

## Factors Regarding an *Application for Variance*

### Statutory Factors<sup>1</sup>:

- (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) Is the proposed use allowed in the zoning district in which the subject property is located?
- (2) Are the conditions attached to the variance, if any, directly related to the variance, and roughly proportional to the impact created by the variance?

### Additional Factors for After-the-Fact Variances<sup>2</sup>:

- (1) Did the applicant act in good faith and attempt to comply with the ordinance?
- (2) Did the applicant make a substantial investment?
- (3) Is the construction complete?
- (4) Are there similar structures in the area?
- (5) Are the county's benefits outweighed by the applicant's burden if the applicant were required to comply with the ordinance?

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<sup>1</sup> Minn. Stat. Section 394.27, subd. 7.

<sup>2</sup> In re Stadsvold, 754 N.W.2d 323 (Minn. 2008)

**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 \_\_\_\_\_

Why or why not? \_\_\_\_\_

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

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

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

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

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

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

(5) Is the proposed use allowed in the zoning district in which the subject property is located?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

(6) Are the conditions attached to the variance, if any, directly related to the variance, and roughly proportional to the impact created by the variance?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

**Additional Factors for After-the-Fact Variances:**

(1) Did the applicant act in good faith and attempt to comply with the ordinance?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

(2) Did the applicant make a substantial investment?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

(3) Is the construction complete?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

(4) Are there similar structures in the area?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

(5) Are the county's benefits outweighed by the applicant's burden if the applicant were required to comply with the ordinance?

Yes \_\_\_\_\_ No \_\_\_\_\_

Why or why not? \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Chair of Redwood County Board of Adjustment

RECEIVED

APR 30 2020

REDWOOD COUNTY ENVIRONMENTAL OFFICE  
Date: 5/1/20



Redwood County

www.co.redwood.mn.us

### Application for Variance

Permit #: 3-20v

#### Location of the Affected Parcel or Property:

Address: 21844 Ocean Ave City: Clements State: MN Zip: 56224  
House # Street Name

Parcel Number: 67-003-1020 Township Name: Sundown

Section: 3 Township Number: 110 N Range: 35 W

#### Legal Description:

TR BEG AT PT 1120' S OF NE COR OF NE 1/4, TH S 150', W 540', N 550', E 351', S 405', E 189' TO POB S.08A M/L

#### Information about the Variance Request:

Zoning District: Agricultural

#### General description of the building or request:

4806 Sukup Grain Bin, 48' Diameter on a 50' Diameter Concrete Pad.

#### Type of occupancy:

Grain Bin

#### Building Size: (Please enter dimensions in feet)

Width: \_\_\_\_\_ Length: \_\_\_\_\_ Diameter: 50

Sidewall Height: 23.5 Total Height: 38.25

#### Setbacks: (Please enter in feet)

Side Yard Setback: 11 Direction: North

Side Yard Setback: 70 Direction: South

Rear Yard Setback: 400 Direction: West

Road Type: Township Gravel Setback from the Center of the Road: 87

Right-of-Way Width measured from Centerline 33.5

#### Other information:

Concrete Pad for the grain bin will be located 89 feet from the center-line of the Ocean Avenue Road Right-of-way. Requesting a Variance to be no less than 87 feet from the center-line of the Road Right-of-way.



**Applicant Information:**

First Name: Adam Last Name: Goldade  
Business Name: Adam Goldade  
Address: 5920 27<sup>th</sup> Ave NE City: Rugby State: ~~MN~~ ND Zip: 58368  
Home Phone: \_\_\_\_\_ Cell Phone: 701-771-8859 Email: Adam.Goldade@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: Adam Goldade Date: 4/30/20

**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 #: 217006 Date Approved: \_\_\_\_\_

**Conditions:**

Application Received: 5/1/20

**Board of Adjustment:**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Information:

First Name:

Last Name:

Business Name:

Address:

City:

State: MN

Zip:

Home Phone:

Cell Phone:

Email:

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

First Name:

Last Name:

Business Name:

Address:

City:

State: MN

Zip:

Home Phone:

Cell Phone:

Email:

I affirm that the foregoing 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:

Date:

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 fire lines, proposed fences, utility rights-of-way, planned entrances and exits for operation area, and any signs being posted.

