

Houston County Board of Adjustment
April 24, 2025

Approved May 22, 2025 by Ken Visger and Wayne Runningen.

The Houston County Board of Adjustment met at 5:00 p.m. on Thursday, April 24, 2025. A summary of the meeting follows.

The meeting was called to order by Environmental Services Director Amelia Meiners. Roll call was taken. Members present were Ken Anderson, Franklin Hahn, Dean Happel, Wayne Runningen, and Ken Visger. Amelia Meiners, Jeremy Burt, and Michelle Burt were present for Environmental Services.

Election of Chairperson for 2025 took place. Wayne Runningen nominated Franklin Hahn for Chairperson. Dean Happel seconded. There were no other nominations. All were in favor. Motion carried.

Election for Vice Chairperson for 2025 took place. Wayne Runningen nominated Ken Visger for Vice Chairperson. Franklin Hahn seconded. There were no other nominations. All were in favor. Motion carried.

Wayne Runningen made a motion to approve the minutes of November 21, 2024. Ken Anderson seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 547 was read for **David and Judy Winsky**, 4380 County 25, La Crescent, MN 55947.

The petitioners are seeking a variance to reduce front yard setback requirements to replace and expand a detached garage (14.7 Subd. 2) in La Crescent Township.

- The dwelling at this site dates to 1900 and it's presumed some of the outbuildings do as well. There are two buildings within the front yard setback to CSAH 25 on this property, but these are considered legal non-conforming since they predate the zoning ordinance. The applicants would like to replace the existing garage and expand the footprint slightly. Non-conforming uses cannot be extended or enlarged unless they are brought into compliance. A reduced setback allowed through variance is considered compliant. The existing structure is right on the CSAH 25 right-of-way, and the minimum allowance is 20 feet off of right-of-way. The landowners were able to accommodate that requirement, and it's reflected in this request. There is one additional structure considered legal, non-conforming, but this variance is not intended to approve any replacement of that structure within the front yard setback. It will need to be reviewed independently.
- La Crescent Township and the ten nearest property owners were notified. No comments were received.
- The County Engineer previously provided a comment that he could live with the building being 20' beyond the existing R/W, although 100' from the centerline would be preferred.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 9 - NON-CONFORMING USES

9.1 INTENT AND GENERAL APPLICATION

Subdivision 1. Establishment of Nonconforming Uses. *Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before August 30, 1967, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.*

Subdivision 2. Nonconforming Uses May Be Continued. *It is the intent of this Ordinance to permit these nonconforming uses or structures to continue until they are removed, but not to*

encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Subdivision 3. Nonconforming Uses May Not Be Extended Or Enlarged. *A non-conforming use of a structure, a non-conforming use of land and water, or a non-conforming structure, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.*

14.7 FRONT YARD SETBACK STANDARDS

Subdivision 2. County Highways. *There shall be a front yard setback of not less than one hundred (100) feet from the centerline of all County roads.*

- Site Characteristics:
 - This is a 257.07-acre farm just over two miles west of the City of La Crescent located off CSAH 25. There are no slope or bluff concerns with this proposal.
 - There are multiple intermittent streams in all directions, but all are over 1,000 feet away. There is no floodplain, wetland or shoreland concerns with this proposal.

David and Judy Winsky were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. David Winsky stated that the existing garage would be replaced as a two-car garage with similar floor plans,

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: The proposed structure is an allowable use in the agricultural protection district and a setback request is an area variance allowed within the ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The farmstead predated CSAH 25 and to keep the garage in the same vicinity as the old will require a variance. That building has not had an issue during its existence.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: The layout of the current farmstead has buildings in close proximity to the highway since it was established long before zoning rules were adopted.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: There are open areas on the property, however, the goal of this structure is to stay within proximity to the dwelling and reduce impact to tillable acreage. This proposal will actually lessen the current encroachment.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: This request is to replace an existing structure that has been present for close to a century. In addition, this area consists of rural residential and farm properties which commonly have accessory structures. It should have no impact on public health, safety or welfare.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This request is an area variance and there is no floodplain in the vicinity of the request.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Anderson made a motion to accept the findings. Wayne Runningen seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to grant a variance of 30 feet to meet the 100-foot setback from the centerline of CSAH 25 to replace an accessory structure.

Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 548 was read for **Benjamin and Levenda Ranney**, 6635 Gonia Drive, Caledonia, MN 55921.

The petitioners are seeking a variance to reduce property line setback requirements for a proposed accessory structure (14.8 Subd. 1) in Union Township.

- The landowners purchased the property in 2016 and constructed a dwelling in 2017. The septic system is located north of the dwelling and a secondary location was identified adjacent to it. There is a dry run the runs along their north property boundary and much of that is mapped floodplain. In order to locate the structure outside of the FEMA floodplain it will require encroachment on the property lines. Since there is a bluff to the north and the property to the west will also have floodplain requirements there likely won't be another structure in the immediate vicinity of this proposal and therefore minimal impact.
- Union Township and the ten nearest property owners were notified. Two inquiries were received, but no comments were submitted for the record.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):
14.8 SIDE YARD SETBACK STANDARDS
Subdivision 1. Minimum Side Yard Setback. *There shall be a side yard width of not less than fifty (50) feet on each side of the building.*
- Site Characteristics:
 - There are limited locations to build and the only alternatives are within floodplain or over a secondary septic system location.
 - Slopes may allow building south of or "behind" the dwelling, but there is a ditch in that location and the elevation difference would require an extensive amount of dirt work to get it to sit nice which would have a greater impact on the resource.
 - This proposal meets the slope and bluff setback requirements. There is no wetland in the vicinity and this is not a mapped public water.

Benjamin Ranney was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Environmental Services Director, Amelia Meiners, stated that there were changes in the request and due to the floodplain fault they should request 20 feet rather than 10 feet to give themselves room to work. Benjamin Ranney stated that they are requesting to place the shed 20 feet from the north property line and 35 feet from the west property line. The shed will be 30'x32'.

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: Reduced setbacks are allowed within the Zoning Ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The building site is situated at the end of a valley and there is limited area to build outside of floodplain. Area in front of the dwelling is cited for the secondary septic system and should be protected from future development.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This site has a limited building envelope and this location will create the least impact. Adjacent property in this location has limited development opportunities due to slopes and floodplain so there should be no immediate impact on neighboring properties.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: There is no other reasonable location to construct a structure within the buildable envelope of this property.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Properties in this area are rural residential in nature and typically include a dwelling with accessory structure(s). Therefore, this variance will not alter the essential character of the locality.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and the building will be located outside of FEMA floodplain. Based on natural ground elevations some floodplain requirements will still apply, but the variance will not facilitate them to meet a lower degree of flood protection.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Anderson made a motion to accept the findings. Ken Visger seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Visger made a motion to grant a variance of 20 feet to the north property line and 35 feet to the west property line to meet a 50-foot setback required for a proposed accessory structure.

Dean Happel seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 549 was read for **Joseph and David Holten**, 16499 Four Corners Drive, Spring Grove, MN 55974.

The petitioners are seeking the following variances in Wilmington Township:

1. Variance to reduce side yard setback requirements for a proposed accessory structure (14.8 Subd. 1).
 2. Variance to reduce ordinary high water level setback requirements for an existing accessory structure (22.6 Subd. 4, Subs. 1(a)).
- The applicant is looking to construct an accessory structure near the dwelling. The property was split in 2021 and the tillable acreage was sold. At that time the applicant intended on meeting the 50-foot setback requirement and lines were drawn accordingly, but now he would like to add a lean-to to the planned structure and because of the slope, shifting the structure towards the west would allow for better access to the lean.
 - The second variance is for a picnic shelter permitted in 2004. The permit conditions require a 100-foot ordinary high water level setback, but the structure appears to be closer to 84 feet. It does not appear the channel shifted but staff will investigate further prior to the hearing.
 - Wilmington Township and the ten nearest property owners were notified. No comments were received.
 - Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

14.8 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. *There shall be a side yard width of not less than fifty (50) feet on each side of the building.*

- Site Characteristics:
 - This property consists of three parcels totaling 49.32-acres. Much of these parcels fall within the shoreland overlay district and the low ground is floodplain. There is limited wetland along Bee Creek. The surface water will not impact either proposal and slopes meet the standard for building requirements.
 - There does appear to be a location in the pasture west of the vacant feedlot that may accommodate a building, but it isn't in the immediate vicinity of the dwelling.

David Holten was present to answer questions. Chairman Hahn asked the applicants if they had anything to add. David Holten stated that the existing picnic shelter has no sides and meets floodplain requirements.. For the proposed structure, David Holten stated that it will be 36 feet x 48 feet with a 10-foot open lean on the east side of the building.

