



Redwood County

Application for Variance

www.co.redwood.mn.us

Permit #: 1-19v Date: 5/8/19

Location of the Affected Parcel or Property:

Address: 22329 170TH ST City: Lamberton State: MN Zip: 56152
House # Street Name
Parcel Number: 73-030-3020 Township Name: Waterbury
Section: 30 Township Number: T-110-N Range: R-37-W

Legal Description:

E 1/2 SW 1/4 + NW 1/4 SW 1/4

Information about the Variance Request:

Zoning District: AGRICULTURE

General description of the building or request:

Monoslope Beef Barn | 400 foot variance to 1/4 mile setback from dwelling (cavalose)
100 foot variance to 300 foot setback from public drainage ditch

Type of occupancy:

CATTLE - FEEDLOT

Building Size: (Please enter dimensions in feet)

Width: 60' Length: 420' Diameter: ✓
Sidewall Height: 19'-28' Total Height: 28'

Setbacks: (Please enter in feet)

Side Yard Setback: 10' Direction: WEST
Side Yard Setback: 900' Direction: EAST
Rear Yard Setback: 2200 Direction: NORTH

Road Type: county gravel Setback from the Center of the Road: 300'
Right-of-Way Width measured from Centerline 50'

Other information:

If variance is approved, applicant will then need to apply for and obtain a Conditional Use Permit.

Applicant Information:

First Name: Thomas Last Name: Jenniges

Business Name: _____

Address: 22329 170th St City: Lamberton State: MN Zip: 56152

Home Phone: _____ Cell Phone: 507-430-2770 Email: Tom.Morlys@gmail.com

Land Owner Information: (Complete only if different from applicant)

First Name: _____ Last Name: _____

Business Name: _____

Address: City: _____ State: MN Zip: _____
House # Street Name

Home Phone: _____ Cell Phone: _____ Email: _____

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: Thomas O Jenniges Date: 5-2-19

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 #: 184987 Date Approved: _____

Conditions:

Variance applies only to the feedlot building described in this application.

Application Received: 5/8/19

Board of Adjustment:

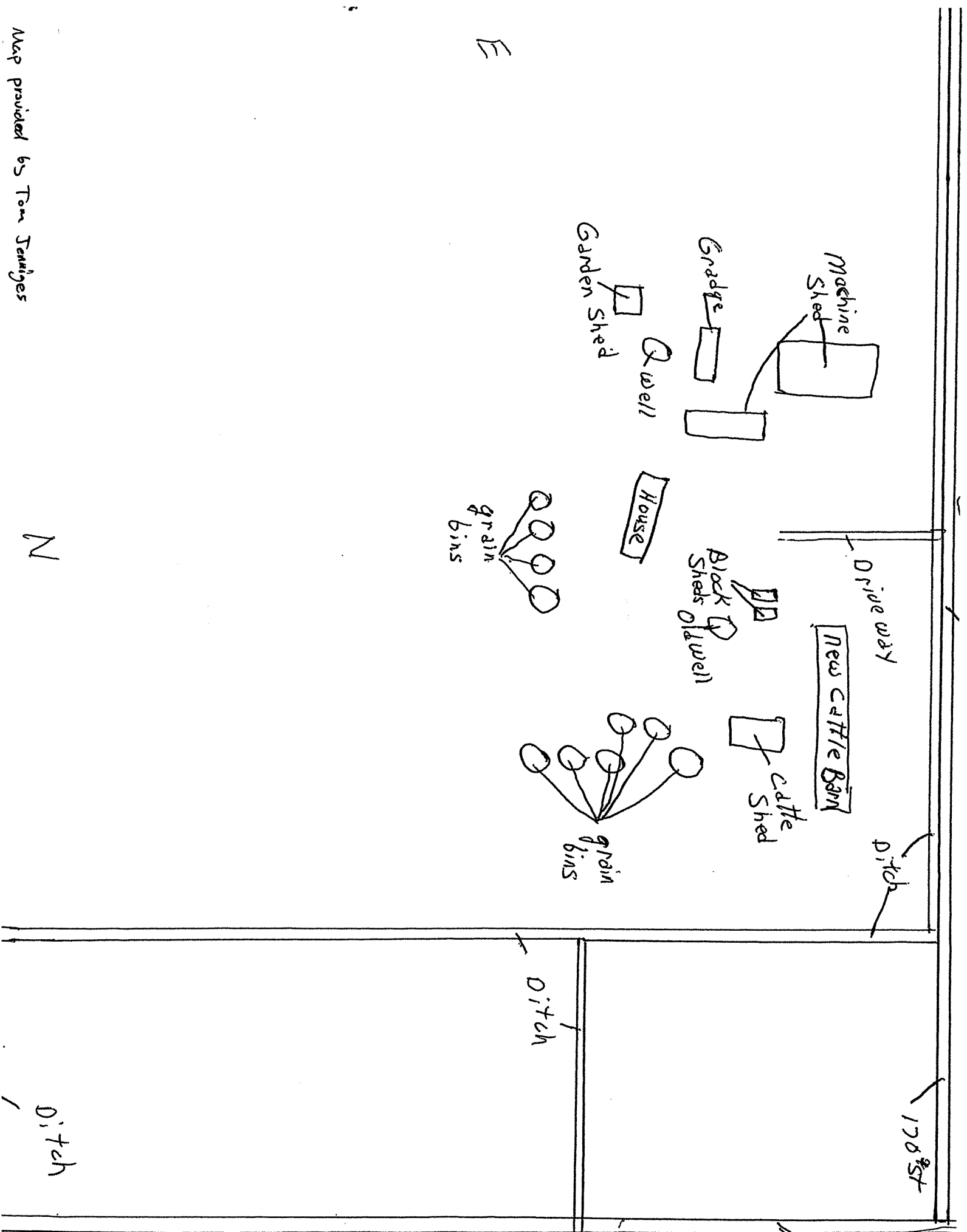
Approved: _____ Date: _____

Disapproved: _____ Date: _____

