



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

AGENDA

WEDNESDAY, AUGUST 9TH, 2017

REDWOOD COUNTY BOARD OF ADJUSTMENT

8:30 A.M. : At 29751 US Hwy 71, Redwood Falls - Public Hearing on the Variance Application #3-17v of Tim Paskewitz

Other Business:

1. Review and approve Minutes from meeting held on May 24th, 2017
2. Any other business




REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

TO: Redwood County Board of Adjustment

FROM: Nick Brozek 
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: August 2nd, 2017

RE: Public Hearing on *Application for Variance*: Tim Paskewitz

Tim Paskewitz:

A public hearing will be held on August 9th, 2017, at 8:30 a.m. regarding an *Application for Variance* filed by Tim Paskewitz, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 17 feet from the required 67 foot setback from the public road right-of-way set forth at Sec. 10, Subd. 5, Subp. 2, Paragraph (1.) of Redwood County Ordinance. Paskewitz is proposing to construct an office and warehouse building on the following described property, situated in the County Redwood, State of Minnesota, to wit: Tract in the Northeast Quarter (NE1/4) beginning at a point 947.05 feet south of the North Quarter Corner (N1/4 COR), thence southeast 537.46 feet, thence south 357.64 feet, thence northwest 525.28 feet, thence north 377.84 feet to the point of beginning, containing 4.48 acres, more or less, in Section 25, Township 112N, Range 36W, Redwood Falls Township.

Mr. Paskewitz is seeking to construct an office building to serve his two businesses on the site. The office will measure 45' wide by 60' long, with 10' sidewalls. The front (west) wall of the office will be even with the front wall of the existing house on the property. The house is 125' from the center line of US Hwy 71. This section of Us 71 has a right of way measuring 75' from the center line of the road, meaning that the proposed office will be constructed 50' from the right-of-way line, instead of the required 67'.

Mr. Paskewitz wants to build the office this year. The warehouse will be constructed in the next couple years. The warehouse will measure approximately 70' x 100'. It will be connected to the office and will be built on the rear (east side) of the office, away from the road. The warehouse portion of the project will be located more than 67' from the US 71 right-of-way.

The office and warehouse cannot be built farther back from the road because they would then interfere with the gravel parking and loading area, preventing trucks from turning around. A small old barn on the property will be removed in order to make room for the new building.

Paskewitz has approached the neighboring owner of the tillable land about purchasing more acreage, but the owner has not been willing to sell.

A new septic system will be installed for the office and warehouse.

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.

enclosures

cc: Tim Paskewitz



Redwood County

www.co.redwood.mn.us

Application for Variance

Permit #: 3-17v Date: 7-20-17

Location of the Affected Parcel or Property:

Address: 29751 US Hwy 71 City: Redwood Falls State: MN Zip: 56283
House # Street Name

Parcel Number: 63-025-1080 Township Name: Redwood

Section: 25 Township Number: 112 Range: 36

Legal Description:

TR in NE 1/4 BEG AT PT 947.05 FT. S of N 1/4 COR TH SE 537.46 S 357.64 NW 525.28 N 377.84 TO POB 4.48 Acre

Information about the Variance Request:

Zoning District: B1

General description of the building or request:

office/warehouse

Type of occupancy:

Office Bldg.

Building Size: (Please enter dimensions in feet)

Width: 45' Length: 60' Diameter: _____
Sidewall Height: 10' Total Height: _____ Bushel Capacity: _____

Setbacks: (Please enter in feet)

Side Yard Setback: 30' Direction: South
Side Yard Setback: 275' Direction: North
Rear Yard Setback: 275' Direction: East

Road Type: state Setback from the Center of the Road: 125'

Right-of-Way Footage: 75'

General Contractor:

Name: TBD City: _____ State: MN

Sewer System Contractor:

Name: TBD City: _____ State: MN

Type of sewer system: Septic

Drainage plan:

Water usage (estimated gallons per day):

[Empty box for water usage]

Soils:

Soil Type 1: Amiret loam

Soil Type 2: Normania loam

Estimated Date of Completion: Dec. 15, 2017 office
Dec. 15, 2018 warehouse

Other information:

Warehouse 70x100 subject to change.
Warehouse will meet setbacks.

