



## WASECA COUNTY BOARD OF ADJUSTMENT MEETING

Thursday, March 6, 2025 - 6:00 p.m.

East Annex Public Meeting Room

300 N State Street – East Annex, Waseca, MN 56093

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 223 734 071 974

Passcode: Ag7yq3wj

Dial in by phone

[+1 469-208-1516,,182002984#](#) United States, Carrollton

[Find a local number](#)

Phone conference ID: 182 002 984#

### AGENDA

1. CALL TO ORDER/ESTABLISH A QUORUM
2. WELCOME NEW BOARD MEMBERS
3. APPROVAL OF AGENDA
4. ELECTION OF 2025 CHAIR AND VICE CHAIR
5. APPROVAL OF 2025 MEETING CALENDAR
6. APPROVAL OF MINUTES – December 5, 2024
7. VARIANCE REQUEST – PUBLIC HEARING

**A. Request for a variance to have a dwelling within 1,000feet of a registered feedlot.**

David M. Krampitz requests a variance of 425feet to have a proposed building approximately 575feet from a registered feedlot of PID 08.018.0110 in Section 18 Township 106N Range 22W in Otisco Township. The applicant's parcel, with PID 08.018.0200, is in the A-1 Agricultural Protection Zoning District. The requested proposal is pursuant to the requirements of Sections 6.06 and 6.08 of the Waseca County Unified Development Code.

8. MISCELLANEOUS – Michael and Scott Singletad 12.006.0800
9. ADJOURNMENT

**6:45 BOA and PC Review of Responsibilities**

## Waseca County 2025 Meeting Schedule and Deadlines

All meetings held in Waseca County East Annex

<p><b>Board of Adjustment (BOA) – Variances</b> Meet 1<sup>st</sup> Thursday of the month</p> <p><b>Time: 6:00 p.m.</b></p> <p>Administrative appeals – TBA special date/time for meeting</p>	<p><b>Planning Commission (PC) – Conditional Use Permits, Zoning, Subdivision/Plats</b> Meet 1<sup>st</sup> Thursday of the month</p> <p style="text-align: right;"><b>Time: 7:00 p.m. unless otherwise announced</b></p> <p style="text-align: center;"><b>County Board of Commissioners</b> Meet 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month at 9:30 a.m.</p> <p style="text-align: right;"><i>*Initial report to County Board may require full report at another county board meeting*</i></p>
---	---

BOA/PC Meeting	Application deadline	Public Hearing mailing	BOA/PC packet mailing	County Board Meeting* <small>(only items from PC meeting)</small>
<b>January 2</b>	December 6	December 20	December 27	January 21
<b>February 6</b>	January 10	January 24	January 31	February 18
<b>March 6</b>	February 7	February 21	February 28	March 18
<b>April 3</b>	March 7	March 21	March 28	April 15
<b>May 1</b>	April 4	April 17	April 25	May 20
<b>June 5</b>	May 9	May 23	May 30	June 17
<b>July 3</b>	June 6	June 20	June 27	July 15
<b>August 7</b>	July 11	July 25	August 1	August 19
<b>September 4</b>	August 8	August 22	August 29	September 16
<b>October 2</b>	September 5	September 19	September 26	October 21
<b>November 6</b>	October 10	October 24	October 31	November 18
<b>December 4</b>	November 7	November 21	November 26	December 16
<b>2026 January 8</b>	December 12	December 26	January 2, 2026	January 20, 2026

\*An initial report will be provided to the County Board prior to the above listed dates\*



# WASECA COUNTY BOARD OF ADJUSTMENT

## DRAFT MINUTES

**Date:** December 5, 2024    **Time:** 6:00pm    **Venue:** East Annex, Waseca, MN

### **CALL TO ORDER/ESTABLISH A QUORUM**

Chairperson Duane Rathmann called the Waseca County Board of Adjustment meeting to order at 6:00 p.m. in the East Annex, Waseca, Minnesota, and GoToMeeting. A quorum was established to conduct business with the following marked members present.

<b>Members</b>	<input checked="" type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt													
	<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born															
<b>Staff</b>	<input checked="" type="checkbox"/>	Maame Quarcoo, AICP, Senior Land Use Planner																	
	<input checked="" type="checkbox"/>	Shelley Hyatt, Land Use Planning Assistant																	
	<input checked="" type="checkbox"/>	Tina Wilson, PCED, Community Development Coordinator																	
	<input checked="" type="checkbox"/>	Brian Zabel, Land Use – Agriculture & Ditches																	
	<input checked="" type="checkbox"/>	DeAnne Malterer – County Commissioner																	
<b>Others Present</b>	Names include as seen on sign-in sheet. Spellings of names shown as best as possible from handwritten signatures.																		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">I. Chad Neitzel</td> <td style="width: 50%;">VIII. Perry Berg</td> </tr> <tr> <td>II. Sam Borneke</td> <td>IX. Ashley Arett</td> </tr> <tr> <td>III. Mark Schaetzke</td> <td>X. Sandy Ewert</td> </tr> <tr> <td>IV. Justina Besch</td> <td>XI. Don Ewert</td> </tr> <tr> <td>V. Amanda Slaughter</td> <td>XII. Dave Barbknecht</td> </tr> <tr> <td>VI. David Slaughter</td> <td>XIII. Karter Cummins</td> </tr> <tr> <td>VII. Dale Ewert</td> <td></td> </tr> </table>						I. Chad Neitzel	VIII. Perry Berg	II. Sam Borneke	IX. Ashley Arett	III. Mark Schaetzke	X. Sandy Ewert	IV. Justina Besch	XI. Don Ewert	V. Amanda Slaughter	XII. Dave Barbknecht	VI. David Slaughter	XIII. Karter Cummins	VII. Dale Ewert	
I. Chad Neitzel	VIII. Perry Berg																		
II. Sam Borneke	IX. Ashley Arett																		
III. Mark Schaetzke	X. Sandy Ewert																		
IV. Justina Besch	XI. Don Ewert																		
V. Amanda Slaughter	XII. Dave Barbknecht																		
VI. David Slaughter	XIII. Karter Cummins																		
VII. Dale Ewert																			

### **APPROVAL OF AGENDA**

<b>Motion</b>	Motion to Approve the Agenda as presented by staff					
<b>Motion By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt
	<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born		
<b>Second By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt
	<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born		
<b>Vote to approve Agenda</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>3</u> Yes <u>0</u> No	
<b>Decision</b>	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

### **REVIEW/APPROVAL OF MINUTES:** September 5, 2024, and October 3, 2024

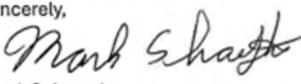
<b>Motion</b>	Motion to Approve the September 5 and October 3, 2025, as presented by staff					
<b>Motion By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt
	<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born		
<b>Second By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt
	<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born		
<b>Vote to approve Agenda</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>3</u> Yes <u>0</u> No	
<b>Decision</b>	APPROVE <input checked="" type="checkbox"/>			APPROVE WITH REVISIONS <input type="checkbox"/>		

