

# WABASHA COUNTY BOARD OF ADJUSTMENT

## NOTICE OF MEETING

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The Wabasha County Board of Adjustment will hold a meeting on **October 10, 2017 at 7:00 p.m.** in the County Board Room located in the Courthouse Annex Building, 625 Jefferson Ave., Wabasha, MN. This meeting is open to the public.

### Agenda

1. Call to order.
2. Approval of the agenda.
3. Approval of the minutes from the September 12, 2017 meeting.
4. Public Hearing:
  - Application submitted by Jeff Schockaconger requesting an after-the-fact variance from Chapter 5.06(2) of the Wabasha County Zoning Ordinance to allow for a solar array to be located less than 10' from a property line. The subject property is described as parcel R05.00284.03 located in Section 27, Township 110 North, Range 10 West, Town of Greenfield.
5. Close public hearing and move to the findings.
6. Take action as necessary on application.
7. Public Hearing:
  - Application submitted by Dale Prestegard requesting a variance from Chapter 7.06(1) of the Wabasha County Zoning Ordinance to allow for the placement of two garages less than 30' from the right-of-way of a township road. The subject property is described as parcel R05.00750.00 and parcel R05.00751.00 located in Section 2, Township 110 North, Range 10 West, Town of Greenfield.
8. Close public hearing and move to the findings.
9. Take action as necessary on application.
10. Other business.
11. Adjourn

MINUTES OF THE SEPTEMBER 12, 2017  
WABASHA COUNTY BOARD OF ADJUSTMENT MEETING

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1. Chairman Bob Walkes called the meeting to order at 7:00 p.m. Other members present were Gayle Gillespie, Mike Wallerich, Jon Beckman and Ken Jacob.
2. Motion by Jacob/Wallerich to approve the agenda as presented. Motion carried.
3. Motion by Gillespie/Jacob to approve the minutes of the August 8, 2017 meeting. Motion carried.
4. Public hearing for the application submitted by Jeff and Gerri Boutelle requesting a variance from Chapter 394.36, Subd. 5 Minnesota Stats. to allow for a nonconforming parcel in a shoreland zone to be sold separately from adjacent nonconforming parcels under the same ownership. The subject property is described as parcel R10.00234.00 located in Section 8, Township 109 North, Range 9 West, Town of Minneiska.
5. Motion by Gillespie/Jacob to close the public hearing. Motion carried.
6. Motion by Beckman/Jacob to approve the Boutelle request as presented. Motion carried.
7. Motion by Gillespie/Jacob to open the public hearing for the application submitted by Jon Cravath requesting a variance from Chapter 7.06(1) of the Wabasha County Zoning Ordinance to allow for the placement of a garage 10' from the right-of-way of a township road. The subject property is described as parcel R05.00572.00 located in Section 1, Township 110 North, Range 10 West, Town of Greenfield. Motion carried.
8. Motion by Jacob/Gillespie to close the public hearing. Motion carried.
9. Motion by Beckman/Wallerich to approve the Cravath request as presented with three conditions. Motion carried. The three conditions are as follows:
  - A boundary survey of the respective parcel shall be completed before issuance of any land use/building permit to ensure the garage does not encroach any closer to the right-of-way line as approved.
  - The landowner shall abide by all representations and commitments presented in the application or presented to the Board of Adjustment.
  - The impervious surfaces for the parcel shall not exceed the 25% allowable limit.
10. Brief discussion about training with John Rice on October 3<sup>rd</sup>.
11. Motion by Wallerich/Gillespie to adjourn at 7:56 p.m. Motion carried.

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Chair

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Date



**Wabasha County Zoning Department**  
**625 Jefferson Avenue**  
**Wabasha, MN 55981**  
**Phone: 651-565-3062 Fax: 651-565-3159**

To: Wabasha County Board of Adjustment

From: Kevin Krause, Wabasha County Zoning Administrator

Re: Jeff Schockaconger variance request

Date: October 3, 2017

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On September 15, 2017 an application was submitted by Jeff Schockaconger of Aquilla Solar requesting an after-the-fact variance from Chapter 5.06(2) of the Wabasha County Zoning Ordinance to allow for a solar array to be located less than 10' from a property line. The subject property is owned by Lark Toys (Gb4 Holdings, LLC) and is described as parcel R05.00284.03 located in Section 27, Township 110 North, Range 10 West, Town of Greenfield. The property is Zoned A-2 (Agriculture/Urban Fringe District).

