

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT: Rusty Tiede
OWNER: Rusty & Nancy Tiede Revocable Trust
911 ADDRESS: 32787 221st Ave, Le Center, MN
VARIANCE REQUEST: To allow the applicant to construct a grain bin 48 feet from the road Right-Of-Way (ROW).
VARIANCE NUMBER: 2021057
PARCEL NUMBER: 03.027.7550

SITE INFORMATION

LOCATION: Part of the SW ¼, Section 27, Derrynane Township
ZONING & PURPOSE: Agriculture District

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes reference to agriculture land protection.

GOAL #1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.
Objective 1: The County will protect the best of its agricultural land as a resource for long term agricultural use.
Action 1: The County will continue using an Agricultural District with the ultimate aim being to preserve large contiguous agricultural land tracts for agricultural use.

GENERAL SITE DESCRIPTION: Farmland, existing feedlot

ACCESS: Existing off 221st Ave

BACKGROUND INFORMATION

Property is a 115.22-acre conforming lot in an Agriculture District. Site is an existing registered feedlot. Previous variances have been approved for two grain bins to be located closer to the road ROW.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

1. <u>Variance:</u>	<u>Request:</u>	<u>Required:</u>	<u>Ordinance:</u>	<u>Page:</u>
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a. Structure to road ROW: 65 feet 48 feet Section 8, Subdiv. 5. B. 3. 8-7

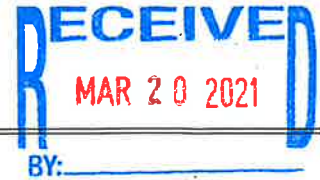
2. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
3. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
4. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
5. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.
6. Variance granted 7-16-2008 for a grain bin 55 feet from the road ROW.
7. Variance granted 5-21-15 for a grain bin 48 feet from the road ROW.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. **Additional Considerations:**
 - a. Conforming 115.22-acre parcel.
 - b. Existing registered feedlot.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction **and conditions** must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.



Variance Application

I. Applicant: Name Rusty Tiede, Mailing Address 34415 221st Ave, City Le Center, State MN, Zip 56057, Phone # 507-357-4329

II. Landowner: Name Rusty & Nancy Tiede Revocable Trust, Property Address 32787 221st Ave, City Le Center, State MN, Zip 56057, Phone # 507-357-4329

III. Parcel Information: Parcel Number 03 027 7550, Parcel Acreage 115.22, Township Derryhane -112, Section 27

Full Legal Description must be attached. (Full legal description can be found on deed, not abbreviated legal description from tax statement).

IV. Variance Request: List requested alternative to development standard(s). Construct Grain Bin 48' from right away. I currently grind all the feed for the pigs on this farm. We can currently stop in one location to put all ingredients. I need more corn storage to hold 1 years worth of corn on this site.

V. Description of Request: a. A full written description of the proposed variance request with detailed information must be attached.

VI. Township Notification: Township must be notified prior to application. (County Commissioners are not the Township Board.)

Derryhane Township notified on 3-19-2021 at 11:05 AM

Board Member Cindy Tiede regarding the proposed request.

- VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to: North point, Setbacks, Property lines, Road Right-Of-Way, Lot Dimensions, Lakes, Rivers, Wetlands, Streams, Ponds, Well, Septic System, Proposed Structures, Existing structures - Within and adjacent to project area, Location of trees to be removed - Shoreland Districts, Access, Easements, Impervious Surface

*Site shall be physically staked, then surveyed. *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled. *Stakes must remain in place until construction commences.

VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

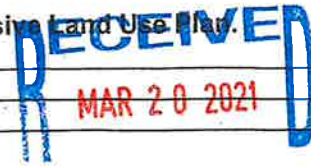
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

4. How will the request maintain the essential character of the locality?

5. Does the alleged practical difficulty involve more than economic considerations?

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

7. Describe how the request is consistent with the Comprehensive Land Use Plan.



8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

9. Explain why this request is the minimum variance amount to afford relief.

IX. Attachments shall include but not limited to:

- a. Site Plan-*survey*
- e. Floor plans and/or blue prints (*For structures*)
- b. Surveyor Certification
- N/A* f. Septic System Compliance Inspection
- N/A* c. Access approval
- N/A* g. Erosion control plan
- d. Full legal description
- h. Description of request

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	\$ 600
Filing Fee:	\$ 46
Variance for Clusters:	\$ 600 + \$200 per household
Filing Fee:	\$ 46

Additional Fees:

Special Meeting:	\$1,200
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.



Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

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MAR 20 2021

XIII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Rusty Trade
Applicant signature

3-19-2021
Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Rusty Trade
Landowner signature

3-19-2021
Date

OFFICE USE ONLY

Date received <u>3-20-21</u>	Present Zoning Classification <u>4</u>	Feedlot within <u>500'</u> <u>1000'</u> <u>N</u>	
Meeting date <u>4-22-21</u>	Lake Classification <u>/</u>	Erosion Control Plan Y <u>(N)</u>	
60 Day <u>5-21-21</u>	Lake <u>/</u>	Water courses Y <u>(N)</u>	
RFPE <u>/</u>	FEMA Panel # <u>2701AC0125D</u>	Bluff Y <u>(N)</u>	
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other _____	
<input checked="" type="checkbox"/> Surveyor Certificate	<input checked="" type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>/</u>	COC NONC/Waiver Design
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	<u>/</u>	
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ <u>7696-</u>	ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u><i>Michelle R. [Signature]</i></u> Planning & Zoning Department Signature	<u>3-22-21</u> Date	<u>2021057</u> Permit #

V. Description of Request

Since the last expansion of our feed-lot in 2014 we have been running a little short of corn storage to supply the feed needs from one harvest to the next. In 2018 and 2019 we were unable to start corn harvest until very late and needed to move 20,000 bu of corn from home to the hog farm. In most years we move 5,000 to 10,000 bu. We need to keep the Bins in a straight line to make unloading augers work out. And also for filing the Bins. Also it makes the farm site look more aesthetic. So I am requesting a variance to build this bin only 48' from the road pitaway. This is my 3rd request for this same variance. I was granted one in 2005 and 2008.



COPY

IV.

Construction of a proposed grain bin to include in my farm operation which consists of three (3) existing grain bins and barns forty-eighth (48) feet from Le Sueur County Road 121 which is at variance with the required set back of seventy-five (75) feet from Le Sueur Country Road 121 as required by Le Sueur County Ordinances, Section 8, Subdivision 5.B.2.

I currently grind all the feed for our pigs on this farm. We currently stop in one location to put all ingredients in the mixer. I need more corn storage to hold one year's worth of corn on this site.

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VIII. Practical Difficulty:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

The variance request is reasonable to the ordinance requirement. The setback variance is twenty-seven (27) feet. The proposed grain bin would adjoin to three (3) existing grain bins parallel to and forty-eight (48) feet from Le Sueur County Road 121. The purposed grain bin would be consistent with the existing farm site operation by constructing the proposed grain bin within the farm site operation.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

There are circumstances that prevent compliance with the Zoning Ordinance in order to expand the farm site operation with the proposed grain bin. It would allow for usage of the auxiliary farm equipment for grain storage thereby providing costs saving and an expansion of the farm site operation consistent with the existing grain bins and farms.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

The circumstances prompting the variance request were not created by someone other than the applicant/landowner. The existing grain bin, located to the south, is forty-eight (48) feet from Le Sueur County Road 121. It was constructed before the seventy-five (75) foot set back requirement from Le Sueur County Road 121. The existing grain bins, located north of and adjacent to the grain bin to the grain bin to the south, was constructed after the Board of Adjustment and Department gained a variance allowing a forty-eight (48) foot set back from Le Sueur County Road 121.

4. How will the request maintain the essential character of the locality?

A grant of variance will allow for a forty-eight (48) foot set back will not adversely affect the essential character of the locality. Applicant's property, as well as the surrounding property, is agricultural, some of which include farm operation sites similar to the Applicant's farm operation site.

