

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, MARCH 18TH, 2025
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

Members Present: Joel Hildebrandt, Dennis Loock, Tim Brendemuhl

Members Absent: Travis Bouton, Leo Splonskowski

Others Present: Matt Jacobson, Brian Melton, Erika Franck, Rita Rueckert, Brandon Menholt, Richard Menholt

The meeting was called to order at 7:00 PM by Chair Joel Hildebrandt.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES OF JANUARY 28, 2025:

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the Board approved the Minutes from January 28, 2025.

PUBLIC HEARING(S):

MENHOLT FARMS LLC – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to the Ordinary High Water Level setback of a public water for agricultural structures at 10812 Hwy 9 N, Felton, MN 56536 on Parcel ID: 08.027.0151 in part of the NW1/4 of the NW1/4, Section 027, Township 141N, Range 46W, Flowing Township.

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

Matt Jacobson, Planning & Zoning Director, advised the request is for a Variance request to place two structures within the Ordinary High-Water Level setback of a public water. The property and all immediately adjacent properties are zoned Agricultural General and Special Protection-Rivers & Streams. The use on the property is agricultural. There is a grain bin site, office/shop and storage buildings on the site.

The Applicant is requesting to replace nine grain bins with a total capacity of 52,000 bushels with two grain bins with a capacity of 130,000 bushels.

There is an unnamed ditch running along the east of the property and many of the structures are within the 200-foot setback and are therefore non-conforming. Per Section 8-2-2-H of the Development Code, nonconforming structures damaged to an extent exceeding 50% of market value or replacement cost (whichever is less) any future structure or rebuilding of the structure on site would need to conform to the applicable regulations of the Ordinance. The 200-foot setback could be met by moving the structures to

the west. Replacing 9 bins with 2 bins would reduce the onsite footprint and impervious surface. The requested locations would be the best arrangement for working around the existing buildings and workflow on the site.

In 2018 this ditch was removed from the DNR Buffer Map. The State is looking at updating the Public Waters Inventory but this has not yet occurred. Since this ditch is not on the Buffer Map, it may make it a candidate to be removed from the Public Waters Inventory as well.

Policy Considerations reviewed from the 2045 Clay County Comprehensive & Transportation Plan Goals and Objectives include:

Natural Resources and the Environment – 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.
 - b. Maintain and enhance riparian areas of public waters, especially within Shore Impact Zones.
 - c. Continue to enforce shoreland regulations on Clay County lakes, rivers and streams.

Director Jacobson pointed out that if a Variance is granted in accordance with the criteria established, it would be compatible with shoreland regulations.

Chair Hildebrandt advised that he had worked with the Applicant earlier regarding removing this ditch. Director Jacobson displayed the Clay County Public Waters and Wetlands map. This particular water runs through 3 sections of Flowing Township, which makes it one of the shorter public waters in the County.

Applicant Brandon Menholt felt Director Jacobson did a good job of presenting his application and situation.

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.

Staff recommends working through the Findings of Fact and Order for this Variance request and perhaps including what proposed setback would be recommended, perhaps 130 feet from the current ditch.

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

1. Grain bins must be no closer than 130 feet from the Ordinary High-Water Level of the public water.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Director Jacobson brought up Chapter 7 of the Development Ordinance. This Chapter was reviewed by an attorney and there were a few changes proposed. The main point is the review criteria for Variances, which are the facts used by the Board of Adjustment to determine granting a Variance. The following criteria were set out:

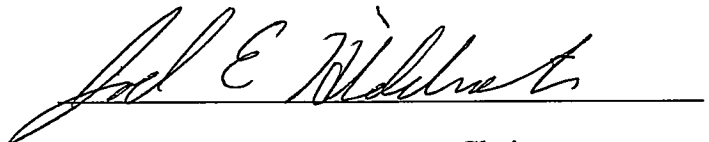
1. The Variance is in harmony with the general purposes and intent of this Ordinance.
2. The Variance is consistent with the Clay County Comprehensive Plan.
3. The Applicant establishes that there is a practical difficulty in complying with the strict letter of this Ordinance, by demonstrating:
 - a. The applicant proposes to use the property in a reasonable manner not permitted by an official control;
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - c. Granting the Variance will not alter the essential character of the property's locality.
4. The Variance would not allow a Use that is not allowed in the Zoning District in which the subject property is located.
5. Economic considerations alone are not the basis for a variance.
6. The Variance is the minimum Variance that is necessary to alleviate the practical difficulty.
7. The Variance does not permit a lower degree of Flood protection than the Regulatory Flood Protection Elevation for the area, or permit standards lower than those required by state law. (See also Section 8-3A-6)
8. Any Sewage Treatment System, if the subject property is located within a Shoreland District, conforms to the intended Use of the property. The Variance, as issued, must require reconstruction of a Nonconforming Sewage Treatment System.

If an Applicant wishes to appeal a decision made by the Board of Adjustment, they would need to take their appeal to District Court. If an Applicant wishes to appeal an Administrative decision, they would take their appeal request to the Board of Adjustment.

In the current Code, there is language that the Board of Adjustment has the ability to make decisions on conveyance rights assigning their ownership of property from one person to another. This item will be removed.

ADJOURNMENT:

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the meeting was adjourned at 5:57 PM.



Joel Hildebrandt – Chair
Clay County Board of Adjustment