Applicant Information:

First Name: Tim Last Name: Paskewitz

Business: Midwest Livestock Mktg.

Address: 29751 US Hwy 71 City: Redwood Falls State: MN Zip: 56283

Home Phone: 507-627-7150 Cell Phone: 507-430-5880

Land Owner Information:

First Name: Tim Last Name: Paskewitz

I affirm that the forgoing information is true and accurate. I understand that if any portion of this information is false or materially misleading, any variance issued in reliance upon this information is voidable at the election of Redwood County.

Land Owner Signature: [Signature] Date: 7-20-17

The following must be attached for this to be considered a completed application:

* A detailed site map. This must include: the location of watercourses, setbacks from property lines, current and proposed locations of any structures, well location, location and names of roads, railroads, known tile lines, proposed fences, utility rights-of-way, planned entrances and exits for operation area, and any signs being posted.

Office Use Only: * The section below is to be filled out by the Environmental Office Staff

Variance Fee: \$700 Receipt #: 381945 Date Approved: _____

Conditions:

Variance applies to office - warehouse only - no other structure.

Board of Adjustment:

Approved: _____ Date: _____

Disapproved: _____ Date: _____



125' to center line of US 71

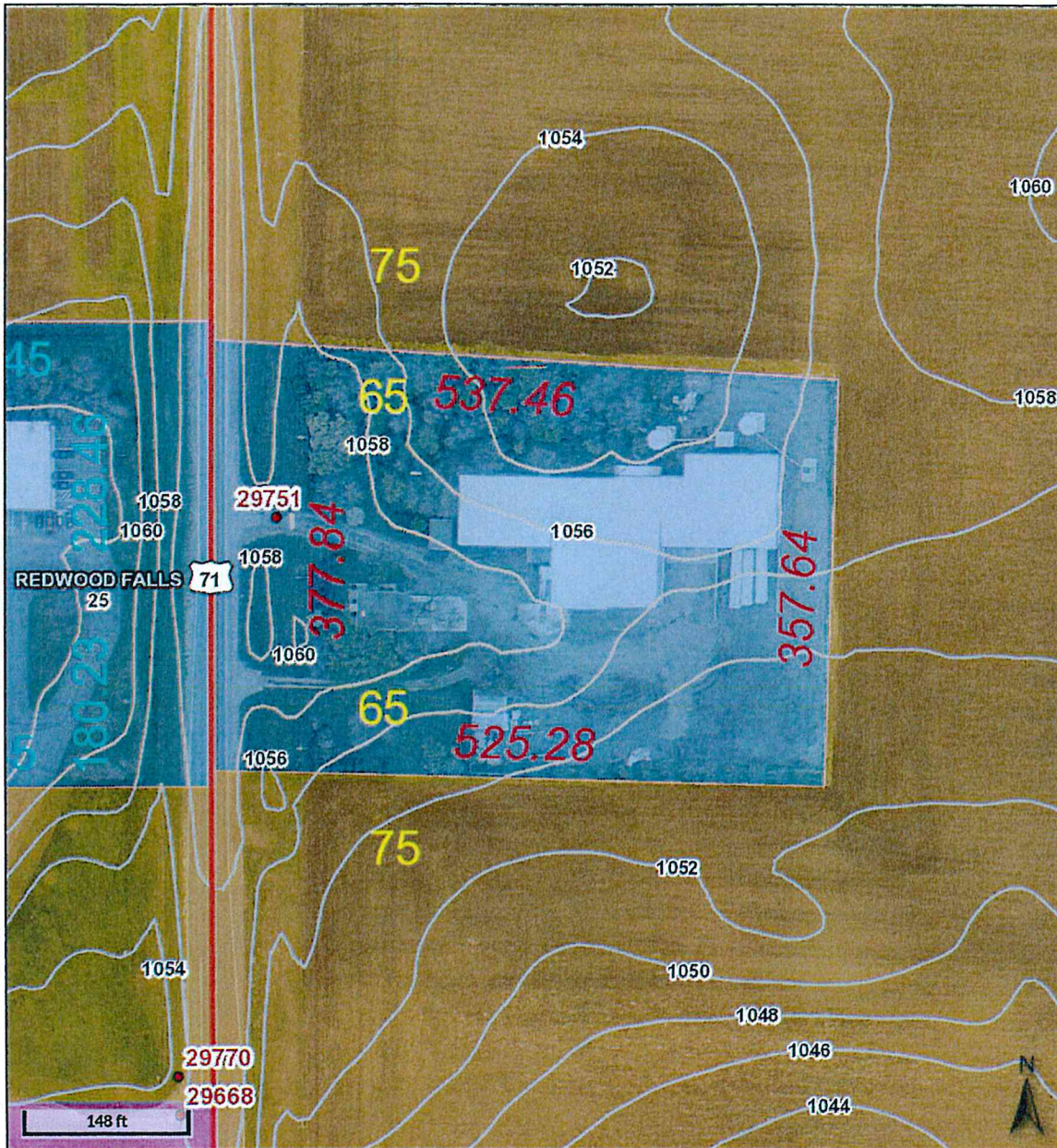
Office
Warehouse

30' to property line

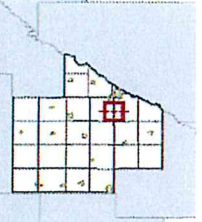
X Septic

Refrigerated Units

Water Tank
Water Tank



Overview



Legend

- Municipal Boundaries
- Sections
- Surrounding Counties
- Townships
- Open Ditch
- Drain Tile
- Contours
- Address points
- Parcels
- Shoreland**
 - <all other values>
 - 150 ft
 - 300 ft
 - 300 ft L W
 - 1000 ft
 - Flood Plain
- Zoning**
 - B1
 - I1
 - R1
 - S
 - UE
 - 2M
 - AG
- Major Roads**
 - County/Twp/City
 - State/Federal
 - County
 - Minor Roads

Date created: 8/2/2017
 Last Data Uploaded: 8/2/2017 10:04:53 AM

Factors Regarding an *Application for Variance*

Statutory Factors¹:

- (1) Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
