

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, JANUARY 28, 2025
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Joel Hildebrandt, Leo Splonskowski, Travis Bouton, Dennis Loock, Tim Brendemuhl

Members Absent: None

Others Present: Matt Jacobson, Brian Melton, Darren Brooke, Erika Franck, Rita Rueckert, RaeAnn Berg, Jeffery Berg

The meeting was called to order at 5:30 PM by Acting Chair Joel Hildebrandt.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES OF NOVEMBER 19, 2024:

On motion by Leo Splonskowski, seconded by Travis Bouton, and unanimously carried, the Board approved the Minutes from November 19th, 2024.

PUBLIC HEARING(S):

JEFFERY AND RAEANN BERG – REQUEST FOR VARIANCE

The applicant is seeking approval of an after-the-fact variance to the road centerline setback for a structure at 12479 100th St. S, Sabin, MN 56580 on Parcel ID: 01.003.4001 in part of the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 03, Township 137N, Range 47W, Alliance Township.

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

Matt Jacobson, Planning & Zoning Director, advises this is an after-the-fact request for setback of a building from the centerline of a public roadway. This property and all adjacent properties are zoned Agricultural General (AG). This structure was a replacement for another building that had a roof collapse due to snow.

The structure is approximately 102 feet from the roadway, which would encroach approximately 23 feet into the 125-foot road centerline setback of 100th Street South. The Applicant assumed the setback was 100 feet from the centerline of the roadway. The current 102-foot setback is an 18% reduction of the required setback. The Applicant assumed the road centerline setback to be 100 feet and provided the following practical difficulty in complying with the 125-foot setback:

- The new building would have to be torn down, moved and rebuilt

As with all after-the-fact Variance requests, the Minnesota State Court Stads vold standards need to be reviewed:

1. Whether the construction is 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

Director Jacobson discussed the difference between intentional or unintentional. It seemed that this violation was unintentional.

Policy considerations reviewed from the 2045 Clay County Comprehensive and Transportation Plan included:

Transportation – System

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

There is a shelter belt between the roadway and the structure. Joel Hildebrandt requested if there was a building permit and Director Jacobson advised there was not, as the applicant did not know there was one required to replace a damaged building. Mr. Hildebrandt asked if the new building was larger than the previous one and the Applicant advised that the new building is smaller.

On motion by Travis Bouton, 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.

Staff recommends working through the Findings of Fact and Order as they pertain to this Variance request.

On motion by Leo Splonskowski, seconded by Travis Bouton, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with no conditions.

UNFINISHED BUSINESS:

Director Jacobson advised that the Planning Commission reviewed Chapters 1 through 4 of the Ordinance Code update. The Planning Commission will review Chapters 5 through 8 at their meeting later this evening. All information for the Ordinance update is available on the Clay County website.

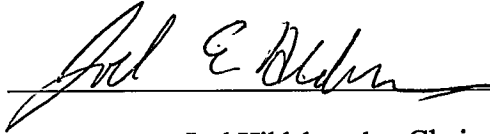
NEW BUSINESS:

- Director Jacobson advised there will be Planning Commission elections at the February meeting so the new Chair will be at the Board of Adjustment March meeting.
- Director Jacobson advised that he is willing to seek out additional training opportunities for the Board of Adjustment members.

- With Ezra Baer being elected as County Commissioner, there is now an opening on the Planning Commission for a rural resident representative.

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the meeting was adjourned at 5:54 PM.

A handwritten signature in cursive script, appearing to read "Joel E. Hildebrandt", is written over a horizontal line.

Joel Hildebrandt – Chair
Clay County Board of Adjustment