



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: March 18, 2020

A meeting of the Redwood County Board of Adjustment convened on Tuesday, the 18th day of March, 2020. The meeting consisted of one public hearing. The meeting was convened at 42529 County Hwy 7, Belview. The following Board of Adjustment members were present: John Rohlik and Dan Tauer. John Schueller was absent. The following individuals were also present: Greg Mensen and Redwood County Land Use & Zoning Supervisor Nick Brozek.

At 9:00 a.m., the meeting was called to order by Vice-Chair John Rohlik.

The first item of business was to elect officers for the 2020 calendar year. Tauer nominated Rohlik for Chair. Rohlik seconded the nomination and was elected Chair by a 2-0 vote.

Rohlik then nominated Tauer for Vice-chair. Tauer seconded the nomination and was elected Vice-chair by a 2-0 vote.

Chair Rohlik opened a public hearing on an *Application for Variance*, Permit Application No. 1-20v, submitted by Greg Mensen. 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 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.
2. 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.
3. 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.

4. 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).
5. 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.
6. 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.
7. 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.
8. 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.

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

Greg Mensen was present to explain the project. He made the following statements about the application:

- Mensen and his wife bought the property about one year ago. They intend to build their retirement home here.
- Mensen showed the Board the site map supplied in the Board Packet prepared by county staff. He also showed them the floor plan of the house/shop he wants to build.
- The building will be a 40' x 80' shop with a 40' x 40' house attached, on the south side.
- The construction will be a "patio home" meaning that it will be constructed on a concrete slab, and will have no basement.
- The existing electric service pole will need to be moved, and the electric service will first be supplied by a temporary pole, and later moved underground.
- An old granary building will be moved to a new location on the property.
- The old garage will be removed.
- Mensen has spoken with Jeff Johnson, septic contractor, about installing a new mound system.
- The old house will be removed.

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

- Boiling Spring Creek doesn't draw water from a large area (it's not very long) so there shouldn't be an issue with flooding.

- The site is located outside of the floodplain, due to its elevation.

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

Chair Rohlik closed the public hearing at 9:15 a.m.

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

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 20th day of September, 2019. On a motion made by Rohlik and seconded by Tauer, it was moved and passed unanimously that said minutes be approved as presented.

The meeting was adjourned at 9:40 a.m.



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



John Rohlik, Chair
Redwood County Board of Adjustment