- (2) Is the need for a Variance due to circumstances unique to the property and not created by the property owner?
- (3) Will the issuance of a Variance maintain the essential character of the locality?
- (4) Does the need for a Variance involve more than economic considerations?

Redwood County Ordinance Factors:

- (1) The Board of Adjustment shall have the power to grant a variance to the provisions of this Ordinance in cases where the strict application of any of the regulations or provisions contained in this Ordinance would cause unnecessary hardships or unreasonable difficulties.²
- (2) The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require.
 1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
 2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant.³

¹ Minn. Stat. Section 394.27, subd. 7.

² Requirement of Section 26, Subdivision 2(1) of Redwood County Ordinance.

³ Requirement of Section 26, Subdivision 4 of Redwood County Ordinance.

Application for Variance Checklist

- (1) Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (2) Is the need for a Variance due to circumstances unique to the property and not created by the property owner?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (3) Will the issuance of a Variance maintain the essential character of the locality?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (4) Does the need for a Variance involve more than economic considerations?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

- (5) Does an unnecessary hardships or unreasonable difficulties exist?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

(6) Are there special circumstances or conditions affecting the land, building, or use that do not apply generally to other property in the same vicinity?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

(7) Will the granting of the application have a material adverse effect on the health or safety of persons residing or working in the area adjacent to the property of the applicant and will granting the application be materially detrimental to the public welfare or injurious to the property or improvements in the area adjacent to the property of the applicant?

