

Houston County Board of Adjustment
March 26, 2026

Approved April 23, 2026 by Ken Anderson and Dean Happel.

The Houston County Board of Adjustment met at 4:00 p.m. on Thursday, March 26, 2026. 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, and Wayne Runnigen. Amelia Meiners and Michelle Burt were present for Environmental Services. David Klinski was not in attendance for roll call but arrived before the first applicants presented their project proposal.

Election of Chairperson for 2026 took place. Dean Happel nominated Franklin Hahn for Chairperson. Wayne Runnigen seconded. With no other nominations, a roll call vote was taken. All were in favor. Motion carried.

Election of Vice Chairperson for 2026 took place. Wayne Runnigen nominated Ken Anderson for Vice Chairperson. Dean Happel seconded. With no other nominations, Chairman Hahn motioned nominations cease and casted a unanimous ballot. Dean Happel seconded. All were in favor. Motion carried.

Ken Anderson made a motion to approve the minutes of February 26, 2026. Dean Happel seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 570 was read for **Randolph and Sherry Pitzer**, 17020 Broadway Drive, Caledonia, MN 55921.

The petitioners are seeking a variance to reduce setback requirements for a proposed dwelling from Broadway Drive and Prairie Ridge Road (Section 15-15.6, Subd. 3) in Sheldon Township.

- This is a 1.2-acre parcel in the town of Sheldon. The applicants purchased the parcel to construct a shouse style dwelling and initial plans intended to meet the front road and property line setbacks but after fill was brought in it was determined that shifting the house was necessary to complete finish grade work properly.
- The septic system was permitted last fall and the erosion control plan was approved as well, which is what the office requires prior to excavation and dirt work. With the number of wells in the area, siting the septic system was the first step and the structure was designed around that location. The north part of the property may have provided a little more room but there's a natural drainageway and this likely would have required more fill than what was needed for the current location. Additionally, Sheldon is a challenge when it comes to property lines and requires more than an individual landowner surveying their property to resolve it. The County Surveyor has more confidence in the west line than the north, which makes this proposal a safer option.
- The other alternatives would be to downsize or rotate the structure. The applicants are proposing a three-bedroom dwelling which is reasonable with a 30-by-60-foot shop. Rather than a shouse, two separate smaller structures could perhaps fit on site more comfortably too.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 15 - RESIDENTIAL DISTRICT
15.1 PURPOSE

The purpose of the Residential District is to allow a continuation and limited expansion of existing residential development in the small unincorporated urban communities of the County as well as areas adjacent to existing cities where services can be easily extended in the future.

15.6 FRONT YARD SETBACK STANDARDS

Subdivision 3. Other Public and Private Roads. *There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.*

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

(2) Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. Accessory buildings shall not project beyond the front yard of either road.

(3) Existing Developed Areas. Within existing developed areas, the front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

- The applicant was requesting 15-foot variances to both roads but the ordinance requires that no building be located less than 20 feet from the right-of-way line. Broadway Drive and Prairie Ridge Road are both four rod roads so a 53-foot setback is required.
- Site Characteristics:
 - This parcel is a combination of multiple lots from the original plat of Sheldon and is considered a lot of record. The community is zoned residential and single-family dwellings are permitted uses. Soil classifications are irrelevant in the residential district and there are no mines or feedlots in the vicinity.
 - Beaver Creek is approximately 760 feet to the east, but there are no floodplain, wetland, or shoreland concerns. The slopes are under 8% grade, and the driveway access will meet the requirements. Sheldon Township has approved the driveway location.
- Sheldon Township and the 25 closest property owners were notified. One phone call inquiry was received but no written comments were received.

Randolph Pitzer was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Randolph Pitzer stated the plan is to move the building a little closer to the road to provide more room for the septic on the back side of the house. Pitzer explained that the west side of the house will be feathered in and there will be better drainage for water to flow down and around the back of the building.

Franklin Hahn asked about the property line to the north. Randy Pitzer stated that the north property line goes back far but he was unsure of how far exactly.

Dean Happel clarified that the septic has been approved for the property and if it was going to be a mound system. Happel asked if the County was happy with the location of the septic system.

