

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, JUNE 24TH, 2025
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

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

Members Absent: Leo Splonskowski

Others Present: Matt Jacobson, Brian Melton, Darren Brooke, Erika Franck, Rita Rueckert, Gerald Zimmerman

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

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 APRIL 15TH, 2025:

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the Board approved the Minutes from April 15th, 2025.

PUBLIC HEARING(S):

RYAN ZIMMERMAN – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to the property line setback shared with Parcel ID: 23.011.4801, on Parcel ID: 23.011.4800 in part of the E1/2 of the SE1/4, Section 11, Township 140N, Range 48W, Oakport Township.

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

Matt Jacobson, Planning & Zoning Director, advised this application is for a variance to the property line setback from parcel 23.011.4801. Zoning on the property is Agricultural General (AG) and Flood Fringe (FF) to the east. The Applicant Ryan Zimmerman would like to construct a 27,360 sq ft ag office, shop and storage, primarily on Parcel ID #23.011.4800 and would encroach on 23.011.4801. The parcels cannot be combined as there is a residence on each parcel. The owner of each parcel is Gerald Zimmerman. The Applicant is trying to maintain the road centerline setback, which will then encroach on the side property line setback.

The situation could be resolved by doing a Boundary Line Adjustment. Other outbuildings could be impacted by this boundary line adjustment. Director Jacobson did inquire of the assessor regarding property taxes, value changes, etc. and she advised there would not be any.

Policy Considerations from the 2045 Comprehensive and Transportation Plan reviewed include:

Transportation – System

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

The Board of Adjustment needs to determine whether the Applicant has a practical difficulty that meets the three-factor test:

- The property owner proposes to use the property in a reasonable manner not permitted by an official control.
- The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- The variance, if granted, will not alter the essential character of the locality,

Staff recommends the following conditions:

1. The property line must be located by a licensed land surveyor.
2. An encroachment easement describing the degree of encroachment be recorded against both properties as legally described.

Mr. Zimmerman had nothing additional to add.

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 Variance.

On motion by Travis Bouton, seconded by Dennis Loock, and unanimously carried, the Board of Adjustment *GRANTED* the Variance with the following conditions:

1. The property line must be located by a licensed land surveyor.
2. An encroachment easement describing the degree of encroachment needs to be recorded against both properties as legally described.

UNFINISHED BUSINESS:

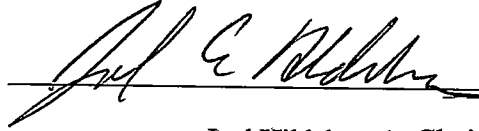
None.

NEW BUSINESS:

Director Jacobson advised he will be sending out the new Development Code to each of the Board of Adjustment members with highlighted Board of Adjustment criteria. Travis Bouton inquired about additional information regarding Flood Hazard Zone, to which Director Jacobson touched on some of the significant points and will look at having more extensive training at a future meeting, possibly utilizing the MN Department of Natural Resources (DNR).

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the meeting was adjourned at 5:53 PM.

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

Joel Hildebrandt, Chair
Clay County Board of Adjustment