Yes _____ No _____

Board of Adjustment and Appeals Findings:

DATED: _____

Chair of Redwood County Board of Adjustment



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

REDWOOD COUNTY BOARD OF ADJUSTMENT

MINUTES

Meeting Date: May 24th, 2017

A meeting of the Redwood County Board of Adjustment convened on Wednesday, the 24th day of May, 2017. The meeting consisted of two public hearings. The meeting was convened at the Jordan Zuehlsdorf and Taylor Zuehlsdorf property legally described as the West 741 feet of the Southwest Quarter (SW1/4) north of the center line of the Redwood River, containing 15 acres more or less, in Section 14, Township 112 North, Range 38 West, Vesta Township, Redwood County, Minnesota. The following Board of Adjustment members were present: John Rohlik, and John Schueller. Dan Tauer was absent. The following individuals were also present: Jordan Zuehlsdorf, Allan Zuehlsdorf, Dan Henriksen, and Land Use & Zoning Supervisor Nick Brozek.

At 8:40 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. 1-17v, submitted by Jordan Zuehlsdorf and Taylor Zuehlsdorf. 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 May 24th, 2017, at 8:30 a.m. regarding an *Application for Variance* filed by Jordan Zuehlsdorf and Taylor Zuehlsdorf, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 700 feet from the required one quarter (1/4) mile setback from a dwelling set forth at Sec. 17, Subd. 4, Paragraph 3, Subp. A(6) of Redwood County Ordinance. The Zuehlsdorfs are proposing to reinstate the use of an abandoned feedlot located on the following described property, situated in the County Redwood, State of Minnesota, to wit: The West 741 feet of the Southwest Quarter (SW1/4) north of the center line of the Redwood River, containing 15 acres more or less, in Section 14, Township 112 North, Range 38 West, Vesta Township.
2. The Zuehlsdorfs currently keep a few head of cattle on their father Alan's farm site on CSAH 7, north of Seaforth. They are looking to expand onto the proposed site in order to ease crowding at Alan's site. The proposed site will consist of on 80' x 107' partial confinement barn (existing) with open lots on the east and south sides of the barn. The open lot on the east side will extend a distance of about 72 feet from the barn and the open lot on the south side will extend a distance of about 40 feet from the barn. The remainder of the 15-acre property will be fenced and used as grass pasture.
3. The maximum number of animals kept on the site will be 20 cow-calf pairs. The calves will be kept on site until they are about 300 lbs. in weight. The total number of county animal units will be 26.
4. The feedlot, including open lots, will be 620 feet away from the nearest residence, owned and occupied by Scott & Susan Huhnerkoch, to the east of the proposed feedlot site. Additionally, the feedlot will be 300 feet from the Redwood River.

5. The nearest County Ditch to the proposed feedlot site is CD 81, 900 feet north of the site. The nearest County Tile is about 2000 feet east of the proposed feedlot site.
6. Section 17, Subdivision 4.3.A.(6.) of the Redwood County Ordinance states that “[a] new feedlot may not be located within 1/4 mile of any dwelling or residential structure other than the land owner’s or operator's.” A feedlot is defined in Subdivision 2.3.C. of the Ordinance as “the outer perimeter of a building or structure or fenced lot or combination thereof intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or would accumulate unless removed or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.” Since the barn and open lots will not maintain vegetative cover and will need to have the manure removed from time to time, both barn and lots are considered a feedlot per the Ordinance.
7. The proposed site was formerly used as a feedlot, but according to Alan Zuehlsdorf, the site has been abandoned for about 15 years. Subdivision 2.3.E. of the Ordinance defines a “new feedlot” as “a site where (1.) [n]o feedlot existed previously, or (2.) [a] *pre-existing feedlot has been abandoned or unused for a period of five years or more.*” Consequently, the proposed feedlot is considered a “new feedlot” under the ordinance, and it is subject to the currently required setbacks.
8. The Zuehlsdorfs plan to repair the barn building and construct individual cow/calf pens. Part of the barn will be used for hay storage. An existing well on the site is still operational and will be used to supply water. The well is located 250 feet north of the feedlot site. Other buildings on the site will also be repaired or replaced and used for storage relating to the feedlot use or other permitted uses.
9. 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.