Aquilla Solar installed the ground solar array on the respective property without the issuance of a land use/building permit and Mr. Schockaconger has indicated that the solar array is less than 10' from the property line. Chapter 5.06(2) of the Wabasha County Zoning Ordinance requires all accessory structures in the A-2 district to be located at least 10' from a property line. An exact number has not been provided by Mr. Schockaconger in the application. I would recommend that the public hearing be continued and the Board of Adjustment forego any decision until such a time that an exact number be provided. If it requires the applicant to have a boundary survey completed for the line, then that is what should occur before a decision is rendered.

RECEIVED SEP 15 2017

pd # 400-

Rec # 6617

Parcel ID # R05.00284.03

# Wabasha County Application for Variance or Appeal

- An accurate and complete application for a variance or appeal shall be submitted along with a \$300 application fee to begin processing the application. **Incomplete applications will not be processed.**
- A plot plan shall be submitted with all applications.
- Applications must be received by the Zoning Department on or before the 15<sup>th</sup> day of the month in order to be considered by the Board of Adjustment at the meeting in the **proceeding** month.
- As per state statute, notice of the public hearing for your request will be sent to all landowners within 500 feet of the property upon which the variance is being sought.

Applicant's name:	<u>Aguilla Solar / Jeff Schockalinger</u>	Phone number:	<u>1251-560-4950</u>
Applicant's address:	<u>207 2ND St. W. Wabasha Mn 55981</u>		
Address of property:	<u>63604 170<sup>th</sup> Ave Kellogg Mn 55945</u>		
Legal description:	Sec. _____, T. _____, R. _____, Township of _____		

**The following questions shall be answered in order to consider your application.**

- List the appeal or variance(s) being requested: Variance is being requested for a ground solar array on the south fence line at Cart Toys. Unknown to me but I will take responsibility for it not being completed before project started. Sorry
- For a variance request, explain the unique circumstances or conditions that cause you to seek a variance as opposed to finding an alternative that would comply with the Zoning Ordinance. IT IS THE ONLY location that we could fit a solar ground array is the location is on the very south part of the property. It is as close to the fence line as we can get it but sense the fence line moves to the south a bit it becomes closer than 10' from property line.

3. Explain the general character of the surrounding properties and how your variance request(s) will not have an adverse effect on the character and quality of the area if granted. The property to the south of said location is farm land and will have no adverse effect on the area at all.

4. Indicate the local township official notified of your request(s) (see clerk list on back of application), the date the official was notified, and any applicable permits you may have received from the township. The permit was submitted in early August but need some more information, which we have given to Kevin Krause.

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for Wabasha County Zoning Department staff and Board of Adjustment members to enter onto the property on which the variance is being proposed by this application during daylight hours to collect information relative to my proposal. I further agree to withdraw this application if substantive false or incorrect information has been included. I also understand that the \$300 fee is nonrefundable once a public hearing has been conducted on my proposal.

