



**MINNEHAHA COUNTY
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

AUGUST 25, 2025

**MINUTES OF THE
MINNEHAHA COUNTY ZONING BOARD OF ADJUSTMENT
August 25, 2025**

A meeting of the Zoning Board of Adjustment was held on August 25, 2025, at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY ZONING BOARD OF ADJUSTMENT MEMBERS PRESENT: Bonnie Duffy, Becky Randall, Adam Mohrhauser, Ryan VanDerVliet, and Cindy Heiberger.

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, and Mason Steffen – County Planning
Maggie Gillespie – States Attorney

The meeting was chaired by Bonnie Duffy. The meeting was called to order by Chair Bonnie Duffy at 8:02 pm.

PUBLIC COMMENT.

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

ITEM 1. Approval of Minutes – July 22, 2024

A motion was made by Commissioner Mohrhauser and seconded by Commissioner VanDerVliet to **approve** the meeting minutes from July 22, 2024. The motion passed unanimously with 4 votes in favor and 0 votes against the motion.



ITEM 2. VARIANCE #25-01 to reduce the required front yard setback from 50 feet to 20 feet to allow a new detached accessory building on the property legally described as Tract 1 Bly's Addition SW¼ Section 21 T101N-R51W Wall Lake Township.

Petitioner: James Browder

Property Owner: Same

Location: 46202 West Shore Place

Staff Report: Kevin Hoekman

General Information:

Legal Description – Tract 1 Bly's Addition SW¼ Section 21 T101N-R51W Wall Lake Township

Present Zoning – R1/RR Residential & Rural Residential

Existing Land Use – Residential Acreage

Parcel Size – 1.13 acres

Staff Report: Kevin Hoekman

Staff Analysis:

The subject property is located at the intersection of West Shore Place and 452nd Avenue. It is the westmost property on West Shore Place, and the private road is accessed through an access easement on the south side of the property. The property owner plans to build a replacement accessory building behind the house. The proposed accessory building is planned to be located 20 feet from the front property line along 452nd Avenue. The required front yard setback for the RR-Residential zoning district is 50 feet from a section line road. This variance request is to allow the reduction of the front yard setback from 50 feet to 20 feet.

The petitioner submitted detailed narrative and site plans to support the requested variance. The proposed building will be 30 feet by 50 feet accessory building for storage. This is slightly larger than the previous building that was located in the rear yard. The narrative provides reasons why the proposed variance may meet the six criteria to consider when reviewing a variance request. The submitted site plans provide variations of where the proposed building could be placed on the property. The descriptions and reasons why two of the three options will not work are available within the narrative.

The subject property is uniquely zoned with both RR-Residential and R1-Residential zoning districts. Approximately the south three-quarters of the property is zoned RR-Residential and the remaining north quarter of the property is zoned R1-Residential. The split zoning of the property happened as a result of a re-plat of the property. The small traditional lots of Voigt's Addition are located south of the inlet for Wall Lake. These lots and West Shore Place have been zoned residential since the beginning of the County Zoning Ordinance. The south three-quarters of this subject parcel is zoned RR-Residential as part of this long-standing zoning designation. The north quarter of the property was part of a larger rezoning approved in 2006. When the property was replatted in 2014, the two residential zoning districts remained within the previous boundaries.



The split zoning of the property brings one possibility for construction of an accessory building on the property closer to the street. The setback for section line roads for the RR-Residential zoned portion of the property is 50 feet from the front property line. The setback for any front yard property line in the R1-Residential zoning district is 30 feet. An accessory building constructed entirely within the R1-Residential zoning district area of the property can be placed at the closer 30 feet setback line. Setting the accessory building further back on the property will bring the building deeper into the designated floodplain on the property. Further north on the property is also a greater slope to the ground level than it is closer to the residence. The petitioner's narrative describes the slope too.

The petitioner should be aware that a significant portion of the north part of the property is within the regulatory floodplain. All submitted site plans show all or a portion of the proposed building will be located within the floodplain. A floodplain development permit will be required for any construction within the floodplain regardless of the outcome of this variance application.

