

1. Board Of Adjustment Regular Meeting

Documents:

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BENTON COUNTY

DEPARTMENT OF DEVELOPMENT

ENVIRONMENTAL SERVICES

LAND USE

SSTS

WETLANDS/SOLID WASTE GIS

Government Center
531 Dewey Street
PO Box 129
Foley, MN 56329

(320) 968-5065
(320) 968-5351 FAX

www.co.benton.mn.us

MEMORANDUM

TO: Benton County Board of Adjustment Members

DATE: February 9th, 2026

SUBJECT: Site Visit(s) for February 19th, 2026

Regarding the attached, Thursday, February 19th, 2026, Board of Adjustment Agenda, the following site visit(s) will be made that afternoon.

The applicant and property owners within 500 feet of the affected property have been notified of the following schedule:

1. 1:10 p.m. Jarnigo/Heinen, Vacant lot east of 4748 65th St NE, Sauk Rapids, 2 miles west of intersection of CR3 and CR4 (Popple Creek).

If anyone has a problem with this schedule or will be unable to make the site visit, please contact the office at 968-5065 so we do not wait for someone who is not able to make it. Thank you.

Board of Adjustment
On-site inspection
February 19th, 2026



Benton County is an Equal Opportunity Employer, Provider and Lender



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Board of Adjustment

February 19th, 2026

6:00 p.m.

**Commissioner's Room
Government Center, Foley**

AGENDA:

1. Call meeting to order followed by the Pledge of Allegiance.
2. Election of Officers.
3. Approve/Amend agenda.
4. Approve/Amend minutes from the November 20th, 2025, meeting.

PUBLIC HEARING:

5. File #26-018, Larry Jarnigo, applicant and Matt Heinen, landowner, requesting a variance to allow a dwelling on a lot with 1.87 acres dry buildable (2 acres dry buildable required) in the Agricultural District. Pursuant to Sections 7.2.6(A)(1)(2) and 11.5 of the Development Code. The affected property is described as follows: part of the NE1/4 NW1/4, Section 34, Mayhew Lake Township. The on-site inspection of this property will be made at approximately 1:10 p.m. February 19th, 2026.
6. Other business
7. Adjourn

*Next scheduled meeting March 19th, 2026
6:00 p.m.*



*Board of Adjustment – AGENDA
February 19th, 2026
6:00 p.m.*

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Board of Adjustment MINUTES November 20th, 2025

PRESENT: Dan Gottwalt, Steve Ertl, Kevin Renslow, Chad Erdmann, Roy Schneider

Staff: Roxanne Achman, Karen Loehrer

1. Dan called the meeting to order followed by the Pledge of Allegiance.
2. Chad moved to approve the agenda. Kevin seconded and the motion carried.
3. Kevin moved to approve the minutes from the August 21st, 2025 meeting. Steve seconded and the motion carried.
4. File #25-341, Katherine Valentine requesting a variance to the side yard setback of 15ft and the rear yard setback of 30ft to allow an existing structure to remain 0.9ft to the north property line, 9.3ft to the south property line and 15.9ft to the rear property line in the Rural Service District. Pursuant to Sections 7.7.6(B)(1)(b)(i), 7.7.6(B)(1)(b)(ii) and 11.5 of the Development Code. The affected property is described as follows: part of SE1/4 SW1/4, Section 25, Glendorado Township. The on-site inspection of this property was made at approximately 1:15 p.m.

Roxanne stated that the request is to allow a nonconforming structure, that has lost its status due to discontinued use for more than one year, to remain in order to occupy the structure with a use allowed within the Rural Service District. She gave a history of the property beginning with the structure being used as an insurance shop. She stated that there was no information on how the lot was created. No records on the use of the structure. A holding tank was installed in the front yard in 1994. It appears the structure has not been maintained since 2003. She showed an aerial of the property. There is a small area for parking. There is no direct access from the road. She stated that the area 5ft around the septic tank cannot be driven on. She showed a survey of the property and a street view of the property. There are electrical lines above the structure that would need to be addressed. She showed pictures of the property from the MLS site. She stated that the Assessor has given the building a salvage value. Should this



be allowed she showed a list of permitted uses in the Rural-Service District. Dan asked if the applicant spoke with the county before she bought the property. Roxanne stated that she had spoken with the applicant prior to purchase and was told of the issues.

Katherine Valentine, 705 190th Ave NE, stated she bought the property to open a non-profit retail store with a possible auto sales office. It would be a by appointment business with limited hours. Dan asked the applicant if she was aware of the variances needed before she bought the property. Katherine said that she did speak with Roxanne before purchasing the property. Dan asked the applicant if she had a cost to get the building operational. Katherine stated that she needed the variance first.

No one spoke in favor.