Jeffrey J. Schwab  
SIGNATURE OF APPLICANT

9-8-17  
DATE

OFFICE USE ONLY

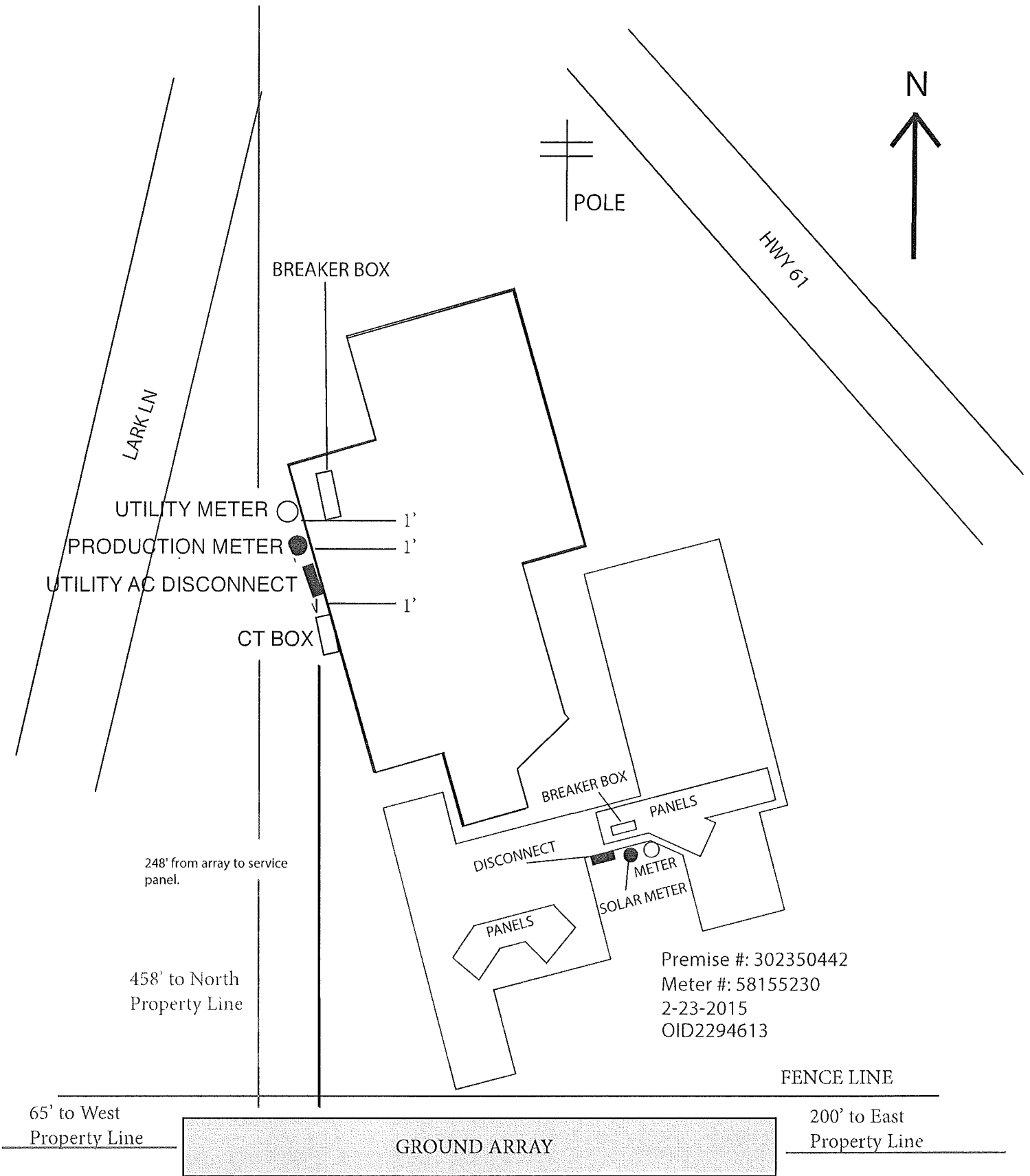
Zoning District:        A-1   A-2   A-3   R-1

Variance or appeal from section: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Date of public hearing: \_\_\_\_\_

Date recorded: \_\_\_\_\_



Premise #: 302350442  
 Meter #: 58155230  
 2-23-2015  
 OID2294613



**Aquilla Solar**

207 2nd St. W. • Wabasha, MN 55981  
 (844) 353-3841 • AquillaSolar.com

Customer Name: Lark Toys Business - Ron Gray  
 Installation Address: 63604 170th Kellogg, MN 55945  
 Premise #: 303740069  
 Meter #: 10450327  
 2-7-2015

OID2988445



**Wabasha County Zoning Department**  
**625 Jefferson Avenue**  
**Wabasha, MN 55981**  
**Phone: 651-565-3062 Fax: 651-565-3159**

To: Wabasha County Board of Adjustment

From: Kevin Krause, Wabasha County Zoning Administrator

Re: Prestegard variance request

Date: October 3, 2017

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On September 15, 2017 an application was submitted by Dale Prestegard requesting a variance from Chapter 7.06(1) of the Wabasha County Zoning Ordinance to allow for the placement of two garages less than 30' from the right-of-way of a township road. The subject property is described as parcel R05.00750.00 and parcel R05.00751.00 located in Section 2, Township 110 North, Range 10 West, Town of Greenfield.