Franklin Hahn feels that there is too much fill on the property and is concerned that there will be problems with water running onto the roads. Wayne Runnigen stated that when he looked at the property he thought it looked fine but then got to thinking about the road. Runnigen feels that the added slope is towards the road. Runnigen stated that they want to keep the water off the road and by moving the house to the north it would decrease the chance of water running on the road. Randy Steele, contractor for concrete work, stated that moving to the north would get too close to the septic system. Steele asked about

sloping the property to make drainage go to the east. Steele stated that the driveway will hitch a little to the east.

General discussion was held by the Board and applicant regarding water runoff and plans to avert the water from the roads.

Randy Steele stated that the dirt will be used for the septic and landscaping.

Franklin Hahn asked if there was anything in the Zoning Ordinance on setbacks from public roadways. Environmental Services Director Amelia Meiners stated that the applicant cannot encroach within 20 feet of the right-of-way, so the proposed setback is as far as the applicant can go. Hahn asked if there would be a problem with a corner lot obscuring traffic. Meiners stated that she would leave this decision up to the Township. Wayne Runnigen stated that he talked to Highway Engineer Brian Pogodzinski about installing a stop sign on Broadway Drive but there is an existing yield sign which should be efficient enough.

Franklin Hahn clarified that the Board cannot grant a variance of less than 20 feet from the road. Amelia Meiners further explained that the request was 15 feet but the closest variance that can be granted is 12 feet. It is a 33-foot right-of-way from the centerline, so 53 feet is the closest the applicants can be from the centerline.

Dean Happel asked about the distance from the north end of the house to the mound system. Amelia Meiners stated that the minimum setback is 20 feet. Meiners did not know for sure the setback from the house as the septic was approved prior to a set location of the dwelling was determined but estimated roughly 30-35 feet.

Franklin Hahn asked if the mound system could be installed on freshly filled dirt to help reduce the amount of fill and provide the applicant with more room to build. Amelia Meiners stated that the septic system cannot be placed on freshly filled dirt. Meiners explained that with all the wells located to the north end of the property it would take creative planning to ensure all the setbacks from the wells would be met.

David Klinski asked how much higher the house would be from the sand that was added to the property. Randy Steele stated that the house will be about 10 inches higher than the sandfill. Klinski clarified that majority of the fill will be moved to the back of the property not necessarily where the house is going to sit. Steele stated most of the fill will be used as backfill for the slopes. Wayne Runnigen asked if the 10 inches was with the cement. Steele stated the house will be 10 inches higher than the current sandfill. Steele explained how you never want a house down in a hole, so they would like to be above the road and slope everything off to get whatever drainage wanted.

Franklin Hahn asked if the applicants would cut the dirt and slope it so water does not run to either road and flows to the north. Hahn asked who would inspect this to ensure that this is done. Amelia Meiners stated that the Soil and Water Conservation District (SWCD) does a lot of our erosion control work. Meiners further explained that the permit states that the applicant should contact the SWCD when they break ground and periodic site visits will be completed during construction. Randy Pitzer stated that as a property owner he does not want the water to flow to the road making it muddy. Pitzer wants to make sure the water runoff goes down and around. Wayne Runnigen stated this is their concern. Runnigen asked if a clause can be included that the applicant will take care of the drainage and make it work. Pitzer stated it is important to him to have the runoff flow the way it is supposed to go.

Franklin Hahn clarified that the driveway would be cement from the garage to Broadway Road. Hahn asked if there were any restrictions with the 20-foot right-of-way for a cement driveway. Amelia Meiners feels this is pretty common in the Residential District.

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 provided front road setback variances do not encroach within 20 feet of right-of-way. The Land Use Plan (CLUP) requires new development in unincorporated communities to install septic systems that meet MPCA and Houston County requirements and that all new developments conform to the classifications permitted in each zoning district (Policy 2 and 3 CLUP, Unincorporated Community). A septic permit has been issued for this site that meets minimum state standards and all other building standards can be met.

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 in the residential district of an established unincorporated community is a reasonable use of property. Fortunately, this lot is larger than most found in the area since building sites require greater area now than when the town was originally settled. In addition, with the challenges that Sheldon presents from a surveying perspective, allowing the dwelling to encroach upon a known boundary may be a sound decision that provides a factor of safety on the other property lines.