Map provided by Tom Tompkins

N

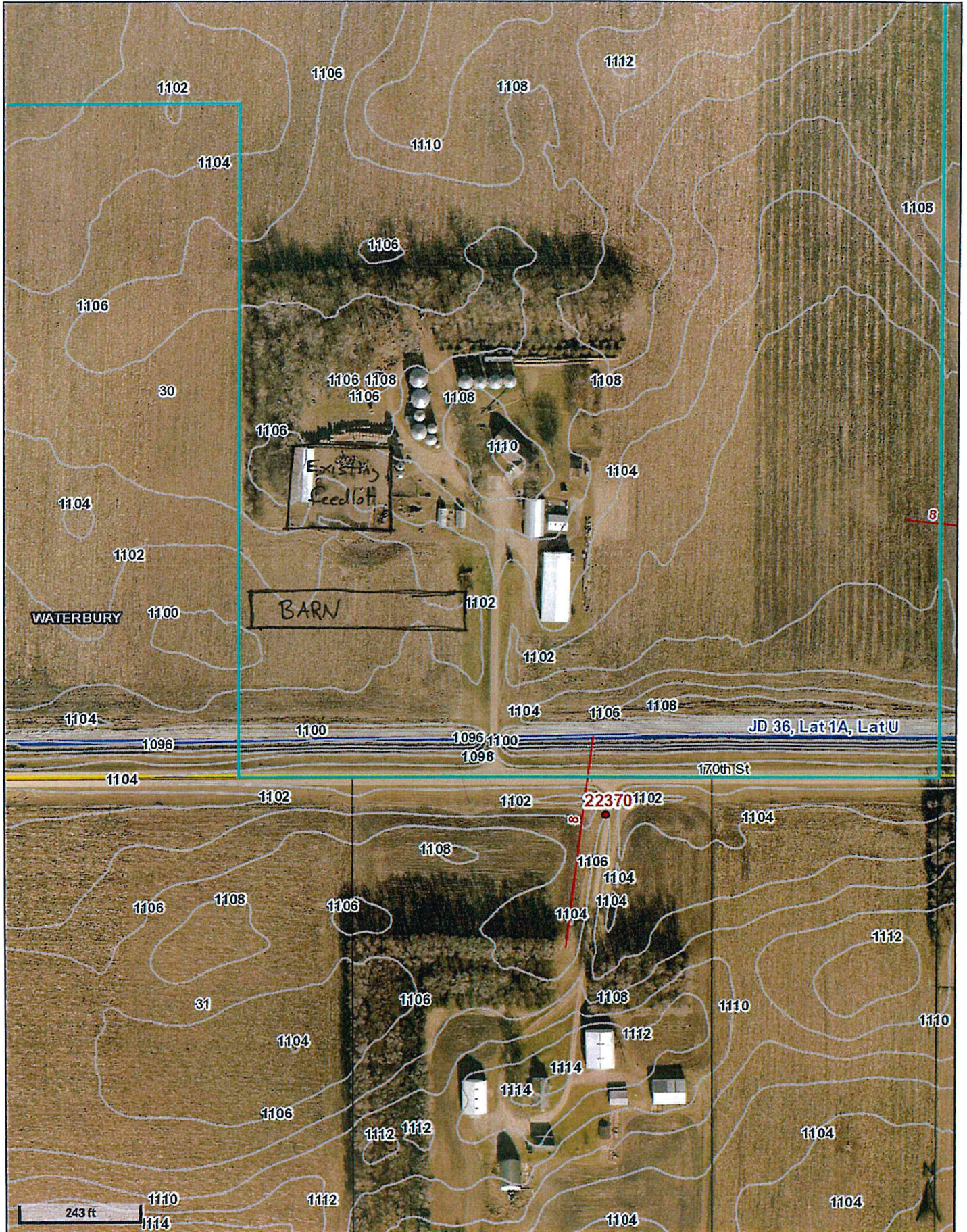
E



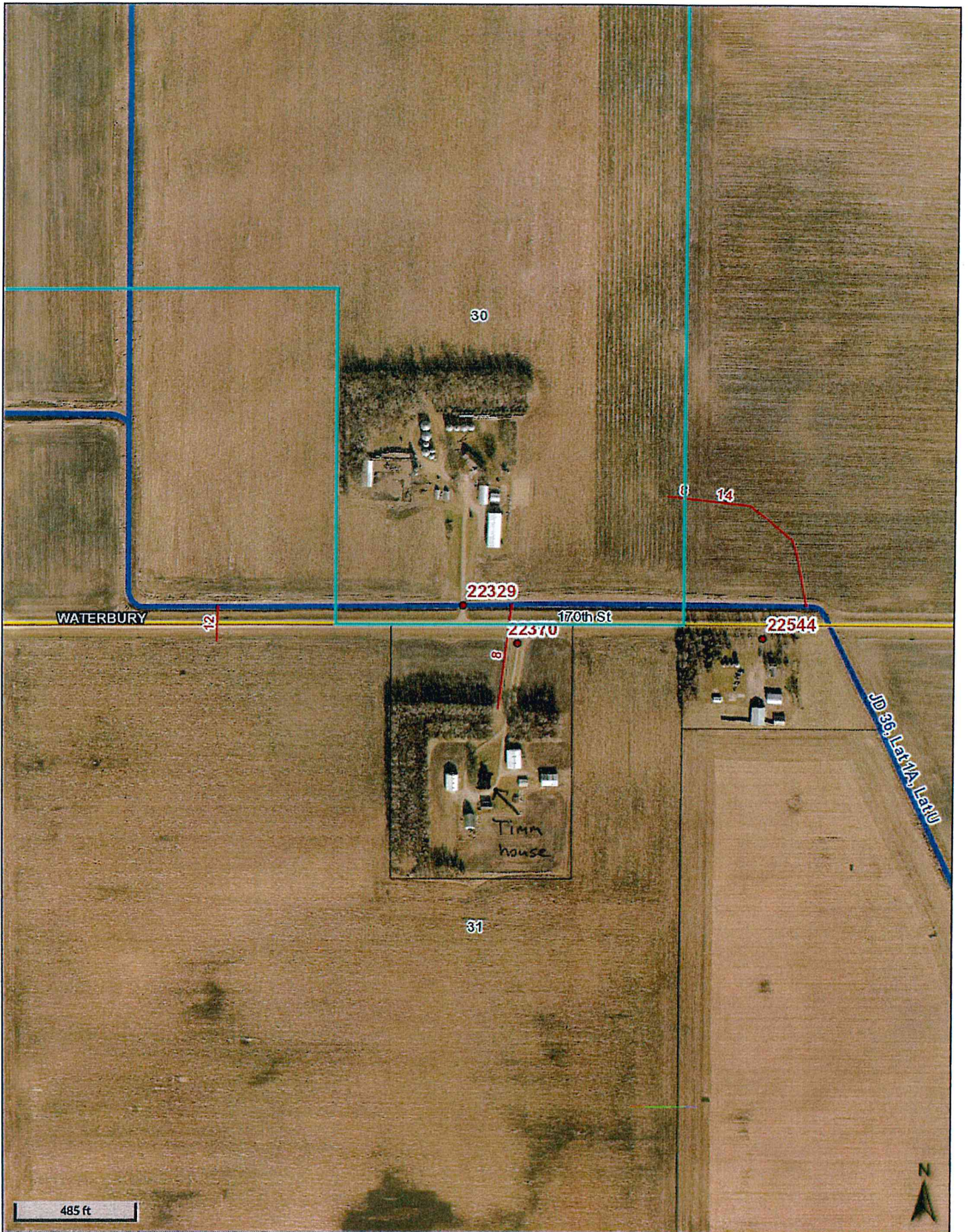
[REDACTED]