Chapter 7.06(1) of the Wabasha County Zoning Ordinance requires all structures in the R-1 district to adhere to the provisions established in the *Ordinance Regulating The Setback Distance To Structures From The Right-Of-Ways Of Highways*. According to the ordinance, all structures must be located at least 30' from the right-of-way of a township road. The respective parcels abut a township road on the south side and abut County Road 76 on the north side. Mr. Prestegard is asking for a variance to allow for the construction of a new garage that is 20' from the right-of-way of the township road and to move an existing garage on the property to a different location that is 15' from the right-of-way of the township road.

If the Board of Adjustment determines the variance from Chapter 7.06(1) of the Wabasha County Zoning Ordinance satisfies the requirements of Chapter 394.27 Minn. Stats, I recommend the following conditions.

1. The landowner shall abide by all representations and commitments presented in the application or presented to the Board of Adjustment.
2. The impervious surfaces for the parcels shall not exceed the 25% allowable limit.



pd \$300  
rec #6618 9/15/17

Parcel ID # R05.00750.00

05.00751.00

# Wabasha County Application for Variance or Appeal

- An accurate and complete application for a variance or appeal shall be submitted along with a \$300 application fee to begin processing the application. **Incomplete applications will not be processed.**
- A plot plan shall be submitted with all applications.
- Applications must be received by the Zoning Department on or before the 15<sup>th</sup> day of the month in order to be considered by the Board of Adjustment at the meeting in the **proceeding** month.
- As per state statute, notice of the public hearing for your request will be sent to all landowners within 500 feet of the property upon which the variance is being sought.

dale.prestegard@gmail.com

Applicant's name: Dale Prestegard Phone number: 507-269-4934

Applicant's address: 4318 8<sup>th</sup> ST NW Rochester, MN 55901

Address of property: 68150 CR76 Wabasha, MN 55981

Legal description: Sec. 02, T. 110, R. 10, Township of Greenfield

## The following questions shall be answered in order to consider your application.

1. List the appeal or variance(s) being requested: RELOCATING EXISTING GARAGE  
Request a variance to the  
Township road setback requirement of 30' from the  
right of way. Request a variance of 15' to allow accessory  
structure to be located 15' from the Township road right  
of way line, would accept 20' from Twp Road R/W but structure would →
2. For a variance request, explain the unique circumstances or conditions that cause you to seek a variance as opposed to finding an alternative that would comply with the Zoning Ordinance.  
Property is bordered by CR 76 on the north and Wilcox  
Lane / 679<sup>th</sup> ST on the south. The property is 125' deep. The  
County road setback is 30' and the Township road setback  
is 30', leaving only the center 65' of the site buildable  
Approval of the variance would provide the following benefits:  
1. many of the mature trees on the site can remain  
2. shorter driveway to accessory structure (less impermeable area)  
3. Allow more of the "useable" part of the site to remain in tact

3. Explain the general character of the surrounding properties and how your variance request(s) will not have an adverse effect on the character and quality of the area if granted. The surrounding properties are all residential sites with attached or detached garages and many have additional accessory structures.  
2nd property west of here. has a garage less than 5' from Twp R/W.  
Abutting property to the east has a small structure less than 5' from twp R/W. Other properties in general area are similar

4. Indicate the local township official notified of your request(s) (see clerk list on back of application), the date the official was notified, and any applicable permits you may have received from the township. \_\_\_\_\_  
James O'Brien, Township Supervisor - Sept. 6, 2017  
-no Township permits to-date

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I give permission for Wabasha County Zoning Department staff and Board of Adjustment members to enter onto the property on which the variance is being proposed by this application during daylight hours to collect information relative to my proposal. I further agree to withdraw this application if substantive false or incorrect information has been included. I also understand that the \$300 fee is nonrefundable once a public hearing has been conducted on my proposal.

