

FILLMORE COUNTY ZONING OFFICE

Cristal Adkins, Zoning Administrator
Blake Lea, Feedlot Officer/Zoning Technician
Kristi Ruesink, Assistant Zoning Administrator
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**Fillmore County Board of Adjustment
Fillmore County Courthouse
Preston, Minnesota 55965
July 23, 2020
7:00 p.m.**

- 7:00 p.m. Open meeting
- Approve minutes of May 21, 2020 meeting
 Introduce items for next meeting
- 7:01 p.m. Public Hearing on a Variance request by Daren Hofschulte, representing
 Robert Kahoud, Fountain Township
- 7:05 p.m. Adjourn

**FILLMORE COUNTY BOARD OF ADJUSTMENT MEETING
FILLMORE COUNTY COURTHOUSE
PRESTON, MN
MAY 21, 2020
MINUTES**

CALL TO ORDER

At 7:06 p.m. Chairman Steve Duxbury called the meeting to order. On a motion by Andy Bisek and seconded by Trinity Johnson, the minutes of the February 20, 2020 meeting were approved. Zoning Administrator Cristal Adkins noted that we currently do not have anything for a June meeting.

ATTENDANCE

The following members were present: Gary Ruskell, Steve Duxbury, Andy Bisek, Trinity Johnson, and Tom Thompson. Others present: Duane Bakke, Arlynn Hovey, Brett Corson, Karen Reisner, Brian Carpenter, David Gross, Lori Broghammer, Chad Chaffee, Bonita Underbakke, MiEnergy IT Representative, Blake Lea, Kristi Ruesink and Cristal Adkins.

VARIANCE PUBLIC HEARING, BRIAN CARPENTER

Brian Carpenter came before the Board of Adjustment to explained his request for a variance from the setback to the centerline of the road, to construct a storage shed/garage located in the NE ¼ of the SW ¼ Section 19, Fillmore Township. He is requesting a Variance from Section 604.05(2)(b) of the Fillmore County Zoning Ordinance to construct a storage shed/garage 55 feet from the centerline of the road.

Chair Duxbury opened the public hearing portion of the meeting and asked for township input. Hearing nothing from the public, Duxbury closed the public input portion of the meeting. It was noted that the site was visited during the tour.

Andy Bisek inquired as to the culvert and the plan for enforcing the drive. Brian explained his plans for improvement of the driveway.

On a motion by Trinity Johnson and seconded by Andy Bisek. The Chair called for a vote: Members voting "aye": Thompson, Bisek, Johnson, Duxbury. Member voting "nay": Ruskell. The motion prevailed.

VARIANCE PUBLIC HEARING, MIENERGY COOPERATIVE – BEAVER TOWNSHIP

Representatives from MiEnergy Cooperative came before the Board of Adjustment to explain their request for a variance from the setback to the centerline of the road and property line, to construct a galvanized steel communications tower located in the SW ¼ of the SW ¼ Section 12, Beaver Township. Chad Chaffee explained that 195' is below the FAA limits and would increase the bandwidth for that area. It was agreed to move the location of the tower from the SW corner of the parcel to the NW corner to provide a slightly improved setback.

The Chair opened the public hearing portion of the meeting and asked for public comment. Hearing nothing from the public, Duxbury closed the public hearing portion of the meeting.

County Attorney Brett Corson posed questions pertaining to fences, insurance, and financial assurance. Adkins explained those concerns would be addressed at a public hearing for the Conditional Use Permit.

On a motion by Ruskell and seconded by Thompson, the Board of Adjustment voted unanimously to approve the variance with Adkins to provide the updated setbacks with the relocation of the tower.

ADJOURN

On a motion by Ruskell, seconded by Duxbury, the Chair adjourned the meeting at 7:34 p.m.

Respectfully submitted

Kristi Ruesink

Fillmore County Assistant Zoning Administrator

VARIANCE PERMIT APPLICATION

FILLMORE COUNTY

APPLICANT'S PORTION

VARIANCE FROM ZONING REGULATIONS OR DECISION OF THE ZONING ADMINISTRATOR

(This application must be fully completed before it can be processed. Failure to complete the form in its entirety will only result in further delays)

This Variance request seeks relief from Section _____ of the Fillmore County Zoning Ordinance for the purpose

of: Setback for construction

(Setback for construction, Relief from Zoning Administrators decision, Other)

