

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, MARCH 27, 2018
MEETING ROOM B, CLAY COUNTY COURTHOUSE**

Members Present: Amos Baer, Perry Bushaw, Greg Anderson, Paul Krabbenhoft

Members Absent: Pamela Harper

Others Present: Tim Magnusson, Lynne Spaeth, Todd Anderson, Jackie Anderson

Approval of Agenda:

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board approved the agenda.

Approval of Minutes:

On motion by Paul Krabbenhoft, seconded by Greg Anderson, and unanimously carried, the Board approved the February 27, 2018 minutes as presented.

There were no citizens to be heard.

TODD ANDERSON – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to allow a reduction in the required setback for structures from the centerline of a road. The current setback requirement is 125 feet from the road centerline. The affected 4.41-acre property is part of the NW Quarter, NE Quarter, NE Quarter, Section 8, Township 137, Range 44, (Tansem Twp.) and is in the Agricultural General (AG) zoning district.

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board opened the public hearing.

Tim Magnusson, Planning Director presented photographs of the area. There are numerous residences in the area, but Magnusson advised they would not be impacted. He revealed the current location of the garage as well as the proposed building site on the 4.41-acre property.

Photographs portrayed the ground slanting toward some sort of drainage. If built at the 125-foot setback, several mature trees would need to be removed and additional fill would need to be deposited.

The existing garage is 22' x 26' and is a non-conforming building because it does not meet the current County setback requirements. The applicant is seeking to remove a non-conforming building and replace it with a new 30' x 40' building, that will also be non-conforming, being the setback is only 70 feet from the road centerline instead of 125 feet.

The applicant Todd Anderson, was present for questions. He stated he will be trimming branches and working on trees prior to construction. Additionally, the apple tree will be removed. Anderson revealed that currently there is power in the garage, but no water. Furthermore, he disclosed the location of the well and septic system. Anderson plans to have an electrician inspect the area.

On motion by Paul Krabbenhoft, seconded by Perry Bushaw, and unanimously carried, the Board closed the public hearing.

The Board discussed the three criteria as they pertain to the request.

On motion by Greg Anderson, and seconded by Paul Krabbenhoft, and unanimously carried, the Board of Adjustment approved Todd Anderson's request for variance to allow a garage to be constructed 70 feet from the centerline of a road on property located in part of the NW Quarter, NE Quarter, NE Quarter, Section 8, Township 137, Range 44, (Tansem Twp.) for the following reasons:

- 1) That the property owner proposes to use the property in a reasonable manner not permitted by an official control;
- 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- 3) The variance will not alter the essential character of the locality.

On motion by Perry Bushaw, and seconded by Paul Krabbenhoft, and unanimously carried, the meeting was adjourned at 5:50 p.m.

By: _____
Amos Baer, Chair