  
SIGNATURE OF APPLICANT

9/15/17  
DATE

OFFICE USE ONLY

Zoning District:      A-1   A-2   A-3   R-1

Variance or appeal from section: \_\_\_\_\_

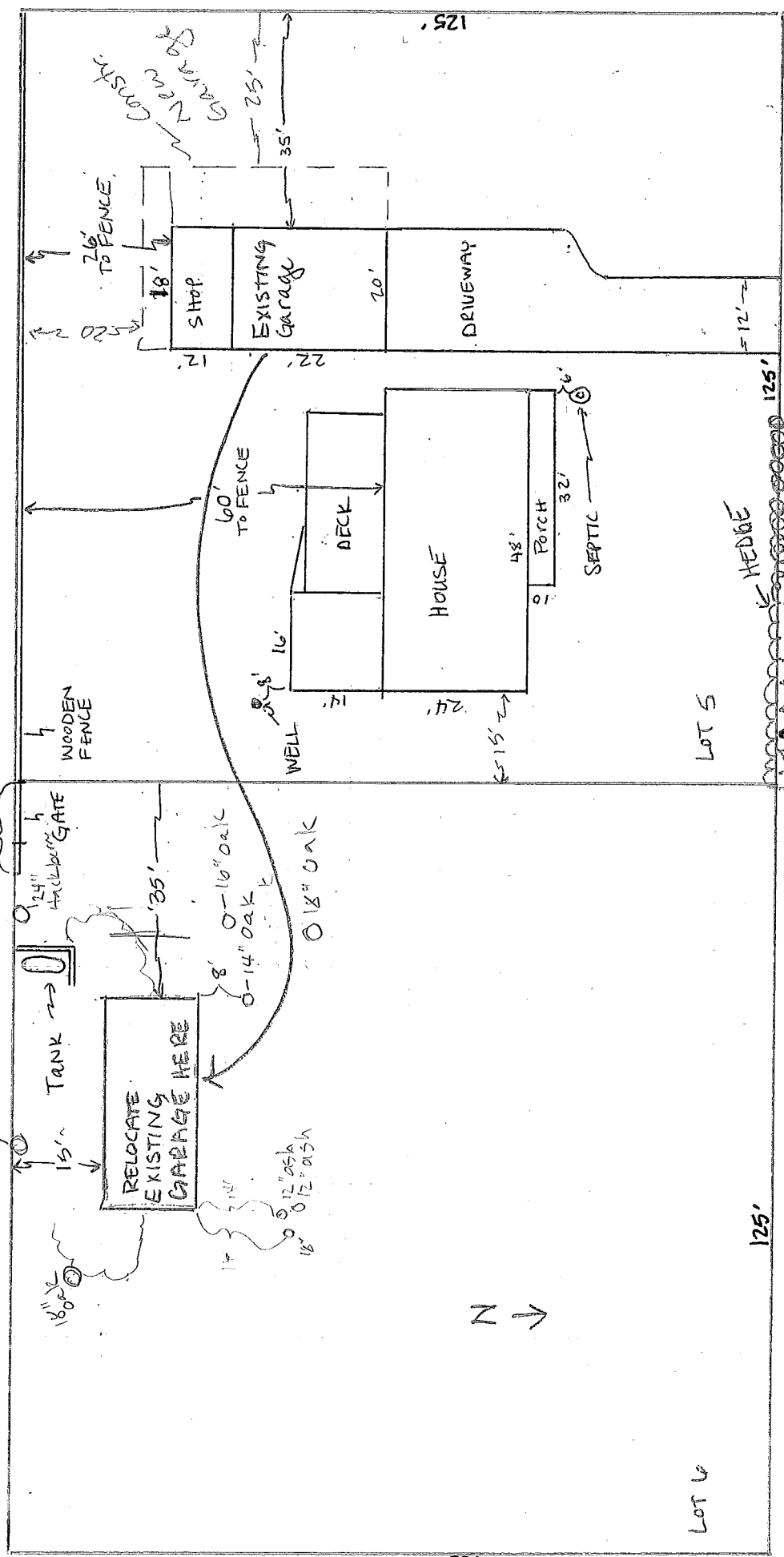
Date submitted: \_\_\_\_\_

Date of public hearing: \_\_\_\_\_

Date recorded: \_\_\_\_\_

LEGENDIA WIRELE  
 PROPERTY ADDRESS:  
 68150 COUNTY RD 76  
 WABASHA, MN

WILCOX LANE / TWP ROAD 679th ST.



N →

N →

CTY RD 76

125'

125'

LOT 6

LOT 5