[REDACTED]

Jenniges site map



Jenniges neighborhood map



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

TO: Whom It May Concern

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

DATE: May 13, 2019

RE: Notice of Public Hearing on *Application for Variance*.

COPY



Please find enclosed a *Notice of Public Hearing* regarding an *Application for Variance* filed by Tom Jenniges, landowner, requesting a variance, pursuant to Redwood County Code of Ordinances, Title XV, Section 153.026, to the required feedlot setbacks from dwellings and public drainage ditches set forth in Redwood County Code of Ordinances, Title XV, Section 153.290(H)(2)(a). The variance request is for construction of a new total confinement cattle feedlot with manure pack and manure stockpile storage on property situated in the County of Redwood, State of Minnesota, to wit:

The East Half of the Southwest Quarter (E1/2 SW1/4) and the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 30, Township 110 North, Range 37 West, Waterbury.

It is hereby ordered that a Public Hearing thereon will be held on Tuesday, May 28, 2019, at 8:30 a.m. before the Redwood County Board of Adjustment at the proposed building location, located at 22329 170th Street, Lamberton, Minnesota.

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.

If you have any questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at the following address: *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283* and/or attend the public hearing at the time and date set forth in the enclosed *Notice of Public Hearing*.

Enclosure

Cc: Tom Jenniges (w/encl)

State of Minnesota

COPY

Board of Adjustment

County of Redwood

In the Matter of the Application of)
Tom Jenniges for a Variance)
to Redwood County Ordinance)

NOTICE OF PUBLIC HEARING

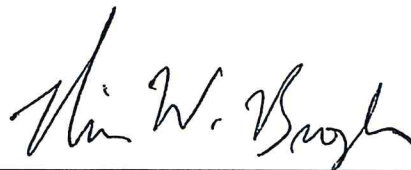
An *Application for Variance* has been filed by Tom Jenniges, landowner, requesting a variance, pursuant to Redwood County Code of Ordinances, Title XV, Section 153.026, to the required feedlot setbacks from dwellings and public drainage ditches set forth in Redwood County Code of Ordinances, Title XV, Section 153.290(H)(2)(a). The variance request is for construction of a new total confinement cattle feedlot with manure pack and manure stockpile storage on property situated in the County of Redwood, State of Minnesota, to wit:

The East Half of the Southwest Quarter (E1/2 SW1/4) and the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 30, Township 110 North, Range 37 West, Waterbury.

It is hereby ordered that a Public Hearing thereon will be held on Tuesday, May 28, 2019, at 8:30 a.m. before the Redwood County Board of Adjustment at the proposed building location, located at 22329 170th Street, Lamberton, Minnesota.

If you have any questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at the following address: *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.*

DATED: May 10, 2019



Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office

AFFIDAVIT OF SERVICE VIA U.S. MAIL

STATE OF MINNESOTA)
)ss
COUNTY OF REDWOOD)

**RE: *Application for Variance* submitted by Tom Jenniges, Landowner; Permit
Application No. 1-19v.**

I, Lali Ortega, a person not less than eighteen (18) years of age, being first duly sworn upon oath, hereby state a copy of the following:

- 1. Notice of Public Hearing on *Application for Variance*; and**
- 2. Notice of Public Hearing.**

were duly served upon:

VERNA A TIMM
22906 200 ST
LAMBERTON, MN 56152

RASMUSSEN FARMS OF WALNUT GROVE LLC
17698 CO HWY 4
WALNUT GROVE, MN 56180

THOMAS O & MARLYS JENNIGES
22329 170 ST
LAMBERTON, MN 56152

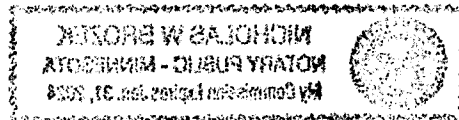
MARJORIE N BALFANY ET'AL
REALIFE WASECA UNIT 106
1212 3RD ST NE
WASECA, MN 56093

