

**MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, APRIL 17, 2018
MEETING ROOM B, CLAY COUNTY COURTHOUSE**

Members Present: Amos Baer, Greg Anderson, Paul Krabbenhoft

Members Absent: Perry Bushaw

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Steve Westlund, James Jennen.

The Board revered Pamela Harper's work and years of dedication to Clay County. Pamela served on the Planning Commission for several years and was a member of the Board of Adjustment up until her passing.

Approval of Agenda:

On motion by Greg Anderson, seconded by Paul Krabbenhoft, 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 March 27, 2017 minutes as presented.

There were no citizens to be heard.

WESTLUND EXCAVATING – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to allow a reduction in the required setback for gravel mining from public road right-of-way. The current setback requirement is 200 feet from the edge of road right-of-way. The applicant is seeking a setback of 85 feet. The affected property is in the E Half of the NE Quarter, Section 24, Township 138N, Range 44W (Parke Twp.) and is in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

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

Tim Magnusson, Planning Director gave a presentation of the proposal. He recapped that last month's meeting, the Planning Commission had approved a Conditional Use Permit for the applicant. Magnusson indicated the 16-acre area to be mined and surrounding pits. The applicant will maintain the required 500-foot setback to a residence. They are requesting a setback of 85 feet from the center of a road. The pit to the south of the proposed property was granted a variance for 85-feet.

The wetland area was discussed as well as a possible setback around same. Lynn Foss, Soil & Water Conservation District, will handle this aspect of the proposal.

The applicant, Steve Westlund, and the owner, James Jennen, were present for questions.

Westlund said they had conversed the proposal with the Clay County Highway Department and there were no issues. Additionally, he stated there will be signage on the road due to the obstruction of the trees. He assured they will not mine the wetland area.

Jennen owns the only residence on the site and he informed the Board that he and Westlund had worked out all issues relating to this proposal. Jennen will maintain the rest of the unmined property as farmland.

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

On motion by Paul Krabbenhoft, and seconded by Greg Anderson, and unanimously carried, the Board of Adjustment approved Westlund Excavating's request for Variance to allow a reduction in the required setback for gravel mining from public road right-of-way from 200-feet to 85 feet, on property located in the E Half of the NE Quarter, Section 24, Township 138N, Range 44W (Parke 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, specifically, the gravel reserves are located where they are;**
- 3) the variance, will not alter the essential character of the locality.**

OTHER BUSINESS:

The Board discussed the open seat and replacement of Pamela Harper. All referrals will be submitted to the Planning & Zoning office.

On motion by Greg Anderson, and seconded by Paul Krabbenhoft, and unanimously carried, the meeting was adjourned at 6:00 p.m.

By: _____
Amos Baer, Chair