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Variance Fee:

Receipt #:

Date Approved:

Conditions:

Application Received:

Board of Adjustment:

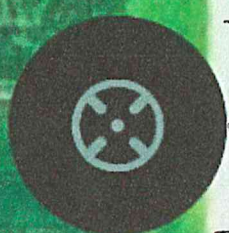
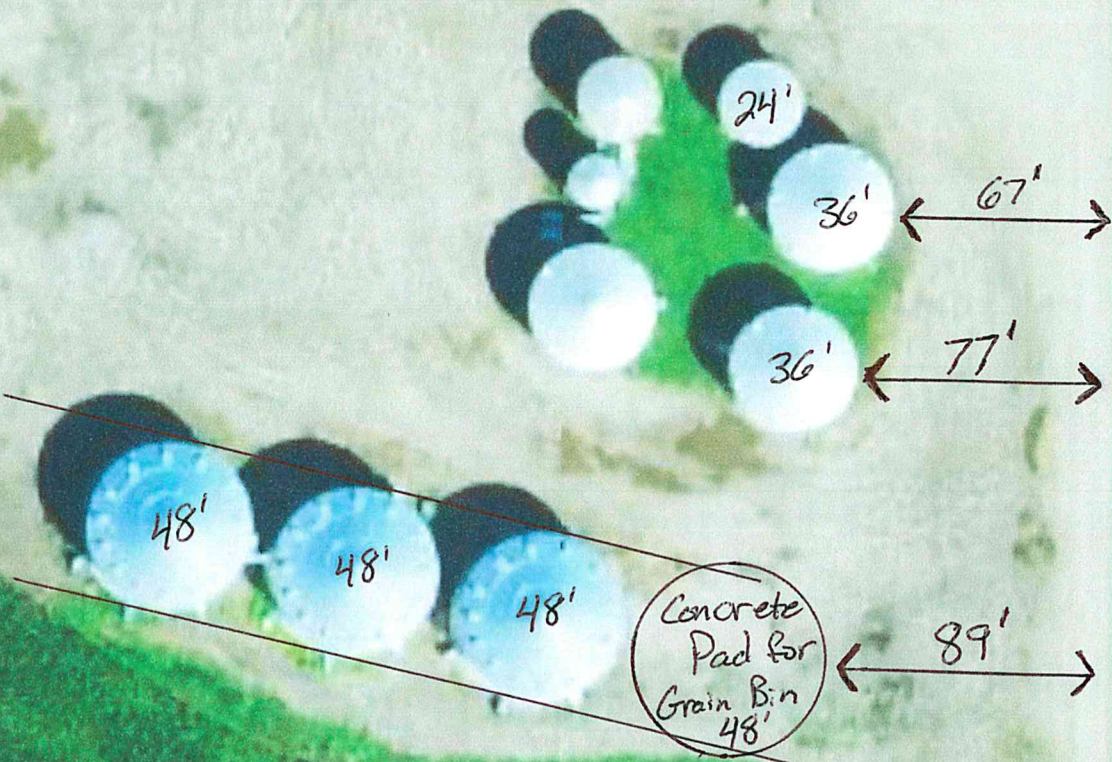
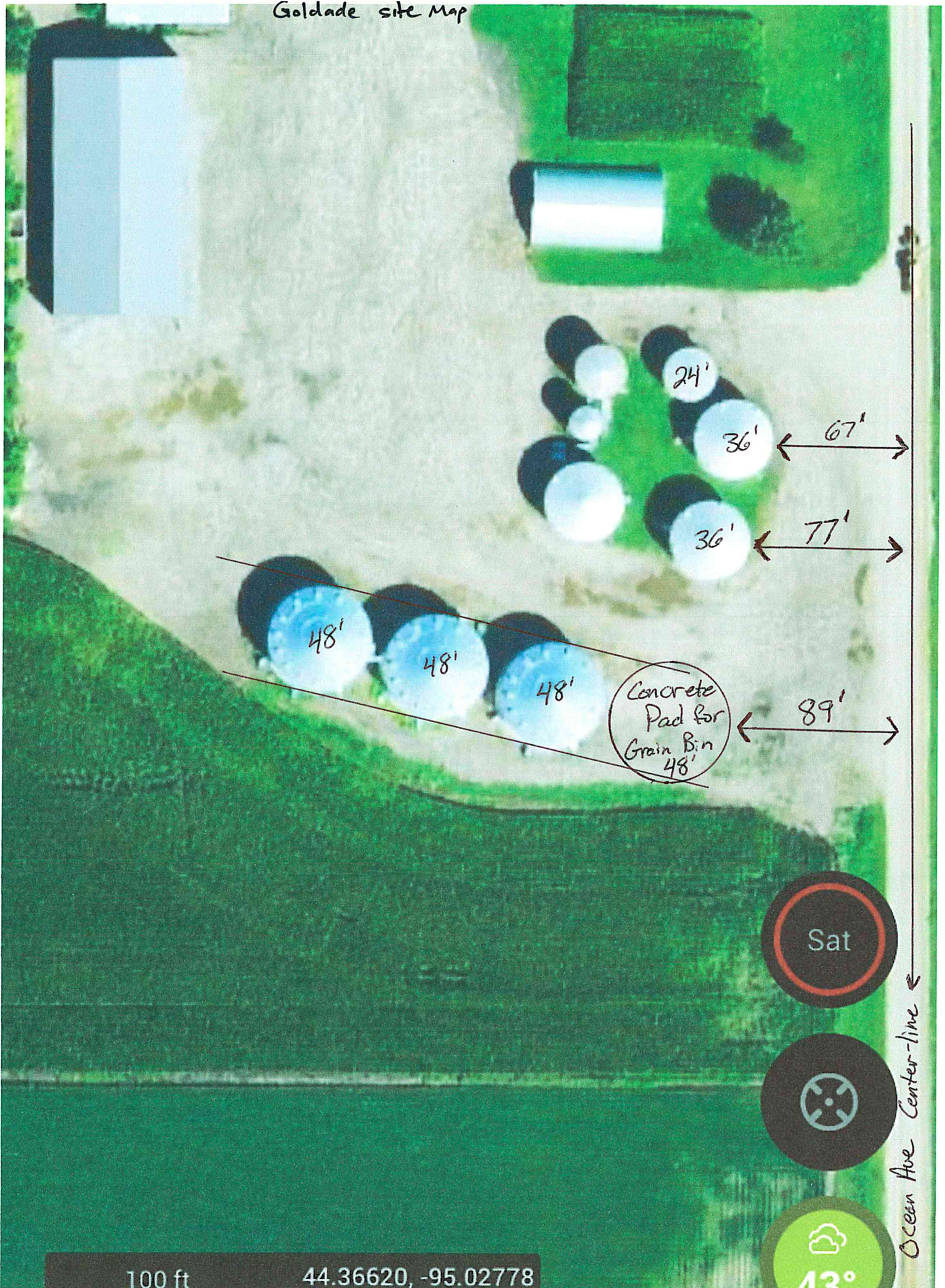
Approved:

Date:

Disapproved:

Date:

Goldade site Map



Ocean Ave Center-line ←

100 ft

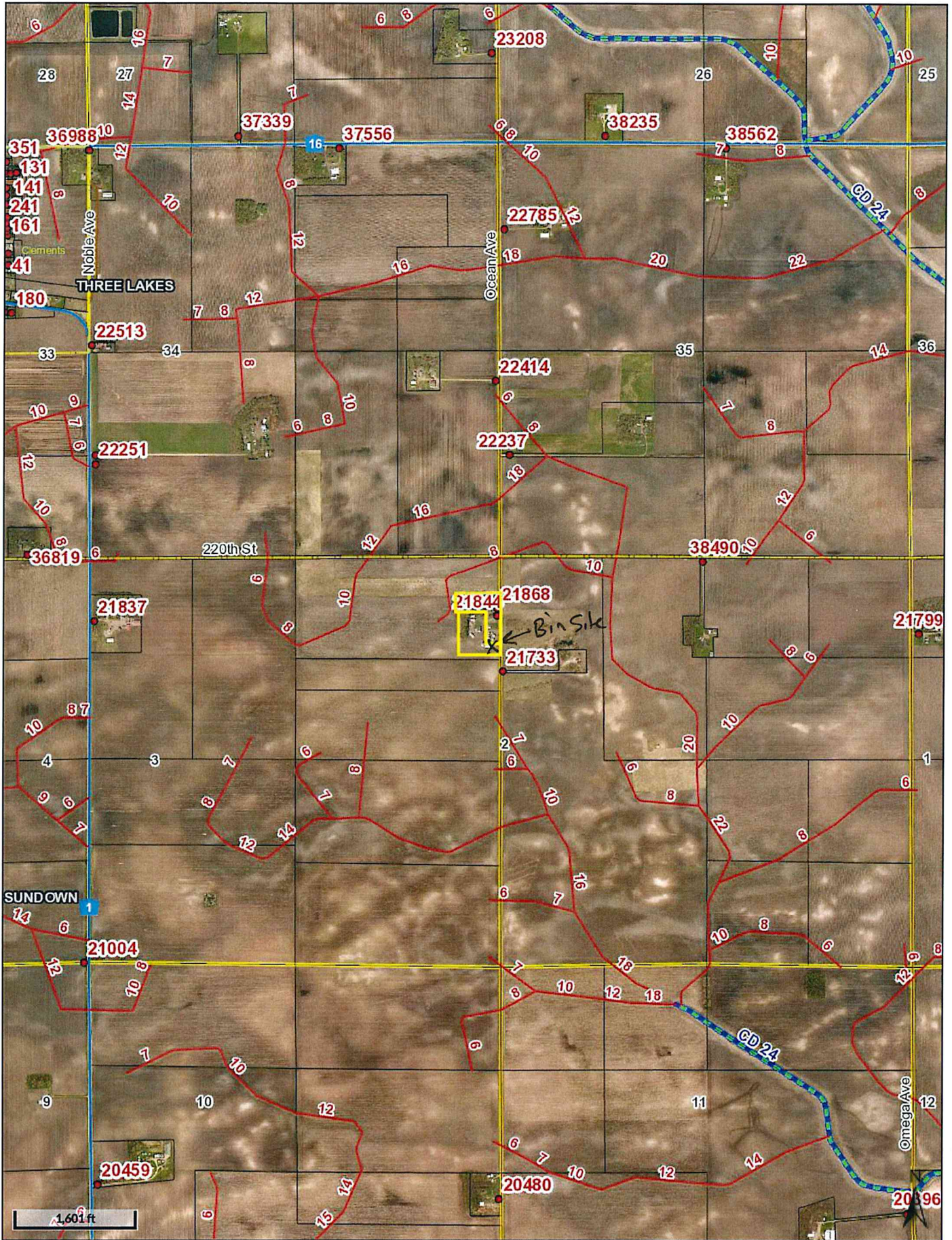
44.36620, -95.02778

43°





# Goldade Area Map



**TO:** Whom It May Concern  
**FROM:** Nick Brozek <sup>NB</sup>  
Land Use and Zoning Supervisor  
Redwood County Environmental Office  
**DATE:** May 11, 2020  
**RE:** Notice of Public Hearing on *Application for Variance*.