OMER J JENNIGES ET'AL
511 S DEKALB ST APT 121
REDWOOD FALLS, MN 56283

CLINTON D & CHELSI ENGEN
11658 FAIRVIEW AVE
REVERE, MN 56166

MICHAEL REDMAN
27591 110 ST
LAMBERTON, MN 56152

DIANA L VEENSTRA
13076 CO RD 3
SPRINGFIELD, MN 56087

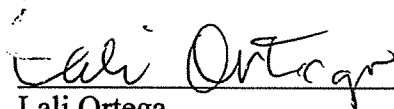


JUSTIN N STAFFORD
22544 170 ST
LAMBERTON, MN 56152

SHARON L TIMM ET'AL
8375 E VIA DEVENTURA #A204
SCOTTSDALE, AZ 85258

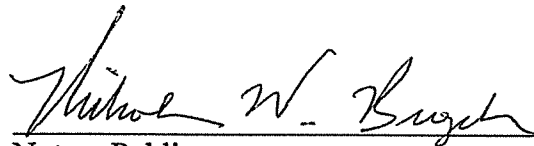
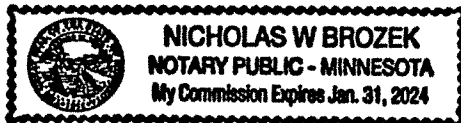
WATERBURY TOWNSHIP
% DAVID JENNIGES, CLERK
18646 HUNTER AVE
LAMBERTON, MN 56152

by enclosing a copy of the same in an envelope, with postage prepaid, and depositing said envelope in a United States Postal Service mailbox located at Redwood Falls, Minnesota, on the 14th day of May, 2019.



Lali Ortega
Environmental Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 14th day of May, 2019, by Lali Ortega.



Notary Public

RECEIVED

MAY 17 2019

REDWOOD COUNTY ENVIRONMENTAL OFFICE

Affidavit of Publication

State of Minnesota)
) SS.
County of Renville)

OFFICIAL PUBLICATION
State of Minnesota
Board of Adjustment
County of Redwood

In the Matter of the Application of)
Tom Jenniges for a Variance)
to Redwood County Ordinance)

NOTICE OF PUBLIC HEARING

An Application for Variance has been filed by Tom Jenniges, landowner, requesting a variance, pursuant to Redwood County Code of Ordinances, Title XV, Section 153.026, to the required feedlot setbacks from dwellings and public drainage ditches set forth in Redwood County Code of Ordinances, Title XV, Section 153.290(H)(2)(a). The variance request is for construction of a new total confinement cattle feedlot with manure pack and manure stockpile storage on property situated in the County of Redwood, State of Minnesota, to wit:

The East Half of the Southwest Quarter (E1/2 SW1/4) and the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 30, Township 110 North, Range 37 West, Waterbury.

It is hereby ordered that a Public Hearing thereon will be held on Tuesday, May 28, 2019, at 8:30 a.m. before the Redwood County Board of Adjustment at the proposed building location, located at 22329 170th Street, Lamberton, Minnesota.

If you have any questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at the following address: Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.

DATED: May 10, 2019
Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office
Published in the Standard-gazette & Messenger May 15, 2019.

being first duly sworn, on oath states as follows:

isher of the Standard-Gazette & Messenger, or the publisher's personal knowledge of the facts stated in this Affidavit, it to Minnesota Statutes §331A.07.

er has complied with all of the requirements to constitute a under Minnesota law, including those requirements found in 31A.02.

the month and the year and day of the week upon which the /copied below was published in the newspaper are as follows:

May 15, 2019

er's lowest classified rate paid by commercial users as determined pursuant to § 331A.06, is as follows:

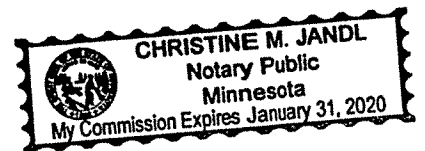
reclosure Notices [Effective 7/1/15]. Pursuant to Minnesota ting to the publication of mortgage foreclosure notices: The office of issue is located in Renville County. The newspaper ditions described in §580.033, subd. 1, clause (1) or (2). If the fice of issue is located in a county adjoining the county where es or some part of the mortgaged premises described in the bstantial portion of the newspaper's circulation is in the latter

FURTHER YOUR AFFIANT SAITH NOT.