5. Does the alleged practical difficulty involve more than economic considerations?

The practical difficulty primarily involves economic consideration to construct the proposed grain bin adjacent to the existing grain bins. However, allowing the

Le Sueur County
Variance Application
Tiede Grain & Livestock LLC

construction of the proposed grain bin next to the existing grain bins will minimize the transfer of the auxiliary equipment to another site, which, in turn, will raise safety concerns for the Applicant and other people on the site when grain is moved in and out of the grain bins.

6. Is the request consistent with and supported by the statement of purpose, policies, goals, and objectives in the Ordinance?

Yes

7. Describe how the request is consistent with the Comprehensive Land Use Plan.

The variance to allow a forty-eight (48) foot set back from Le Sueur County Road 121 will be consistent with the Applicant's farm site operation. It consolidates the grain bins into one (1) area of the farm site operations.

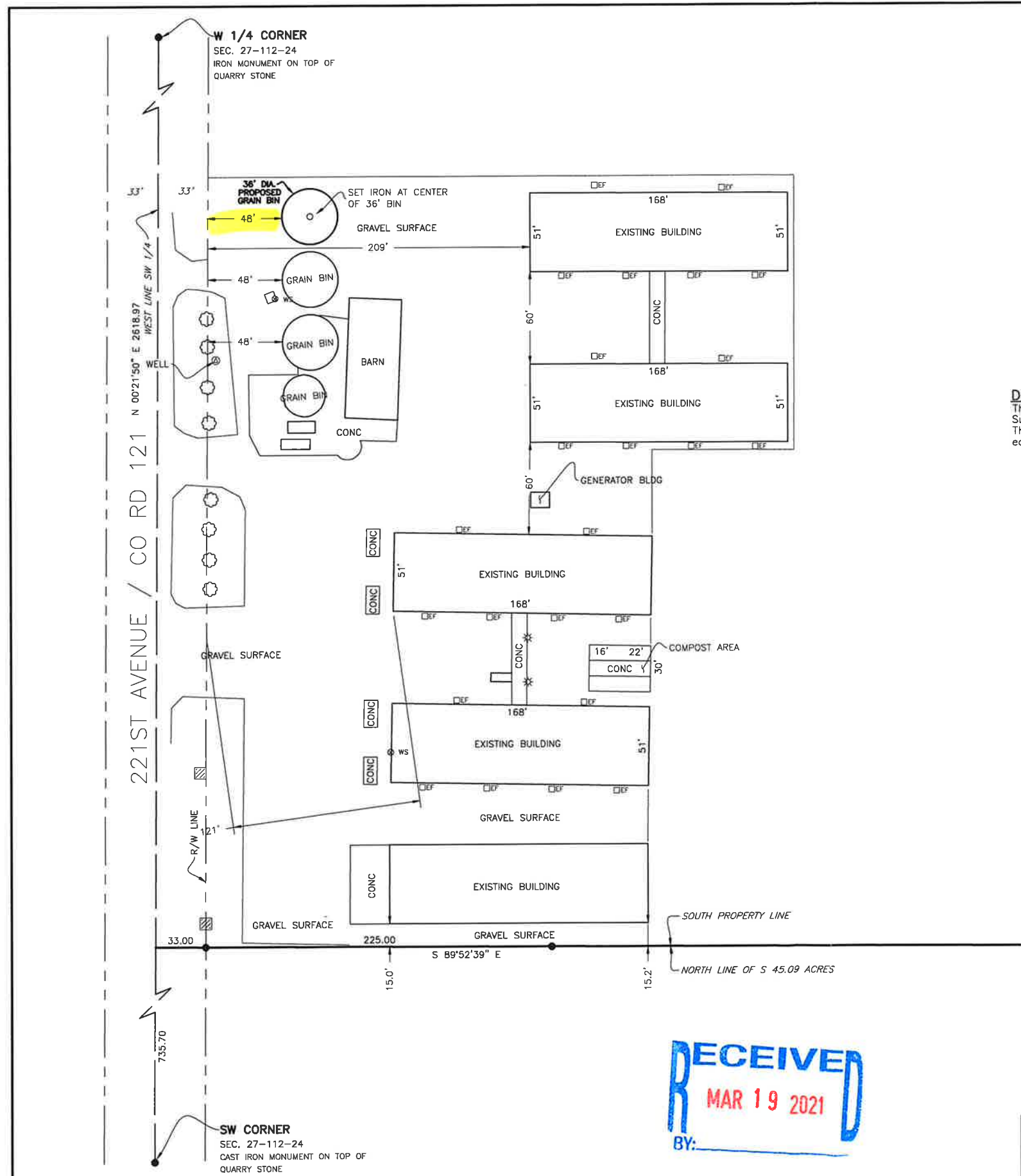
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