### **PUBLIC HEARINGS:**

#### **A. Request for variances to have dwellings within 1,000feet of a registered feedlot.**

<b>Applicant Name</b>	Samuel Borneke
-----------------------	----------------

<b>Request</b>	<p>Samuel Borneke requests for the variances listed below to have dwellings on the property with PID: 05.030.1110 in Section 30 T108N R23W of Iosco Township.</p> <ol style="list-style-type: none"> <li>I. Variance of 400feet to have a proposed building approximately 600feet from an existing feedlot.</li> <li>II. Variance of 584feet to have a proposed building approximately 416feet from an existing feedlot.</li> </ol> <p>The variances are part of a broader request to split the parcel into three (3). The County UDC (section 6.06) requires dwellings to be setback 1,000feet from a registered feedlot. The property is in the A-1 Agricultural Protection Zoning District and in the SO Shoreland Overlay District.</p>
<b>Previous Public Comments</b>	<p>Maame Quarcoo outlined and explained previous public comments from adjacent neighbors.</p>
<b>Site Plan</b>	<p>Maame Quarcoo presented a setback map of the adjacent feedlot and explained the proposed site plans for Parcels B and C as well as a proposed restrictive covenant prepared by the applicant's attorney.</p>
<b>Issues with the Request</b>	<ol style="list-style-type: none"> <li>1. <u>Expansion of the Existing Feedlot</u>: The issuance of the requested variances might limit future expansion efforts of the existing feedlot. Taking into consideration the existing setback requirements, the feedlot owner/operator cannot expand his feedlot closer to the 390th Avenue than he already is.</li> <li>2. <u>Location of site facilities</u>: These variances do not take into consideration feasible locations of utilities and structures such as septic, well, accessory structures or dwellings on the lot. The terrain might limit future site locations of such facilities on the parcel.</li> <li>3. <u>Other Administrative Processes</u>. The applicants would have to complete any required processes including but not limited to Minor Subdivision, Transfer of Development Rights (TDR), Zoning and Septic Permits, if the requested variances are approved.</li> <li>4. <u>Driveway/Access Permit</u>. The applicant would have to obtain a driveway/access permit from the County Public Works Department.</li> </ol>
<b>Agency Comments</b>	<p>An email containing the link to the staff report was provided to the Waseca County Public Works Director, Land Use Planner – Agriculture &amp; Ditches, Sheriff, and Attorney for their review. Staff received a comment from Jim Kollar, County Public Works Director. The comment is shown below:</p> <p>Good afternoon,</p> <p>I'd just like to add that the administrative processes for Borneke's application includes driveway/access approval. Recall, Public Works is recommending only two access points on CSAH 19. My last discussion with Sam is that he would be proposing access to Parcel A and a shared access to Parcel B &amp; C, along the shared property line. This proposal is agreeable to Public Works, but Sam hasn't formally submitted an application(s) yet.</p> <p><b>Jim Kollar, PE</b>  <b>Public Works Director County Engineer</b>  Waseca County Public Works Department  1495 5<sup>th</sup> Street SE   PO Box 487  Waseca, MN 56093  O: 507.835.0661   C: 507.461.7566  <a href="mailto:jim.kollar@wasecacounty.gov">jim.kollar@wasecacounty.gov</a></p>  <p>Brian Zabel, Land Use Planner – Agriculture &amp; Ditches provide comments. Summarized version of the comments are:</p> <ol style="list-style-type: none"> <li>1. Nuisance or complaints are received from producers/ landowners either way.</li> <li>2. Other UDC requirements is still enforceable.</li> <li>3. Distance solves a lot of issues. 400ft or 500ft distances between feedlots and residences are a little too close.</li> <li>4. Complaints regarding feedlot nuisances depends on the personalities involved.</li> </ol>
<b>Applicant Comment</b>	<p>Sam Borneke mentioned that a restrictive covenant had been recorded. Roemhildt asked if the proposed dwellings can be setback farther from the feedlot. Borneke responded that the locations as proposed are the most feasible and make the most sense. Perry Berg, the applicant's attorney added an explanation of the restrictive covenant.</p>

<p><b>Public Comments</b></p>	<p>Staff received a comment from Mark Schaetzke. The letter is outlined below:</p> <p>To Waseca County Board of Adjustment <span style="float: right;">12-4-24</span></p> <p>Regarding request for variance for property PID 05.030.1110 in Section 30 T108N R23W of Iosco Twp.</p> <p>I and other citizens believe this variance would disrupt the essential character of the locality. The locality is made up of low-density homes and mostly farmsteads. Three homes in a row would be a substantial change to the area and is not supported by the residents in the area. The fact that multiple people have taken the time to attend the October BOA meeting and December BOA meeting shows this.</p> <p>Allowing three homes will invite additional zoning issues such as placement of driveways, safety of motorists, impacts to wetlands, siting issues of wells, septic systems and other variances if future property owners want additional buildings. How many more times will this parcel ask for additional exceptions? How frustrated will the future owners of these properties be when they go through the process to ask for exceptions and potentially get denied? While the revised application provides more detail on proposed buildings, it also results in longer driveways and additional destruction of forested land.</p> <p>A proposed deed restriction should not be considered in this decision until the restriction language is provided from the applicant and an opinion provided by the county attorney and Waseca County Planning and Zoning staff on the impact of the restriction. Depending on how the restriction is written it could have little to no impact or it could have significant impact for the feedlot operations. Additionally, it is important who or what entity would be responsible to enforce the restriction.</p> <p>Making a living operating a dairy is not easy and Waseca County is seeing a decrease in livestock farmers and especially small-scale dairy farmers. Additional limitations and restrictions would place a burden on this dairy. This is still a substantial variance request of up to 584 feet of a 1000-foot setback. If the county has the authority to establish setbacks, they should have the authority to deny a variance or exception to the setbacks.</p> <p>In my opinion the request does not meet several of the 5 criteria for granting a variance and especially C, D, and E. For these reasons I ask that the Board of Adjustment deny the variance request.</p> <p>Sincerely,    Mark Schaetzke  5923 390<sup>th</sup> Avenue  Janesville, MN 56048</p> <div style="text-align: right;">  </div> <p>The Public Hearing was opened by Rathmann at 6:40pm</p> <p>No person was online to provide public comments.</p> <p>Dave Barbknecht was concerned about his ability to hunt along Lake Helen, if dwellings are constructed on the proposed parcels.</p> <p>Greg Manke Provided public comments. He was opposed to granting the variances and was concerned with the impact of the variances on future expansion of his existing feedlot.</p> <p>The hearing was closed by Rathmann at 6:50pm</p>
<p><b>Board of Adjustment Discussion/ Questions</b></p>	<p>The Board of Adjustment had some discussion which resulted in not granting or considering the variance request for proposed Parcel C.</p>
<p><b>Criteria for Approval</b></p>	<p><b>A) Is the variance request in harmony with the general purposes and intent of the official controls and consistent with the county's Comprehensive Plan?</b>  Applicant: Yes.</p> <p>Staff: The approved Comprehensive Plan calls for the area to be developed into agriculture/open space uses. Dwellings are permitted in the zoning district. Staff is of the opinion that the requested variance is in harmony with the general</p>

