



Application for Variance

www.co.redwood.mn.us

Permit #: 2-21v Date: 4/7/2021

Location of the Affected Parcel or Property:

Address: 32155 Garden Ave City Belview State: MN Zip 56214
House # Street Name

Parcel Number 64-007-3020 Township Name: Sheridan

Section 7 Township Number T-112-N Range: R-37-W

Legal Description:

TR BEG 350' N SW COR SW1/4; TH E 650', N 800', W 650', S 800' TO POB, 11.94A M/L

Information about the Variance Request:

Zoning District: Agricultural

General description of the building or request: NOTICE: Change of land use may affect your property taxes.

Construct living room addition and wrap-around porch on existing house. The porch will not meet the required 10-foot setback from the septic tank. The applicant is seeking a 6-foot variance to the setback, to construct the porch 4 feet from the edge of the septic tank.

Type of occupancy:

Residential

Building Size: (Please enter dimensions in feet)

Width: 9 Length 28 Diameter: _____

Sidewall Height: 10 Total Height: 13

Setbacks (Please enter in feet)

Side Yard Setback 275 Direction: North

Side Yard Setback 480 Direction: South

Rear Yard Setback: 290 Direction East

Road Type Township Setback from the Center of the Road 295

Setback from the center of the road 295

Other information:

Applicant Information

First Name: Ken Last Name: Rechtzigel

Business Name _____

Address 32155 Garden Ave City: Belview State: MN Zip 56214

Home Phone: _____ Cell Phone (507) 829-2565 Email: kenrechtzigel@gmail.com

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

First Name: Ken & Barbara Last Name: Rechtzigel

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:  Date 4-8-21

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 \$700.00 Receipt # 573409 Date Approved: _____

Conditions

Application Received 4/8/21

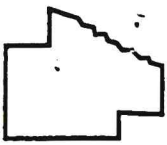
Board of Adjustment

Approved _____ Date _____

Disapproved _____ Date _____

RECHTZIGEL MAP





REDWOOD COUNTY ENVIRONMENTAL OFFICE
Certificate of Compliance

Property Owner Ken Rehtzigel Telephone 507 762 3452
 Site Address 32155 Garden Ave. City Belview
 Zip Code 56292 Township Sheridan Section/Twp/R 7
 Permit # 3-00R ESP _____ Map # _____
 Name of Contractor Duane Duscher License # 934

System: New (Upgrade) / Repair
 Tank (s) pumped (If existing)? Y N Year System Built (If existing): _____
 Name of Installer Duane Duscher
 Preliminary Site Evaluation / Design By Duane Duscher, Brent Long Date 5-10-00
 Soil sizing factor: 1.67 Soil treatment area size (s): _____ sq. ft. Depth to Restricting layer 50"
 Number Bedrooms 3 Type (I) (II) (III) (IV) Design Flow 450 gpd
 Water Using Appliances Clothes Washer () Dishwasher () Garbage disposal () Whirlpool bath
 Water conditioning unit () Self-cleaning humidifier in furnace
 Nearest Surface Water: = _____ ft. from which type of surface water: () river () lake () stream
 other Drainage Ditch 1000'+
 Distance to Well: 110 Distance to Neighbor's Well: NA

Tanks Size	Material
Septic <u>1000</u> gal	<u>Concrete</u>
Aerobic _____ gal	_____
Pump Tank _____ gal	_____
Holding Tank <u>500</u> gal	<u>concrete</u>

Manufacturer Name Central Allied
 Depth of Cover Over Tank 80" inches

Trench System:
 Lineal Feet of Trench _____ ft () Rock () Graveless
 Trench Depth Below Natural Grade _____ inches
 Depth of Soil over Laterals _____ inches

Mound System:
 Rockbed Dimensions _____ ft x _____ ft
 Sandbed Dimensions _____ ft x _____ ft
 Depth of Clean Sand Below Rockbed _____ inches

Atgrade System: 10.5' Split Atgrade
 Rockbed Dimensions _____ ft x *64' ft Number of perforated laterals _____
 Number of perforated laterals 2

Pressure Distribution System
 Size of Perforated Laterals 1.25" 1.5" (2.0")
 Size of Perforations 1/4" (7/32") @ 36" inch spacings

OFFICE USE ONLY
 Inspection Record
 Preliminary Site Inspection By Brent Long Date 5-10-00
 Installation Date 5-16-00
 Final Inspection By Brent Long Date 5-16-00
 OTHER SITE VISITS
 _____ Date _____
 _____ Date _____

CERTIFICATION

I hereby certify as a State of Minnesota licensed Inspector, Designer or Qualified Employee that based on my observations and / or the information provided me by the Licensed Installer that the information listed above for the site stated at the top of this form indicates that work performed on this septic system was completed in accordance with applicable requirements as of the date below. No determination of future hydraulic performance can be made due to unknown conditions during system construction and / or future water usage over the life of the system.

