



Redwood County

www.co.redwood.mn.us

### Application for Variance

Permit #: 1-24v Date: 2/7/2024

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

Address: 42605 300th street City: Morton State: MN Zip: 56270  
House # Street Name

Parcel Number: 65-028-1020 Township Name: Sherman

Section: 29 Township Number: 112 Range: 34

**Legal Description:**

new septic on 7.48 acre tract. See attached.

**Information about the Variance Request:**

Zoning District: Ag

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

Reduce setback from the ordinary high water mark of the unnamed stream for on-site septic by at least 32 feet.

**Type of occupancy:**

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

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

Sidewall Height: \_\_\_\_\_ Total Height: \_\_\_\_\_

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

Side Yard Setback: 180 Direction: West

Side Yard Setback: 465 Direction: East

Rear Yard Setback: 140 Direction: South

Road Type: Township Setback from the Center of the Road: 613

Setback from the right-of-way: 580 Direction: North

**Other information:**

Septic design puts tank at 118' from stream and mound at 135' from stream.

**Applicant Information:**

First Name: Joshua Last Name: Gewerth

Business Name: \_\_\_\_\_

Address: 42668 300th street City: Morton State: MN Zip: 56270

Home Phone: \_\_\_\_\_ Cell Phone: 507-430-2708 Email: jcgewerth@ymail.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:  Date: 2-5-2024

**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 #: 344982 Date Approved: \_\_\_\_\_

**Conditions:**

**Application Received:** \_\_\_\_\_

**Board of Adjustment:**

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

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

### Legal Description

All that part of the North Half of the Northeast Quarter of Section 28, Township 112 North, Range 34 West in Redwood County, Minnesota, described as follows, to wit: Beginning on the north line of said Section 28 at a distance of 1,690.10 feet on an assumed bearing of South 90°00' West from the Northeast Corner of said Section 28; thence South 90°00' West along the north line of said Section 28 for 54.00 feet; thence South 8°50' East for 357.03 feet; thence South 88°18'10" West for 214.76 feet; thence South 0°50' West for 540.00 feet; thence North 74°07'09" East for 783.00 feet; thence North 13°00' West for 190.00 feet; thence North 69°54'29" West for 105.88 feet; thence North 4°00' West for 123.00 feet; thence South 88°10' West for 326.00 feet; thence North 8°52'35" West for 355.32 feet to the point of beginning, containing 7.48 acres, more or less.

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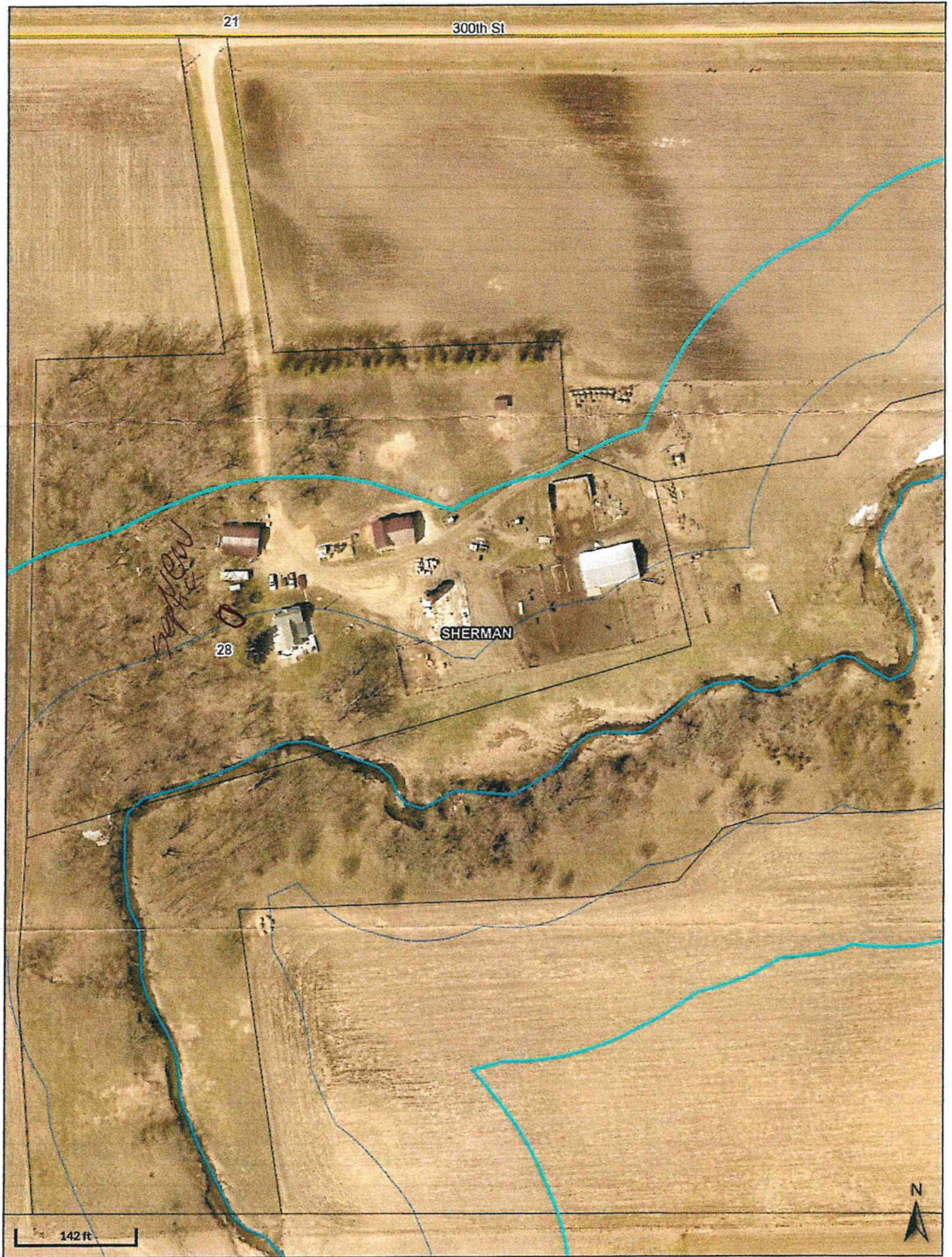
300th St

