

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

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

Members Absent: None

Others Present: Matt Jacobson, Brian Melton, Rita Rueckert, Deputy Adam, Peggy Bernard, Ray Bernard, Chassity Olson, Jerald Butenhoff, Scott Dahms, Justin Olson, Scott Hall, Nate Edwards, Daryl Bashor, Kathy Sogn, Kristi Donovan, Rick Donovan, Jake Affield, Shane Thompson, Dawn Thompson, Brenda Bashor, Tara Audette, Saydi Hoff, Taran Hoff, Tim Thompson, Randy Affield, Claire Affield, Wendy Affield, Tammy Johnk, Brittany Aakre, Tammy Maesse, Brent Maesse, Jim Johnson, Lesley Connelly, Dzenan Becic, Jeffrey Perdes, Dane McLaughlin, Deb McLaughlin, Kyle Boughton, Jennifer Diggs, Megan Spiekermeier, Michael Wagner, Derek Draeger, Kent Severson (via Teams Meeting), Darren Brooke (via Teams Meeting)

The meeting was called to order at 5:31 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 SEPTEMBER 16TH, 2025:

On motion by Dennis Loock, seconded by Travis Bouton, and unanimously carried, the Board approved the Minutes from September 16th, 2025.

PUBLIC HEARING(S):

SCOTT DAHMS – ELEVATED DISPENSARIES – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to reduce the adjacent residential setback for a proposed cannabis business at 11649 123rd Ave S, Sabin, MN 56580 on Parcel ID: 01.050.6011 on Out lot P-1, Townsite of Baker, Section 1, Township 137N, Range 47W, Alliance Township.

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

Matt Jacobson, Planning & Zoning Director, advised the request is for a residential setback for a cannabis business in Baker, Minnesota. Zoning on the property is Agricultural Service Center. It is currently classed as a residential/commercial property and has use as a vacation rental.

There is an Administrative Home Occupation Interim Use Permit issued in 2018 for a design business.

The business structure is approximately 250 feet from the nearest residence and about 450 feet from two additional residences. The elevator sits on a 0.5-acre lot within the Baker Townsite and was constructed prior to current applicable zoning regulations. The applicant states that the project would preserve a locally significant structure, support economic activity in Baker, and meet State cannabis requirements for odor, lighting and security. The Variance before the Board of Adjustment this evening is only for the request to minimize the 500-foot residential setback to a residence. There are other Variances that would also need to be applied for which the property currently does not meet existing standards, including minimum lot size, side-yard setback, and road centerline setback. An additional dimensional and setback Variance application would be required prior to any Conditional Use Permit consideration for a cannabis business to operate at this location.

The Practical Difficulty has been identified by the Applicant as:

The elevator's physical placement – built before modern setbacks – makes it impossible to comply with the current 500-foot residential buffer. The structure has stood in its current location for nearly a century, long before today's zoning standards existed. Strict enforcement of the 500-foot setback would prevent any reasonable or economically viable use of this historic building, forcing it to remain idle or deteriorate. The requested 250-foot setback still maintains a meaningful buffer from neighboring residences while allowing practical and reasonable reuse of the property. The property's narrow lot, historic configuration, and immovable elevator structure are unique physical circumstances not shared by other parcels.

Director Jacobson noted that the Applicant cites the property's narrow lot, historic configuration, and immovable elevator structure as being unique physical circumstances not shared by other parcels as part of the practical difficulty. Approximately only 8% of the properties in the Agricultural Service Center could meet the 500-foot adjacent residential setback requirement currently.

Comprehensive Plan Policy Considerations reviewed include:

Land Use – Commercial and Industrial

1. Encourage commercial and industrial development that is in harmony with the agricultural and rural character of Clay County.
 - a. Promote value-added agricultural commercial and industrial development in Agricultural Service Center areas and along transportation corridors and hubs.
 - c. Avoid or mitigate against commercial and industrial development that increases the potential for land use conflicts with rural residential or agricultural uses.

Director Jacobson pointed out that reusing the elevator would maintain an established historic structure within a long-standing community which supports rural character objectives. The proposed cannabis business represents a contemporary commercial use, and its compatibility with rural character would depend on how operation impacts such as lighting, odor and security

are addressed. The limited separation from nearby residences is a relevant consideration for overall harmony with the surrounding rural-residential setting.

Applicant has received preliminary approval for a cannabis micro-business which includes limited cultivation, some product production as well as retail. It does also allow for some on-site consumption; however, smoking and vaping are not permitted.

Applicant Scott Dahms advised he bought the Baker Elevator 8 years ago. He advised that he stabilized the building the best he could and placed his design business, also turned it into an Air B-n-B and it costs him around \$15,000 a year for heat and utilities. He envisions an atmosphere where people come to listen to music, relax and play cribbage in a welcoming environment. The building is located on the edge of town and you don't have to go through town to reach it. He states the practical difficulty is because the building was built 100 years ago and placed where elevators needed to be placed: near the railroad tracks, near the highway and near the neighbors. He emphasized that he would be running his business by the book. He stated that the business would only be allowed to be open until 9:30 PM, and even less hours on Sundays. He explained the high-level security he would need onsite. He also explained that he can use the product to create beverages, gummies and other consumables.