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: Area variances are allowed by the Zoning Ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: An accessory structure is a reasonable and common use of property and this site does have limited area available due to slopes and surface water on the lower ground.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: A change in plans by the property owner is driving this request.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicant is requesting a minimal variance.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Accessory structures are common in the ag district and will not alter the character of the locality. This proposal shall have no effect on public health, safety or welfare of neighbors.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance request and has no impact on floodplain.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Anderson made a motion to accept the findings. Ken Visger seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to grant the following variances:

1. Variance of 10 feet to reduce the side yard setback requirements for the proposed accessory structure.
2. Variance of 17 feet to reduce ordinary high water level setback requirements for an existing accessory structure.

Wayne Runnigen seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 550 was read for **Steven and Vicki Neeser**, 520 E Main Street: P.O. Box 451, Eitzen, MN 55931.

The petitioners are seeking a Variance from the one dwelling per quarter-quarter section requirement (14.2 Subd. 1) in Winnebago Township.

- The applicants purchased the property in 2010. The land use has remained mostly unchanged with most of the property north of Winnebago Creek being tillable acreage and that south of the creek consisting of timber. Shortly after purchasing they removed an approximately one-acre area adjacent to CSAH 5 from production to create a camping site and that has experienced incremental development since that time. In February 2015, a change of use permit was issued to the neighbor within the same quarter-quarter to change the use of a structure from a garage to a dwelling.
- This winter the applicant reached out to staff with questions regarding placing a dwelling on this property, which includes both PID 16.0164.000 and PID 16.0155.001. Staff informed them of the quarter-quarter rule and discussed other site limitations such as wetland, floodplain and public waters. They were encouraged to explore other locations, but to limit land disturbance and utilize existing developed areas of this property the landowner is asking to place a dwelling within the NE SE quarter-quarter.
- The Board of Adjustment has two roles. One is to grant variances and the second to review appeals of the Zoning Administrators' decisions. In this situation, the applicant was told that a permit would not be issued in their desired location and so they are requesting relief from that rule from the Board of Adjustment. Since no formal ruling had been made an appeal was not applicable but is essentially the request at hand.
- Winnebago Township and the ten nearest property owners were notified. No comments were received.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 12 – BOARD OF ADJUSTMENT

12.4 POWERS AND APPEALS

Subdivision 1. Powers. *The Board of Adjustment shall have power to grant a variance to any of the provisions of this Ordinance to the extent of the following and no further:*

(1) To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

(2) To hear and determine appeals as to the exact boundaries of Land Use Districts.

Subdivision 2. Appeals. *The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 559, Laws of 1959, as amended.*

(1) Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Section 394.21 to 394.3, Minnesota Statutes, Chapter 559, Laws of 1959, as amended, shall have the right to appeal to the Board of Adjustment.

(2) Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

(3) *The decision of the Board of Adjustment shall not be final, and any person having an interest affected by such Ordinance shall have the right to appeal to the District Court within thirty (30) days on a point of fact or law.*

12.6 PROHIBITED ACTIONS

Subdivision 1. Use Variances Prohibited. *No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.*

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT

14.2 PERMITTED USES

Subdivision 1. Permitted Uses. *In the Agricultural Protection District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:*

(4) *Single Family Dwellings. Single family dwellings located on 40 or more contiguous acres subject to one dwelling per quarter-quarter section and having ownership of at least 33 feet of road frontage on a public roadway or a legally recorded perpetual access at least 33 feet wide from an existing public roadway, on sites considered Buildable Lots as defined by this Ordinance. An erosion control plan, as set forth by Section 24, shall be submitted with all applications for new single-family dwellings.*

- Site Characteristics:
 - This site is just under three miles northeast of the City of Eitzen off CSAH 5. The property consists of two parcels equaling 40.18-acres within four different quarters-quarters, although much of it is unusable. Constructing a water crossing across Winnebago Creek (approximately 700-feet to the south) to access a dwelling is likely not an option and much of the central part of the parcel is floodplain. This is not a delineated area so all floodplain is assumed to be floodway unless it can be demonstrated otherwise. Even ground adjacent to the shaded area may not meet elevation requirements which then adds stipulations to building permits. There are also pockets of wetland throughout the property and a small area near the county road, within the road setback, is classified over 24% grade and not buildable.
 - Since the petitioner owns over 40-acres the soil classification is not relevant, but much of it is considered prime ag soils.
 - There is an alternative location within an open quarter-quarter as outlined in green in Fig. 2 on staff report. The setback from the centerline of CSAH is 100-foot and the 49-foot segment is just to put in perspective the area above the tree line. This area is likely the most challenging on the property in terms of slope but does offer the landowner an open and buildable quarter-quarter.

Steven Neeser was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Neeser stated that the proposed dwelling would be 28 feet x 36 feet without a basement. The deck on the dwelling would extend into the field, which was not a problem with the farmer that runs the land. He also explained that using this location for the proposed dwelling will minimize the amount of land disturbance and workload.

Chairman Hahn asked Environmental Services Director, Amelia Meiners, if the Board of Adjustment has the power to change the Houston County Zoning Ordinance. Meiners stated that this board does not have that power. Ken Visger stated that this is a Use Variance which the Board of Adjustment does not have the authority to change.

Steven Neeser asked, “The two dwellings per 40 acres is to help control the building density issue, correct? Or to help space out dwellings?” He also stated “the 40 acres I own, the 50 acres next to

me, and the 40 acres that are owned by Gerald are not going to be built. That is like 175 acres with only one house. I understand the density issue but at the same time, how many options are there? Without doing the variance I can't see myself spending an extra 25% to go down into the floodplain area and causing more problems."

Chairman Hahn asked Wayne Runningen if he could read an insert out of the Comprehensive Land Use Plan. Wayne Runningen read page 20 which states, "The County has enacted zoning ordinances that permit for agricultural use by right, and has historically limited development of single-family residences to densities of one dwelling per one 40-acre quarter-quarter section in past iterations of agricultural zoning districts. The County has also strived to continue to preserve commercial agriculture as a viable, permanent use and as significant economic activity in the County." Wayne Runningen stated, "This was developed in July of 2023 and that's what we go by." Dean Happel stated, "I guess the bottom line is and it has already been spoken on, is that we do not have the authority to change this."

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

- 1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: No, this request does not meet the density limit set in the Houston County Zoning Ordinance.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	
Dean Happel		X	
Franklin Hahn		X	
Wayne Runningen		X	
Ken Visger		X	

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The landowner does have property in open quarter-quarters but was hoping to utilize an existing developed area to minimize land disturbance. Also, economic considerations alone do not constitute practical difficulty.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	There are alternatives available.
Dean Happel		X	
Franklin Hahn		X	
Wayne Runningen		X	
Ken Visger		X	

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This property presents challenges due to surface water and shares a quarter-quarter with neighboring property owners, which leaves certain factors out of the applicants' hands. However, the quarter-quarter rule has always been applied as first-come, first serve and no variance has been granted for similar requests.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		It is unique to property.
Dean Happel	X		
Franklin Hahn	X		
Wayne Runningen	X		
Ken Visger	X		

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The variance can be alleviated by locating the dwelling on an open quarter-quarter.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	
Dean Happel		X	
Franklin Hahn	X		
Wayne Runningen		X	
Ken Visger		X	

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: Farm dwellings are commonly found in the agricultural district. This proposal will not differ from other surrounding rural residential properties and should not negatively affect property value, public health, safety, or welfare of others in the vicinity.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		

Dean Happel	X
Franklin Hahn	X
Wayne Runnigen	X
Ken Visger	X

- The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is a use variance due to exceeding the single dwelling allowed in the same quarter-quarter section rule.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		Agrees with staff analysis.
Dean Happel	X		
Franklin Hahn	X		
Wayne Runnigen	X		Agrees with staff analysis.
Ken Visger	X		

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings. Wayne Runnigen seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to deny a variance from the one dwelling per quarter-quarter section requirement. Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Dean Happel	X		
Franklin Hahn	X		
Wayne Runnigen	X		
Ken Visger	X		

Ken Visger made a motion to adjourn the meeting. Dean Happel seconded. All were in favor. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on April 25, 2025.

Houston County Board of Adjustment
May 22, 2025

Approved July 31, 2025 by Ken Visger and Dean Happel.

The Houston County Board of Adjustment met at 5:00 p.m. on Thursday, May 22, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Franklin Hahn. Roll call was taken. Members present were Franklin Hahn, Wayne Runningen, and Ken Visger. Ken Anderson and Dean Happel were absent. Amelia Meiners and Michelle Burt were present for Environmental Services.

Ken Visger made a motion to approve the minutes of April 24, 2025. Wayne Runningen seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 551 was read for **Robert and Lori Ellenz**, 12174 County 10, Caledonia, MN 55921.

The petitioners are seeking a variance to reduce setback requirements for the expansion of a feedlot from a dwelling (Section 33.16 Subdivision 5) in Caledonia Township.