Inspector's Signature Brent Long Date 5-16-00

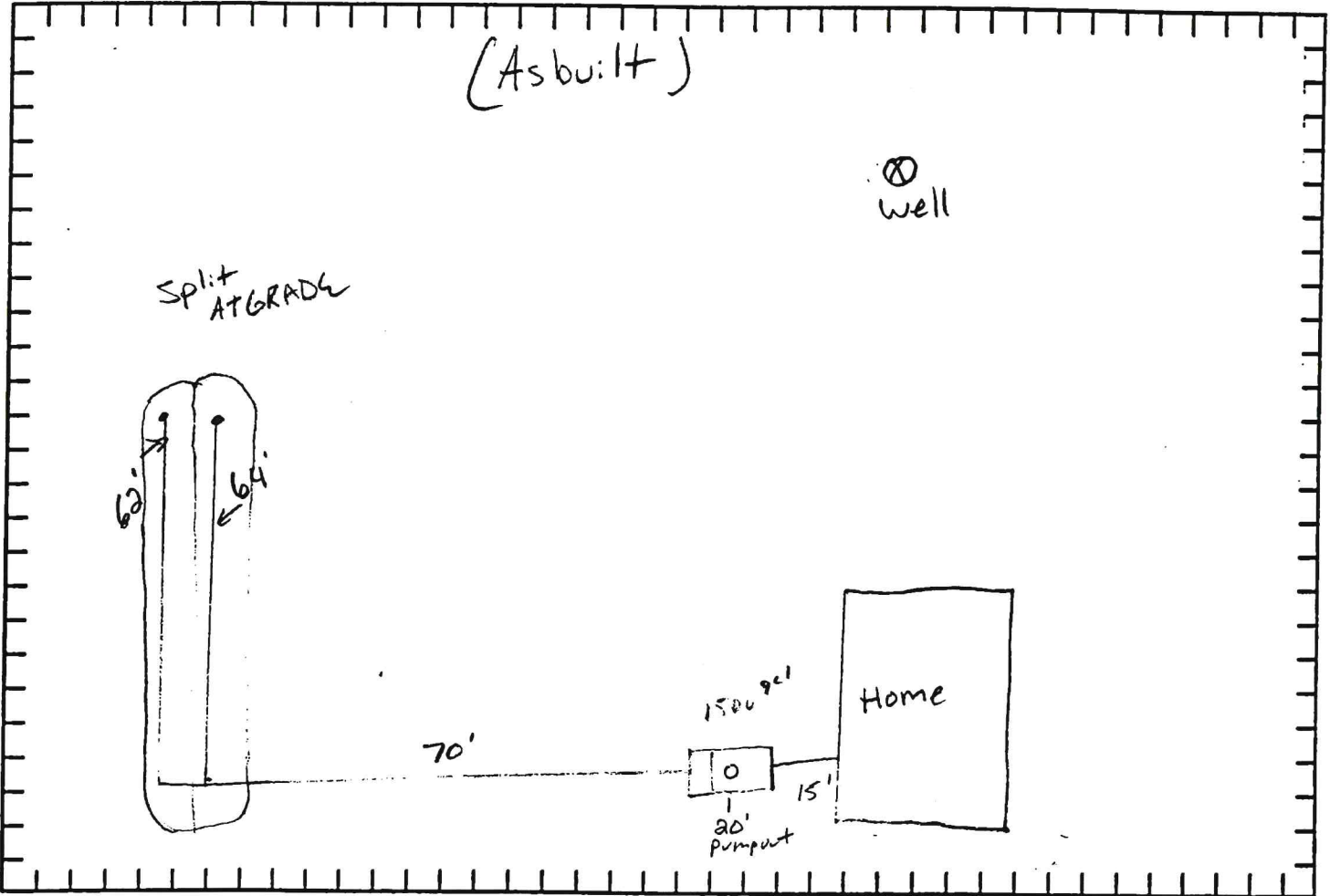
SOIL TREATMENT SYSTEM SITE PLAN DRAWING

Check box if completed:

- North arrow
- Alternate soil treatment area
- Soil borings & perc test locations with horizontal & vertical reference point
- Wells within 100 feet
- Sewer lines within 50 feet of wells
- Percent & Direction of slope (s)
- Existing & proposed waterlines within 50'

- Lakes, rivers, streams, wetlands
- Ordinary high water level of public waters
- Ten year flood elevation
- Flooding potential areas
- Location of disturbed or compacted areas
- Location of run-on potential areas

- Elevation of bottom of soil treatment area
 - Access route for tank maintenance
 - Road right-of-way (s)
 - Lot/property lines
 - Lot easements
 - Setbacks from buildings
 - Proposed & existing buildings
- SCALE: 1 inch = 30'



NOTES:

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) 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 Variances²:

- (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?