The Applicant's variance request will not have an impact on the property's septic system and water usage.

9. Explain why this request is the minimum variance amount to afford relief.

The Applicant's variance request is the minimum variance amount needed to consolidate the proposed grain bin with the three (3) existing grain bins which are forty-eight (48) feet from Le Sueur County Road 121.

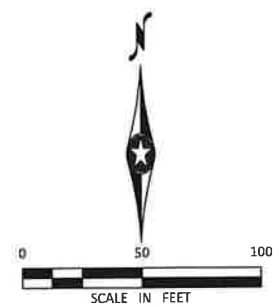




DESCRIPTION OF RECORD (DOCUMENT NO. 263287)
 The Southwest Quarter of Section 27, Township 112, Range 24, Le Sueur County, Minnesota, less the South 45.09 acres.
 This tract contains 115.22 acres and being subject to all easements of record.

LEGEND

- DECIDUOUS TREE
- EXHAUST VAN
- TILE INLET
- WATER SPIGOT
- LIGHT POLE



SURVEYOR'S CERTIFICATION
 I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

 Michael M. Eichers
 License Number 46564
 03/08/2021
 Date

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 BY: _____

<p>VARIANCE DRAWING LE SUEUR COUNTY, MINNESOTA</p> <p>BOLTON & MENK, INC. Consulting Engineers & Surveyors</p> <p>1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p>	<p>PART OF THE SW 1/4 OF SECTION 27, TOWNSHIP 112 NORTH, RANGE 24 WEST, DERRYNANE TOWNSHIP, LE SUEUR COUNTY, MINNESOTA</p> <p>FOR: RUSTY TIEDE</p>
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Surveyor Certification

- I. **Applicant:**
Name Rusty Tiede
- II. **Landowner:**
Name Rusty Tiede
Property Address 32787 221st Ave
City Le Center State MN Zip 56057
- III. **Parcel Information:**
Parcel Number 03.027.7550

IV. **Site Plan - Shall be a Certificate of Survey to include, but not limited to:**

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts*
- Access
- Easements
- Impervious Surface
 - Required for *Shoreland, Business, & Industrial Districts.*
 - Itemized current & proposed impervious surfaces to include total percentages.
 - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

***Site shall be physically staked, then surveyed.**

***Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.**

***Stakes must remain in place until construction commences.**

V. **Quantities and Submittal Formats:**

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Pre-application meeting is recommended prior to making application to ensure submittal completion. Appointment is necessary.
- e. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. Appointment is necessary.
- f. All required information must be correct and submitted at the time of application, or the application will not be accepted.



VI. **Signatures:**

The proposed improvements have been physically staked onsite then surveyed on 3/19/21, to reflect an accurate account of current and proposed conditions of the property identified above.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