- The petitioners have had some growth in animal units but currently operate a 251-animal unit dairy farm on this parcel. Petitioners are currently working on permitting a Liquid Manure Storage Structure. There is a larger dairy feedlot located across the road from this site, approximately 500 feet and all three of the dwellings in the variance are owned by Mike & Kris Ingvalson who own the larger dairy facility across the road.
- Recent Registrations: Animal Units (AU)
 - 2024 – 251 AU
 - 2021 – 234.2 AU
 - 2017 – 169.3 AU
- Below are relevant sections from the Houston County Zoning Ordinance:

33.16 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS
The setback requirements are to be measured from the outermost boundaries of the feedlot structure or fence, to the existing dwelling. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.

Subdivision 1. Feedlot Advisory Committee Review. *The Feedlot Advisory Committee shall conduct an on-site review of all variance applications relating to feedlots. Upon completion of the review, the committee shall prepare a report and recommendation for the Board of Adjustment's consideration.*
- Site Characteristics:
 - The dwellings in question belong to Mike and Kris Ingvalson. The Three dwellings are located across county road 10 to the north. These dwellings are on the site of a larger dairy operation. There are three dwellings located to the East of the property as well, with the closest being about 2,100 feet away. There is a dwelling about 1,857 feet to the Southwest that is vacant, and another dwelling to the Northwest that is over 2,900 feet away from this feedlot.
- Caledonia Township and the ten closest property owners were notified. No comments were received.

Robert Ellenz was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. The applicant described the project in more detail.

Chairman Hahn asked if there was any public comment.

Wayne Feldmeier stated that he talked to the Rask's and they mentioned that the manure pit is a good idea.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: This is an existing registered feedlot in an agriculture community, there is a larger feedlot across the road from this site.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The applicants operate a registered feedlot that was established prior to the current zoning rules being established.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This is an area of the County used heavily for agriculture and as a result there are a number of registered feedlots as well as dwellings in the vicinity of the feedlot location.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicants operate a registered feedlot that was established prior to the current zoning rules being established.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: There are several other feedlots found near this location, some of which are larger feedlots.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and it is not in the vicinity of floodplain.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings. Wayne Runningen seconded. All were in favor. Motion carried.

Environmental Services Director, Amelia Meiners, stated that the distances mentioned for the variance in the Board Packet are incorrect and gave the correct distances.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Visger made a motion to grant a variance of 1,030 feet, 980 feet, and 330 feet for animal unit expansion to meet the required 1,320-foot setback to three existing dwellings.

Wayne Runningen seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 552 was read for **Tom and Judy Vix**, 18568 State 16, Houston, MN 55943.

The petitioners are seeking a variance to reduce setback requirements for a proposed dwelling from an existing feedlot (Section 33.16 Subdivision 6) in Houston Township.

- This is a unique situation where the applicants, who live on site and operate a campground, are seeking a permit to construct an additional farm dwelling on their property. The landowner met with staff to discuss housing options to enable his father to move back home to the farm. The quarter-quarter line lies immediately east of the existing dwelling so a farm dwelling could be

permitted in close proximity and be a permanent option rather than seeking an interim use. After a more detailed review it was discovered that the registered feedlot at 18857 State 16 is within the quarter mile setback. It is registered for 10.925 animal units. In 1999, the campground was granted a variance to two feedlots, but staff did not feel this facilitated another dwelling within the setback distance.

- The homeowners could shift the dwelling to the east to get outside of the feedlot setback, but the site has another major hurdle. As shown in Fig. 2, much of this parcel is mapped floodplain. This area is not delineated floodplain so needs to be considered floodway and staying outside of it is the easiest option. Between the floodplain boundary and the proposed location is a large septic system for the campground. In addition, since this dwelling is for the applicant's father, they would prefer to keep him as close as possible to the main dwelling and moving the dwelling to the southeast corner of the parcel would push the dwelling 400-500 feet away. Note that the Root River State Trail runs along the east property line and has a setback that may be greater than the standard property line setback in the agriculture protection district. The floodplain contours are difficult to see, but the location to the east is actually lower ground and may require a fair amount of fill.
- With the topography and timber, the feedlot is actually hidden from view of this site and minimal impacts are anticipated.
- Below are relevant sections from the Houston County Zoning Ordinance:

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

14.1 PURPOSE AND PUBLIC NOTICE

Subdivision 1. Purpose. *The purpose of the Agricultural Protection District is to provide a district that will:*

- (1) *Retain, conserve, and enhance agricultural land in the County for agricultural uses.*
- (2) *Protect and preserve natural resources and environmentally sensitive areas.*
- (3) *Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential uses, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.*

Subdivision 2. Public Notice. *Persons choosing to reside in the Agricultural Protection District are hereby notified that the agricultural district is a zoning district in which land is used principally and foremost for agricultural production.*

Subdivision 3. Discomfort Resulting From Agricultural Uses. *Owners, residents, and other uses of property in the Agricultural Protection District or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to the following:*

- (1) *Noise, odors, dust, and hours of operation.*
- (2) *The operation of machinery, including aircraft.*
- (3) *The production, storage and land application of animal manure.*
- (4) *The application of fertilizers, soil amendments, herbicides, and pesticides.*

Owners, residents, and users of property in the Agricultural Protection District, or neighboring property should be prepared to accept such inconveniences or discomfort as they occur from agricultural uses and are hereby notified that this declaration may prevent them from obtaining a legal judgment against such agricultural uses.

33.16 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS

The setback requirements are to be measured from the outermost boundaries of the feedlot structure or fence, to the existing dwelling. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.

Subdivision 1. Feedlot Advisory Committee Review. *The Feedlot Advisory Committee shall conduct an on-site review of all variance applications relating to feedlots. Upon completion of the review, the committee shall prepare a report and recommendation for the Board of Adjustment's consideration.*

Subdivision 6. Residential Dwelling Setback from Feedlot. *New dwellings and the expansion of existing dwellings, other than the feedlot owner's or family member's dwelling, less than one-fourth ¼ mile from a registered feedlot shall be reviewed by the feedlot advisory committee and shall require the granting of a site specific variance from the board of adjustment.*

- Site Characteristics:
 - There are no bluff, wetland, or shoreland concerns with the dwelling location. Adjacent floodplain was discussed in the summary section, but the proposed dwelling location will be outside of and at a high enough elevation that additional requirements will not be conditioned within the permit. The driveway and building site will meet slope standards and there is no dwelling within the SE ¼ SW ¼. This is permitted as a farm dwelling so no conditional use or interim use permit is required. The feedlot for which the variance is requested will be southwest of the proposed dwelling and based on the local wind rose plot, the proposed location may be optimal for reduced odor.
 - There are two registered feedlots in close proximity, but one is approximately 1,500 feet away while the other is 1,210 feet to the southwest. A half-mile setback was required for the campground which is why there was a variance for two.
- Houston Township and the ten closest property owners were notified. No comments were received.

Tom and Judy Vix were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. The applicants described the project in more detail. Tom Vix stated that the dwelling will be a 14 x 36 structure or 530 square feet, containing one bedroom and one bathroom while being completely handicapped accessible.

Chairman Hahn asked if there was any public comment. There were none.

Chairman Hahn asked that the Findings be read being there were no further comments.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in

which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: This location meets the density control system put in place by the Zoning Ordinance and the Comprehensive Plan encourages development to take place in a manner that minimizes impact to prime agricultural land and sensitive natural resources such as floodplain.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: A single-family dwelling is a reasonable use of property and the landowner has weighed whether to impact floodplain or request a feedlot variance. The feedlot variance is minimal and keeping the dwelling outside of floodplain areas is likely a better option overall.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: Much of this parcel is floodplain due to proximity to the Root River and there is already one dwelling within one of the two feasible quarter-quarters. The current dwelling/site dates to 1870 and was owned at one point by the future inhabitant of this proposed dwelling so he is aware of any impact that feedlots may have.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The landowners can move the structure to the east to meet the setback, but the natural ground elevations there are lower and will likely have floodplain requirements even though it is outside of FEMA floodplain. Otherwise, a septic system and floodplain limit the options for development within this quarter-quarter so a minimal feedlot variance is likely the most reasonable method for compliance.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: This proposal will allow a farm dwelling which is commonly found in the agriculture protection district. In addition, the landowners operate a campground and the addition of another dwelling will likely have minimal impact relative to the campground use.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and it does not permit a lower degree of flood protection than required.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings. Wayne Runningen seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Wayne Runningen made a motion to grant a variance of 110 feet for a proposed dwelling within the required 1,320 feet setback for a registered feedlot.

Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

Ken Visger made a motion to adjourn the meeting. Wayne Runningen seconded. All were in favor. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on May 23, 2025.

