



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

TO: Redwood County Board of Adjustment
FROM: Nick Brozek *NB*
Land Use and Zoning Supervisor
Redwood County Environmental Office
DATE: March 3, 2020
RE: Public Hearing on *Application for Variance: Gregory Mensen*

A public hearing will be held on March 18, 2020, at 9:00 a.m. regarding an Application for Variance filed by Gregory Mensen, landowner, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from Boiling Spring Creek set forth in Redwood County Code of Ordinances, Title XV, Section 153.246.

Mr. Mensen is seeking to construct a replacement primary dwelling on an existing farm building site along the bank of the creek. Few of the existing buildings on the site meet the required 150 foot setback from the ordinary high water level (bank) of the creek. Mr. Mensen is proposing to tear down and remove most of the existing buildings, including the house and barn, and replace them with a new residence with attached shed. The new house/shed will be 25 feet farther from the creek than is the existing house.

The setbacks of the existing buildings is as follows. The existing house is 70 feet from the creek. The small garage east of the house is 75 feet from the creek. The old chicken house farther to the east is 80 feet from the creek. The barn is 100 feet from the creek. And finally, the granary north of the house will be moved to a new location on the site, is 160 feet from the creek.

The old house, barn, and garage will all be torn down and removed. The chicken house will remain in place. The granary will be moved to a new location on the site, northwest of the existing house, 125 feet from the creek. The new house/shed will be 95 feet from the creek at its closest point (the southeast corner of the house (see attached map and building plans).

The building site is on a high point, above the Floodplain, on the north and west side of a bend in the creek. The Environmental Office records do not say when the farm building site was originally established, or when the existing house and buildings were built, but it appears to have been done long before the Zoning Ordinance and creek setback rules went into effect. Aerial imagery available from Google Earth and the University of Minnesota, going back to 1938, shows the farm site buildings in substantially the same locations as they are today.

Moving the building site is made difficult by two factors. First, the land on the north side of the site, away from the creek, is a wooded ravine, which makes construction difficult and prevents easy access to the land on the north side of the ravine. Second, the land on both sides of the driveway, between the road and the existing site, is subject to a perpetual conservation easement.

Boiling Spring Creek is identified on the DNR's Public Waters Inventory map and is listed in the Redwood County Shoreland Ordinance as requiring a 150 foot setback for buildings. Therefore a variance is needed in order for the project to move forward.

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. Additionally, written notice was provided to the Commissioner of the DNR, pursuant to the Shoreland Ordinance, via the DNR Office in Marshall, MN, and via direct mailing to the Commissioner's office in St. Paul.

enclosures

cc: Gregory & Julie Mensen