, 2020

A meeting of the Redwood County Board of Adjustment convened on Friday, the 25th day of September, 2020. The meeting consisted of two public hearings. The meeting was convened at 31085 346th Street, Redwood Falls. The following Board of Adjustment members were present: John Rohlik, Dan Tauer, and John Schueller. The following individuals were also present: Peter U'Ren, and Redwood County Land Use & Zoning Supervisor Nick Brozek.

At 8:30 a.m., the meeting was called to order by Chair John Rohlik.

Chair Rohlik opened a public hearing on an *Application for Variance*, Permit Application No. 5-20v, submitted by Peter U'Ren. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the *Application for Variance*:

1. A public hearing will be held on September 25, 2020, at 8:30 a.m. regarding an Application for Variance filed by Peter U'Ren, landowner, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from the ordinary high water mark of Ramsey Creek, and the Ramsey Creek bluff, set forth in Redwood County Code of Ordinances, Title XV, Section 153.246(B)(1)(a.) and (b.), respectively.
2. Ramsey Creek is listed on the DNR Protected Waters Inventory and the Redwood County Shoreland Ordinance. This means that the project area is located within the Shoreland District as defined by Ordinance and required by state law. One of the additional requirements of the Shoreland District is that no permits can be issued unless a current Certificate of Compliance has been issued for the septic system on the property. Mr. U'Ren's septic was inspected and a Certificate of Compliance issued on 8/29/2020. Certificates of Compliance remain in effect for three years.
3. Mr. U'Ren is seeking to construct a 12' x 16' deck on the back of his house. The deck, and the house itself, will not meet the required setback from the bluff and the ordinary high water mark of Ramsey Creek. According to Mr. U'Ren's measurements, the house is currently located 130 feet from the ordinary high water mark of the creek. The ordinary high water mark is defined as the top of the creek bank, or the point at which land vegetation begins.
4. In this case, we use the land vegetation as the ordinary high water mark, because the creek runs at the bottom of a 32-foot deep ravine behind the U'Ren residence. This means that the creek bank is defined as a "bluff" per the Shoreland Ordinance – an embankment rising 25 feet or more above

the ordinary high water level with a slope of 30% or steeper, draining toward the creek. A separate 30-foot setback applies to the bluff. Per staff measurement on the site, the house is 36 feet from the top of the bluff. The deck, house, and all other structures must meet both the ordinary high water mark setback, and the bluff setback.

5. Mr. U'Ren built the house in 2001. At that time he was under the impression that he had to meet either the bluff setback or the ordinary high water mark setback. He did not realize he needed to meet both. Similarly, he received a building permit for a home addition in 2010, under the same misunderstanding. Both the original house and the addition meet the bluff setback, but do not meet the ordinary high water mark setback.
6. The proposed deck will extend 12 feet out from the back of the house, and will, therefore, be 24 feet from the edge of the bluff, and 118 feet from the ordinary high water mark. Consequently, Mr. U'Ren is seeking a variance of 6 feet from the bluff setback, for the deck, and a variance of 32 feet from the ordinary high water mark setback for both the deck and the house.
7. Pursuant to Redwood County Ordinance, written notice shall be provided to all property owners of record within five hundred (500) feet of the affected property via U.S. Mail as to the time and place of the public hearing. Further, written notice shall also be provided to the affected board of township supervisors and the municipal council of any municipality within two (2) miles of the affected property. Because the project is located in the Shoreland District, notice was also required to be sent to the DNR.

The following information was presented to and considered by the Redwood County Board of Adjustment at the public hearing:

Peter U'Ren was present to explain the project. He made the following statements about the application:

- A buried natural gas line runs about 25 feet in front of U'Ren's house, which prevented him from building much farther away from Ramsey Creek. The line runs to Central Bi-products in the River Valley.
- U'Ren measured from the ordinary high water level to the house, and the house does not meet the 150' setback. The house does meet the 30' bluff setback.
- At the time of building the house, U'Ren was under the impression that he had to meet one setback or the other, not both.
- The deck was planned as part of the original house plan (the sliding door and ledger board are already in place). It will extend 12' from the house, toward the creek, and 16' along the house.