Houston County Board of Adjustment
August 28, 2025

Approved September 24, 2025 by Ken Visger and Dean Happel.

The Houston County Board of Adjustment met at 5:00 p.m. on Thursday, August 28, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Franklin Hahn. Roll call was taken. Members present were Ken Anderson, Franklin Hahn, Dean Happel, Wayne Runnigen, and Ken Visger. Amelia Meiners and Michelle Burt were present for Environmental Services.

Ken Anderson made a motion to approve the minutes of July 31, 2025. Ken Visger seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 557 was read for **Bryan Hogue**, 16641 Dairy Rd, Spring Grove, MN 55974.

The petitioner is requesting a variance to reduce setback requirements for a proposed dwelling from an existing feedlot (Section 33-33.16, Subd. 6) in Black Hammer Township.

- The petitioners have a well and septic system in place for the proposed dwelling on the proposed site. They currently use this site as a camp site and are looking to remove campers and build a single-family dwelling.
- There is a registered feedlot approximately 575 feet to the SW of the proposed construction site. The feedlot houses 38 dairy heifers (26.6 animal units).
- The Houston County Zoning Ordinance (HCZO) requires the following for new lots:
33.16 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS
The setback requirements are to be measured from the outermost boundaries of the feedlot structure or fence, to the existing dwelling. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.
Subdivision 6. Residential Dwelling Setback from Feedlot. *New dwellings and the expansion of existing dwellings, other than the feedlot owner's or family member's dwelling, less than one-fourth ¼ mile from a registered feedlot shall be reviewed by the feedlot advisory committee and shall require the granting of a site-specific variance from the board of adjustment.*
- Site Characteristics:
 - The feedlot in questions belongs to Duron and Melissa Bratland. The feedlot consists of a partial confinement building with access to an open dirt lot and pasture, currently registered at 26.6 animal units. There is no manure storage structure on the site.
 - There are no bluff, floodplain, wetland, or shoreland concerns with the dwelling location. The driveway and building site will meet slope standards.
- Black Hammer Township and the ten closest property owners were notified. Two comments and one inquiry were received.

Bryan Hogue was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. The applicant described the project in more detail.

Ken Visger asked the applicant if he was aware that obtaining this variance would require the existing feedlot to go through a variance if they ever wanted to expand.

Wayne Runnigen asked the applicant if he had any concern with being close to a feedlot.

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read if there were no additional comments or questions.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required.

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: This location meets the density control system put in place by the Zoning Ordinance and the Comprehensive Plan encourages development to take place in a manner that minimizes impact to prime agricultural land.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Franklin Hahn	X		
Dean Happel	X		
Wayne Runnigen	X		
Ken Visger		X	Against the feedlot requiring a variance in the future if they ever wish to expand.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The applicant owns over 141 acres in this location and a dwelling is a permitted use. The majority of the property has high slopes that may impact potential building sites. The proposed site will limit the impacts and altering of the land.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This is an area of the County used heavily for agriculture and this property has many acres that are difficult to access.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The landowners may be able to move the structure to the east to meet the setback, but the Board of Adjustment may see that the septic system and well are already in place on the proposed site and also that the land slopes more and would be moving closer to a DNR Trout stream to the east.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety, or welfare in the vicinity.

Staff Analysis: This proposal will allow a farm dwelling; there are a number of farm dwellings in this agriculture community.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and it is not in the vicinity of floodplain.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings as presented. Wayne Runningen seconded. All Were in favor. Motion carried.

Franklin Hahn stated that he visited the site prior to the hearing and noticed that construction has been started. He also explained what would happen if the request was denied or if a penalty fee was to be added.

General discussion was held by the board on whether a penalty fee should be required.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Visger made a motion to grant a variance of 745 feet for a proposed dwelling to meet the

required 1,320-foot setback from a registered feedlot with an added \$1,000 penalty to make it an after-the-fact fee.

Wayne Runningen seconded. A roll call vote was taken. All were in favor. Motion carried.

Ken Visger made a motion to adjourn the meeting. Dean Happel seconded. All were in favor. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on August 29, 2025.

Houston County Board of Adjustment
September 24, 2025

Approved October 23, 2025 by Ken Visger and Ken Anderson.

The Houston County Board of Adjustment met at 5:00 p.m. on Wednesday, September 24, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Franklin Hahn. Roll call was taken. Members present were Ken Anderson, Franklin Hahn, Dean Happel, Wayne Runningen, and Ken Visger. Amelia Meiners and Michelle Burt were present for Environmental Services.

Ken Visger made a motion to approve the minutes of August 28, 2025. Dean Happel seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 558 was read for **Olivia Lamke**, 2005 County 6, La Crescent, MN 55947.

The petitioner is requesting a variance to allow the creation of a new lot that has two Type III locations rather than the two Type I septic system locations as required by code (Section 29.22, Subd. 10) in La Crescent Township.

- The applicant reached out to staff in 2024 to discuss building a new dwelling. She is proposing to split this parcel. The new parcel is split into two different quarter-quarters but both are occupied; however, this location is around a quarter mile from the city limits of La Crescent and on ground that has not been in production so rezoning is an option. Knowing some of the limitations of the soils in this area staff suggested consulting a septic contractor prior to completing the rezone process.
- The Houston County Zoning Ordinance (HCZO) requires the following for new lots:
29.22 SEWAGE TREATMENT
Standards Adopted by reference. *Houston County hereby adopts by this reference, MN Rules Parts 7080 through 7083 as now constituted and from time to time amended.*
Subdivision 10. Lots created after Jan. 23, 1996. *All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at grade systems as described in MN Rules Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, subp. 3 through 7.*
- The systems described in MN Rules Chapters 7080.2200 through 7080.2230 are commonly referred to as Type I systems and can be mounds, at-grades or trenches. These meet the basic requirements and are considered a standard, full size system. One of the requirements for a Type I system is showing at least 12 inches of soil before seeing redoximorphic features, which indicate saturated conditions. Preliminary soils work was completed last fall and as suspected this location did not have at least 12 inches of good soil. The next step was for the contractor to complete perc tests, but the ground froze shortly afterward, putting this project on hold until this year. Perc tests were completed in August and staff allowed the application to move forward based on discussions with the designer on those results but noted that documentation is required. That has not been received and it is not recommended for this to be approved until that has been submitted. Percolation tests are another tool to determine the hydraulic functioning of the soil, and the results of those tests indicate that the soil can take on water. If that was not the case, staff would not recommend approval of this request.
- For the applicant to move forward with a building permit the site needs both the variance from the septic requirements and to amend the zoning district. The applicant decided to start with the

septic request and if approved will be moving forward with the amendment request in front of the planning Commission at a later date.

- Site Characteristics:
 - This area is part of an old farmstead. Slopes range from 17-18% in the location of the septic system and soils are primarily classified as marginal due to poor drainage. A specific dwelling location has not been reviewed but there should be adequate area to accommodate a dwelling that meets all setback requirements at this location, pending the change in zoning districts. The applicant did indicate a location on the site plan with the variance request.
 - There is no floodplain or wetland concerns for the septic system location and the system will meet shoreland setbacks. The closest intermittent stream is Pine Creek, approximately 675 feet to the southwest of the proposed septic site.
- La Crescent Township and over 100 neighboring property owners were notified. Two comments were received as well as one phone inquiry.

Chandler and Olivia Lamke were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. The applicant described the project in more detail.

Environmental Services Director Amelia Meiners explained the reason for the variance request.

Franklin Hahn asked what the difference was between a Type I and Type III septic system. Amelia Meiners explained that a Type I system is a standard system which can be a mound, at-grade, or a trench. The Type has to do with the site conditions. Meiners stated that a Type III system, in Minnesota Rules, is described as a deviation from certain standards, such as the requirement for twelve inches of “good” soil or soil that does not show any signs of redoximorphic features.

Chairman Hahn asked if there was any public comment. There was none.

Chairman Hahn asked that the Findings be read if there were no additional comments or questions.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required.

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: The Comprehensive Land Use Plan discourages development in areas where on-site sewer systems are likely to malfunction due to poor soil characteristics, and the percolation test demonstrated that likely can be achieved.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: A licensed contractor determined that soils at this location will not meet standard code requirements but after conducting perc test feels that it can adequately function for a septic system.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: Soil conditions are unique geological features not created by the property owner.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The only method to resolve this issue is by variance which is allowed in the septic code. The requirement for a variance should indicate to the landowner the importance of caring for the system to ensure its longevity.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety, or welfare in the vicinity.

Staff Analysis: The variance will allow the installation of a septic system and in turn new dwelling, both of which are commonly found in this locality. A properly functioning septic system will not impair health or safety.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This request is not a use variance and will not permit a lower degree of flood protection.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings as presented. Dean Happel seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to grant a variance to allow the creation of a new lot that has two Type III locations rather than the two Type I septic system locations as required by code.

Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 559 was read for **Adam Steele**, 100 Main St, Hokah, MN 55941.

The petitioner is seeking the following variances in the City of Hokah:

1. Variance to reduce setback requirements for a proposed cannabis microbusiness from an existing school (Section 3.1, Subd. 1 of the Cannabis Ordinance).
 2. Variance to reduce setback requirements for a proposed cannabis microbusiness from an existing public park and athletic field (Section 3.1, subd. 4 of the Cannabis Ordinance).
- The applicant is proposing to open a cannabis dispensary in the “old bank building” on Main Street in Hokah at the intersection of County 18 and State 44. This structure is centrally located in the main commercial area of Hokah and has alcohol establishments on either side.
 - Minn. Stat. §342.13(c) grants local units of government the authority to regulate time, place and manner of cannabis businesses. It goes further to state that *a local unit of government may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a daycare, residential treatment facility, or an attraction within a public park that is regularly use by minors, including a playground or athletic field.* As a result, Houston County adopted an Ordinance Regulating Cannabis Business (“Cannabis Business Ordinance”) which applies to all townships and municipalities within the County until a municipality adopts its own ordinance. Currently, only the City of La Crescent and City of Caledonia have adopted ordinances leaving the City of Hokah under County jurisdiction.
 - The State of Minnesota finalized the cannabis rules in April 2025 and has moved forward with lotteries and the selection of applicants for certain license types since that time. The next step for the applicants after preapproval is to seek local government approval prior to submitting their final application to the Office of Cannabis Management (OCM). They are allowed 18 months to complete the licensing process.
 - Remember that a variance is a permitted departure from strict enforcement of a dimensional standard. Applicants must demonstrate a practical difficulty that is in harmony with the general purposes and intent of official controls. Practical difficulties should be evaluated using the three-factor test of reasonableness, uniqueness, and essential character. Is it reasonable that the applicant is asking to operate a business in a commercial district? Is it unique that a majority of the commercial district within the city lies within the setback areas? Is a cannabis retail location near two bars and in the commercial district consistent with the character of that neighborhood? The task in front of the Board of Adjustment is to determine if the applicant’s commercial interests are balanced with protecting the health, safety and welfare of the city’s young citizens.
 - Below are relevant sections of the Houston County Cannabis Business Ordinance:
Section 1. Administration

1.1 Findings and Purpose

The Houston County Board of Commissioners makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter §342, which authorizes Houston County to protect the public health, safety, welfare of Houston County residents by regulating cannabis businesses within the legal boundaries of Houston County.

Houston County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Houston County, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

Houston County has the authority to adopt this ordinance pursuant to:

- (A) Minn. Stat. §342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.*
- (B) Minn. Stat. §342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.*
- (C) Minn. Stat. §152.0263, Subd. 5, regarding the use of cannabis in public places.*
- (D) Minn. Stat. §462.357, regarding the authority of a local authority to adopt zoning ordinances.*
- (E) Minn. Stat. §145A.05, subd.1, regarding local ordinances and the ability of a county board to enact regulations to regulate actual or potential public health threats.*

This Ordinance shall be applicable to all areas of Houston County, including incorporated areas, unless the incorporated area has adopted an ordinance regulating Cannabis businesses.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

- 1. The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 1,000 feet of a school.*
- 2. The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a day care.*
- 3. The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.*
- 4. The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.*
- 5. The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis retail business within 500 feet from the main point of entry of the cannabis business to the main point of entry to another cannabis business.*

Distances shall be computed by direct measurement from the nearest property line of the land use listed above to the nearest portion of the building being used for the cannabis business. Distances shall be verified by the applicant and confirmed by the person(s) responsible for enforcing this ordinance, via a method deemed acceptable by Houston County.

Pursuant to Minn. Stat. §462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

- Below are relevant sections of Minnesota Statute:

§342.13 LOCAL CONTROL.

(a) A local unit of government may not prohibit the possession, transportation, or use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products authorized under this chapter.

(b) Except as provided in section [342.22](#), a local unit of government may not prohibit the establishment or operation of a cannabis business or hemp business licensed under this chapter.

(c) A local unit of government may adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses. A local unit of government may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

§342.22 RETAILERS; LOCAL REGISTRATION AND ENFORCEMENT.**Subd. 5. Registration suspension and cancellation; notice to office; penalties.**

(a) If a local unit of government determines that a cannabis business or hemp business with a retail registration issued by the local unit of government is not operating in compliance with the requirements of a local ordinance authorized under section [342.13](#) or that the operation of the business poses an immediate threat to the health or safety of the public, the local unit of government may suspend the retail registration of the cannabis business or hemp business. The local unit of government must immediately notify the office of the suspension and shall include a description of the grounds for the suspension.

(b) The office shall review the retail registration suspension and may order reinstatement of the retail registration or take any action described in section [342.19](#) or [342.21](#).

(c) The retail registration suspension must be for up to 30 days unless the office suspends the license and operating privilege of the cannabis business or hemp business for a longer period or revokes the license.

(d) The local unit of government may reinstate the retail registration if the local unit of government determines that any violation has been cured. The local unit of government must reinstate the retail registration if the office orders reinstatement.

- The City of Hokah Zoning Ordinance identifies the following as permitted uses in the commercial district:

SECTION IV. DISTRICT REQUIREMENTS.**A. PERMITTED USES**

The zoning Use Districts defined by this ordinance provide for the following uses:

4. (C) Commercial

All uses of a legitimate commercial nature such as retail, wholesale, service, office, financial, recreational, professional and lodging; provided that no industry, manufacturing or killing of poultry or livestock shall be permitted; and provided further that they must meet the general requirements for such uses as established in Section V. of this ordinance.

- a. Banks, financing and real estate services
 - b. Medical, dental, architectural and attorneys offices
 - c. Retail establishments such as groceries, bakery, department stores, hardware, drug stores, clothing & furniture stores, flower shops
 - d. Personal service establishments, laundry, barber, shoe repair shop, and photography studios
 - e. Restaurants, cafes, supper clubs, taverns
 - f. Repairs services, jewelry, radio, television repair
 - g. Theaters and art galleries
 - h. Public and semi-public buildings such as post office, city hall, fire and police stations and community center
- Site Characteristics:

- The ordinance setback requirements make locating a cannabis business difficult in Hokah without variances. This structure is right in the middle of the commercial district along Main Street/Highway 44 and the parcel to the north is vacant. The adjacent parcel to the east is an operating restaurant and bar that is registered to sell hemp derived cannabis products and the business to the west is an office building. In addition, the same landowners own other parcels in this vicinity where they operate businesses. Kwik Trip is also registered to sell hemp derived cannabis products and is within 1,000 feet of the school as well.
 - As stated previously, St. Peter's School at 34 Main Street is 600 feet east of this building and the athletic field is 410 feet southeasterly along County 18.
- The City of Hokah, Hokah Township and eighty-four neighboring property owners were notified. Two comments were received and are included in the packet. The City did not provide comments directly but the following excerpt is from the August 5th council minutes posted on their website and the full minutes are included later in the packet.

10. New Business:

10.1 Cannabis Dispensary: Adam Steele had reached out to the Clerk requesting a cannabis dispensary at 100 Main Street. The city has designated the County to handle the processing of the permitting of Cannabis in the City of Hokah. The concerns with this location would be that there is a setback requirement of 1,000 feet from a school and 500 feet from a park. St. Peters School is around 550 feet from the space and less than 500 from the Ballpark. This permit would require a variance. The County would handle the permit application; however, they stated that they would lean heavily on the Hokah City Council for their input on this location. After further discussion, the Council agreed that the variance is in place for a reason and this would affect the children traveling by these areas. They did not have a problem with the dispensary coming to Hokah; however, it seems that this is not a location that fits the requirements of the ordinance. They were not in favor of a variance.

Adam Steele was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. The applicant described the project in more detail. Adam Steele stated that the name of the business is LMNO Dispensary. Steele read his mission statement and stated that the business would start with medicinal cannabis endorsements.

Environmental Services Director Amelia Meiners explained the Cannabis Ordinance rules, regulations, and standards established by the State of Minnesota. The board was presented with comments submitted prior to the hearing, a comparison table for setbacks of other cannabis retail businesses, and the Public Use Ordinance. Meiners stated the reasoning for holding a hearing for an application located within the City of Hokah.

Amelia Meiners stated that cannabis should be treated similarly to alcohol.

Dean Happel asked about the site location and why it was chosen. Adam Steele stated that he does not see any concern for children. All IDs would be checked at the door. Steele stated that in principle it is similar to a bar and the proposed location is surrounded by bars.

Wayne Runnigen asked if the business would be operated similarly to a bar. Adam Steele stated that products cannot be used or opened on-site.

