



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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TO: Redwood County Board of Adjustment
FROM: Nick Brozek *NB*
Land Use and Zoning Supervisor
Redwood County Environmental Office
DATE: September 14, 2020
RE: Public Hearings on *Applications for Variance*: Peter U'Ren & John Rohlik

1. Peter U'Ren – Setbacks from Ramsey Creek.

A public hearing will be held on September 25, 2020, at 8:30 a.m. regarding an Application for Variance filed by Peter U'Ren, landowner, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 and 153.244, to the required setback from the ordinary high water mark of Ramsey Creek, and the Ramsey Creek bluff, set forth in Redwood County Code of Ordinances, Title XV, Section 153.246(B)(1)(a.) and (b.), respectively.

Ramsey Creek is listed on the DNR Protected Waters Inventory and the Redwood County Shoreland Ordinance. This means that the project area is located within the Shoreland District as defined by Ordinance and required by state law. One of the additional requirements of the Shoreland District is that no permits can be issued unless a current Certificate of Compliance has been issued for the septic system on the property. Mr. U'Ren's septic was inspected and a Certificate of Compliance issued on 8/29/2020. Certificates of Compliance remain in effect for three years.

Mr. U'Ren is seeking to construct a 12' x 16' deck on the back of his house. The deck, and the house itself, will not meet the required setback from the bluff and the ordinary high water mark of Ramsey Creek. According to Mr. U'Ren's measurements, the house is currently located 130 feet from the ordinary high water mark of the creek. The ordinary high water mark is defined as the top of the creek bank, or the point at which land vegetation begins.

In this case, we use the land vegetation as the ordinary high water mark, because the creek runs at the bottom of a 32-foot deep ravine behind the U'Ren residence. This means that the creek bank is defined as a "bluff" per the Shoreland Ordinance – an embankment rising 25 feet or more above the ordinary high water level with a slope of 30% or steeper, draining toward the creek. A separate 30-foot setback applies to the bluff. Per staff measurement on the site, the house is 36 feet from the top of the bluff. The deck, house, and all other structures must meet both the ordinary high water mark setback, and the bluff setback.

Mr. U'Ren built the house in 2001. At that time he was under the impression that he had to meet either the bluff setback or the ordinary high water mark setback. He did not realize he needed to meet both. Similarly, he received a building permit for a home addition in 2010, under the same misunderstanding. Both the original house and the addition meet the bluff setback, but do not meet the ordinary high water mark setback.

The proposed deck will extend 12 feet out from the back of the house, and will, therefore, be 24 feet from the edge of the bluff, and 118 feet from the ordinary high water mark. Consequently, Mr. U'Ren is seeking a variance of 6 feet from the bluff setback, for the deck, and a variance of 32 feet from the ordinary high water mark setback for both the deck and the house.

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. Because the project is located in the Shoreland District, notice was also required to be sent to the DNR.

2. John Rohlik – Setback from Road Right-of-Way

A public hearing will be held on September 25, 2020, at 9:00 a.m. regarding an Application for Variance filed by John Rohlik, landowner, 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.

Mr. Rohlik is proposing to construct an addition to an existing barn structure, for use as a cow/calf shelter. The new structure will match the existing structure's road setback, which is 55 feet from the center line of 330th Street. The existing structure predates the setback requirement, and is therefore "grandfathered" in.

Historically, Mr. Rohlik's farm site was constructed on both sides of 330th Street, or 330th was constructed through the farm site when it was first built. Consequently, many of the buildings on the site do not meet the required 67' setback from the edge of the road right-of-way.

The building addition will measure 36' wide by 60' long, with 10' side walls and a total height of 18'.

As it now stands, the building also will not meet the required 10' property line setback from the west property line. However, Mr. Rohlik is in the process of acquiring additional property from the neighboring owner and moving the line to meet the property line setback. About half of the proposed building addition is to be construction on property that, as of now, appears to be owned by the Richard Kramer Family Trust. However, Mr. Rohlik has long used that area as part of his farm site. The property line issue seems to have been caused by an incorrect legal description used to deed the property to Mr. Rohlik.

enclosures

cc: Peter U'Ren
John Rohlik
Mary Ann Kramer