

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, SEPTEMBER 17TH, 2024
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE**

Members Present: Ezra Baer, Dennis Loock, Tim Brendemuhl

Members Absent: Travis Bouton, Leo Splonskowski

Others Present: Matt Jacobson, Brian Melton, Erika Franck, Rita Rueckert, Angela Erickson, Lynn Erickson, Amber Ferris

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

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES OF JULY 16TH, 2024:

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the Board approved the Minutes from July 16th, 2024.

PUBLIC HEARING(S):

LYNN AND ANGIE ERICKSON – REQUEST FOR VARIANCE

The applicant is seeking approval of an after-the-fact variance to the residential and access setbacks for an agricultural service establishment at 27545 90th Ave S Hawley, MN 56549, Parcel ID: 24.022.2502, in part of the N1/2 NE1/4, Section 22, Township 138N, Range 44W, Parke Township.

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

Matt Jacobson, Planning & Zoning Director, advised this after-the-fact request is for variance for residential and access setbacks for an agricultural service establishment. This property is located on 90th Avenue South, just south of Lake Fifteen. There is some Shoreland: Special Protection zoning on the property, although where the use is taking place is zoned Agricultural General (AG). This would be an allowable use in the AG zoning district.

There was a Variance granted in 2019 for setback from road right-of-way for an indoor arena. Practical difficulty was identified as hilly terrain issues and the shape of the lot limiting potential building sites.

The requests pertinent to this application include:

- 500-foot residential setback for –
 - Indoor Arena: 500 feet reduced to 487 feet
 - Outdoor Arena: 500 feet reduced to 350 feet
- 300-foot adjacent properties access setback
 - Secondary Access: 300 feet reduced to 60 feet

The practical difficulty is identified as:

- Utilize best flat area on the property without removing several trees
- The accesses are pre-existing to the use

The definition of Agricultural Service Establishment was reviewed as well as the following standards:

8-6-12: STANDARDS FOR AGRICULTURAL SERVICE ESTABLISHMENTS:

- A. Setbacks: All establishments shall be located to allow at least three hundred feet (300') between its driveway and any driveway affecting access to a dwelling or farm field, other than that of the owner. All structures and activities (outdoor storage, corrals, etc.) associated with the Agricultural Service Establishment shall be located at least five hundred feet (500') from any dwelling.
- B. Related to Agriculture: All establishments shall be necessary to the conduct of agriculture within the district.
- C. Compatible with Agriculture: The use shall not be one to which the noise, odor, dust or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass.

There was a potential wetland issue for the outdoor arena and the County Wetland Coordinator determined there was not an impact.

Relevant goals and objectives from the Comprehensive Plan were reviewed:

- 1. Encourage commercial and industrial development that is in harmony with the agricultural and rural character of Clay County.
- c. Avoid or mitigate against commercial and industrial development that increases the potential for land use conflicts with rural residential or agricultural uses.
 - *Mighty Oaks Equine Learning Center has been in operation since 2020. Clay County Planning and Zoning has not received any complaints about the operation of the Center.*

With after-the-fact variances, there are 4 criteria that were reviewed:

- 1. Whether the construction was complete.
- 2. Whether there are similar structures in the area.
- 3. The benefit to the municipality of enforcement, compared to the burden on the applicant if compliance was required.
- 4. Whether the violation was intentional or unintentional.

Angie Erickson advised she has been in business since 2020. She estimated traffic at 15 to 30 vehicles per week, dependent on the weather.

On motion by Tim Brendemuhl, seconded by Dennis Loock, 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.

Minimum staff recommended Conditions include:

1. Structures associated with the use can be no closer than four hundred eighty-seven feet (487') to the neighboring residence.
2. Outdoor riding arena associated with the agricultural service center can be no closer than three hundred fifty feet (350') from the neighboring residence.
3. Access to the property for the business can be no closer than sixty feet (60') from the neighboring residential access.

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following condition:

1. Structures associated with the use can be no closer than four hundred eighty-seven feet (487') to the neighboring residence.
2. Outdoor riding arena associated with the agricultural service center can be no closer than three hundred fifty feet (350') from the neighboring residence.
3. Access to the property for the business can be no closer than sixty feet (60') from the neighboring residential access.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Director Jacobson advised there was a committee meeting for the Development Code update last week. He is hopeful that the Code update will be completed by the end of the year.

ADJOURNMENT:

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the meeting was adjourned at 5:42 PM.



Ezra Baer, Chair
Clay County Board of Adjustment