Ken Visger asked if everything was pre-packaged. Adam Steele stated that all products will be packaged and ready prior to purchase. Steele stated that the building is an old bank, so it contains a vault which can be utilized to store materials. Amelia Meiners confirmed that this is a state requirement.

Ken Visger stated that he is concerned with this variance request seems to be based on economic considerations.

Franklin Hahn asked what the advantage of this kind of business is. Adam Steele described the benefits when it comes to health treatments.

Dean Happel mentioned the council minutes and the City of Hokah not being against the cannabis business but they are against the location of the business. Adam Steele stated there aren't many more places to locate a business in Hokah.

Amelia Meiners clarified that when it comes to economic considerations the item that should not be considered in the board's review is the amount that has been invested into the building. The economic impact on the community should not be the only reason to vote against a finding; it can be a consideration but not the sole consideration.

Dean Happel stated that it took 50 years to teach the world how bad tobacco is and thinks the same cycle will happen with cannabis.

Chairman Hahn asked if there was any public comment.

Gary Van Domelen, trustee for St. Peter's Church, on behalf of the parish, stated his concern for the students that attend St. Peter's School and Daycare. Van Domelen feels that poor guidance has been given by the State of Minnesota and disagrees with cannabis being compared to alcohol as they are made of completely different compounds. Stated the difference in hours of operation for a bar compares to a cannabis business. To operate a bar a liquor license is needed and there are no regulations set forth by the county. Domelen disagreed with staff analysis and stated that the hemp sold in bars is not the same as cannabis retail businesses. Gary Van Domelen stated that the school and church should be protected to protect the children.

Rachel De Jarlais, parent and teacher at St. Peter's School, stated her concern with a cannabis business being located so close to a school. De Jarlais stated that the Ordinance is in place to protect the public and it should be followed. Rachel De Jarlais recommended the board table the request to see how the cannabis businesses handle being located near schools in La Crescent and Caledonia.

Mary Kay Sheehan, St. Peter's alumni, stated that the business would be too close to the school and church. Many of the children in Hokah walk past the proposed business located to get to and from school every day. Sheehan stated that Hokah should be preserved for the site seeing.

Autumn Beach, parent, stated that she is concerned about the location of the business as children walk past the building every day. She is also concerned about the type of customers that will be brought into the area and the potential risk that could come with it. Beach also stated her concern about the influence that a cannabis business can have on children. Autumn Beach asked the board to deny the location of the cannabis business.

Meredith Knoop, Hokah resident, parent, and member of the Community Church of Hokah, stated that she understands Hokah needs the business opportunity but she does not see the benefit of this kind of business. Knoop stated that there is research that proves cannabis is a gate-way drug. Meredith Knoop believes the business can be relocated to an area in Hokah to meet the setback from a school, church, and park.

Sandy Culver, Hokah resident and member of St. Peter's parish, stated that she understands that cannabis can be beneficial at times but there are drawbacks. Culver stated that the reason for the buffer zone is to protect children who are at a high risk of negative health impacts.

Barbara Bach, resident of Hokah and retired registered nurse, stated that she does believe there are positives to medicinal cannabis. Bach is concerned about the location of the cannabis business and asked the board to uphold the requirements set forth in the Ordinance. Barbara Bach stated that there should be concerned about “stranger danger” due to the customer’s being brought from different areas.

Nathanael Culver, member of St. Peters, asked how many of the customers would be going to the business for medical cannabis. Stated that most customers will be going in for recreational purposes. Culver stated that the cannabis is legal in Minnesota but the DEA has cannabis listed as a schedule one drug meaning it has no medicinal purposes under state law. Stated that there is a reason for the setbacks and rules stated in the Ordinance.

Don Bissen, owner of the building, stated that he has been a resident of Hokah for 70 years and is an alumnus of St. Peter’s School. Bissen stated that he walked past four bars to get to school every day. Stated there are two bars located on main street where customers spend a lot of time outside while children walk by. Bissen does not believe there is another location in the business district that is within 1,000 feet from St. Peter’s School. He also doesn’t believe there will be any impact on children as customers must be 21 years old to enter the building. Bissen also stated that St. Peter’s does not have high school aged kids, they are all young and do not know what cannabis is.

Joan Von Arx, resident of Hokah, stated that she wants Hokah to remain a small innocent town. Does not believe this business is needed in Hokah and that the Ordinance should be followed.

Tom Bernsdorf, member of Hokah City Council, stated that St. Peter’s school and church are very important to the residents of Hokah. Bernsdorf stated that the city council had been informed that an application had been submitted for a cannabis business and discussed the topic with the little bit of information they had. Stated that Hokah does need more businesses but does not believe this is the kind of business that will be beneficial. He further stated that the request is not close to the required setback and asked if this can be changed what are the rules? Stated that children do walk past bars but they are not open 24 hours a day and the customers are more active at late hours of the night. The City of Hokah does have an alcohol ordinance. Tom Bernsdorf stated that the board should take into consideration the comments from the public and the statements made by the city council. Ken Visger asked if the City of Hokah could make their own Ordinance. Tom Bernsdorf stated the City of Hokah’s decision for using the county Ordinance.

Pam Walhovd, member of the Brownsville City Council, stated that she respects the Ordinance and the rules and regulations set forth should be respected because they are there for a reason and is concerned about this situation moving towards Brownsville in the future. Walhovd stated that it is too soon to change the setback to less than 1,000 feet. Walhovd stated that the opinions of the city council should be respected and considered in the board’s decision.

Amelia Meiners stated that notices informing the public of the public hearing request had been sent out to 80 neighboring property owners, the township, and city officials.

In response to the public comments, Adam Steele stated that he believes the comments are misinformed and his goal is to educate the public about cannabis. Steele stated that medicinal cannabis cannot be distributed by medical staff. Also stated that when the business opens he will only be medicinal cannabis retail, as there will not be recreational cannabis available for retail use for months. Steele stated the hours of operation will be 10:00am to 6:00pm.

Chairman Hahn asked that the Findings be read if there were no additional comments or

questions.

Amelia Meiners corrected a mistake made in the board packet in determining the requested setbacks.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required.

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: The Office of Cannabis Management allows local government units the ability to regulate time, place, and manner restrictions by establishing setbacks. All dimensional standards are eligible for variance which requires the Board of Adjustment to complete site-specific reviews to determine reasonableness and weigh if there is an immediate threat to the health or safety of the public. From an economic development standpoint, the Land Use Plan has multiple goals and policies in regard to diversifying and promoting economic development which all support allowing this proposal.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	Agreed with statement made by Ken Visger.
Franklin Hahn	X		
Dean Happel	X		
Wayne Runningen	X		
Ken Visger		X	Issue with business. By granting this variance, we would not be fulfilling the intent of the Ordinance.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: While the applicant has cited economic consideration, that alone cannot justify the variance. The setbacks established in the Cannabis Business Ordinance do effectively prohibit any cannabis business in the City of Hokah and it is reasonable for a retail site to operate in a

commercial district. There is a bar/restaurant selling hemp derived cannabis products even closer to the school.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	Does not feel it is an appropriate distance from school zone.
Franklin Hahn		X	Hemp is not governed by the Zoning Ordinance in Houston County.
Dean Happel	X		
Wayne Runnigen	X		
Ken Visger		X	

- The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: The applicant is looking to utilize an existing commercial location for his business and in a small community such as Hokah there are limited options to do so.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Franklin Hahn	X		
Dean Happel	X		
Wayne Runnigen	X		
Ken Visger		X	Appears that the applicant has created the need for the Variance by trying to open a cannabis business against the Ordinance.

- The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicant would like to locate his business within Hokah but meeting the setbacks would effectively prohibit it. The only reasonable method outside of a variance is relocating to another community.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Franklin Hahn	X		
Dean Happel	X		
Wayne Runnigen	X		
Ken Visger	X		

- The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety, or welfare in the vicinity.

Staff Analysis: This parcel is located in a commercial district with alcohol establishments on both sides, keeping it consistent with the character of the locality. In addition, the establishment to the east is registered to sell hemp derived cannabis products.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	Agreed with statement made by Ken Visger.
Franklin Hahn		X	Hemp is not governed by our Ordinance and the bars are

		grandfathered in.
Dean Happel	X	
Wayne Runningen	X	Request creates an issue with public health, safety, and welfare in the vicinity. Everyone in attendance and the City of Hokah is against. Believes they should always look at what the township or city says about the request.
Ken Visger	X	Purpose of the Ordinance is to ensure public safety and variance request goes against.

- The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This proposal is allowed within the commercial zoning district and a variance from public places is an area variance. Floodplain is not applicable for this request.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	Too close to school.
Franklin Hahn	X		
Dean Happel	X		
Wayne Runningen	X		
Ken Visger	X		

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings as presented. Dean Happel seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Visger made a motion to deny the following variances:

- Variance of 625 feet to meet the required 1,000-foot setback for a cannabis business from a school.
- Variance of 160 feet to meet the required 500-foot setback for a cannabis business from an athletic field.