28

SHERMAN

*Maple*

142 ft



## 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

## REDWOOD COUNTY BOARD OF ADJUSTMENT

### MINUTES

Meeting Date: May 15, 2023



A meeting of the Redwood County Board of Adjustment convened on Monday, the 15<sup>th</sup> day of May, 2023. The meeting consisted of one public hearing. The meeting was convened at 12778 US Hwy 71, Sanborn. The following Board of Adjustment members were present: John Schueller, John Rohlik and Dan Tauer. The following individuals were also present: Bradley Stark and Redwood County Land Use & Zoning Supervisor Nick Brozek.

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. 2-23v, submitted by Bradley Stark. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the matter:

1. Bradley Stark is proposing to construct a 10-foot deep by 21-foot long porch onto the front of the existing house located at 12778 US Hwy 71. The site is legally described as Lot 1, except tracts, of Block 1, of Hellicksons Subdivision.
2. The house is on the west side of Hwy 71, facing east toward the road. The house as exists meets the setback – the front of the house is just beyond the required setback of 67 feet from the edge of the right-of-way. Per MNDOT maps, the right-of-way of this section of Hwy 71 measures 75 feet on either side of the center line. Consequently, structures are supposed to be set back at least 142 feet from the center line of Hwy 71.
3. The house is currently set back approximately 144 feet from the center line of Hwy 71. As proposed, the porch addition will be set back approximately 134 feet from the center line. Consequently, Mr. Stark is requesting a variance of at least 8 feet from the setback.
4. Many of the other houses in this neighborhood do not meet the setback requirement. This is most likely because they were built prior to the setback being in place, or when the road right-of-way was narrower. They may also have applied for variances in the past. Therefore, the proposed project appears to fit the look of the neighborhood.
5. Considering the relatively dense development of this area, including a number of houses and businesses, as well as mature trees, the proposed addition is not likely to create any increase in snow accumulation or other effect upon the public roadway.

Redwood County Government Center - Environmental Department

P.O Box 130 Redwood Falls, MN 56283

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6. 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:

Bradley Stark was present to explain the project. He made the following statements about the application:

- He would like to construct a 10'x21' porch on the front of his house. It would be in the right-of-way setback.
- Two existing houses nearby also have the same porch.
- The porch shouldn't create an issue with snow or sight lines.

The Board had the following questions and comments:

- Is 8 feet enough of a variance for the project?

The applicant provided the following responses to the Board and the township:

- Eight to ten feet should be sufficient.

No one spoke in opposition to the variance.

Tauer made a motion to approve the variance of 10 feet from the right-of-way setback requirement. The motion was seconded by Schueller and passed unanimously.

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 10<sup>th</sup> day of January, 2023. On a motion made by Schueller and seconded by Tauer, it was passed unanimously that said minutes be approved as presented.

The meeting was adjourned at 9:30 a.m.

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Nick Brozek, Environmental Director  
Redwood County Environmental Office

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John Rohlik, Chair  
Redwood County Board of Adjustment