(1) Name of Applicant(s): Daren Hofschulte Phone #: 507-876-2700

Phone #: _____

Mailing Address of Applicant: P.O. Box 543 Elgin MN 55932
Address City State Zip

Date: 7/2/20 (2) Parcel #: R23.0030.000 Permit # _____

To be filled out by the Zoning Office

(3) Legal Description *(from deed, abstract, or Recorders Office)*: _____

Section: 05 (4) Township: 103 (5) Range: 011

Provide a complete description of the project you are proposing. This must include a type written narrative of what you plan to do. Provide a complete site development plan and building or structure plan. This must include:

- | | |
|------|--|
| ✓ | 1. Name, Address, North Arrow, and Date. |
| ✓ | 2. Aerial photograph of the site <i>(Copies obtained from GIS Coordinator or Zoning Office.)</i> |
| ✓ | 3. Soils maps of the site <i>(Copies obtained from GIS Coordinator or Zoning Office.)</i> |
| N/A | 4. Setbacks from the centerline of all public roads and front, side and rear property lines. |
| ✓ | 5. Location and dimensions of all structures on the site. |
| ✓ | 6. Driveways and accesses to the property. |
| ✓ | 7. Locations of any proposed new construction to include drawings of new structures. |
| N/A | 8. Parking Areas <i>(In the case of campgrounds, all campsites).</i> |
| none | 9. Sinkholes and direction of water runoff. |
| 100+ | 10. Location of all wells on the property and tile inlets if on the site. |
| OK | 11. Location of any sewer systems located on the site. |
| none | 12. Evidence of ownership or enforceable option or easements on the property. |
| ✓ | 13. Locations of rivers, bluffs, trails and public roadways. |

TOTAL FEE: \$450.00 (NON REFUNDABLE)

I hereby certify that the information contained herein is correct and agree to do the proposed work in accordance with the provisions of the Ordinances of Fillmore County and the Statutes of the State of Minnesota. I also agree that any plans and specifications submitted herewith shall become a part of this permit application. If any modification is proposed, written approval of the Fillmore County Zoning Office shall be obtained before construction. I understand that a proposed modification may result in the need for a new permit.

(6) Signature of Applicant(s): Daren Hofschulte Date: 7/2/20
 _____ Date: _____
 _____ Date: _____

VARIANCE PERMIT APPLICATION FILLMORE COUNTY LANDOWNER'S PORTION

VARIANCE FROM ZONING REGULATIONS OR DECISION OF THE ZONING ADMINISTRATOR

(This application must be fully completed before it can be processed. Failure to complete the form in its entirety will only result in further delays)

This Variance request seeks relief from Section _____ of the Fillmore County Zoning Ordinance for the purpose

of: Setback for construction

(Setback for construction, Relief from Zoning Administrators decision, other)

(1) Name of all Landowners: Robert Kahoud Phone #: (415) 730-4002

Phone #: _____

Phone #: _____

Mailing Address of ^{Landowner} ~~Applicant~~ 27619 Key Rd. Fountain MN 55435
Address City State Zip

Date: _____ (2) Parcel #: _____ Permit # _____

To be filled out by the Zoning Office

(3) Legal Description *(from deed, abstract, or Recordors Office)*: _____

Section: _____ (4) Township: _____ (5) Range: _____

Provide a complete description of the project you are proposing. This must include a type written narrative of what you plan to do. Provide a complete site development plan and building or structure plan. This must include:

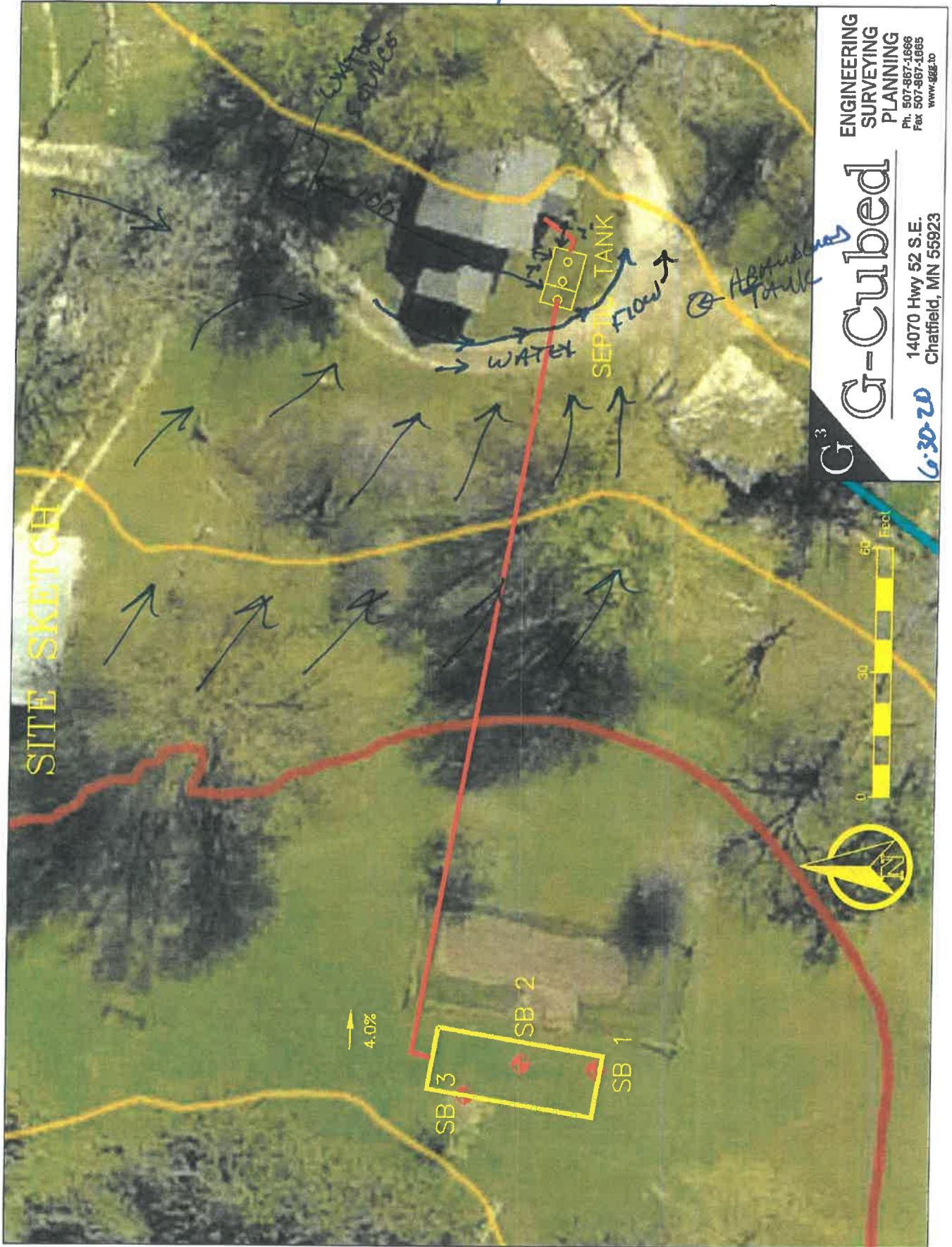
- _____ 1. Name, Address, North Arrow, and Date.
- _____ 2. Aerial photograph of the site *(Copies obtained from GIS Coordinator or Zoning Office.)*
- _____ 3. Soils maps of the site *(Copies obtained from GIS Coordinator or Zoning Office.)*
- _____ 4. Setbacks from the centerline of all public roads and front, side and rear property lines.
- _____ 5. Location and dimensions of all structures on the site.
- _____ 6. Driveways and accesses to the property.
- _____ 7. Locations of any proposed new construction to include drawings of new structures.
- _____ 8. Parking Areas *(In the case of campgrounds, all campsites).*
- _____ 9. Sinkholes and direction of water runoff.
- _____ 10. Location of all wells on the property and tile inlets if on the site.
- _____ 11. Location of any sewer systems located on the site.
- _____ 12. Evidence of ownership or enforceable option or easements on the property.
- _____ 13. Locations of rivers, bluffs, trails and public roadways.

TOTAL FEE: \$450.00 (NON-REFUNDABLE)

I hereby certify that the information contained herein is correct and agree to do the proposed work in accordance with the provisions of the Ordinances of Fillmore County and the Statutes of the State of Minnesota. I also agree that any plans and specifications submitted herewith shall become a part of this permit application. If any modification is proposed, written approval of the Fillmore County Zoning Office shall be obtained before construction. I understand that a proposed modification may result in the need for a new permit.

(6) Signatures of Landowners: Robert Kahoud Date: 7/2/2020
DocuSigned by: _____ Date: _____
8077FCD165FC49A... _____ Date: _____

ROBERT KAMOND • 27619 Key Rd - Fountain.



ENGINEERING
SURVEYING
PLANNING
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G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

6-30-20

Hofschulte Backhoe & Septic
P.O. Box 543
Elgin, MN 55932
507-876-2700

Variance Permit Application Fillmore County

Landowner: Robert Kahoud

Address: 27619 Key Rd., Fountain, MN

Project Description:

We are requesting a variance to be less than the required 10 feet from a structure due to the location of the driveway and the steep contour sloping toward the house. The 2' setback will allow us to place the tank just off the driveway and inside the heavy water runoff coming from the large part of the property as indicated on the map.