Ken Anderson seconded. A roll call vote was taken. All were in favor. Motion carried.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		Same as comments to findings.
Franklin Hahn	X		Stated reasons before.
Dean Happel	X		
Wayne Runningen	X		
Ken Visger	X		Same as comments to findings.

Ken Visger made a motion to adjourn the meeting. Wayne Runningen seconded. All were in favor. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on September 25, 2025.

Houston County Board of Adjustment
October 23, 2025

Approved November 20, 2025 by Ken Anderson and Ken Visger.

The Houston County Board of Adjustment met at 5:00 p.m. on Thursday, October 23, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Franklin Hahn. Roll call was taken. Members present were Ken Anderson, Franklin Hahn, Dean Happel, Wayne Runningen, and Ken Visger. Amelia Meiners, Jeremy Burt, and Michelle Burt were present for Environmental Services.

Ken Visger made a motion to approve the minutes of September 24, 2025. Ken Anderson seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 560 was read for **Eli & Mary Troyer**, 21691 Honey Dr, Spring Grove, MN 55974.

The petitioner is requesting a variance to reduce the setback requirements for a new feedlot from an existing dwelling (Section 33-33.16, Subdivision 5) in Spring Grove Township.

- The petitioners have purchased this parcel and intend on building a horse barn/feedlot to house about 30 horses (30 animal units). The property was purchased from a relative of the owner of the dwelling that the variance is being sought.
- Below is relevant language from the Zoning Ordinance:
33.16 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS
The setback requirements are to be measured from the outermost boundaries of the feedlot structure or fence, to the existing dwelling. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.
Subdivision 5. Feedlot Setback from Residential Dwelling. *New feedlots and the expansion of existing feedlots located within one-fourth (1/4) mile of dwellings, other than the owner's, operators, or their family member's dwelling, may be reviewed as a site-specific variance.*
- Site Characteristics:
 - This property did at one time have an unregistered feedlot that the previous owner parceled off and sold to a relative, who then built a dwelling. The dwelling in question belongs to Tyler and Kylie Ladsten. Now the new owners are looking to have a registered feedlot/livestock barn. The new horse barn will be constructed about 1,020 feet NW of the Ladsten dwelling.
- Spring Grove Township and the ten closest property owners were notified. No comments were received.

Eli and Mary Troyer were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. The applicants described the project in more detail.

Environmental Services Director Amelia Meiners asked Eli Troyer if he could describe why the structure could not be moved to meet the required setback. Eli Troyer stated that he wanted to keep the barn lined up with the existing shop on the property. Troyer also stated that if he moves the barn too far back it starts to go up the hill a little bit. He also stated that his barn will have to be set about 4 feet into the ground due to the land sloping.

Dean Happel asked if there were any concerns with runoff going to the dwelling located to the south of the property. Wayne Runningen stated that there is a ditch that runs straight down to the dwelling located below the proposed barn. Feedlot Inspector Jeremy Burt stated that there will be a buffer along the side to prevent runoff.

Chairman Hahn asked if there was any public comment. There were none.

Chairman Hahn asked that the Findings be read if there were no additional comments or questions.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required.

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: This is an agriculture community; livestock barns and feedlots are common in the ag community across the County. The request is in accordance with agricultural growth in the County.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The proposed construction location will limit the amount of dirt disturbed as well as prime ag land.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This is a heavily used agriculture area with dwellings to compete with. This is a common variance request.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicants could move the construction site to meet the required setback, but the Board of Adjustment may see that by doing so more dirt and prime ag land will be disturbed. This is a common and minimal variance.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety or welfare in the vicinity.

Staff Analysis: This is an agriculture community and the minimal request should not have any impact on public, health, safety, or welfare of neighbors.

Board agreed to the finding by a unanimous vote.

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and it is not in the vicinity of floodplain.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Anderson made a motion to accept the findings as presented. Dean Happel seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to grant a variance of 300 feet to meet the required 1,320-foot setback for a new feedlot from an existing dwelling.

Dean Happel seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 561 was read for **Leon & Edna Miller**, 10531 Spring Valley Rd, Fulton, IL 61252.

The petitioner is requesting a variance to reduce the setback requirements for a new feedlot from an existing dwelling (Section 33-33.16, Subdivision 5) in Spring Grove Township.

- The petitioners have recently purchased this parcel and intend on building and operating a feedlot with under 100 animal units. The petitioners have not put together exact building or site plans yet

due to crops in the field not being harvested, they are requesting the variance of 270 feet and will construct the feedlot outside of the 1,050 feet form the dwellings in question.

- Below is relevant language from the Zoning Ordinance:

33.16 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS

The setback requirements are to be measured from the outermost boundaries of the feedlot structure or fence, to the existing dwelling. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.

Subdivision 1. Feedlot Advisory Committee Review. *The Feedlot Advisory Committee shall conduct an on-site review of all variance applications relating to feedlots. Upon completion of the review, the committee shall prepare a report and recommendation for the Board of Adjustment's consideration.*

Subdivision 5. Feedlot Setback from Residential Dwelling. *New feedlots and the expansion of existing feedlots located within one-fourth (1/4) mile of dwellings, other than the owner's, operators, or their family member's dwelling, may be reviewed as a site-specific variance.*

- Site Characteristics:
 - The dwellings in question belong to Learn It By The Book LLC is to the north of the proposed site and Thomas and Misti Tollefsrud to the west of the proposed site. The petitioners are proposing a new registered feedlot consisting of 2 dairy cows, 15 calves, 35 horses, and 300 goats, which equals 85.8 animal units. The petitioners own 160 contiguous acres of land.
- Spring Grove Township and the ten closest property owners were notified. One comment was received.

Leon and Edna Miller were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. Leon Miller stated that they would like to farm the land, so they want to minimize the amount of ag land disturbed. Miller also stated that the site's location is based on the layout of the land.

Dean Happel asked about any runoff from the feedlot flowing towards the dwelling to the west. Feedlot Inspector Jeremy Burt stated that the site will be far enough back, so there should not be any issues with runoff. There will also be grass buffers and crop land to catch any runoff. Dean Happel also asked if the dwelling to the north is a bed and breakfast. Environmental Services Director Amelia Meiners described the business and said if the owners are present they would be able to provide more details. Happel asked where the driveway would be located and if the township had approved of the location.

Wayne Runnigen asked if the property owners to the west have any issues with a feedlot being close to their sawmill. Jeremy Burt stated that no comments were received from the property owners. Amelia Meiners clarified that the setback is to dwellings, subdivisions, and schools, not necessarily another commercial operation.

Chairman Hahn asked if there was any public comment.

Darin Warling, owner of the Bed and Breakfast located to the north of the proposed feedlot, believes his business will be negatively impacted by a feedlot. Warling stated that he is worried about the noise, smell, and impact on water quality. Warling mentioned that he has talked to Leon Miller about the feedlot proposal but had not seen any site plans for where the feedlot would be located. Darin Warling stated that his property is an established business which has had a Conditional Use Permit to operate as a Bed and Breakfast since 1987 and they have owned it for about 5 years. They want to minimize impacts on their business. Warling believes the variance request should be denied to figure out a site plan that will minimize the disturbance to their home and business. Warling also stated that they would like the feedlot to be as far from their home and business as possible.

Alvin Moen, property owner on Stratford Drive, asked why measurements are not taken before land is purchased since the variance request is happening so soon after the land was sold. Moen also stated that he has not seen where the feedlot or dwelling would be located prior to the hearing. Amelia Meiners stated that when land is purchased, the applicants have the option to co-apply with the current property owners as long as they have permission or purchase the land knowing that to move forward with construction they will need to obtain a Variance, Conditional Use Permit, etc. In this situation the Environmental Services Department has been in contact with Leon Miller for quite some time, so he knew that a Variance would be needed. Alvin Moen stated that he is very pro agriculture but he feels that the applicants should have to meet the setbacks for a feedlot to protect the business operated by Darin Warling.

Dean Ellingson, property owner near proposed feedlot, stated that he does not think that this feedlot will impact him much but he wanted to support Darin Warling. Ellingson also stated that the feedlot will be located off a not well travelled road and would like to see the feedlot as far from the Bed and Breakfast as possible.

Paul Zilly, property owner to the east of the proposed feedlot, stated that he is concerned about public safety on County 16.

Franklin Hahn asked the applicant if there would be any issue with moving the feedlot to satisfy the neighbors.

Jeremy Burt corrected the setback requests from the dwelling located at 19497 Stratford Drive and the dwelling located at 19315 Stratford Drive.