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: At face value this lot seems straight forward but close proximity to a number of private wells and the natural slope of the land make locating a septic system and dwelling challenging. Further, the discrepancies from past surveys of this area contribute to the unique circumstances of the property.

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 reasonable variance. There are limited alternative options and it would likely require downsizing or starting over with a new plan.

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: Sheldon is an unincorporated community zoned residential with a number of single-family dwellings occupied year-round. Much work has been completed over the last five years or so to improve this lot and this work should have a positive impact on neighboring property values and should not negatively impact 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 is an area variance, and single-family dwellings are a permitted use in the residential district. There is no floodplain in the immediate vicinity.

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. Dean Happel seconded. All were in favor. Motion carried.

General discussion was held by the Board to determine if a condition should be added to the variance permit.

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

Dean Happel made a motion to grant a variance of 12 feet to meet the required 65-foot setback from the centerline of Broadway Drive and a variance of 12 feet to meet the required 65-foot setback from the centerline of Prairie Ridge Road for a proposed dwelling.

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

Notice of Public Hearing No. 571 was read for **Timmie and Kelly Meyer**, 17815 State 76, Caledonia, MN 55921.

The petitioners are seeking a variance to reduce setback requirements for a proposed dwelling addition from a TH 76 (Section 14-14.7, Subd. 1) in Caledonia Township.

- The building site consists of 1.86 acres with multiple buildings. The dwelling was built in 1970 and there is a Conditional Use Permit for a non-farm dwelling. With the well and septic system east of the dwelling and a close north property line, the only option is to add an attached garage off the west side of the property. An attached garage would provide an entrance without stairs that allows the applicants to age in place.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

14.7 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. *There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.*

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. *If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line*

- Site Characteristics:
 - State highway requires a 130-foot setback from the centerline, but a variance can reduce it to no closer than 20 feet from the right-of-way. In this case there is 75 feet of right-of-way which creates a minimum encroachment of 95 feet. This proposal will meet that standard. There are no slope or bluff concerns with this proposal. This is a buildable lot. There is no floodplain, wetland, or shoreland concerns with this proposal.
- Caledonia Township and the ten closest property owners were notified. No comments were received.

Timmie Meyer was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Timmie Meyer stated they would like to build a garage addition with a handicapped accessible entrance.

Dean Happel clarified the requested setback and asked if the State was okay with the proposal. Environmental Services Director Amelia Meiners stated that the State was consulted prior to the application being submitted. Happel asked if the driveway would have to change.

Ken Anderson feels that the structure won't be visible from the highway.

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 dwelling, well, septic, and driveway are all existing and limit their ability to build to the east. Additionally, in order to accomplish a zero entry access to the dwelling their only option is off the west side.

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 site has buildings in close proximity to the highway, and the proposal is to attach a garage to an existing dwelling which is driven in part by the dwelling layout.

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 proposal is for an attached garage to the existing dwelling, other sides of the dwelling would interfere with well, septic tank, and property line. There is an existing driveway.

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 attach a garage to an existing dwelling which is common. 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.

Dean Happel made a motion to accept the findings. David Klinski 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 12 feet to meet the 130-foot setback from the centerline of State Highway 76 for an attached garage.

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

Notice of Public Hearing No. 572 was read for **Joshua Dahl**, 23016 Bridge Creek Drive, Rushford, MN 55971.

The petitioners are seeking a variance to reduce setback requirements for a proposed ag building from a property line (Section 14-14.8, Subd. 1) in Yucatan Township.

- The petitioner has removed an old 2-story barn and an older machine shed that were beyond repair. He now wants to replace the machine shed and build a larger machine shed in the same vicinity of the old machine shed. The new proposed machine shed will move about 10 feet further away from the property line than the old machine shed was. It appears that there may be other locations on the property that may work for sites to build the machine shed, but the petitioner believes this is the best spot. This was advertised as a property line and a road setback variance request, but upon further review it appears that the road setback of 65 feet from the centerline will be met. Therefore, the petitioner is only requesting the 25-foot variance from the property line. The Township and petitioner are still working out details on an additional driveway access off of the Township Road.
- 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:
 - The petitioner's family has owned and operated the site since 1988. Currently, it's a dairy facility registered at 534.4 animal units, primarily of dairy cattle over 1,000 pounds but also including dairy heifers, dairy calves, a few beef cattle, and horses.
 - There are no slope or bluff concerns with this proposal. This is a buildable lot. There is no floodplain, wetland, or shoreland concerns with this proposal.
- Yucatan Township and the ten closest property owners were notified. No comments were received.