	<p>purposes and intent of official controls and consistent with the County's Comprehensive Plan.</p> <p><b>B) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?</b>  Applicant: Yes.</p> <p>Staff: The applicant is requesting the variances prior to completing the required minor subdivision process. The parcel is in the A-1 district and single-family dwellings are permitted in the zone. The requested uses are in a reasonable manner.</p> <p><b>C) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?</b>  Applicant: Yes.</p> <p>Staff: The feedlot already exists in the vicinity. Much of the parent parcel is within the required 1,000 feet setback. There's a limit to where a dwelling can be placed on the 11-acre parcel with the existence of the feedlot. With the applicant's ask, proposed residences would be located closer than required in the UDC. The need for the variances is therefore unique to the property.</p> <p><b>D) Will the issuance of the variance maintain the essential character of the locality?</b>  Applicant: Yes.</p> <p>Staff: The issuance of the variance is not anticipated to alter the essential character of the locality.</p> <p><b>E) Does the need for the variance involve more than economic considerations?</b>  Applicant: Yes.</p> <p>Staff: The need for the variances involves more than economic considerations. The applicant is requesting the variances prior to completing other required administrative approvals.</p>												
<b>Discussion on the Criteria</b>	<p>There were discussions on the criteria. The discussion led to the BOA considering the criteria for just Parcel B and a suggestion to amend the recorded restrictive covenant.</p> <p>Staff read the criteria and proposed findings into the record. The Board of Adjustment used that as guide to fill out the criteria checklist.</p>												
<b>Motion on Criteria</b>	Motion to approve the criteria for Parcel B as presented in the staff report												
<b>Motion By:</b>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td>Duane Rathmann Chair</td> <td><input type="checkbox"/></td> <td>Robert Vogelsang Vice Chair</td> <td><input checked="" type="checkbox"/></td> <td>Stephanie Roemhildt</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/></td> <td>Richard Possin</td> <td><input type="checkbox"/></td> <td>Rodney Born</td> </tr> </table>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt								
		<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born								
<b>Second By:</b>	<table border="1"> <tr> <td><input checked="" type="checkbox"/></td> <td>Duane Rathmann Chair</td> <td><input type="checkbox"/></td> <td>Robert Vogelsang Vice Chair</td> <td><input type="checkbox"/></td> <td>Stephanie Roemhildt</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/></td> <td>Richard Possin</td> <td><input type="checkbox"/></td> <td>Rodney Born</td> </tr> </table>	<input checked="" type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<input checked="" type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt								
		<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born								
<b>Vote</b>	<input checked="" type="checkbox"/> Pass <input type="checkbox"/> Fail      Vote: <u>2</u> Yes <u>1</u> No												
<b>Decision on Criteria</b>	APPROVE <input type="checkbox"/> MOTION FAILED <input checked="" type="checkbox"/>												
<b>Conditions</b>	<p>Staff recommended approval of the request if the Waseca County Board of Adjustment found that the proposal met the standard criteria for approval with two (2) conditions, as outlined below.</p> <ol style="list-style-type: none"> <li><u>Standards/Regulations:</u> All County, State, and Federal laws, regulations, and ordinances shall be complied with. All permits shall be obtained within 12 months of approval and construction completed within one (1) year of approval of receipt of the Waseca County Zoning Permit.</li> <li>Failure to comply with any of the above-listed condition shall be grounds for revocation of the variance granted as described herein. The above condition may be reviewed upon an annual basis and shall be subject to cancellation, revocation or modification for any violation of the above listed conditions, or any additions or modifications deemed necessary. The Planning and Zoning Staff will be allowed access to the site at verify the requirements of this variance are being met.</li> </ol>												

<b>Discussion on Condition</b>	None					
<b>Motion on Variance Request</b>	Motion to approve the variance requests with the recommended conditions.					
<b>Motion By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<b>Second By:</b>	<input checked="" type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<b>Board of Adjustment Discussion</b>	None					
<b>Decision on Request</b>	Recommend Approval with Conditions			Table Request	<input type="checkbox"/>	Deny <input type="checkbox"/>
	As presented	<input checked="" type="checkbox"/>	Reason		Reason:	
	With revisions	<input type="checkbox"/>				
<b>Vote to Approve the Request</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>2</u> Yes <u>1</u> No	

### B. Request for variances to construct a storage shed.

<b>Applicant Name</b>	Todd Neitzel
<b>Request</b>	<p>Todd Neitzel request for the following variances to construct a storage shed on his property with PID: 07.013.1850 in Section 13 T105N R22W of New Richland Township. The property is in the SO Shoreland Overlay District of St. Olaf Lake, which is a Recreational Development Lake.</p> <ol style="list-style-type: none"> <li>i. Variance of <del>25</del> 35feet for the Ordinary High-Water Level (OHWL).</li> <li>ii. Variance of 28feet from the front yard setback requirement.</li> </ol> <p>Section 6.22(G)(2) of the UDC requires structures to be setback at minimum 100feet from the Ordinary High-Water Level of Recreational Development Lakes and 50feet from the road right-of-way edge.</p> <p><i>Note: Please note a typological error on the notices sent out regarding this request. The first variance request is for 35feet and not 25feet.</i></p>
<b>Site Plan</b>	Maame Quarcoo presented the proposed site plan, floor plan, explained the variances and the need for the variance requested.
<b>UDC Reference</b>	<ul style="list-style-type: none"> <li>📌 §3.08 Variances and Appeals.</li> <li>📌 §6.14 LR Limited Residential Zoning District Standards.</li> <li>📌 §6.22 SO Shoreland Overlay District Standards.</li> </ul>
<b>Issues with the Request</b>	<ol style="list-style-type: none"> <li>1. <u>Use of the Structure</u>. The applicant's intended use of the structure is for a storage shed but based on the drawings provided, it appears that the structure could well function as a dwelling. The base residential density in the zoning district is 8 units has already been taken up with the existing adjacent residents. The structure cannot be used as a dwelling.</li> <li>2. <u>Sewage Treatment</u>. The applicant is proposing to have a bathroom and a kitchenette in the storage structure. There is no record of a septic system or tank for this property. The applicant will thus need to apply for an SSTS permit prior to the issuance of a zoning permit if the requested variances are approved.</li> <li>3. <u>Well</u>. With the proposal by the applicant, there will be the need for a water source. There is also no record of a well on the property. The applicant would have to make provision for a well to support the water use of the proposal.</li> </ol>
<b>Agency Comments</b>	<p>An email containing the link to the staff report was provided to the Minnesota Department of Natural Resources (DNR), Waseca County Watershed Coordinator, Land and Water Resources Director, Land Use Planner – Agriculture &amp; Ditches, Sheriff, and Attorney for their review.</p> <p>Staff received a comment from Chris Howard (Land and Water Resources Director). The comment is below:</p>

