

**MINUTES**  
**CLAY COUNTY BOARD OF ADJUSTMENT**  
**5:30 PM, TUESDAY, JANUARY 15, 2019**  
**MTG ROOM B, CLAY COUNTY COURTHOUSE**

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

**Members Absent:** Ezra Baer

**Others Present:** Hali Durand, Steve Beitelspacher, Rita Rueckert, Emma Notermann, Ashley Knapper, Steve Larson, David Geeslin

The meeting was called to order at 5:36 PM.

**On motion by Krabbenhoft , seconded by Anderson, and unanimously carried, the Board approved the meeting agenda.**

**On motion by Anderson, seconded by Bushaw, and unanimously carried, the Board approved the minutes from December 18, 2018.**

**JARED AND ASHLEY KNAPPER – REQUEST FOR VARIANCE**

The applicant is seeking approval of a variance of the density standards listed in 8-5D-4A.1 to allow a second dwelling in a quarter-quarter section on parcel 20.012.0152, in the Northeast Quarter of the Northeast Quarter of Section 12, Township 140 North, Range 47 West, Moland Township

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

Hali Durand, Planning Director, provided an aerial photo of the parcels. The new proposed lot is surrounded by trees on all sides. Information was provided regarding a phone call she recently received from the public indicating there were some well issues about finding water for this parcel. This area does have a history with difficulty locating water.

Ashley Knapper stated she has the new parcel number 20.012.0151 for 10 acres where the current home is located. The new parcel, 20.012.0152, is 16.2 acres. A survey was completed October 25, 2018 and the split was completed by the Recorder's office on December 11, 2018. The survey stated that there is sufficient space available for future septic on the new parcel. The well pump was just replaced on the original parcel and the well was certified last summer by LTD.

Anderson inquired about the placement of the new driveway. Knapper provided the application for access which was submitted to the Highway Department. It is currently staked out and has been approved with access on County 93.

Beitelspacher read County Ordinance that states no Variance shall be granted where water or sewage use can't be provided. The Board felt there is opportunity for the north parcel to share water with the south parcel if necessary.

David Geeslin stated he will be purchasing the 16-acre lot. He stated the approach was proposed for the north property line, but the Highway Department has approved the approach for the east side of the parcel on County 93.

**On motion by Anderson, seconded by Krabbenhoft, and unanimously carried, the public hearing was closed.**

Discussion ensued regarding the Variance to allow a second home in the 40/40. The area's residential density was reviewed. Issues for Facts and Findings: Practical Difficulty, Minimum Variance Necessary, Hardship not created by Applicant. Variance is consistent with the Clay County Comprehensive Land Use Plan.

**On motion by Anderson, seconded by Bushaw, and unanimously carried, the Board approved a Variance to allow a second home in the 40/40 based on practical difficulty, reasonable manner permitted by official control, not due to circumstances created by the landowner and it will not alter the essential character of the locality.**

**On motion by Krabbenhoft, seconded by Bushaw, the meeting was adjourned at 5:58 PM.**

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Amos Baer, Chair