General discussion was held by the Board on how they would like to vote for the two variance requests. The board decided to vote on each request individually and have the findings read for each request.

Chairman Hahn asked that the Findings be read if there were no additional comments or questions.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required. – **These Findings are for the variance request of 380 feet from the dwelling located at 19497 Stratford Drive.**

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: This is an agriculture community; feedlots are common in the ag community across the County. The request is in accordance with agricultural growth in the County.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: The proposed construction site will limit the amount of dirt disturbed as well as prime ag land.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This is a heavily used agriculture area with dwellings to compete with. This is a common variance request.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Franklin Hahn	X		
Dean Happel	X		
Wayne Runningen	X		
Ken Visger		X	Request is created by the property owner.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicants could move the construction site to meet the required setback, but the Board of Adjustment may see that by doing so more dirt and prime ag land will be disturbed. This is a common and minimal variance.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Franklin Hahn	X		
Dean Happel	X		
Wayne Runningen	X		
Ken Visger		X	The feedlot can be moved. The setbacks are there for a reason.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety, or welfare in the vicinity.

Staff Analysis: This is an agriculture community and the minimal request should not have any impact on public health, safety, or the welfare of neighbors.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson	X		
Franklin Hahn	X		
Dean Happel	X		
Wayne Runningen		X	Property values might decrease.
Ken Visger	X		

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This is an area variance and it is not in the vicinity of floodplain.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Visger made a motion to accept the findings as presented. Dean Happel seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to grant a variance of 380 feet to meet the required 1,320-foot setback for a new feedlot from an existing dwelling.

Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

General discussion was held by the Board on whether the variance request from the property located at 19315 Stratford Drive should be tabled.

The Findings were not read for the variance request from 19315 Stratford Drive.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Anderson made a motion to table the variance request of 320 feet to meet the required 1,320-foot setback for a new feedlot from an existing dwelling for one month to allow the applicant time to determine if it is possible to meet the required 1,320-foot setback.

Ken Visger seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 562 was read for **Brian Tostenson**, 11698 County 20, Caledonia, MN 55921.

The petitioner is requesting the following variances in Union Township:

1. Variance to reduce front yard setback for a proposed solar array (Section 14-14.7, Subd. 2).
2. Variance to reduce side yard setback for a proposed solar array (Section 14-14.8, Subd. 1).

- The dwelling at this site was built in 1997, but the property seems to have been split from the larger acreage in the early 2000s. The applicant purchased the property in 2015 and has since added or expanded a few outbuildings (see permit list below). There is limited space available for accommodating other structures within setback area at this site and setting aside a replacement septic system should be considered.

Permit #	Name	Permit For	Date Issued
5461	Tostenson, Brian	Pole shed with roof solar	2/28/2025
4648	Tostenson, Brian	Lean-to on to shed	3/21/2018
4535	Tostenson, Brian	Build attached garage, existing shed	12/22/2016
2941	Ness, Sheryl	Pole shed	6/17/2005
1994	Ambuehl, Thomas	Build house	7/8/1997
992	Ambuehl, Thomas	Install mobile home	9/12/1984
306 VAR	Tostenson, Brian	Variance of 20' to east property line for existing home; variance of 33' to north property line for existing shed; variance of 40' from east property line for garage	11/9/2016
187 VAR	Ness, Sheryl	Variance of 25' to meet 50' setback from rear property line for shed	9/14/2005

- The proposal shows that the array will be close to the west fence line, but after review of the surveys on record it was determined that Beacon is mapped correctly, and the fence line is not the west boundary. Therefore, there is not a request for a variance from the west property line. A variance request of 20 feet off the east property line would align the solar array with the east corner of the dwelling. The applicant can provide additional details at the hearing but is unsure how the final proposal will lay east-west at this point. The primary concern was review of the road encroachment. The ordinance does not allow a variance that will allow encroachment within 20 feet of the right-of-way line and there is 50 feet of right-of-way here. That would set the request at a 30-foot variance.
- Below is relevant language from the Zoning Ordinance:
Yard, Front. *A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.*
14.7 FRONT YARD SETBACK STANDARDS
Subdivision 2. County Highways. *There shall be a front yard setback of not less than one hundred (100) feet from the centerline of all County roads.*
- Site Characteristics:
 - This is 2.11-acre property two miles north of the City of Caledonia located off CSAH 20. There are no slope or bluff concerns with this proposal.
 - There are multiple intermittent streams in all directions, but all are over 2,000 feet away and there is no floodplain, wetland, or shoreland concerns with this proposal. County 20 intersects with State 44 which is approximately a quarter mile west of this request and there is a dwelling 475 feet to the southeast and one a quarter mile to the north. This proposal should not create a visual impact that would impair site lines at the highway intersection.

- Union Township and the ten closest property owners were notified. The Township responded they have no comment since this is not adjacent to a township road. Email correspondence between staff and the Highway Engineer is included.

Brian Tostenson was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Brian Tostenson stated that his property is small and there are limited areas to build without needing a variance. Tostenson stated that he would need 264 feet for a single run of solar panels.

Ken Anderson stated that he is concerned about a glare coming off the solar panels and causing safety issues with the traffic on County 20. Ken Visger stated that he has solar panels and he has never had an issue with glare. Visger believes that for glare to be an issue you would have to be at the same angle as the solar panel looking down at it.

Environmental Services Director Amelia Meiners stated that she talked to the County Highway Engineer, Brian Pogodzinski.

Wayne Runnigen asked how high the solar panels would sit. Brian Tostenson stated that the panels would be below the road, starting at ground level, and angled thirty degrees.

Amelia Meiners asked Brian Tostenson if he could clarify where he planned to place the solar array. had a better idea of where he planned to place the solar array. Brian Tostenson stated that he needs a minimum of 264 feet for a single run of solar panels. Meiners stated that the road setback is needed but is the east property line setback necessary? Tostenson stated that the east property line setback is not necessary.

Chairman Hahn asked if there was any public comment. There were none.

Chairman Hahn asked that the Findings be read if there were no additional comments or questions.

12.5 CRITERIA FOR GRANTING VARIANCES

The board of adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions placed on nonconformities. Variances shall only be permitted when 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 in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, 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 difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 1. Findings Required.

1. The variance request is in harmony with the intent and purpose of official controls.

Staff Analysis: The proposed structure is an allowed accessory use in the agricultural protection district and front yard and property line setback requests are common area variances which are allowed by the ordinance.

Board agreed to the finding by a unanimous vote.

2. There are practical difficulties in complying with the official controls, and the proposed use of the property is reasonable. Economic considerations alone do not constitute practical difficulties.

Staff Analysis: This property is only a 2-acre parcel with a limited building envelope. The applicant would like to locate the system along the lower fence line to allow for other development within the center of the parcel.

Board agreed to the finding by a unanimous vote.

3. The variance request is due to special conditions or circumstances unique to the property and not created by the property owner.

Staff Analysis: This property was split by previous landowners, and the lines were not drawn to make the house compliant with setback requirements (a variance previously corrected that) so development around the dwelling has required similar requests.

Board agreed to the finding by a unanimous vote.

4. The variance cannot be alleviated by a reasonable method other than a variance and the minimum variance which would alleviate the practical difficulty is sought.

Staff Analysis: The applicant has identified that there is no alternative location to site an array that would not require a variance unless it can be modified to a roof mount array.

Board agreed to the finding by a unanimous vote.

5. The variance will not alter the essential character of the locality nor substantially impair property values, or the public health, safety, or welfare in the vicinity.

Staff Analysis: Accessory solar arrays have become common in the agricultural protection district and since this location is parallel to the roadway it should not impact traffic or public safety in the vicinity.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Ken Anderson		X	Agreed with statement made by Franklin Hahn.
Franklin Hahn		X	Concerned about public safety.
Dean Happel	X		
Wayne Runningen	X		
Ken Visger	X		

6. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.

Staff Analysis: This request is an area variance and there is no floodplain in the vicinity of the request.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Ken Anderson made a motion to accept the findings as presented. Ken Visger seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the variance request if there were no additional comments or questions.

Ken Visger made a motion to grant a variance of 30 feet to meet the required 100-foot setback from the centerline of CSAH 20.

Dean Happel seconded. A roll call vote was not taken for this motion.

General discussion was held by the Board about amending the motion to add a condition.

Ken Visger made an amendment to the motion to grant a variance of 30 feet to meet the required 100-foot setback from the centerline of CSAH 20 with one condition:

1. Subject to any restrictions made by the County if public safety may become an issue now or in the future.

Ken Anderson seconded. A roll call vote was taken. All were in favor. Motion carried.

Ken Visger made a motion to adjourn the meeting. Dean Happel seconded. All were in favor. Motion carried.

Submitted by Houston County Board of Adjustment Clerk on October 24, 2025.