	<p><b>From:</b> Chris Howard &lt;Chris.Howard@wasecacounty.gov&gt;  <b>Sent:</b> Tuesday, December 3, 2024 3:41 PM  <b>To:</b> Shelley Hyatt &lt;Shelley.Hyatt@wasecacounty.gov&gt;; Greg Huber &lt;Greg.Huber@wasecacounty.gov&gt;  <b>Cc:</b> Maame Quarcoo &lt;Maame.Quarcoo@wasecacounty.gov&gt;  <b>Subject:</b> Re: 12.5.24 BOA Staff Report</p> <p>Shelly- Maame,</p> <p>I did not see anything in the conditions or anywhere that mentioned the 50' shore impact zone. I feel that language establishing and maintaining the shore impact zone should be listed as a condition in the variance and the zoning permit. If it is listed as a condition of the variance he is voluntarily agreeing to preserve that space, not just a byproduct of the zoning permit that will be disregarded.</p> <p>Thank you, Chris</p> <p>Erynn Jenzen (DNR) provided agency comment as below:</p> <p><i>Good morning, Maame,</i></p> <p><i>Thanks for getting in touch regarding this topic. While it will be a benefit to have the new shed set back from the OHWL farther than the original shed, given the change in location and larger dimensions of the new structure, a variance should still be required for this building. Additionally, a grading/filling permit will likely be required if there is to be more than 50yd3 of material moved to accommodate for the new shed.</i></p> <p><i>Just a few other notes for the construction of the new shed and the demolition of the existing shed:</i></p> <p><i>Stormwater and downspouts should be managed in a way to avoid negative impacts to the Public Water basin</i></p> <p><i>Sediment and erosion control measures (i.e., biologs, sediment fencing if appropriate, etc.) should be taken during construction and demolition to maintain water quality and bank integrity</i></p> <p><i>Trees should remain in place, if possible, particularly those along the shoreline both for bank stability and screening purposes. Healthy trees that are removed may require a replacement plan.</i></p> <p><i>Thanks again and let me know if there's anything else that comes up with regard to this plan.</i></p> <p><i>Have a good Wednesday!</i></p>
<b>Applicant Comment</b>	Chad Neitzel provided applicant comments, on behalf of Todd Neitzel. Chad mentioned that the existing shed is proposed to be demolished, and the new shed is not anticipated to be used as a dwelling but rather a storage shed with office. He furthered that the parcel is served with a well with two parcels due west. He also agreed with the restrictive covenant as proposed by staff and added that it was Todd's intent to use a holding tank.
<b>Public Comments</b>	<p>The Public Hearing was opened by Rathmann at 7:22pm</p> <p>No person was online to provide public comments.</p> <p>The hearing was closed by Rathmann at 7:25pm</p>
<b>Board of Adjustment Discussion/ Questions</b>	The Board of Adjustment had some discussion on the request.
<b>Criteria for Approval</b>	<p><b>A) Is the variance request in harmony with the general purposes and intent of the official controls and consistent with the county's Comprehensive Plan?</b>  Applicant: Yes.</p> <p>Staff: The approved Comprehensive Plan calls for the area to be developed into shoreland residential uses. Accessory structures are permitted in the zoning district. Staff is of the opinion that the requested variance is in harmony with the general purposes and intent of official controls and consistent with the County's Comprehensive Plan.</p> <p><b>B) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?</b>  Applicant: Yes.</p> <p>Staff: The applicant is proposing to construct a storage shed with a porch, bathroom, office and living space and a kitchenette. Staff is of the opinion that the structure might be used as a dwelling and not a storage shed. A restrictive covenant</p>

	<p>limiting the use of the structure to storage would have to be signed and recorded by the applicant. If this is executed, then the use of the property would be in a reasonable manner.</p> <p><b>C) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?</b> Applicant: Yes.</p> <p>Staff: The width of the property limits the placement of structures. To make more developable space and in an attempt to meet the front yard setback, the applicant realigned the existing road. The need for the variance is thus unique.</p> <p><b>D) Will the issuance of the variance maintain the essential character of the locality?</b> Applicant: Yes.</p> <p>Staff: The issuance of the variance is not anticipated to alter the essential character of the locality.</p> <p><b>E) Does the need for the variance involve more than economic considerations?</b> Applicant: Yes.</p> <p>Staff: The need for the variances involves more than economic considerations.</p>												
<b>Discussion on the Criteria</b>	<p>There were no discussions on the criteria.</p> <p>Staff read the criteria and proposed findings into the record. The Board of Adjustment used that as guide to fill out the criteria checklist.</p>												
<b>Motion on Criteria</b>	Motion to approve the criteria as presented in the staff report												
<b>Motion By:</b>	<table border="1"> <tr> <td data-bbox="451 953 532 1016"><input type="checkbox"/></td> <td data-bbox="532 953 776 1016">Duane Rathmann Chair</td> <td data-bbox="776 953 857 1016"><input type="checkbox"/></td> <td data-bbox="857 953 1084 1016">Robert Vogelsang Vice Chair</td> <td data-bbox="1084 953 1166 1016"><input checked="" type="checkbox"/></td> <td data-bbox="1166 953 1430 1016">Stephanie Roemhildt</td> </tr> <tr> <td data-bbox="451 1016 532 1058"></td> <td data-bbox="532 1016 776 1058"></td> <td data-bbox="776 1016 857 1058"><input type="checkbox"/></td> <td data-bbox="857 1016 1084 1058">Richard Possin</td> <td data-bbox="1084 1016 1166 1058"><input type="checkbox"/></td> <td data-bbox="1166 1016 1430 1058">Rodney Born</td> </tr> </table>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt								
		<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born								
<b>Second By:</b>	<table border="1"> <tr> <td data-bbox="451 1058 532 1121"><input type="checkbox"/></td> <td data-bbox="532 1058 776 1121">Duane Rathmann Chair</td> <td data-bbox="776 1058 857 1121"><input type="checkbox"/></td> <td data-bbox="857 1058 1084 1121">Robert Vogelsang Vice Chair</td> <td data-bbox="1084 1058 1166 1121"><input type="checkbox"/></td> <td data-bbox="1166 1058 1430 1121">Stephanie Roemhildt</td> </tr> <tr> <td data-bbox="451 1121 532 1150"></td> <td data-bbox="532 1121 776 1150"></td> <td data-bbox="776 1121 857 1150"><input checked="" type="checkbox"/></td> <td data-bbox="857 1121 1084 1150">Richard Possin</td> <td data-bbox="1084 1121 1166 1150"><input type="checkbox"/></td> <td data-bbox="1166 1121 1430 1150">Rodney Born</td> </tr> </table>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt			<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt								
		<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born								
<b>Vote</b>	<table border="1"> <tr> <td data-bbox="451 1150 532 1184"><input checked="" type="checkbox"/></td> <td data-bbox="532 1150 776 1184">Pass</td> <td data-bbox="776 1150 857 1184"><input type="checkbox"/></td> <td data-bbox="857 1150 1084 1184">Fail</td> <td data-bbox="1084 1150 1430 1184">Vote: <u>3</u> Yes <u>0</u> No</td> </tr> </table>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>3</u> Yes <u>0</u> No							
<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>3</u> Yes <u>0</u> No									
<b>Decision on Criteria</b>	<table border="1"> <tr> <td data-bbox="451 1184 948 1243">APPROVE <input checked="" type="checkbox"/></td> <td data-bbox="948 1184 1430 1243">MOTION FAILED <input type="checkbox"/></td> </tr> </table>	APPROVE <input checked="" type="checkbox"/>	MOTION FAILED <input type="checkbox"/>										
APPROVE <input checked="" type="checkbox"/>	MOTION FAILED <input type="checkbox"/>												
<b>Conditions</b>	<p>Staff recommended approval of the request if the Waseca County Board of Adjustment found that the proposal met the standard criteria for approval with two (2) conditions, as outlined below.</p> <ol style="list-style-type: none"> <li><u>Standards/Regulations</u>: All County, State, and Federal laws, regulations, and ordinances shall be complied with. All permits shall be obtained within 12 months of approval and construction completed within one (1) year of approval of receipt of the Waseca County Zoning Permit.</li> <li><u>Shoreland Alterations and Shore Impact Zone Protection</u>: The shore impact zone (SIZ), which is approximately 50' from the Ordinary High – Water Level (OHWL) shall be maintained as a natural vegetative buffer in a natural state and pursuant to the requirements of §6.22.</li> <li><u>Wetlands</u>: There shall be no filling or dredging of wetlands.</li> <li>A variance shall become void one (1) year after being granted by the Board of Adjustment, unless used or if a petition for the one year is granted. Failure to comply with any of the above-listed conditions shall be grounds for revocation of the variance granted as described herein. The above condition may be reviewed on an annual basis and shall be subject to cancellation, revocation, or modification for any violation of the above-listed condition, or any additions or modifications deemed necessary. The Planning and Zoning Staff will be allowed access to the site to verify the requirements of this variance are being met.</li> </ol> <p><i>Note: Conditions # 2 &amp; 3 were added by staff after the reports were mailed to the Board of Adjustment members.</i></p>												

