

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, MARCH 17, 2026
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, Erika Franck, Kent Syverson (via Teams), Olivia Ohm (via Teams), Darren Brooke, Rita Rueckert, Matt Henry, Nate Edwards, Jerald Butenhoff, Dave McLaughlin, Debbie McLaughlin, Shane Thompson, Dawn Thompson, Randy Affield, Wendy Affield, Daryl Bashor, Brent Maesse, Tammy Maesse, Kristi Donovan, Brenda Bashor

The meeting was called to order at 5:35 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 JANUARY 27, 2026:

On motion by Dennis Loock, seconded by Tim Brendemuhl, and unanimously carried, the Board approved the minutes from January 27, 2026.

As Mr. Dahms was not present, the Board of Adjustment proceeded with the second hearing (Henry). Director Jacobson called Mr. Dahms but was unable to reach him.

PUBLIC HEARING(S):

MATT AND AMANDA HENRY – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to the Ordinary High Water Level and road right-of-way setbacks at 3487 110th Ave. N., Moorhead, MN 56560, on Parcel ID: 18.065.0107, on Lot 6, Block 1 of Oberg's First Subdivision, Section 26, Township 141N, Range 48W, Kragens Township.

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

Matt Jacobson, Planning & Zoning Director, advised that the request was to reduce the Ordinary High Water Level (OHWL) and road setbacks for a residential building. The property is north of Moorhead in Kragens Township. Zoning is Agricultural General (AG). Overlay zoning includes Floodplain Fringe (FF), Floodway, Shoreland (SH), and Special Protection - Rivers & Streams (SP - Rivers/Streams). This is a 1.57-acre parcel used for residential purposes. There are currently a residence and an outbuilding located on the property.

The applicant is asking for an 18-foot variance from the required 150-foot OHWL/lake-stream setback, bringing the setback to 132 feet. A 13-foot variance is also being requested from the required 53-foot road setback for the shoreland zoning district. The applicant advised that all other ordinance requirements can be met, including side-yard setbacks.

The applicant provided the following practical difficulty:

Strict application of both the 150-foot lake/stream setback and the 53-foot road setback creates a practical difficulty due to the unique configuration and depth of the lot. When these two setbacks are applied simultaneously, the remaining buildable area is extremely constrained, leaving minimal space for new construction.

Without the requested variances, we would be required to make drastic modifications to the home design that would significantly limit functionality for our family, delay our ability to build this year, or potentially prevent construction on the lot altogether. The hardship is not self-created but rather results from the cumulative effect of the required setbacks on this specific parcel.

Our intent is to build our family home on this lot because of its natural beauty, its proximity to the city while still offering a rural setting, and its location near extended family members who also live within the same cul-de-sac. The proposed variances are the minimum necessary to allow reasonable use of the property and will not alter the character of the area or negatively impact neighboring properties. Even with the requested adjustments, the home will continue to maintain significant separation from the lake/stream and the roadway.

We respectfully request consideration of these variances so that we may proceed with building our family home in a manner that is responsible, compatible with the surrounding area, and consistent with the intent of the ordinance.

The proposed home is located between 110th Avenue North and the Buffalo River setback area. An aerial photo was reviewed showing the driveway, septic, roadway, proposed residence, and river. Environmental Health has reviewed the plans and has no issues with the proposed plans, as all requirements are able to be met.

There is an existing older residence on the parcel that was constructed in the late 1950s. The existing residence is approximately 64 feet from the OHWL, with part of the existing residence located in the regulatory floodway. The proposed construction would move the dwelling substantially farther from the OHWL.

Policy considerations reviewed from the 2045 Comprehensive and Transportation Plan:

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. Director Jacobson pointed out that this also includes rivers and streams. Granting the requested variances will move the residence farther back from the OHWL than the current residence.

There has been no comment from the township.

Matt Henry stated that he grew up in this neighborhood. He is excited about getting this property. He knows all his neighbors, as he grew up with them. He has spoken with them, and they have no problems with his request.

On motion by Dennis Loock, seconded by Tim Brendemuhl, 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 these requests. Conditions were discussed, and the applicant advised that they are in agreement with the conditions as set out.

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

1. The dwelling shall maintain a minimum setback of 132 feet from the Ordinary High Water Level of the Buffalo River.
2. The dwelling shall maintain a setback of 40 feet from the centerline of 110th Avenue North.

JEFF KLEIN AND JIM OLSON – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to the road centerline setback at 14852 90th Ave. S., Barnesville, MN 56514, on Parcel ID: 05.021.1001, on Abandoned Railroad Right-of-Way and Tract 2 of Abandoned Railroad Downer Townsite, Section 21, Township 138N, Range 46W, Elkton Township.

This hearing was properly noticed to the public but was withdrawn before the date of the hearing.

SCOTT DAHMS – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to the minimum lot size to operate a commercial business in an existing grain elevator at 11649 123rd Ave. S., Sabin, MN 56580, on Parcel ID: 01.050.6011, on Outlot P-1, Townsite of Baker, Section 1, Township 137N, Range 47W, Alliance Township.

Attorney Brian Melton advised the Board of Adjustment that Mr. Dahms was not present at the hearing. The statute is silent regarding this, but, in looking at the rules, the Board can move forward without his presence. Attorney Melton advised that this would be his recommendation. The hearing was moved forward to this date at the request of Mr. Dahms. Mr. Dahms was properly notified regarding the meeting. The public was notified and was present at the meeting. Attorney Melton

believes that it is appropriate under the rules to move forward and basically default, but the facts from Mr. Dahms have been previously received. Attorney Melton asked that the Board make a specific finding that they are moving forward by default or make a record that Mr. Dahms was not present, and that this should be clearly recorded in the Board record.

At this time, Mr. Dahms made telephone contact with Director Jacobson. The result of that telephone call was that Mr. Dahms indicated that he wished to withdraw the application and would follow up in writing.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT:

On motion by Tim Brendemuhl, seconded by Dennis Loock, and unanimously carried, the meeting was adjourned at 6:08 PM.

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

Joel Hildebrandt, Chair
Clay County Board of Adjustment