

AGENDA FOR THE MONDAY, AUGUST 8, 2016
BOARD OF ADJUSTMENT HEARING – 6:00 PM

1. **Michelle Goltz:** Part of Lots 1, 2, and 3 of the Subdivision of Government Lot 1,
 Section 34, Township 121, Range 34 (New London Township)
 Woodcock Blvd

Applicant requests a reduced lake setback of 115 feet and property line setback of 10 feet for construction of a home in an RM Shoreland Resource Management District. Ordinance requires a lake setback of 150 feet and side yard setback of 20 feet.

STATE OF MINNESOTA
KANDIYOHI COUNTY

KANDIYOHI COUNTY BOARD
OF ADJUSTMENT

MICHELLE GOLTZ

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE KANDIYOHI COUNTY BOARD OF ADJUSTMENTS IN THE COMMISSIONERS ROOM AT THE KANDIYOHI COUNTY HEALTH & HUMAN SERVICES BUILDING, LOCATED AT 2200 - 23RD ST NE, WILLMAR, MINNESOTA ON **MONDAY, AUGUST 8, 2016 AT 6:00 P.M.** TO CONSIDER THE MATTER OF THE APPEAL OF THE ABOVE NAMED PROPERTY OWNER OF PROPERTY IN:

Part of Lots 1, 2, and 3 of the Subdivision of Government Lot 1, Section 34, Township 121, Range 34 (New London Township) Woodcock Blvd

APPLICATION REQUEST:

Applicant requests a reduced lake setback of 115 feet and property line setback of 10 feet for construction of a home in an RM Shoreland Resource Management District. Ordinance requires a lake setback of 150 feet and side yard setback of 20 feet.

LET MAILED NOTICE HEREOF BE GIVEN TO ALL PROPERTY OWNERS WITHIN 500 FEET OF SUCH PROPERTY NOT LESS THAN TEN (10) DAYS PRIOR TO SAID HEARING DATE. SKETCHES AND ADDITIONAL INFORMATION OF THE REQUEST ARE AVAILABLE FOR VIEW IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES.