<b>Discussion on Condition</b>	None.					
<b>Motion on Variance Request</b>	Motion to approve the variance request with amended conditions.					
<b>Motion By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<b>Second By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt
			<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<b>Board of Adjustment Discussion</b>	None					
<b>Decision on Request</b>	Recommend Approval with Conditions			Table Request	<input type="checkbox"/>	Deny <input type="checkbox"/>
	As presented	<input checked="" type="checkbox"/>		Reason		Reason:
	With revisions	<input type="checkbox"/>				
<b>Vote to Approve the Request</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>3</u> Yes <u>0</u> No	

**MISCELLANEOUS:** None

**ADJOURNMENT:**

<b>Motion</b>	Motion to adjourn the meeting.					
<b>Motion By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input type="checkbox"/>	Stephanie Roemhildt
			<input checked="" type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<b>Second By:</b>	<input type="checkbox"/>	Duane Rathmann Chair	<input type="checkbox"/>	Robert Vogelsang Vice Chair	<input checked="" type="checkbox"/>	Stephanie Roemhildt
			<input type="checkbox"/>	Richard Possin	<input type="checkbox"/>	Rodney Born
<b>Vote to Adjourn</b>	<input checked="" type="checkbox"/>	Pass	<input type="checkbox"/>	Fail	Vote: <u>4</u> Yes <u>0</u> No	
<b>Time</b>	7:30 pm					

**Note:**

1. Full Planning Staff Report on this matter can be found at:  
<https://www.wasecacounty.gov/AgendaCenter/ViewFile/Agenda/12052024-601>
2. Contact the Planning and Zoning Department to listen to the full meeting recording.  
Waseca County Planning and Zoning Department  
300 N State Street  
Waseca, MN 56093  
Phone: 507-835-0650; Fax: 507-837-5310

---

Duane Rathmann  
Waseca County Board of Adjustment Chair



# PLANNING STAFF REPORT

## Variance for Feedlot Setback Requirements

**To:** Board of Adjustment  
**From:** Maame Quarcoo, AICP, Senior Land Use Planner  
**Meeting Date:** March 6, 2025  
**Applicant:** David M. Krampitz  
**Location:** TBD-128<sup>th</sup> St., Waseca, MN 56093  
**Primary Contact:** David M. Krampitz

### Background

**Request:** Request for a variance to have a single-family dwelling within 1,000 feet of a registered feedlot.  
David M. Krampitz requests a variance of 425 feet to build a proposed single-family dwelling approximately 575 feet from a registered feedlot of PID 08.018.0110 in Section 18 Township 106N Range 22W in Otisco Township. The applicant's parcel, with PID 08.018.0200, is in the A-1 Agricultural Protection Zoning District. The requested proposal is pursuant to the requirements of Sections 6.06 and 6.08 of the Waseca County Unified Development Code (UDC).

- Notifications:**
- Complete application received on February 3, 2025.
  - Legal Notice was published in the Waseca County Pioneer Newspaper on February 20, 2025.
  - First class notices were mailed by February 21, 2025.
  - 60 days from the date of application falls on April 4, 2025\*.
  - Board of Adjustment Public Hearing rescheduled for March 6, 2025.
- \* Extension requested (120 days; June 3, 2025, provided)*

### Site Information

- Site Data:**
- Applicant: David M. Krampitz
  - Property Owner: David M. Krampitz
  - Property Address: TBD – 128th St., Waseca, MN 56093
  - Township Name: Otisco
  - PID: 08.018.0200
  - Legal Description: See Attachment F
  - Existing/Prior Variances: None

### Attachments

- A:** Criteria For Granting Variance
- B:** Recommended Conditions if Considered for Approval
- C:** Notice Map
- D:** Comprehensive Land Use Map
- E:** Extract of Zoning Map and UDC Extract
- F:** Application Information including Legal Description

## Description of Uses

### Existing Use:

- The parcel under review is a vacant parcel comprising of 5.72 acres of wooded land with a driveway servicing two parcels to the west.
- Adjacent Uses:
  - North – Agricultural Parcel (PID: 08.018.0300 and 08.018.0100)
  - South – Agricultural Parcel (PID: 08.018.0120)
  - East – Agricultural Parcel (PID: 08.018.0110)
  - West – Parcel with residence (PID: 08.018.0600)
- The property is in the A-1 Agricultural Protection Zoning District.

## Description of Request:

### Proposed Uses from Applicant:

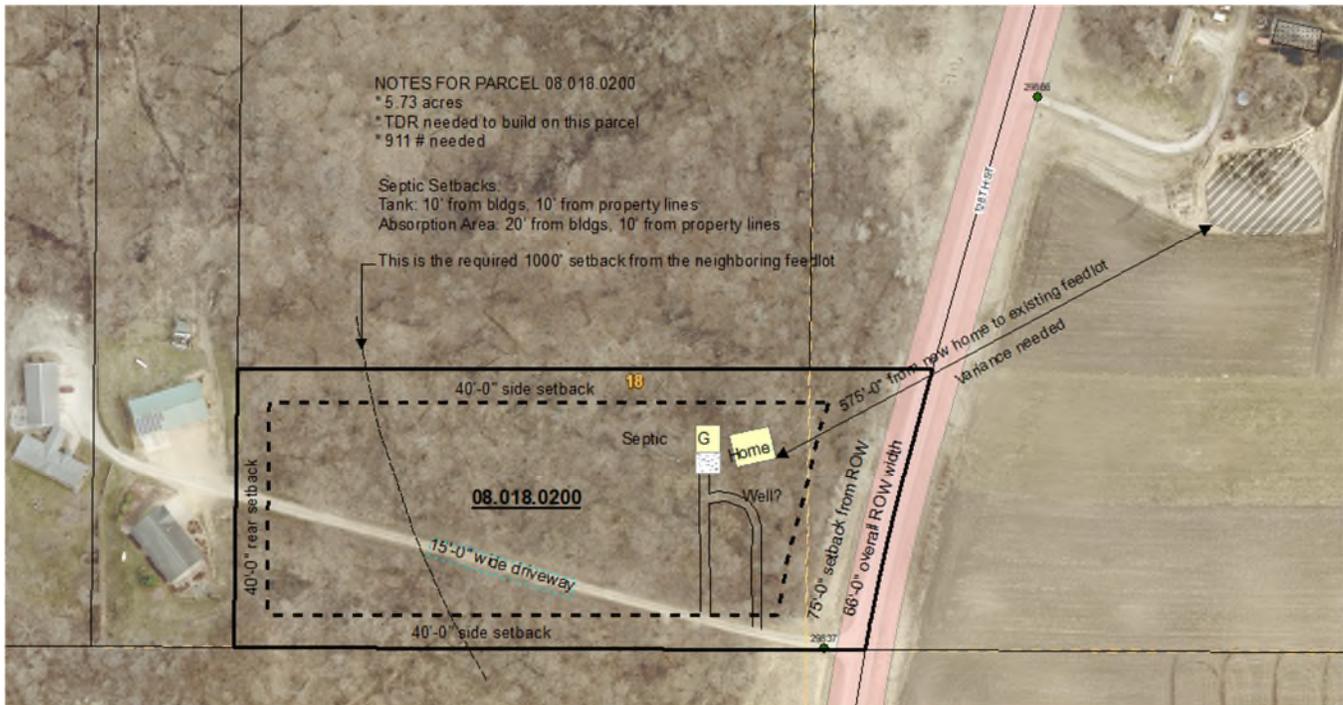
- Applicant requests to build a house, shed, driveway and septic system on the cleared site.