Mr. Dahms advised he has a well onsite. He would need to do some updates to his septic system, as well as modifications required for the cannabis cultivation process for water usage. He has been in consultation with a septic company for this process. The lot size does not allow for a drain field; they would have approximately two 1,300-gallon septic tanks that would need to be pumped.

Ray Bernard lives about a quarter mile outside of Baker. He is concerned about drugs being in the neighborhood and all the activity that drugs bring. He likes the quiet of the Baker community and doesn't want to see that change. He also emphasized that when the County changed the zoning, they were not made aware of that and why the zoning change was being proposed.

Jake Affield has lived in Baker, MN for the last 24 years and purchased his own home in Baker just a few months ago. He read an article where the Applicant Dahm was quoted as saying he wanted to open this business to "make Baker better", but Mr. Affield does not think this request would make it better.

Kristi Donovan lives in Baker. She states she first heard about this proposed business on the radio where Mr. Dahms stated that he had spoken with the neighbors and they were in agreement with his plan. Ms. Donovan stated that she is not aware of anyone that was spoken to about this, nor anyone who wants this business in their town. The location is near a new daycare and also the baseball fields. Their community is family-focused where children feel safe; safe walking through town and safe being at the baseball field. Ms. Donovan shared security concerns her children and others in Baker have.

Rick Donovan lives in Baker. He felt that there would be more voices from the community present at this meeting if it would have been later at night. Mr. Donovan stated that they live in

the rural community to be away from this type of activity. Mr. Donovan pointed out that Applicant stated that he had spoken to the community members regarding his proposed business and they all were in agreement with it; however, Mr. Donovan states that this is not factual as nobody has indicated they were in complete agreement although two residents have indicated they were not for it or against it.

Shane Thompson advised he no longer lives in Baker but he has a long family legacy there. He states that neighbors there take care of other neighbors. He pointed out that the elevator building is leaning. He did acknowledge that the medical side of cannabis has important medical properties, but he shared that family members have had problems with this product in the past.

Jerald Buttenhoff, Supervisor from Alliance Township, advised that Mr. Dahms told the Township Board that he had spoken with the residents and they were in favor of his proposed business. Yet, at a full recent Township meeting, none of the residents present were in favor of this. Mr. Buttenhoff states that the Township is not in support of this proposal.

Randy Affield has resided in Baker for over 50 years. He referred to Baker as "Mayberry". He does not feel this proposed business is a good fit for Baker and that the road and infrastructure of Baker is a poor accommodation for the business and associated traffic. He advised that law enforcement is minimal in Baker, relying on the County for enforcement. He respectfully requested that this request be denied.

Brittany Aakre spoke and she lives on 110th Street right outside of Baker about 6 years ago. They have 4 children and she and her husband coach t-ball and little league. She feels Baker is a safe community and would like to keep it safe. She stated that if the community doesn't want something, they should be listened to and accommodated. She feels the traffic on Highway 52 is dangerous, especially pulling onto it near the elevator.

Chastity Olson has a 4-year old son and a 1-year old daughter. She is concerned that she only heard about this proposed project by receiving a letter in the mail. She is concerned about the safety of her children playing in their yard or driveway. She questioned that if there are 24-hour cameras, who is going to watch those cameras 24/7? Ms. Olson stated that she doesn't feel that the elevator does not define what Baker is, but Baker is defined by the people who live there. She understands that Mr. Dahms is trying to find a realistic way to save his elevator but doesn't feel this is the right project for their community.

Travis Bouton asked what the population of Baker is and a few of the residents in the audience stated there were 50 people living in Baker. The residents of Baker presented a petition signed by over 30 people from a community that has a population of 55 people.

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.

Minimum staff recommended conditions:

- Work through the Findings of Fact and Order for this Variance request. If approved, conditions should be placed on the Variance to mitigate potential odor, lighting, and noise concerns. If the Board of Adjustment finds that the property can reasonably be used for other permitted purposes, then the practical difficulty is not unique to the property, and that granting the request would conflict with the intent of the 500-foot residential setback standard.

Director Jacobson advised that only 8% of the properties within the Agricultural Service Center zoning district would meet the 500-foot residential setback and all of those parcels are green fields with no current development on them.

On motion by Leo Splonskowski, seconded by Dennis Loock, and unanimously carried, the Board of Adjustment DENIED the Variance as requested. The denial decision is set out within the Findings of Fact and Order as the request was in conflict with Ordinance objectives.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- Preliminary Drafted Meeting Date Calendars have been distributed to each Board of Adjustment member. There will be Truth And Taxation on December 16th and Planning and Zoning meeting changes will need to be made to accommodate that hearing. The consensus of the Board of Adjustment was to not have a meeting in December 2025 and the next meeting will be held January 27th, 2026.

ADJOURNMENT:

On motion by Dennis Loock, seconded by Leo Splonskowski, and unanimously carried, the meeting was adjourned at 6:45 PM.



Joel Hildebrandt, Chair
Clay County Board of Adjustment