¹ Minn. Stat. Section 394.27, subd. 7.

² 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

TO: Whom It May Concern

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

DATE: April 23, 2021

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



Please find enclosed a *Notice of Public Hearing* regarding an *Application for Variance* filed by Ken Rehtzigel requesting a variance, pursuant to Redwood County Code of Ordinances, Title XV, Section 151.22(F), to the required setback between a structure and a septic tank set forth in Minn. Rules Ch. 7080, adopted by reference in Redwood County Code of Ordinances, Title XV, Section 151.22. The variance request is for the construction of a porch addition to an existing primary dwelling, which will not meet the required 10-foot setback from the existing septic tank, on property situated in the County of Redwood, State of Minnesota, to wit:

A Tract beginning 350 feet north of the southwest corner of the Southwest Quarter (SW1/4), thence east 650 feet, north 800 feet, west 650 feet, south 800 feet to the point of beginning, 11.94 acres more or less, in Section 7, Township 112 North, Range 37 West (Sheridan Township).

It is hereby ordered that a Public Hearing thereon will be held on Thursday, May 13, 2021, at 8:30 a.m. before the Redwood County Board of Adjustment at the proposed building location, located at 32155 Garden Avenue, Belview, 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, the municipal council of any municipality within two (2) miles of the affected property, and the Minnesota Pollution Control Agency.

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: Ken Rehtzigel (w/encl)

State of Minnesota

Board of Adjustment

County of Redwood

In the Matter of the Application of)
Ken Rehtzigel for a Variance)
to Redwood County Ordinance)

NOTICE OF PUBLIC HEARING

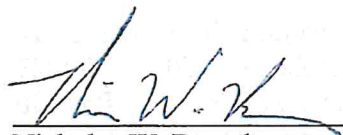
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DATED: April 23, 2021



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 Ken Rechtzigel; Permit Application
 No. 2-21v.**

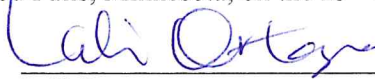
I, Lali Ortega, a person not less than eighteen (18) years of age, being first duly sworn upon oath, hereby state a copy of the following:

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

were duly served upon:

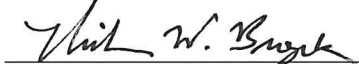
See Attached

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 23rd day of April, 2021.

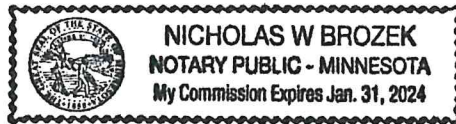


Lali Ortega
Environmental Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 23rd day of April 2021, by Lali Ortega.



Notary Public



MICHAŁ W BROZEK
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2024



Parcel ID	Owner	C/O	Address	CITY	STATE	ZIP
720131020	BOUSHEK/MAVIS I		21254 320 ST	BELVIEW	MN	56214
720124020	ALEXANDER/ROBERT B & SONYA L	ALEXANDER/GORDON D	21221 320 ST	BELVIEW	MN	56214
640073040	RECHTZIGEL/CAROL RECHTZIGEL/KEN & BARBARA SHERIDAN TOWNSHIP BOARD OF SUPERVISORS MINNESOTA POLLUTION CONTROL AGENCY	% SALLY SCHUELLER, CLERK % KLAYTON VANOVERBEKE	48 PLEASANT VIEW RD 32155 GARDEN AVE 28234 CO HWY 6 504 FAIRGROUNDS RD, SUITE 200	SLAYTON BELVIEW REDWOOD FALLS MARSHALL	MN MN MN MN	56172 56214 56283 56258

RECEIVED

MAY 03 2021

REDWOOD COUNTY ENVIRONMENTAL OFFICE

OFFICIAL PUBLICATION
STATE OF MINNESOTA
BOARD OF ADJUSTMENT
COUNTY OF REDWOOD
In the Matter of the Application of)
Ken Rehtzigel for a Variance)
to Redwood County Ordinance)
NOTICE OF PUBLIC HEARING

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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: April 23, 2021
Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office
Published in the Redwood Gazette April 29, 2021.