### Proposed Uses from Staff:

- The applicant is proposing to construct a single-family dwelling on his existing parcel. There currently exists a registered feedlot on an adjacent property northeast of the applicant's parcel. Per the requirements of Section 6.06 of the Waseca County Unified Development Code (UDC), dwellings must be setback at minimum 1,000 feet from a feedlot and vice versa.

See below for the Site Improvement Map

### SITE IMPROVEMENT MAP



## General Findings

- Land Use Plan:**
- The Land Use Plan, of the Waseca County Comprehensive Plan, suggests the area to be developed into Agriculture/Open Space uses. The variance request is consistent with the goals and policies established in the County Land Use Plan.

*See Attachment D for the Comprehensive Land Use Map*

**Applicable Codes:** The Zoning Map approved with the Waseca County Unified Development Code (UDC) places the property within A-1 Agricultural Zoning District.

- **§3.08 Variances and Appeals.**  
Identifies the processes by which variance requests are to be reviewed, decided, and appealed.
- **§6.06 Specific Standards for Animal Agriculture (“Feedlot Ordinance”).**  
Outlines the requirements for feedlots together with required setbacks.
- **§6.08 A-1 Agricultural Protection District Standards.**  
Outlines standards for development in the Agricultural Protection Zoning District.

*See Attachment E for Zoning Map and Unified Development Code Extract*

## Natural Resources Information

- Topography:**
- The parcel under review slopes with LiDAR information showing the lowest elevation 1,136 feet and the highest elevation of approximately 1,156 feet above sea level.

- Wetland:**
- No wetland signature appears on the parcel.

- Shoreland/  
Floodplain:**
- The parcel is outside any shoreland or floodplain areas.

## Agency Review

- State/County  
staff:**
- A copy of this report was provided to the Waseca County Public Works Director, Land Use Planner, Agriculture & Ditches Coordinator, County Sheriff, and County Attorney for their review.

- Township  
Review:**
- A copy of the notice of public hearing was mailed to Otisco Township Officers for their review and comment. No written correspondence had been received at the time this report was prepared.

- Public  
Comments:**
- Public hearing notices were sent to adjacent property owners within 1500 feet of the development area to derive at least ten (10) property owners. The required 500feet did not yield enough property owners needed for neighbor notification pursuant to §3.08(F)(5).
  - No written or verbal correspondence had been received at the time this report was prepared. Any public comment received prior to the public hearing will be included in public record at the hearing date.

## Analysis

### *Issues with the Request:*

- **Expansion of the Existing Feedlot:** The issuance of the requested variances might limit future expansion efforts of the existing feedlot.
- **Other Administrative Processes.** The applicants would have to complete any required processes including but not limited to Transfer of Development Rights (TDR), Zoning and Septic Permits, if the requested variances are approved.

**ATTACHMENT A**  
CRITERIA FOR GRANTING VARIANCE

**A) Is the variance request in harmony with the general purposes and intent of the official controls and consistent with the county's Comprehensive Plan?**

Staff: The approved Comprehensive Plan calls for the area to be developed into agriculture/open space uses. Single-family dwellings are permitted in the zoning district. Staff is of the opinion that the requested variance is in harmony with the general purposes and intent of official controls and consistent with the County's Comprehensive Plan.

**B) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?**

Staff: The applicant is requesting the variance prior to completing the required Transfer of Development rights and zoning permit application. The parcel is in the A-1 district and single-family dwellings are permitted in the zone. The requested use of the parcel is being used in a reasonable manner.

**C) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?**

Staff: The feedlot already exists in the vicinity. With the applicant's request, the proposed single-family dwelling will be located closer than allowed in the Unified Development Code (UDC). The need for the variance is therefore unique to the property.

**D) Will the issuance of the variance maintain the essential character of the locality?**

Staff: The issuance of the variance is not anticipated to alter the essential character of the locality.

**E) Does the need for the variance involve more than economic considerations?**

Staff: The request is being presented now before the applicant proceeds with the remainder of the administrative approvals. There are expenses (associated economic considerations such as purchasing TDR) with the next steps. By requesting the variance first, it will determine whether the other expenses will be incurred.

**ATTACHMENT B**  
RECOMMENDED CONDITIONS IF CONSIDERED FOR APPROVAL

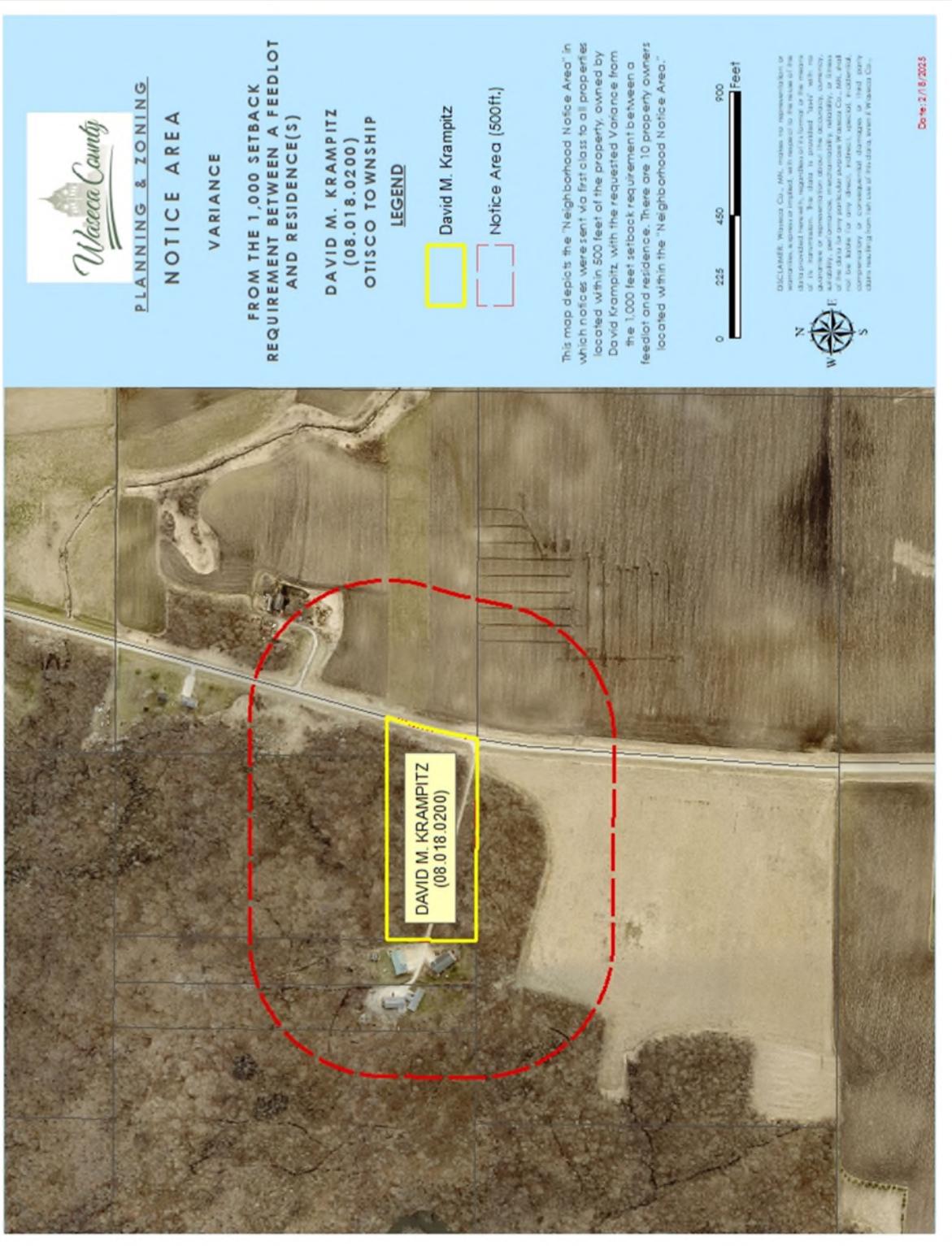
*Request for a variance to have a single-family dwelling within 1,000feet of a registered feedlot. David M. Krampitz requests a variance of 425feet to allow a proposed dwelling approximately 575feet from a registered feedlot of PID 08.018.0110 in Section 18 Township 106N Range 22W in Otisco Township. The applicant's parcel, with PID 08.018.0200, is in the A-1 Agricultural Protection Zoning District. The requested proposal is pursuant to the requirements of Sections 6.06 and 6.08 of the Waseca County Unified Development Code (UDC).*