Joshua Dahl was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Environmental Services Director Amelia Meiners explained that this hearing was noticed for two requests but after a site visit it was determined only a property line setback was necessary. Joshua Dahl stated he would like to build a machine shed.

Dean Happel clarified that the old shed is gone. Joshua Dahl confirmed and stated that a two-story barn has also been removed.

Wayne Runnigen asked why the applicant wouldn't place the shed on the other side of the house. Joshua Dahl stated that is the area they have chosen to go with the silage pad and the proposed location is where the pasture is located. It is also where the two previous buildings were located. Franklin Hahn asked if there was a cement pad under the silage bags. Dahl stated it was a rock base.

Wayne Runnigen asked about the size of the shed. Joshua Dahl stated the shed will be 40 feet wide and 80 feet long.

Wayne Runnigen asked if the property line has been surveyed. Joshua Dahl stated they plan to get the line surveyed but he feels that where the proposed shed will be located is their property. Franklin Hahn asked about the site visit completed by Feedlot Inspector Jeremy Burt and if the property line had been confirmed. Amelia Meiners stated that a stake was found near the end of the fenceline. Meiners explained that the property had been surveyed in 2017, so there is a pin along the right-of-way. Meiners further explained that the measurement taken by Jeremy Burt was to the edge of the road and based on the survey this measurement should provide a cushion of a few feet.

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 comprehensive plan prioritizes agriculture, a machine shed is common structure on an ag operation, 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 petitioner removed an old machine shed and wants to build a bigger shed in the vicinity of the old shed, the proposed new shed will move about 10 feet further away from the property line than where the old shed was.

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 property line and township road, the older machine shed was closer to the property line than the proposed shed.

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 close to the building site, not impact other existing buildings and reduce impact to tillable acreage.

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: Machine sheds 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 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. David Klinski 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 25 feet to meet the required 50-foot setback for an accessory ag building from a property line.

David Klinski seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 573 was read for **Scott Standish**, 8201 County 249, Caledonia, MN 55921.

The petitioner is seeking a variance to reduce setback requirements from the front road setback to CSAH 249 to construct a new dwelling (Section 14-14.7, Subd. 2) in Mayville Township.

- This is a 2.82-acre parcel off CSAH 249 in Mayville Township about three miles east of Caledonia. The applicant purchased the parcel in 2022, which was an old homestead, and removed the dwelling and some accessory structures. The original dwelling sat about 98 feet off the centerline, but two accessory structures were closer at 36 feet and 84 feet, respectively. With the new proposal, one corner of the dwelling will almost meet the 100-foot setback requirement but the bend in the road creates an encroachment on the northeast corner.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT
4.7 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.*

- The County Highway Engineer originally expressed concern regarding the dwelling's proximity to the toe slope of the road. In this area there is a 25–30-foot elevation difference between the roadbed and ground elevation at the building site and this created concerns about potential impacts from regular road maintenance activities. However, the Highway Department mapped the staked dwelling location and determined the structure would be setback over 30 feet from the toe of the hill which was greater than initially anticipated and minimized concerns. There is 33 feet of

right-of-way at this location. In addition, the landowner has collaborated with the county on projects and has plans to manage that slope with perennial vegetation.

- Site Characteristics:
 - The SE1/4 NE1/4 of Section 22 in Mayville Township is an open quarter-quarter. The previous dwelling was removed, and the site has been prepared for the new building.
 - A non-farm dwelling cannot be located on prime agricultural soil unless it's in an area that has not been in production or a government program for a period of ten or more years. The soil in this area is classified as 388D2, which is considered marginal. There is no wetland or bluff concern with the building site or existing driveway. Crooked Creek is about 650 feet to the south, and the lower field area is all floodplain. Floodplain will be reviewed in greater detail during the building permit process, but the structure will be outside of FEMA shaded zones. The landowner has already had a surveyor onsite to establish the regulatory flood protection elevation and feels that it will be achievable.
 - The building site was leveled and the existing driveway meets the slope requirement in addition to the buildable lot standard.
 - There is no mine within 1,000 feet or a registered feedlot within a quarter mile. Preliminary septic work has been completed, and the design is under review.
- Mayville Township and the ten closest property owners were notified. The County Engineer has been involved in the review process, and no other comments were received.