Brozek made the following statements:

- U'Ren's permit to construct the house in 2001 states that it must meet both the 30' bluff setback and the 150' ordinary high water mark setback.
- A subsequent permit issued for an addition lists the setback as 130 feet (which matches U'Ren's measurement) from the ordinary high water mark, and incorrectly labels Ramsey Creek as a drainage ditch.
- The property is located in the Shoreland District, which mandates that the DNR be informed of any variance requests. The DNR sent a comment letter in response to the project.

Brozek read the DNR comment letter into the record.

U'Ren stated that collecting water run-off would create breeding areas for mosquitos.

Brozek stated that an alternative would be to put gutters on the house, and route the water from the roof to the front yard, which would slow down its path to the creek.

The Board of Adjustment discussed the DNR letter and determined that a deck will not add any substantial amount of run-off, due to its small size and space between the decking boards. The Board members observed the yard area between the house and the bluff, and the bluff itself, and determined that the run-off from the house has not created any discernable damage since it was built in 2001.

No members of the public appeared in support of or in opposition to the variance.

Chair Rohlik closed the public hearing at 8:41 a.m.

On a motion by Tauer, seconded by Schueller, the variance was approved by unanimous vote.

Chair Rohlik then suspended the meeting and the members travelled to the site of the next hearing.

The meeting was reconvened at 16419 330th Street, Vesta. The following Board of Adjustment members were present: John Rohlik, Dan Tauer, and John Schueller. The following individuals were also present: Redwood County Land Use & Zoning Supervisor Nick Brozek.

At 9:05 a.m., the meeting was called to order by Chair John Rohlik.

Chair Rohlik stated that was recusing himself, since the project is his own, on his own property. John Schueller then acted as chair for the hearing.

Schueller opened a public hearing on an *Application for Variance*, Permit Application No. 4-20v, submitted by John Rohlik. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the *Application for Variance*:

1. A public hearing will be held on September 25, 2020, at 9:00 a.m. regarding an Application for Variance filed by John Rohlik, landowner, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from the public road right-of-way set forth in Redwood County Code of Ordinances, Title XV, Section 153.144.
2. Mr. Rohlik is proposing to construct an addition to an existing barn structure, for use as a cow/calf shelter. The new structure will match the existing structure's road setback, which is 55 feet from the center line of 330th Street. The existing structure predates the setback requirement, and is therefore "grandfathered" in.
3. Historically, Mr. Rohlik's farm site was constructed on both sides of 330th Street, or 330th was constructed through the farm site when it was first built. Consequently, many of the buildings on the site do not meet the required 67' setback from the edge of the road right-of-way.
4. The building addition will measure 36' wide by 60' long, with 10' side walls and a total height of 18'.
5. As it now stands, the building also will not meet the required 10' property line setback from the west property line. However, Mr. Rohlik is in the process of acquiring additional property from

the neighboring owner and moving the line to meet the property line setback. About half of the proposed building addition is to be construction on property that, as of now, appears to be owned by the Richard Kramer Family Trust. However, Mr. Rohlik has long used that area as part of his farm site. The property line issue seems to have been caused by an incorrect legal description used to deed the property to Mr. Rohlik.

The following information was presented to and considered by the Redwood County Board of Adjustment at the public hearing:

John Rohlik was present to explain the project. He made the following statements about the application:

- Rohlik wants to build a building for use a shelter for his steers. It will be too close to the road.
- The entire site is too close to the road, because the road runs through the middle of the farm site.
- Part of the project is located on land that is registered to the neighboring landowner, due to a defect in the legal description from when the farm building site was split off from the surrounding land.
- The new building will match the existing buildings for setback from the road.

No members of the public appeared in support of or in opposition to the variance.

Schueller closed the public hearing at 9:12 a.m.

On a motion by Tauer, seconded by Schueller, the variance was approved 2-0, with Rohlik abstaining.

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 21st day of May, 2020. On a motion made by Tauer and seconded by Schueller, it was moved and passed unanimously that said minutes be approved as presented.

The meeting was then adjourned.



Nick Brozek, Land Use and Zoning Supervisor
Redwood County Environmental Office



John Rohlik, Chair
Redwood County Board of Adjustment