

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, AUGUST 15, 2023
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Ezra Baer, Tim Brendemuhl, Travis Bouton

Members Absent: Dennis Looock, Leo Splonskowski

Others Present: Matt Jacobson, Ericka Franck, Rita Rueckert, Andrew Levenhagen, Jamie Levenhagen, Larry Jacobson

The meeting was called to order at 5:30 PM by Chair Ezra Baer

APPROVAL OF AGENDA:

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the Board approved the meeting Agenda.

APPROVAL OF MINUTES OF JULY 18, 2023

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the Board approved the Minutes from July 18, 2023.

PUBLIC HEARING(S):

ANDREW AND JAMIE LEVENHAGEN – REQUEST FOR VARIANCE

The applicant is seeking approval of variance to build an addition within the road setback at 7846 290th St. N, Hitterdal, MN 56552, Parcel 14.012.2001 in part of the NW1/4 of the NW1/4 of Section 12, Township 140N, Range 44W, Highland Grove Township.

On motion by Travis Bouton, seconded by Tim Brendemuhl, and unanimously carried, the public hearing was opened.

Matt Jacobson, Planning & Zoning Director, advised the request is to build a structure within the road setback from the centerline, by reducing the distance from 125 feet to 85 feet. Future plans are to also add a septic.

Policy Considerations from the 2045 Clay County reviewed included:

Transportation – System

1. Maintain and operate an accessible, safe and efficient transportation system for the movement of people and goods throughout Clay County.

The setback reduction is 33% of the current ordinance. The structure is for an accessory structure that would be a garage with an attached kitchen for a bread-making business. There is a potential future plan to attach this structure to the current residence. The Applicants are

desiring to keep the structure nearby for easy access in the winter season. Utilities and topography of the parcel were discussed and photos of the proposed area for placement were reviewed. The road in question is a Township road. Applicants have identified the hardship as wanting to place the structure on the west side as that is the only side they can attach it to the house. The east side of the house contains utilities for the parcel. The west side has a row of trees between the road and the proposed structure. The south side of the parcel is lower and prone to flooding.

Applicant Andrew Levenhagen advised that the purpose of the Variance request is to line up with the current Quonset structure for uniformity. The south side of the road retains water and is lower, and after heavy rains they do have ducks swimming there. The proposed septic would be similar as that required for a 2-bedroom/1 bathroom structure. The Applicants would be required to put in a new meter service for their electric due to the business and the access for the utilities would be easier. The south side location would require a substantial amount of fill to make the area buildable, and water/sewer and utility lines would need to be crossed.

Ezra Baer asked if there was a requirement for a setback for a septic and Director Jacobson advised that the septic could be included in this request. Applicant Levenhagen advised that the septic would probably need to be a separate system due to chemicals and capacity for the bread-making business; however, they are looking to see if they are able to potentially tie into the existing septic system. Travis Bouton advised that, when building, the septic system has to be at least 50 feet from the well.

Larry Jacobson, Supervisor of Highland Grove Township, advised the Township has no objections to this request. Additionally, Mr. Jacobson is a neighbor to the Applicants and has no objection to the request being made.

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the public hearing was closed.

The Findings of Fact and Order were addressed by the Board of Adjustment as they pertain to the requested permit. Any items of concern may be addressed through Conditions.

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following condition(s):

- 1. Structure and septic tank must be no closer than 85 feet from the centerline of 290th Street North.**

UNFINISHED BUSINESS:

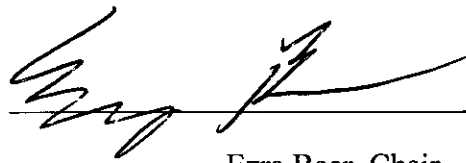
The first Study Review Committee meeting for the Development Code update will be at 4:00 tomorrow, August 16, 2023.

NEW BUSINESS:

Director Jacobson wanted to review different Variance decisions made in Clay County as a learning experience for the current Board of Adjustment members. Since there are members missing from today's meeting, it is hopeful that all Board of Adjustment members will be available in September and this training will occur at that time.

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the meeting was adjourned at 5:47 PM.

A handwritten signature in black ink, appearing to read 'Ezra Baer', is written over a horizontal line.

Ezra Baer, Chair
Clay County Board of Adjustment