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**COPY**



Please find enclosed a *Notice of Public Hearing* regarding an *Application for Variance* filed by Adam Goldade requesting a variance, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from the public road right-of-way set forth in Redwood County Code of Ordinances, Title XV, Section 153.144. The variance request is for the construction of a grain bin on property situated in the County of Redwood, State of Minnesota, to wit:

A parcel of land situated in the NE1/4 of the NE1/4 of Section 3, Township 110 North, Range 35 West (Sundown Township) described as commencing at the Northeast corner of said Section 3; then south along the east section line a distance of 1120 feet to the point of beginning; then south 150 feet; then west 540 feet; then north 550 feet; then east 351 feet; then south 405 feet; then east 189 feet to the point of beginning, containing 5.08 acres, more or less.

It is hereby ordered that a Public Hearing thereon will be held on Thursday, May 21, 2020, at 8:30 a.m. before the Redwood County Board of Adjustment at the proposed building location, located at 21844 Ocean Avenue, Clements, 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: Adam Goldade (w/encl)

Redwood County Government Center - Environmental Department  
P.O Box 130 Redwood Falls, MN 56283  
(507) 637-4023 redwoodcounty-mn.us Environmental@co.redwood.mn.us

**COPY**

State of Minnesota

Board of Adjustment

County of Redwood

In the Matter of the Application of )  
Adam Goldade for a Variance )  
to Redwood County Ordinance )

**NOTICE OF PUBLIC HEARING**

An *Application for Variance* has been filed by Adam Goldade requesting a variance, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from the public road right-of-way set forth in Redwood County Code of Ordinances, Title XV, Section 153.144. The variance request is for the construction of a grain bin on property situated in the County of Redwood, State of Minnesota, to wit:

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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 5, 2020



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 Adam Goldade, Permit Application No. 3-20v.**

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:

DOUGLAS J & RITA R KUELBS  
1092 FIREMENS LODGE RD SW  
ALEXANDRIA MN 56308

DEAN D & CARRIE L PIETIG  
21837 CO HWY 1  
CLEMENTS MN 56224

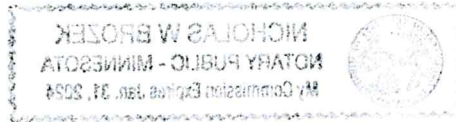
SUSAN M BERAN  
1006 S MINNESOTA ST  
NEW ULM MN 56073

STEVEN L & JEAN M WARD  
68626 215 ST  
DARWIN MN 55324

GREGORY ALLEN & BRENDA KAY KOHLHOF  
% GREGORY A KOHLHOF  
6809 GRAND CYPRESS BLVD  
NORTH PORT FL 34287

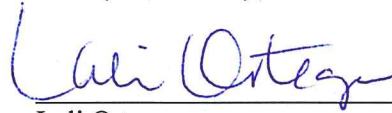
CITY OF CLEMENTS  
% CHELSEY STARK, CLERK  
106 PINE ST  
CLEMENTS MN 56224

SUNDOWN TOWNSHIP BOARD OF SUPERVISORS  
% ABBY LARSON, CLERK  
18694 NATURE AVE  
SPRINGFIELD MN 56087



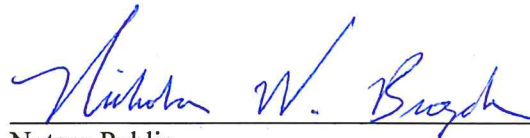
ADAM J & ABBY E GOLDADE  
5920 27<sup>TH</sup> AVE NE  
RUGBY ND 58368

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 12<sup>th</sup> day of May, 2020.