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

Allan Zuehlsdorf and Jordan Zuehlsdorf were present to explain the project. They made the following statements about the application:

- Jordan and Taylor bought the property in 2016.
- Zuehlsdorfs have been haying the pasture.
- Most of the site will remain pasture. It will be fenced and cows will be kept there. Fenced pasture will extend east to the existing line fence on top of the hill.
- The old feedlot barn will be refurbished and used, and two small open lots will be constructed to provide shelter to the cows on a seasonal basis.
- Gutters will be installed on the south side of the barn roof to prevent runoff in the open lots.
- The barn will be used for calving.
- The grass in the pasture will feed 13 cows (about one cow per acre of grass).
- The cattle kept in the feedlot will be from weaned weight up to 900 lbs.
- Zuehlsdorfs will keep a maximum of up to 35 cows in the feedlot and on the pasture, including calves.

Henriksen asked whether cows were allowed on the site, since the MPCA shut down the previous owner’s feedlot years earlier. Brozek said that he is not aware of any law allowing the state to ban or county to prohibit feedlots which conform to the law.

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

Schueller made a motion to approve the variance. Rohlik seconded the motion and it was passed unanimously. The public hearing was then closed.

Chair Rohlik adjourned the meeting temporarily and the Board travelled to the site of the next hearing.

At 9:45 a.m., the meeting was called back to order by Chair John Rohlik at the Meadowland Farmers Coop property located at 401 First Avenue in Lamberton. The following Board of Adjustment members were present: John Rohlik, Dan Tauer, and John Schueller. The following individuals were also present: David Friedrich, Robert Peterson, Barbara Peterson, Jim Kretsch, Paul Lagrue, Trudi Juhnke, Jim Simonson, Leon Benedict, Tim Osland, and Land Use & Zoning Supervisor Nick Brozek.

Chair Rohlik opened a public hearing on an *Application for Variance*, Permit Application No. 2-17v, submitted by Jim Simonson of Meadowland Farmers Coop. 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 May 24th, 2017, at 9:30 a.m. regarding an *Application for Variance* filed by Jim Simonson o/b/o Meadowland Farmers Coop, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 10 feet from the required 10 foot setback between a structure and a septic tank set forth at Sec. 16, Subd. 11, Subp. 5 of Redwood County Ordinance. The hearing will be held at the Meadowland Farmers Coop site located at 401 First Avenue in Lamberton.
2. Meadowland is proposing install a septic tank next to the existing feed mill office structure on the following described property, situated in the County Redwood, State of Minnesota, to wit: 53090 square feet from the railroad in the Southwest Quarter of the Northwest Quarter of Section 23, Township 109 North, Range 37 West, Lamberton Township.
3. Meadowland plans to construct a restroom in the existing feed mill office. The sewer from this restroom will be connected to the City of Lamberton municipal sewer. However, the elevation of the site cannot tie into the existing city sewer without installing a lift pump. Rather than install a sewage grinder pump to lift the sewage into the city system, Meadowland prefers to install a two-compartment septic tank, with a lift pump in the second compartment. The lift-pump will pump the liquid into the city sewer system. The solids and oils will settle out in the first compartment of the tank, which will need to be pumped periodically and serviced as a septic tank.
4. Redwood County has jurisdiction over this project as the septic authority. Section 16, Subd. 11, Subp. 3.2 of Redwood County Ordinance states that the county's jurisdiction over septic systems includes "all lands of the County except for incorporated areas or townships that administer a [septic] program." The City of Lamberton has not adopted regulatory authority over septic systems and therefore does not administer a septic program. Consequently, septic systems within the City of Lamberton fall under the jurisdiction of Redwood County.
5. Meadowland's project is partly municipal sewer and partly septic system. Minnesota Rules Chapter 7080.1100, subp. 41 defines septic systems as "sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation... include[ing] all holding tanks, sewage collection systems and tanks that discharge into individual sewage treatment systems, and privies." Meadowland's proposed tank is a sewage holding tank, buried under the natural soil elevation, that discharges liquid sewage into the city sewer, but from which solid sewage must be removed and dealt with according to the septic code. Therefore, the installation of the tank, and the maintenance and periodic emptying of the solids from the septic compartment of the tank are governed by the septic code.