AFFIDAVIT OF PUBLICATION


Gannett Newspaper Publications

State of Minnesota
Counties of Brown, Chippewa, Lyon,
Redwood, Watonwan, Yellow Medicine

Lisa Drafall, being first duly sworn, on oath states as follows:

1. I am the Vice President of Sales of the Gannett Newspaper Publications. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: - THURSDAY-, the 29th day of APRIL, 2021.
4. The lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06 and §331A.07 is 9.75 column inch.
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspapers' known office of issue is located in Brown, Chippewa, Lyon, Redwood, Watonwan & Yellow Medicine counties. The newspapers comply with the conditions in §580.033, subd. 1, clause (1) or (2). If the newspaper known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: 
Vice President of Sales

Subscribed and sworn before me
on the 29th day of APRIL, 2021.

By: 
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: February 23, 2021

A meeting of the Redwood County Board of Adjustment convened on Tuesday, the 23rd day of February, 2021. The meeting consisted of one public hearing. The meeting was convened at 15570 County Hwy 5, Walnut Grove. The following Board of Adjustment members were present: Dan Tauer and John Rohlik. John Schueller was absent. The following individuals were also present: Brian Johnson, Ben Johnson, and Redwood County Land Use & Zoning Supervisor Nick Brozek.

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

The first item of business was to elect officers for the 2021 calendar year. Rohlik nominated Tauer for Chair and Schueller for Vice-chair. Tauer seconded the nomination and the motion passed unanimously.

Chair Tauer opened a public hearing on an *Application for Variance*, Permit Application No. 1-21v, submitted by Brian Johnson. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the

1. Brian Johnson is proposing to construct an addition to an existing total confinement swine finishing barn on his feedlot site, located at 15570 Co Hwy 5, Walnut Grove, MN 56180. The barn is currently 41' x 128', with 8' under floor manure storage. The addition will measure 41' x 144' with 8' poured-concrete under floor manure storage. The expansion will allow for an additional 600 head of swine between 55 and 300 lbs.
2. In 2013, Mr. Johnson applied for and was issued Variance #5-13v for this feedlot, for a variance of 430' from the required ½ of a mile setback. However, the proposed expansion will move the feedlot even closer to the cemetery. Consequently, Mr. Johnson is now requesting a variance of 474' to the ½ mile setback.
3. Mr. Johnson provided minutes from the Trinity Church Council meeting on November 18th, 2020. Per the minutes, the Council has no objection to Mr. Johnson's proposed feedlot expansion.
4. A public hearing will be held on February 23, 2021, at 9:00 a.m. regarding an Application for Variance filed by Brian Johnson, landowner, pursuant to Redwood County Code of Ordinances, Title XV, Sections 153.026 to the required setback between a feedlot and a cemetery set forth in Redwood County Code of Ordinances, Title XV, Section 153.290.
5. 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:

Brian Johnson was present to explain the project. He made the following statements about the application:

- Johnson wants to add on to the southernmost of his two existing barns.
- This one is the older barn.
- He is also replacing the slats and equipment in the barn.
- The goal is to increase the capacity of the barn to 1200 head of pigs.
- He will add 140 feet to the west end.
- This will push the barn, and the feedlot as a whole, closer to the cemetery, to the northwest of the feedlot.
- He has plenty of land available for the additional manure.
- Johnson co-owns a nursery barn in South Dakota, and raises his own pigs.

The Board asked the following questions:

- Does the request for a variance of 474 feet leave enough room?
- Should an extra 20 feet be added to the variance?

Brozek stated that the variance footage was supplied by Johnson's consultant, Jeff Bauman of Anez consulting, but that he didn't see any harm in adding an extra 20 feet. The extra distance would not be enough to allow for any future unpermitted expansion, but would allow some "wiggle room" to make sure construction of the current project doesn't accidentally go over the line, and get too close to the cemetery.

Johnson stated that before his previous variance, he measured the setback distance with a measuring wheel, to the corner of the cemetery property.

No one spoke in opposition to the variance.

Chair Tauer closed the public hearing at 9:11 a.m.

Rohlik made a motion to approve a 494-foot variance for the proposed feedlot expansion. The motion was seconded by Tauer and the variance was approved by unanimous vote.

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 2nd day of December, 2020. 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 then adjourned.

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

Dan Tauer, Chair
Redwood County Board of Adjustment