

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, JUNE 25TH, 2024
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Ezra Baer, Travis Bouton, Leo Splonskowski

Members Absent: Tim Brendemuhl, Dennis Loock

Others Present: Matt Jacobson, Michael Leeser, Erika Franck, Rita Rueckert, Benedikt Baer, Bridgett Baer

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

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES OF MAY 21, 2024:

On motion by Leo Splonskowski, seconded by Travis Bouton, and unanimously carried, the Board approved the Minutes from May 21st, 2024.

Due to Chair Baer's relationship to the Applicant of the Variance hearing, he is excusing himself from voting on the application but will conduct the meeting. He is a cousin to the Applicant and does not have a financial interest in the property or hearing.

PUBLIC HEARING(S):

BAERS POULTRY CO. – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to allow a garage addition on an existing single-family residence within the ten-foot property line setback on Parcel ID: 04.023.4401 in part of the N1/2 SE1/4, Section 23, Township 139N, Range 44W, Eglon Township.

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

Matt Jacobson, Planning & Zoning Director, stated that the Variance request is a setback from the property line setback within Shoreland zoning district.

Comprehensive Plan items reviewed include:

- Natural Resources – Shoreland and Stormwater
 1. Protect and enhance the health and vitality of Clay County surface waters including lakes, rivers and streams for the benefit and enjoyment of Clay County residents and visitors.
 - a. Reduce development pressure on natural environment lakes in Clay County.
 - c. Continue to enforce shoreland regulations on Clay County lakes, rivers, and streams.

The County Development Code states that the side yard setback is 10 feet for any structure. The lot is approximately a 2-acre residential, non-riparian lot with an existing residence and attached garage built in 1986.

The applicant is looking for a 40% reduction to the side yard property line setback, from 10 feet to 6 feet to build a 550 square foot garage addition.

The Applicant states that the practical difficulty is based on the location of the house and existing garage and the only way to add onto the garage would be to encroach into the property line setback. It should be noted that the Applicant does also own the adjacent parcel and the setback encroachment could be addressed by adjusting the boundary of the property lines to allow for construction of the addition to meet the 10-foot side yard property line setback requirements. Travis Bouton inquired if these are two separate parcels and asked if combining the parcels would eliminate the problem. Director Jacobson advised that the parcels are unable to be combined as there is another residence on the second parcel.

Benedikt Baer stated he owns the parcel and is the Applicant. He felt Director Jacobson presented the information very accurately. Chair Baer shared that Baer Poultry has owned both parcels since approximately 1993. Chair Baer gave history on the parcels as the parcel that is presented for the application was his grandfather's residence and Benedikt Baer's father owned the adjacent parcel.

On motion by Leo Splonskowski, 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 Variance.

Since the parcel is located in Shoreland Zoning District, a septic compliance inspection would be required before a building permit could be issued. The side yard setbacks have not changed since the structure was originally placed on the property in 1986. The use is permitted in the Special Protection: Shoreland Zoning District. A four-foot reduction to the property line setback would not alter the essential character of the locality as it is not an extreme reduction and would only impact the two properties. The variance would not create a significant adverse effect on public health or safety as the setbacks are intended to prevent property encroachment. The variance would allow for the applicant to build within the setbacks

On motion by Leo Splonskowski, seconded by Travis Bouton, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following condition:

- The structure can be no closer than 6 (six) feet from the property line.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

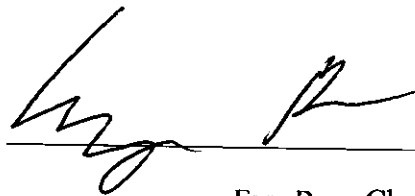
- Training Session: *Discussion on the Findings of Fact: Making A Good Record*
Director Jacobson went over the criteria and ramifications for documentation and determination of the Board of Adjustment decisions and recording of same by using the Findings of Fact and Order.

Training involved viewing other counties' meetings to show best-practices in discussion of Findings of Fact, documenting the criteria and how interpretation is applied. Other items reviewed included leveraging Conditions, the pertinence of a good Findings of Fact document in potential court procedures, and the importance of discussion on each Findings of Fact point.

Proposed future changes will be made as part of the Development Code update.

ADJOURNMENT:

On motion by Travis Bouton, seconded by Leo Splonskowski, and unanimously carried, the meeting was adjourned at 6:41 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