The request proposal is hereby recommended for approval with the following conditions.

1. Standards/Regulations: All County, State, and Federal laws, regulations, and ordinances shall be complied with.
2. All permits shall be obtained within 12 months of approval and construction completed within one (1) year of approval and receipt of the Waseca County Zoning Permit.
3. Failure to comply with any of the above-listed condition shall be grounds for revocation of the variance granted as described herein. The above condition may be reviewed upon an annual basis and shall be subject to cancellation, revocation or modification for any violation of the above listed condition, or any additions or modifications deemed necessary. The Planning and Zoning Staff will be allowed access to the site to verify that the requirements of this variance are being met.

*Note: The registered feedlot on parcel with identification number 08.018.0110 shall receive reciprocal variance from the proposed dwelling.*

# ATTACHMENT C NOTICE MAP



**ATTACHMENT D**  
**COMPREHENSIVE PLAN USE MAP**

**Waseca County Future Land Use Map**



**SITE**

- Land Use**
- Shoreland Residential
  - Large-Lot Residential
  - Commercial
  - Industrial
  - Agriculture/Open Space
  - City

0 5 Miles

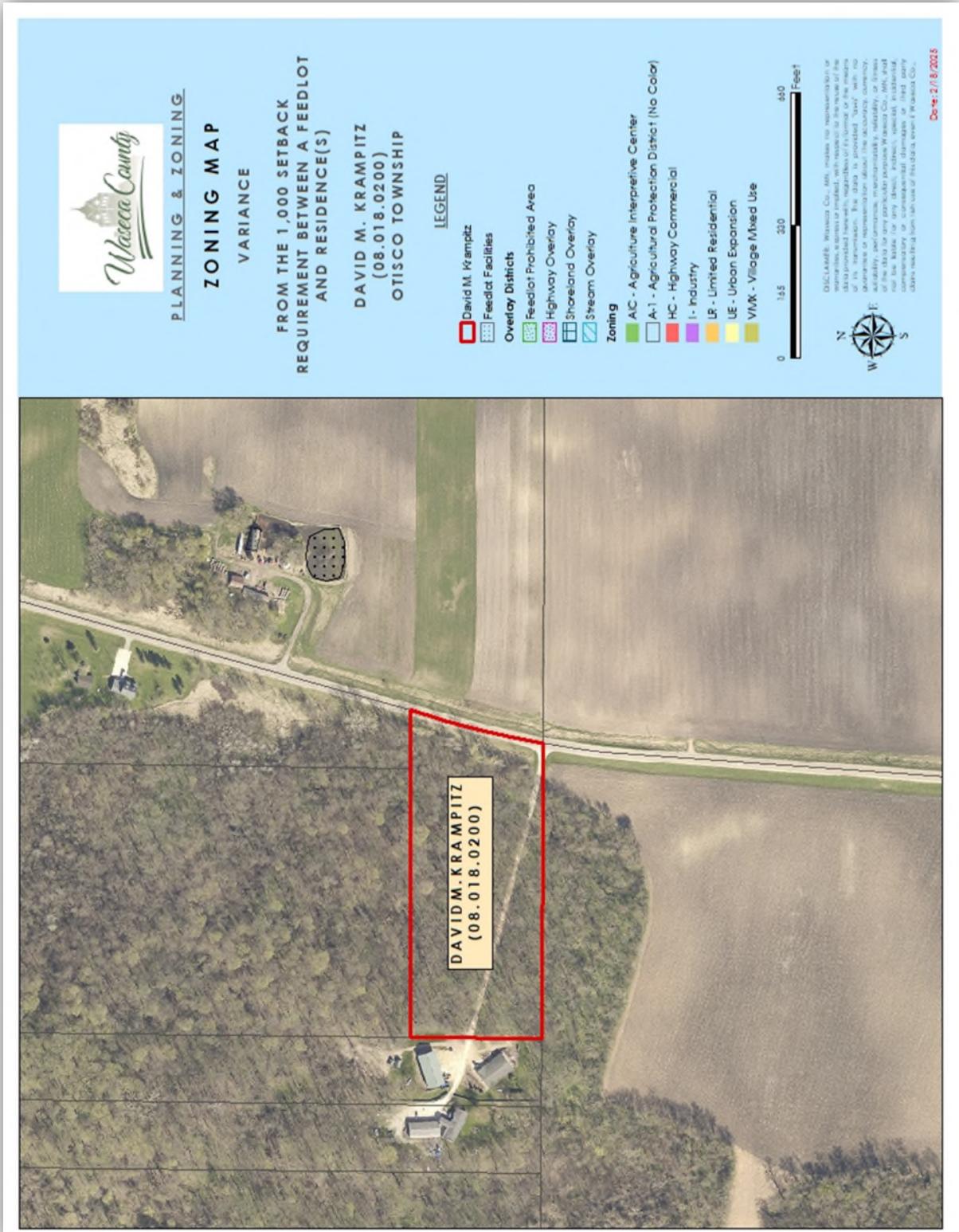
- New Highway 14 Alignment
- Growth Area With Public Services
- Janesville's Urban Reserve Area