KANDIYOHI COUNTY BOARD OF ADJUSTMENT

DATE: JULY 27, 2016

BY


GARY GEEK

ZONING ADMINISTRATOR
COUNTY OFFICE BUILDING
400 BENSON AVE SW, WILLMAR, MN 56201
(320) 231-6229 Fax: 320-231-6263

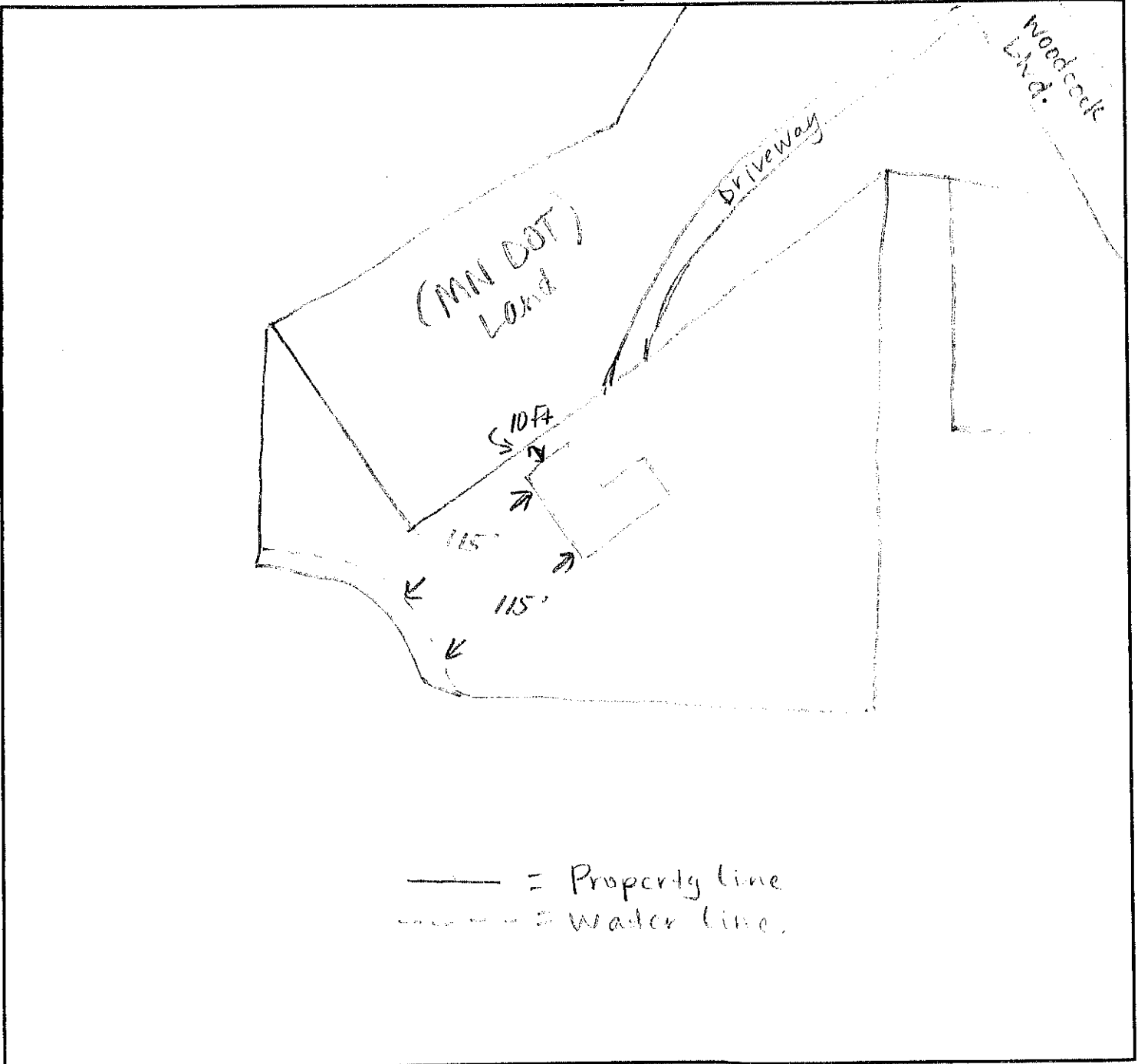
SITE PLAN

Name Bryan + Michelle Goltz Tax Parcel Number 27-034-0025

Information to be included on site plan

- Location & size of ALL existing & proposed structures
- Distance from lake, road, property lines
- Location of well & septic
- Location of roads & driveways

NORTH ↑



8-8-16 Board of Adjustment Draft Findings

Michelle Goltz:

Findings:

1. *The variance is in harmony with the general purposes and intent of the official control. Why or Why not?*

The Board finds that the issuance of the variance is in harmony with the general purpose and intent of the official control and will not increase or cause danger of life or property. The Board finds that a properly constructed dwelling will provide adequate setbacks in accordance with the intent of the ordinance. The Board notes that other provisions in ordinance provide for the regular administrative adjustment of lake setbacks.

2. *The variance is consistent with the comprehensive plan. Why or why not?*

The Board finds that the proposed use is consistent with the Comprehensive Plan. The Board notes that the Comprehensive Plan is supportive of the development of properties for residential purposes. Development of the applicant's lot will not impede other land uses and will not run counter to any stated planning goal.

3. *The property owner is proposing to use the property in a reasonable manner not permitted by the official control. Why or why not?*

The Board finds that the request for a dwelling is reasonable. The Board notes that the site is zoned resource management and that a dwelling is a permitted use in the zone. The Board also finds that strict enforcement of the lake setback standards would unreasonably restrict and deny the proposed reasonable use.

4. *The alleged practical difficulty is due to circumstances unique to the property and not created by the property owner. Why or why not?*

The Board finds that the applicant has demonstrated a practical difficulty due to circumstances unique to the property and not directly created or attributed to the property owner. The Board finds that the topography of the parcel creates a practical difficulty for the applicant in order to construct a dwelling on the property while observing applicable setbacks.

5. *The issuance of a variance will maintain the essential character of the locality. Why or Why not?*

The Board finds that the issuance of the variance will maintain the essential character of the locality. The Board finds that the proposed dwelling will not pose

environmental harm or aesthetic impact. The Board also notes that the ordinance has administrative provisions that allow for encroachment into lake and road setbacks in many cases. Further, it is noted that the proposed property line encroachment is adjacent to a property that is maintained as a drainage easement and not used for residential or recreational purposes.

6. *The alleged practical difficulty involves more than economic considerations. Why or why not?*

The Board of Adjustment finds that the alleged practical difficulty involves more than economic considerations. The Board notes that the unique topography of the property is involved in the consideration of the practical difficulty. The Board finds that the applicants find themselves in a situation that is not of their own creation, and that the situation involves practical as well as economic considerations.