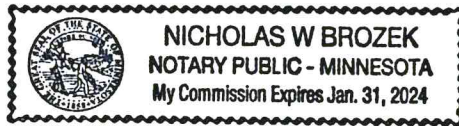


Lali Ortega  
Environmental Office Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 12<sup>th</sup> day of May, 2020, by Nicholas W. Brozek.



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: April 8, 2020**

A meeting of the Redwood County Board of Adjustment convened on Wednesday, the 8<sup>th</sup> day of April, 2020. The meeting consisted of one public hearing. The meeting was convened at 33431 180<sup>th</sup> Street, Sanborn. The following Board of Adjustment members were present: John Rohlik, Dan Tauer, and John Schueller. The following individuals were also present: Dan Ramsbacher, Clete Hillesheim, Paul Juenemann, Bernie Hillesheim, and Redwood County Land Use & Zoning Supervisor Nick Brozek.

Due to Governor Walz's emergency declaration, in connection with the spread of the COVID-19 virus, the usual practice of passing around an attendance sheet was not done. Instead Brozek asked each attendee to state their name, and write it down in his notes of the meeting.

At 9:00 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. 2-20v, submitted by Dan Ramsbacher. 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 April 8, 2020, at 9:00 a.m. regarding an Application for Variance filed by Dan Ramsbacher, landowner, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from a property line set forth in Redwood County Code of Ordinances, Title XV, Section 153.144.
2. Mr. Ramsbacher is seeking to construct a new machine shed for storage of agricultural equipment. The shed will measure 88' x 60' and will be located more or less on the same location as his existing barn, which he plans to demolish (most likely prior to the hearing). An old Quonset building has already been removed to make way for the new shed.
3. The reason Mr. Ramsbacher requests a variance is that the shed will not meet the required 10' minimum setback from a property line, on the east side. The property line in question is the boundary between Ramsbacher's home site, which he owns jointly with his wife Melissa, and his farm land and building site, which he owns solely.
4. Mr. Ramsbacher supplied a survey of his home site, from when the home was split off from the rest of the farm. The survey indicates that several monuments were placed by the surveyor. Ramsbacher found the northwest corner marker, and Environmental Office staff observed the marker, showing the boundary is approximately 6 feet east of the easternmost wall of the barn (which is a small part of the barn jutting out on that side).
5. Due to the way the land falls away to the west, Ramsbacher wants to build the shed as far to the east as possible, in order to construct a parking area on the west end of the shed.

6. He is requesting a variance of 0' from the property line. If approved, the building may be built just up to the property line, but not over, including any roof overhang.
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:

Dan Ramsbacher was present to explain the project. He made the following statements about the application:

- He wants to build a 60' x 88' shed for cold storage of agricultural equipment.
- The shed will have 26' door on the south and west sides.
- Ramsbacher wants to utilize the flat ground on the west side of the building as a parking area for equipment. Beyond that the ground slopes down significantly.
- He wants to push the building up to the east property line, in order to preserve as much of the flat ground as possible. Ramsbacher owns the property on both sides of the line, on the west solely, and on the east jointly with his wife.
- The joint parcel is the site of the Ramsbachers' residence, built in 2003, on 5 acres they bought from Ramsbacher's dad.
- The property line is staked, and Ramsbacher found the pins with the help of a surveyor friend.
- Ramsbacher has flagged the corners of the proposed building walls, showing it 2 feet off the east property line, and 13 feet from Paul Juenemann's property line to the north. The building will have a 2-foot roof overhang, which will go up to the east property line.
- Part of Ramsbacher's grove is on Juenemann's side.

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

- Is Ramsbacher's driveway on the house property or the farm building property?

Ramsbacher stated that the driveway to the site is with the house parcel, not the farm parcel.

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

Chair Rohlik closed the public hearing at 9:22 a.m.

On a motion by Tauer, 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 18<sup>th</sup> day of March, 2020. On a motion made by Tauer and seconded by Schueller, 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 Rohlik, Chair  
Redwood County Board of Adjustment