

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, JULY 15TH, 2025
3RD FLOOR BOARD ROOM, CLAY COUNTY COURTHOUSE

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

Members Absent: None

Others Present: Matt Jacobson, Brian Melton, Darren Brooke, Erika Franck, Rita Rueckert, John Ihle, Lorna Ihle

The meeting was called to order at 5:33 PM by 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 JUNE 24TH, 2025:

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the Board approved the Minutes from June 24th, 2025.

PUBLIC HEARING(S):

JOHN & LORNA IHLE – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to the minimum lot size standard in the Special Protection – Low Development Overlay Zoning District at 27451 S. Hwy 34, Barnesville, MN 56514 on Parcel ID: 28.027.0102 in part of the NE1/4 of the NW1/4, Section 27, Township 137N, Range 44W, Tansem Township.

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

Matt Jacobson, Planning & Zoning Director, advised the Applicant is requesting approval to create a 6.5-acre lot from a 90-acre property, which is a 35% reduction from the 10-acre minimum lot size in the Special Protection-Low Development Overlay Zoning District (SP-LD). Other properties in the area are zoned similarly.

There is a single-family residence on the property, as well as a large shop with living quarters in it. There is, therefore, currently two residential structures on the property which are not allowed, so this split would rectify that.

Applicants give practical difficulty as:

1. Property line would be defined by existing natural visual boundaries. Current natural boundaries allow for clear visual separation of property and provide privacy to both potential parties.
2. Placement of property line down the center of existing access road to ensure shared access to both properties:
 - a. Aligns with MN DOT corridor management policies to avoid additional close proximity accesses.
 - b. Installation of additional access would disrupt significant amount of highly erodible soil and natural habitat that has been intentionally maintained undisturbed under Applicant's ownership.
 - c. Requirement for creation of additional access road for present owners would also result in a safety concern on MN State Highway 34 due to existing topography.
3. Allows for retention of land occupied by existing solar array along with its contribution to Applicant's retirement income.

A proposed lot would be 10 acres but only 3 to 4.5 acres of that is above the Ordinary High-Water Level (OHWL). Per 8-4-9A.2: Only land above the ordinary high-water level of public waters can be used to meet lot area standards.

The 10-acre minimum could be met if the property line was shifted by including a portion of the woods to the south. Applicant would like to retain ownership of the trees and contends that the established tree line provides a more practical, natural and clear property line delineation. Minnesota Department of Transportation (MnDOT) would not grant a second access to State Highway 34 on this property. The proposed lot would meet all other dimensional and setback standards.

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

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.

The purpose of the large lot size minimum on certain natural environment lakes such as Tansem Lake is to prevent overdevelopment on smaller lakes in Clay County.

Staff Recommendations include:

- Ultimately, the Board of Adjustment needs to determine whether the applicant has a practical difficulty that meets the three-factor test:
 - 1. The property owner proposes to use the property in a reasonable manner not permitted by an official control
 - 2. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
 - 3. The Variance, if granted, will not alter the essential character of the locality.

Travis Bouton asked if the building has always had a house in it and Director Jacobson referred that question to the Applicant once they are speaking. Mr. Bouton asked if ordinarily a subdivision is done before adding a second residence on the parcel and Director Jacobson confirmed that is ordinarily the proper procedure.

Director Jacobson explained Minnesota Shoreland Rules have implementation flexibility for local governments, which means that if you are more strict on some areas of rules you can be more flexible on

other rules. Leaving the 10-acre restriction for the SP-LD within the Clay County Ordinance allows for that flexibility.

Lorna Ihle and John Ihle advised that when they purchased the property approximately 4 years before the steel building was constructed, they put a 2-bedroom apartment in the steel building which they lived in for approximately 10 years. Their intent then was that they would live there while building the house and it took 10 years to construct their house, which they moved into in 2023. They used the steel building for Mr. Ihle's electrical business based out of the Twin Cities. Now that they are nearing retirement, they no longer have a need for the steel building.

On motion by Leo Splonskowski, 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:

- Both properties must have compliant septic systems.

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

- Both properties must have compliant septic systems.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Director Jacobson advised there is a new training "Navigating Key Land Use Issues" in Waite Park, MN on August 7th 9:00 to 4:00 and he encouraged Board of Commissioner members to contact him if they wish to attend this opportunity.

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Travis Bouton, and unanimously carried, the meeting was adjourned at 5:59 PM.



Joel Hildebrandt, Chair
Clay County Board of Adjustment