Planning staff conducted a site visit of the property on August 11th. It was confirmed that the existing accessory building has been removed. The petitioner explained that the removed accessory building was more similar to a house in structure than a storage building. It may have been a house at some point, but it has been used as storage for many years and even perhaps an art studio. At the site visit, staff also found a garden shed on the northwest portion of the property. The shed is placed within the required right-of-way, and no permit was issued for the placement of the shed. The petitioner stated that the shed was there when he moved in. A building permit is required for any structure larger than 120 square feet. It appears that the shed is larger than 120 square feet. Regardless of how long the shed was placed at the location, it will need to be permitted and moved to meet required setbacks. If this variance request is approved, the shed will need to meet the setback that is approved.

(a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The proposed accessory building is planned for the north side of the property behind the house. The lawn slopes down towards the Wall Lake inlet creek that generally forms the north boundary of the property. The entire area of the yard includes this gradual slope, and it does not appear one location of the yard is more challenging than the other for development on a slope.

(b) The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification or other property substantially similar in use.

The subject property is a residential lot with a single family dwelling. Many residential zoned lots exist around Wall Lake, and many more residential properties exist throughout the county too. The area around Wall Lake is different than most of the county, because many of the lots around the lake are exceptionally small. This subject property is just over an acre in size, and all existing buildings on the existing property meet the required setbacks.

(c) The granting of the variance will not be detrimental to the public welfare or injurious to



other property or improvements in the area in which the property is located.

The variance request will have some potential detrimental effect on the public. The 50 feet setback provides a buffer for potential right-of-way expansion. A typical county highway has a 100 feet wide right-of-way. If 452nd Avenue expands to 100 feet wide, then the proposed accessory building will only be three feet from the property line. If the accessory building is placed at the 30 feet setback as allowed in the R1-Residential zoning district, then the potential distance from the property line if the highway is expanded is thirteen feet.

(d) The proposed variance will not unreasonably impair: an adequate supply of light and air to adjacent property; increase the congestion in the public streets; increase the danger of fire; endanger the public safety; or diminish or impair property values within the area.

The proposed 1,500 square foot accessory would not likely impair light or increase congestion onto the public streets regardless of where it is located on the property. The accessory building will replace an existing accessory building on the parcel.

(e) That because of circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

The property has a couple options for development of an accessory building and meeting the setback requirements. First, the accessory building can be placed where the prior building was removed. The new building would not change the view much more than the previous building. Second, the building can be constructed in the portion of the property zoned R1-Residential. By placing it in the R1-Residential zoned portion of the property the accessory building can be placed at 30 feet from the right-of-way. If the accessory building is planned for location within the R1-Residential zoned area of the property, staff will require detailed site plans to ensure the location will meet requirements.

(f) That the variance, if authorized, will represent the minimum variance that will afford reasonable relief and will represent the least modification desirable of the zoning regulations.

Since there are alternatives for development of an accessory building on the property, planning staff does not find a variance is needed to provide relief for the setback requirements of the property.

Recommendation: Staff recommends **denial** of amended Variance #25-01 to reduce the front yard setback from fifty (50) feet to twenty (20) feet.

Public Testimony & Discussion

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Heiberger asked about the existing structures on the site and which ones meet the setbacks. Kevin explained that the building that did meet the setbacks has been removed, and that during his site visit he observed a different structure that does not meet the setbacks and did



not obtain a building permit.

Commissioner Duffy called for the petitioner to address their request, and the petitioner was not present at the meeting.

Debra Devries, of 46206 West Shore Place, was present and explained that she is the neighbor to the east of the subject property. Mrs. Devries stated that the accessory building that was recently removed from the property was full of mold because that location on the property floods during the spring. She finally commented that if the building was moved further south on the property then the building would have less of a chance of flooding.

Commissioner Heiberger stated that she had talked to the County Highway Department and township board prior to the meeting. Commissioner Heiberger commented that these departments explained to her that reducing the setback causes a direct impact on the roads, especially during snow removal.

Action

A motion was made by Commissioner Heiberger and seconded by Commissioner Randall to **deny** Variance #25-01. A roll call vote was taken and the motion passed unanimously with 5 votes in favor and 0 votes against the motion.

Variance #25-01 – Denied



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Old Business

None.

New Business

None.

Adjourn

A motion was made to **adjourn** by Commissioner VanDerVliet and seconded by Commissioner Randall. The motion passed unanimously. The meeting was adjourned at 8:19 p.m.