Region Nine Development Commission  
 Community and Economic Development

Prepared March 2006

**ATTACHMENT E**  
**ZONING MAP AND EXTRACT FROM UNIFIED DEVELOPMENT CODE**



**WASECA COUNTY UNIFIED DEVELOPMENT CODE**

**§6.06 SPECIFIC STANDARDS FOR ANIMAL AGRICULTURE (“FEEDLOT ORDINANCE”).**

<b>Table 6.4 Manure Storage Structures and Associated Feedlot Setbacks</b>	
<b>Land Use or Feature</b>	<b>Distance (feet)</b>
Airport (FAA approved)	2,640
An existing feedlot under separate ownership	500
<b>A residence (other than feedlot owner/applicant)</b>	<b>1,000</b>
Cemeteries <sup>3</sup>	500
Churches <sup>2</sup>	1,000
Golf courses, private or public <sup>4</sup>	1,000
Incorporated municipality <sup>5</sup>	2,640
Parks <sup>1</sup>	1,000
Property line* (side yards, rear yard)	80
Public roads (measured from centerline of road)	300
Shoreland: lakes (measured from OHWL)	1,000
Shoreland: river, stream, drainage ditch (public or private- measured from ordinary high water level)	300
Well, private	As regulated by MN Dept. of Health
Well, public	As regulated by MN Dept. of Health
Wetlands: Type I-VIII	300

**§ 6.08 A-1 AGRICULTURAL PROTECTION DISTRICT STANDARDS.**

(B) Permitted uses.

(7) Single-family detached dwellings (refer to density and other standards);

ATTACHMENT F

APPLICANT INFORMATION INCLUDING LEGAL DESCRIPTION

**RECEIVED**  
3 2025 *DMW*



**Waseca County Planning and Zoning Office**

300 North State Street  
Waseca, Minnesota, 56093  
Phone: 507-835-0650 Fax: 507-837-5310  
Website: www.co.waseca.mn.us

Form no. PZ081009

Fees: 1. VARIANCE Fee (check payable to Waseca County): ~~\$600.00~~ **\$500.00**  
 2. County Recorder (if Variance is approved - check payable to Waseca County Recorder): **\$46.00** *pack # 5513 a/b/c/d*

1. Name of Applicant: David Michael Krampitz Email Address: P Krampitz @ gofast.am  
 (First) (Middle) (Last)

2. Address of Applicant: 29151 128th Street Waseca MN 56093 Phone Number: 507 461 1063  
 (Address) (State) (ZIP)

3. Name of Property Owner: David Michael Krampitz Email Address: PKrampitz @ gofast.am  
 (First) (Middle) (Last)

4. Address of Owner: 29151 128th Street Waseca MN 56093 Phone Number: 507 461 1063

5. Street address of Property Involved: 128th Street Parcel ID#: 08 018 0200

6. Legal Description (Full) of Property involved (attach if necessary):  
 \_\_\_\_\_

7. Present Zoning District: \_\_\_\_\_ 8. Zoning ordinance Section authorizing Special Permit: \_\_\_\_\_

9. Present Use of Property: Wood Lot 10. Proposed Use of Property: House / S/HQ

11. Description of Request: Request To Build House / stks / Driveway / septic / ON C/SRD Site

12. Applicants are responsible to contact:  
 I) MNDOT (Angie Piltaver @ [angie.piltaver@state.mn.us](mailto:angie.piltaver@state.mn.us)), if adjacent to a State Highway;  
 II) DNR (Dan Girolamo @ [daniel.girolamo@state.mn.us](mailto:daniel.girolamo@state.mn.us)), if impacting shoreland (i.e. 300 feet to river or stream or 1000 feet to a lake)

**CRITERIA FOR GRANTING A VARIANCE**

**13. Criteria for Granting a Variance.** Variances shall only be permitted when the applicant establishes that they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties complying with the official control. As used in connection with a decision as to whether to grant a variance, practical difficulties means that 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; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulty:

**14. In order to grant a variance, the Board of Adjustment must find that all of the following criteria are met:**

*(Note: Please attach responses to the criteria on a separate sheet if necessary)*

(a) Is the variance request in harmony with the general purposes and intent of the official controls and consistent with the county's Comprehensive Plan?

---

---

---

---

(b) Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

---

---

---

---

(c) Is the need for the variance due to circumstances unique to the property and not created by the current or prior property owners?

---

---

---

---

(d) Will the issuance of the variance maintain the essential character of the locality?

---

---

---

---

(e) (Does the need for the variance involve more than economic considerations?)

---

---

---

---

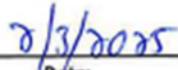
15. **Exhibits** to be submitted as specified in §3.08 of Waseca County Unified Development Code (UDC).

An application for a variance shall be filed with the Zoning Administrator, on the appropriate form, with the required fees. The application shall:

- a) Legal description of the property
- b) Survey (required in most cases) drawn at scale showing the parcel, building dimensions and setbacks;
- c) Location of all buildings and their square footage;
- d) Location of curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks;
- e) Sanitary system and water source location and information;
- f) In any Shoreland areas, (name and type) a thorough evaluation of the water body and the topographic, vegetation, and soils condition on the site must be made and the applicant must demonstrate with photos and written specifications:
  - i. How the property will be viewed from the public waters before and following the completion of the project;
  - ii. How will the applicant will prevent soil erosion and other possible pollution of public waters both during and following construction of the project;
  - iii. That the types, uses and the numbers of watercraft are compatible and suitable to the area and the water body being impacted;
  - iv. That the applicant shall submit an impervious surface calculation prior to and following development; and
  - v. Flood Plain Elevation should be provided
- g) Any additional data reasonably required by the Zoning Administrator and or Waseca County UDC.
- h) MnDOT, if adjacent to a State Highway, contact Angie Piltaver at [angela.piltaver@state.mn.us](mailto:angela.piltaver@state.mn.us)
- i) DNR, if impacting shoreland (i.e. 300 feet to river or stream or 1000 feet to a lake), contact Dan Girolamo at [daniel.girolamo@state.mn.us](mailto:daniel.girolamo@state.mn.us)

16. **Acknowledgement and Signature:** The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the Waseca County to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances of the Waseca County and the laws of the State of Minnesota. The undersigned hereby consents that Waseca County officials, employees, appointed commissioners and consultants hired by the County may enter the property to inspect layout of structures, proposed placement of planned structures or additions, and other property's site features and dimensions.

  
Signed \_\_\_\_\_

  
Date: \_\_\_\_\_

*Note: Refer to annual meeting schedule for the Waseca County Board of Adjustment and application deadlines for completed applications. An application is not considered complete until all required exhibits and fees have been submitted.*



### **LEGAL DESCRIPTION**

All land lying and being in Section Eighteen, Township One Hundred Six North, Range Twenty-two West, Waseca County, Minnesota: The South five acres of the East Half (E1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter, AND Beginning at the Southeast Corner of the South 5 acres of the East Half of the Northwest Quarter of the Northeast Quarter; thence Easterly 61 feet more or less, on an Easterly extension of the South Line of said tract, to the centerline of CSAH No. 51; thence Northeasterly on the centerline of said CSAH No. 51, to the point of intersection of said centerline with and easterly extension of the North line of the South 5 acres of the East Half of the Northwest Quarter of the Northeast Quarter; thence Westerly 135 feet more or less to the Northeast corner of said tract; thence Southerly on the East Line of said tract to the point of beginning; being part of the Northeast Quarter of the Northeast Quarter; and containing 0.73 acres more or less, subject to highway casement on the East side thereof.