

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, APRIL 16, 2019
MTG ROOM B, CLAY COUNTY COURTHOUSE

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

Members Absent: None

Others Present: Emma Notermann, Rita Rueckert, Tony Weigel, John Weiland

The meeting was called to order at 5:30 p.m. by Amos Baer and Roll Call was taken. Introductions were made to introduce Tony Weigel.

Amos Baer chaired the meeting and read the meeting Agenda.

On motion by Perry Bushaw, seconded by Ezra Baer, and unanimously carried, the Board approved the meeting Agenda.

On motion by Paul Krabbenhoft, seconded by Perry Bushaw, and unanimously carried, the Board approved the Minutes from January 15, 2019.

PUBLIC HEARING(S):

JOHN WEILAND AND DONNA KNAUBER – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance of the Finished Floor Elevation Fill in 8-5A-7C1 of the Clay County Land Development Code to allow a ten-foot extension of fill, in part of the Northeast Quarter Section 5, Township 137 North, Range 47 West, Alliance Township.

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

Emma Notermann, Planning & Zoning Technician, advises construction of a new building is needing 15 feet of fill apron. Applicant is requesting Variance for less width of fill on 2 sides of the new building: 10 feet of fill on the north side, 8 feet on the east side and 15 on the west and south sides. Previous barn was smaller in size and collapsed from snow during winter storm. New building would be compliant with all setbacks. Placement to comply with setbacks is limited due to legacy elm trees. Notermann states she has spoken with the DNR floodplain manager and they were in agreement of the Variance the Applicant is requesting as this is a common request and, additionally, all other requirements have been met.

Several Board of Adjustment members had questions of the Applicant regarding placement. Applicant provided overhead photos showing the structures currently on the parcel and explained layout and use of current buildings. The quonset that collapsed is 40x80. New construction will be done by Foltz Buildings. The property is in the Shoreland District due to nearby river but they do meet the 200 foot setback.

John Wieland states that the Quonset that collapsed had footings in place and those are still in the ground. The new barn will require deep footings and if the Variance isn't granted, they wouldn't be able to place the footings where needed as they would be running into the old Quonset footings. The floor in the new barn will not be a concrete floor. He is working with Clay County Landfill and Fitzpatrick Company for removal of the old collapsed structure.

On motion by Paul Krabbenhoft, seconded by Ezra Baer, and unanimously carried, the public hearing was closed.

The Findings of Fact and Order were addressed by the Board of Adjustment as they pertain to the requested permit. All of the items can be addressed with conditions and none of them warranted further discussion. Practical difficulty presented due to setbacks and legacy trees. No conditions were applied.

On motion by Ezra Baer, seconded by Perry Bushaw, and unanimously carried, the Board approved a 10' perimeter fill on the north side and 8' perimeter on the west side.

UNFINISHED BUSINESS:

Codifying was addressed and there has been no additional progress on that at this time.

NEW BUSINESS:

No new business.

On motion by Ezra Baer and seconded by Greg Anderson, the meeting was adjourned at 5:55 PM.

Amos Baer, Chair
Clay County Planning Commission