6. Due to the layout of the Meadowland site, the tank cannot meet the required 10' setback from the feed mill office building. The Meadowland property around the building consists entirely of a gravel driving and parking area. In order to avoid accidents and damage to the tank, it is necessary to tuck the tank in close to the building.
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.

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

Tim Osland and Jim Simonson were present to explain the project. Simonson made the following statements about the application:

- Meadowland is asking to install a septic tank next to their feed mill building.
- They want to put the tank as close to the building as possible to keep it out of the way of truck traffic.
- They never had a restroom in this building before, but now are installing one for employees
- A sewer line will run from the tank to the municipal sewer.
- There is no city sewer in the street in front of the Meadowland building. The city sewer main is located in the alley behind the properties that are across the street from Meadowland.

Several citizens - David Friedrich, Robert Peterson, and Jim Kretsch - voiced concerns about the project. Their concerns were as follows:

- Contamination of the well on the Meadowland property
 - o There was a concern that the well casing is rusted out. However no evidence was given indicating that this was the case.
 - o Meadowland reported that the well functions fine.
- Sewage leaking from the tank and sewer pipe into their basements
 - o In recent years the neighborhood has been wet during heavy rains and some homeowners have had water in their basements.
 - o Osland pointed out that there are already sewer lines under all the streets except the one in front of Meadowland.

Osland explained that the purpose of the septic tank is to avoid the need for a grinder pump in the feed mill building. Due to the distance to the city sewer main and the many other utilities in the way, it is not possible to hook a gravity pipe from the Meadowland building to the city sewer. Instead, the line will need to be pressurized. The septic tank/pump tank combo allows Meadowland to pump just the liquid effluent, instead of grinding up all the solids. The solids will instead be collected in the septic side of the tank and periodically pumped out and disposed of, just like any other septic tank.

Paul Lagrue stated that his understanding of the hearing is that Meadowland needs a variance for the distance between the tank and their building, and that otherwise installing a septic tank and hooking into the municipal sewer is not at issue. Brozek agreed that Meadowland has the right to install a septic tank and hook into the sewer just like any other landowner.

Osland made the following statements about the application:

- Osland is the licensed septic designer and installer who will be installing the tank.
- The tank will be brand new and wont leak.
- The tank will be by the back (NW) corner of the building, in a corner made by the building wall and an existing concrete slab.
- The tank will be covered with 3 feet of earth.
- The tank to be used will be the same type used in septic systems at area farms.

- The sewer line will be bored under the road and neighboring property to the city sewer main in the alley. The sewer line will be bored underneath the existing utilities under the street.
- The sewage effluent will be pumped from the pump tank side of the septic tank, into the sewer.
- Meadowland is paying the entire bill for the project, no tax dollars will be spent.

Friedrich asked Peterson and Kretsch if they thought the project sounded reasonable. All three agreed that it seemed reasonable.

Schueller made a motion to approve the variance. Tauer 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 4th day of January, 2017. On a motion made by Schueller and seconded by Rohlik, 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