Scott Standish was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Scott Standish stated he is wanting to build a dwelling but the lot narrows at one end, so he is looking for a little more space from the County Road. Environmental Services Director Amelia Meiners asked if the applicant could describe the history of the property. Scott Standish stated the property used to have a house.

Franklin Hahn asked if this was on an open quarter-quarter. Amelia Meiners confirmed that with the previous dwelling gone it is an open quarter-quarter.

Franklin Hahn clarified that a new house was being built and if a garage would be incorporated. Hahn asked if soil borings have been completed for a septic system. Amelia Meiners stated that soils were completed and a design has been submitted to staff for review. Hahn asked if a secondary septic location is required for new dwellings. Meiners stated that it depends and explained that Minnesota Rules states new lots are required to show two septic locations, a location that will be used and one for replacement. Meiners stated lots that have been existing would not meet this requirement but she encourages applicants to keep a replacement location in mind, especially in situations where there is not much space for another system.

Franklin Hahn clarified that there were no comments submitted by the public. Amelia Meiners confirmed and stated that she had received one question but no official comments were submitted. Meiners stated that the Highway Engineer has been involved since the beginning. The Highway Engineer had a staff member visit the site and complete measurements.

Dean Happel stated that the proposal is not far from floodplain. Amelia Meiners stated the applicant is dealing with floodplain on the south side of the property but applicant feels the house will be outside of the shaded areas but elevations will have to be reviewed.

Dean Happel asked if the driveway was staying the same.

Wayne Runnigen asked if the house would be on a cement pad. Scott Standish stated that the house will be located on a cement slab and will not have a basement. Runnigen asked about the size of

the house. Standish stated they have not fully decided on a size but the dimensions discussed today were 40 feet by 30 feet.

Franklin Hahn asked if there were shoreland conditions involved with the request. Amelia Meiners explained that shoreland is classified as 300 feet from a stream or the landward extent of floodplain. Provided the applicant stays out of the shaded area he will be outside of shoreland as well. Hahn asked if the building permit will protect the applicant from floodplain. Meiners stated the applicant will establish the elevation needed based on his finished floor height which will be a requirement of the permit due to the proximity to floodplain. The applicant will also need to complete an elevation certificate which will need to be done by a professional surveyor. This will certify that the applicant is located outside of floodplain and above the elevation requirement.

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 by the ordinance. Redevelopment of existing sites reduces conversions of tillable acreage and likely minimizes the impact on the natural topography.

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 was an existing homestead but any non-conforming aspects that may have existed need to be brought into compliance. The building envelope is limited on the parcel due to

floodplain to the south and the road setback to the north, neither of which has a large amount of flexibility; however, this request is minimal with just a small portion of the dwelling encroaching.

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 landowner purchased this property realizing the limits that existed with floodplain and intended to meet all requirements. After laying out the proposed structure onsite prior to permitting, it was realized that the slight bend in the road may cause an encroachment. To keep the garage square with the driveway it cannot be shifted to meet that standard.

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 no alternative locations on this parcel without encroaching on other property lines or moving into floodplain. The only feasible alternative would be downsizing the dwelling, but this request is minimal.

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: Considering that this structure replaces a dwelling there will be no change in the character of the locality. Efforts to remove and replace deteriorating structures improve property values and protect public health, safety and welfare of those in the vicinity.

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 for a road setback and while it is adjacent to floodplain it is not allowing a lesser degree of flood protection than required by State Law.

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.

Wayne Runnigen made a motion to accept the findings. 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.

Wayne Runnigen made a motion to grant a variance of 10 feet to meet the required 100-foot setback from the centerline of CSAH 249 to construct a non-farm dwelling.

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

Notice of Public Hearing No. 574 was read for **Gabriel Howe**, 22887 Bridge Creek Drive, Rushford, MN 55971.

The petitioner is seeking a variance for a proposed dwelling to meet the required 1,320-foot setback from a registered feedlot (Section 33.16, Subd. 6) and a variance to meet the required 50-foot setback to a property line for an existing building (Section 14-14.8, Subd. 1) in Yucatan Township.