Nicholas W. Brozek
[Signature]

Subscribed and sworn to before me on this 15 day of May 2019.

Christine M Jandl
Notary Public





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: November 28, 2018

A meeting of the Redwood County Board of Adjustment convened on Wednesday, the 28th day of November, 2018. The meeting consisted of one public hearing. The meeting was convened at 32724 Liberty Avenue, Redwood Falls. The following Board of Adjustment members were present: John Rohlik, Dan Tauer, and John Schueller. The following individuals were also present: Cindi Tisue, Ron Hartfiel, Ron Tisue, Environmental Director Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

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

Chair Tauer opened a public hearing on an *Application for Variance*, Permit Application No. 5-18v, submitted by Ron Tisue. 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 November 28th, 2018, at 8:30 a.m. regarding an Application for Variance filed by Ron, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 15 feet from the required 67 foot setback from a public road right-of-way set forth at Sec. 7, Subd. 5 of Redwood County Ordinance.
2. About three years ago, Mr. Tisue constructed a shed on his home property located at the corner of Liberty Avenue and 327th Street, 1700 feet southwest of the city of Redwood Falls. Because his property is within 2 miles of the city, he was required to obtain a building permit from the city office. However, Mr. Tisue was unaware that he was also required, like all rural Redwood County residents, to obtain a Zoning Permit from the Redwood County Environmental Office.
3. Because he did not obtain a Zoning Permit, Mr. Tisue was not aware of the required building setbacks, and constructed the building too close to 327th Street, a township road. The building is 85 feet from the center line of the road, whereas 100 feet is required.
4. The building is 15 feet square and 12 feet tall. It encloses a hot tub. Water is plumbed into the hot tub from Mr. Tisue's house, and consequently, Tisue is not able to easily move the building.
5. The building lies on the south side of 327th Street and is screened from the road by an existing line of trees and shrubs, running along the ditch. The building site is surrounded on all four sides by planted vegetation, grove, and rows of trees or bushes.

6. 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:

Ron & Cindi Tisue were present to explain the project. They made the following statements about the application:

- Ron got a permit for the project from the City of Redwood Falls, because his property is within two miles of the city limits. However, he was never told by the city that he also needed a county permit.
- For the city permit, Ron measured the setbacks from the road, but didn't know he was not meeting the county zoning requirements.
- The construction of the building was inspected by the city inspector.
- The Tisues were contacted by the county a year and a half after construction was complete, and informed that they needed an after-the-fact zoning permit. It was at that time it was discovered that the building does not meet the county's required setback from the public road right-of-way.
- The informational packet prepared by county staff states that water is plumbed into the building, which is not the case. Electricity is the only utility that the building has.

Brozek stated that the building showed up on the "new construction" report prepared for him each year by the Redwood County Assessor's Office. This is how he found out the building had been built without a permit.

Brozek also informed the Board that he was contacted by Steve Whittet, Chair of the Redwood Falls Township Board of Supervisors. Whittet received the notice of the variance hearing from the Environmental Office and wondered what Tisue was planning to build. Brozek explained to Whittet that the variance was for the "hot tub" building that had already been built. Whittet stated that he knew which building that was and had no objection to the variance.

The Board of Adjustment members had the following questions and comments:

- By what distance does the building fail to meet the setback?

Tisue stated that the building is 85 feet from the center line of 327th Street.

Brozek stated that the building is 15 feet too close to the road right of way. The 327th Street right-of-way is 66 feet wide, or 33 feet on either side of the center line. The required setback is 67 feet from the edge of the right-of-way, or 100 feet from the center line.

The Tisues stated that they wished the City had informed them they needed a county permit, so they could have avoided the need for a variance. Brozek responded that the Tisues had been charged the normal variance fee by the county, rather than the after-the-fact fee, which is double the normal fee.

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

Ron Hartfiel made the following statements in support of the variance:

- Hartfiel is the closest neighbor to the Tisues. His house is just south of the Tisues property.

- He has no objection to the variance.

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

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 27th day of July, 2018. On a motion made by Schueller and seconded by Rohlik, it was moved and passed unanimously that said minutes be approved as presented.

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

Dan Tauer, Chair
Redwood County Board of Adjustment

