



## 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: June 6<sup>th</sup>, 2016**

A meeting of the Redwood County Board of Adjustment convened on Monday, the 6<sup>th</sup> day of June, 2016. The meeting consisted of one public hearing. The meeting was convened at the residence and building site located at 10815 County Hwy 32, Milroy, MN 56263, owned by Darek Kesteloot. The following Board of Adjustment members were present: Dan Tauer, John Rohlik, and John Schueller. The following individuals were also present: Darek Kesteloot, Redwood County Commissioner Lon Walling, Zoning Administrator Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

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

Chair Schueller opened a public hearing on an *Application for Variance*, Permit Application No. 4-16v, submitted by Darek Kesteloot. 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 June 6th, 2016, at 8:30 a.m. regarding an Application for Variance filed by Darek Kesteloot pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 10 feet from the 67 foot front yard setback for a structure, measured from the public road right-of-way, set forth at Sec. 7, Subd. 5.2.A.(1.) of Redwood County Ordinance.
2. Mr. Kesteloot is proposing to build an attached garage and living space addition to his dwelling located at 10815 County Hwy 32, Milroy. However, the existing house is only 55 feet from the right-of-way line of County Hwy 32. Section 7, Subd. 5 of Redwood County Ordinance requires a 67 foot setback from the right-of-way of a public road for any structure.
3. The house was built in the 1950s, before the setback was put in place in the late 1960s, and is therefore considered a permitted nonconforming use. Alternatively stated, the house is "grandfathered" in at its current size and location. Section 21, Subd. 5 of Redwood County Ordinance states that a nonconforming structure may be maintained, repaired, and expanded provided that "[t]he cost of any structural alteration or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied." This means that if the cost of the project exceeds 50 percent of the market value of the structure, then the structure must be brought into compliance with the ordinance.
4. Mr. Kesteloot's property has a market value of \$122,200 according to the Redwood County Auditor this amount includes the value of the 6+ acres of land and other buildings on the property). The cost of Mr. Kesteloot's project is estimated at \$150,000. Consequently, the cost of the project exceeds the market

value of the existing structure by significantly more than 50 percent. In order to proceed, Mr. Kesteloot must either reduce the scope of the project to under 50 percent of the market value, move the house to meet the setback, or obtain a variance.

5. The project will include the construction of a new attached garage, laundry room, entryway, expansion of the dining room, and porch. It will also include internal remodeling of the kitchen and pantry. The addition will be located on the north side of the house, away from the road. Consequently, the project will not cause any further encroachment on the road right-of-way setback area and all of the new structural elements will meet the setbacks.
6. Judicial Ditch 15 is located 330 feet west of the project. The setback from a structure to a ditch is 100 feet, so the project meets this setback requirement.
7. A Protected Waters Inventory wetland is located 340 feet west of the project. A hill separates the project area from the wetland, so there should be no effect on the wetland.
8. There is no known problem with snow accumulation or any other physical hazard on County Hwy 32 or problem with provision of public services or utilities at this location.
9. The following conditions are proposed to be attached to the variance:
  1. The variance from the road right-of-way is applicable to the described residential dwelling only, and does not apply to any other building.
  2. The dwelling may be enlarged in the future as long as the new addition(s) meet the required setbacks, along with any other applicable ordinance.
10. Pursuant to Redwood County Ordinance, written notice has been 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 has also been provided to the Westline board of township supervisors and the municipal council of the City of Milroy.

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

Darek was present to explain the project. He explained that the house was built before there was a setback requirement, that the existing house is located 55 feet from the right-of-way line, and that he would like to add on a garage on the back side of the house, away from the street.

The Board of Adjustment viewed the site, including the location of the proposed addition and the layout of the buildings and grove.

The Board determined that due to the layout of the existing site, expanding the residence to the rear or side will not change the snow drift patterns on the site or have any negative impact on the surrounding property and land uses.

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

Tauer made a motion to approve the variance subject to the condition that future additions to the rear or side of the house will not require an additional variance, so long as the additions are placed no closer to the road than the existing house (55' from right-of-way line). Rohlik seconded the motion and it was passed unanimously. The public hearing was then closed.

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 10<sup>th</sup> day of May, 2016. On a motion made by Dan Tauer and seconded by John Rohlik, it was moved and passed unanimously that said minutes be approved as presented.

The meeting was then adjourned.

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

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John Schueller, Chair  
Redwood County Board of Adjustment