- This is a 3.35-acre parcel off Bridge Creek Road in Yucatan Township about six miles southeast of Rushford. The applicant purchased the parcel from his uncle and removed the existing dwelling and some accessory structures. Meeting the feedlot setback would have required the dwelling be located further west and the grade presents challenges as you move away from the road.
- There is a registered feedlot approximately 660 feet to the northeast. The site is an operating dairy farm, registered for 534.4 animal units (au) consisting of 105 au dairy heifers, 6 au dairy calves, 420 au dairy cattle, 2 horses, 2 beef cattle, and 1 donkey. There is also a large manure storage structure on the east side of the property.
- The accessory building involved in this request likely existed as a non-conforming use but parcels were combined and then recently split again. Staff proposed this variance since the site is already under review by the Board of Adjustment.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

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.*

- Further, the applicant should understand the purpose of the agricultural protection district is to retain land for agricultural production and these regulations are intended to minimize incompatibility between these residential and agricultural uses.

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 use, 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 users 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.

- Site Characteristics:
 - The SE1/4 NE1/4 of Section 19 is an open quarter-quarter. The dwelling has been removed to allow for this one.
 - A non-farm dwelling cannot be located on prime agricultural soil unless it's in an area that has not been in production or a government program for a period of ten or more years. The soil in this area is classified as 103B and 103C2, both of which are considered prime, but are within the existing homestead. There is no floodplain, wetland, shoreland, or bluff concerns with the building site or existing driveway. The closest intermittent streams are approximately 1,500 feet away, one to the west and one to the southeast. These flow to Girl Scout Camp Creek and then the South Fork of the Root River.
 - Slopes at the building site are under 12% and the location meets the buildable lot standard. There are no mines within 1,000 feet but a variance for a feedlot setback is required. The septic system was replaced at this site in 2020 and will be reused for the new dwelling. The wind rose shows winds coming from the northeasterly direction are minimal.
- Yucatan Township and the ten closest property owners were notified. No comments were received.

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

Environmental Services Director Amelia Meiners explained the variance request for the existing accessory structure.

Franklin Hahn stated that there was a house on the property in the past. Hahn stated that the property starts to slope to the west below the house. Hahn asked if this was on an open quarter-quarter. Amelia Meiners confirmed that since the previous house has been removed the property is located in an open quarter-quarter.

Franklin Hahn asked if the property line was surveyed to the south. Gabriel Howe stated that a survey was completed on the south and the west property lines.

Wayne Runnigen stated that a feedlot variance is needed as well. Gabriel Howe stated that the proposed house will be about 30 feet closer to the feedlot than the existing house that was on the property.

Ken Anderson stated the old house was within the requirement for the feedlot anyway, so it does not change the dynamics of the feedlot.

Garbiel Howe stated that the house could be moved to the south, which would be fine by him for the grade, but that would be getting pretty close to the septic system.

Wayne Runningen asked the applicant if he had an issue with farming or the smell of a dairy farm.

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 and revitalizing existing building sites minimizes disturbance on the landscape and retains tillable acreage which are goals of the Land Use Plan.

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 applicant purchased an existing farm dwelling that was no longer inhabitable and meeting the feedlot setback would require relocating it quite substantially. That would require the purchase of additional land as well.

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. The applicant purchased a few acres around an existing dwelling that is no longer inhabitable and there is nowhere on this parcel that a dwelling can be located to meet the setback.

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: An alternative option would be to build in the same area as the existing dwelling or push it south. The proposed location minimizes dirt work and ultimately any location on this property is within the setback distance but a determination of the non-conforming use may have allowed him to replace in kind without a 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: Replacing the dwelling at this location will keep the site consistent with the essential character of the area. Allowing an encroachment on a feedlot should have no effect on public health, safety or welfare of neighbors. The applicant should be aware of Section 14.1 of the Zoning Ordinance and understand nuisances that may result from agricultural operations.

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. 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 660 feet for a proposed dwelling to meet the required 1,320-foot setback from a registered feedlot and a variance of 15 feet to meet the required 50-foot setback to a property line for an existing building.

David Klinski seconded. A roll call vote was taken. All were in favor. Motion carried.

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

Submitted by Houston County Board of Adjustment Clerk on March 27, 2026.