[Signature]
Surveyor Signature

3/19/21
Date

46564
Lic #

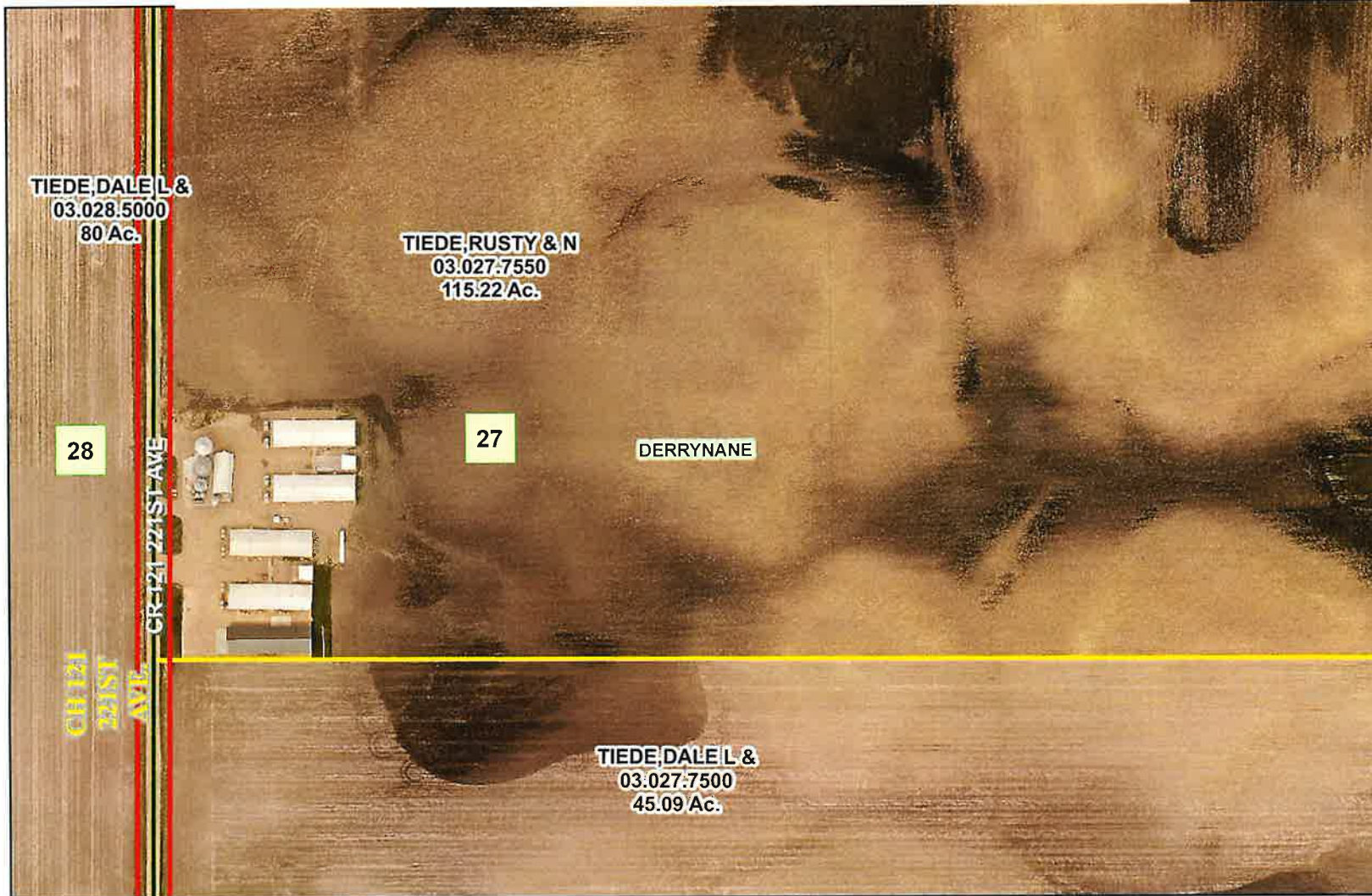
OFFICE USE ONLY

Date Received

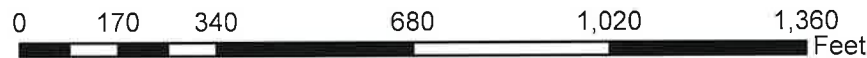
Planning & Zoning Department Signature

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Tiede
 PID: 03.027.7550
 DATE: 04-12-21
 FIRM #: 27079C0175D
 F-Zone: X-outside
 RFPE: na
 District: Agriculture



1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31



Map Disclaimer

Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation. However, a degree of error is inherent in all maps. These maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.

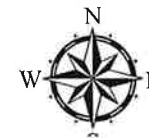
*The maps are date specific and are intended for use only at the published scale.

*These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2017

Created By: MRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICE
 507-357-8538