Jill Puffer, 683 190th Ave NE, stated that she and other property owners are opposed to this variance. She read a list of concerns that they have; 1. Setback, Zoning and Fire Safety Concerns, 2. Lack of Parking and unsafe overflow, 3. Trespassing and Neighboring property impacts, 4 Holding tank integrity and environmental risk, 5. Privacy, Noise, and Lighting concerns, 6. Lack of ADA Compliance and space for expansion, 7. Incompatibility with Rural Residential character. They asked the Board to deny with variance. Roxanne stated that she received an email from Dan and Cindy Lindgren and Brian and Lynn Martindale stating the same concerns. Jill stated that she has lived at her property since 1991. She stated that the building has not been maintained. The building has flooded. There are rodents in the building. She stated her concern with the structure being safe.

Bryan Anderson, 721 190th Ave NE, neighbor to the north, stated he tried to buy the property, but the price was too high. He felt it made sense to attach the property to his. He was in opposition

Chad asked about the pipe behind the building. Chris Puffer, 683 190th Ave NE, stated that the pipe was an old curbstop for the community water system. He stated that this property is not hooked up to the water system.

Roxanne stated that County Attorney, Michelle Meyer was online if the board had any questions.

Dan moved to close the public hearing. Roy seconded and the motion carried.

Kevin asked about condemning the building. Roxanne stated that the county has no active role in condemning property. The property would need to have an effect outside the boundaries of the property. Roxanne stated that the board needs to consider allowing this building to remain and making it a legal structure where it stands.

In reviewing Section 11.5 the vote was as follows:

- A) Chad stated that use of the building for a commercial business is not prohibited. The vote was unanimous that the proposed use is not prohibited in the zoning district in which the subject property is located.
- B) Kevin cited H under Section 2.1.1 To provide for the gradual elimination of those uses of land, buildings and structures, which do not conform to the standards of the district in which they are located. The use is not in harmony. The vote was unanimous that the variance is not in harmony with the general purposes and intent of the official controls. Criteria failed.
- C) Steve stated the variance is not in conflict with the 2040 Comprehensive Plan. The site is planned Rural Service Center, and the use of the structure for a business is not in conflict with the Comprehensive Plan. The vote was unanimous that the variance is consistent with the Comprehensive Plan.
- D) 1. Dan stated that the applicant is proposing to use the building for commercial purposes. There are a lot of unknowns with this building. Allowance of a variance would create inconveniences in the area. There is a lack of parking and parking on the county road is not appropriate. The vote was 1-in favor and 4-in opposition that Property Owner proposes to use the property in a reasonable manner not permitted by an official control. Criteria failed.
2. Chad stated that circumstances were created by past landowners. Dan stated that the buyer was told by staff of the issues on this property. The vote was unanimous that the plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. Roy stated that this area has become residential and no longer a business area. Allowing this structure to remain and used commercially would alter the character of the neighborhood. The vote was unanimous that the variance will alter the essential character of the locality. Criteria failed.
4. Chad stated that the lot is unusable without a variance. Roy stated renovation of the structure would drive the cost outside of practical. The vote was unanimous that the need for the variance involves more that economic considerations.

Roxanne read the findings and decision.

- A) The proposed use is not prohibited in the zoning district in which the subject property is located.

The use of the building for a commercial business is not prohibited.

Motion carried in favor 5-0.

- B) The variance must be in harmony with the general purposes and intent of the official controls. In accordance with:

It is not in harmony with the following items in Section 2.1.1:

(H) To provide for the gradual elimination of those uses of land, buildings and structures, which do not conform to the standards of the district in which they are located.

Criteria failed due to failure to meet item H in Section 2.1.1. Motion failed 0-5.

- C) The variance must be consistent with the comprehensive plan.

It is not in conflict with the 2040 Comprehensive Plan. The site is planned Rural Service Center, and the use of the structure for a business is not in conflict with the Comprehensive Plan.

Motion carried 5-0.

- D) The variance may be granted if there are Practical difficulties in complying with the official control:

- 1) Property Owner proposes to use the property in a reasonable manner not permitted by an official control.

The applicant is proposing to use the building for commercial purposes. There are a lot of unknowns with this building. Allowance of a variance would create inconveniences in the area. There is a lack of parking and parking on the county road is not appropriate.

Motion failed 1-4.

- 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The parcel and building were in place long before the current owner.

Motion carried 5-0.

- 3) The variance, if granted, will not alter the essential character of the locality.

This area of Glendorado Township used to be a business hub several decades ago. It is no longer a business area, but a residential neighborhood. Allowing for this structure to remain and to be used for commercial purposes would alter the character of the neighborhood.

Motion failed 0-5.

- 4) The need for the variance involves more than economic considerations.

There are variances needed to use this property.

Motion carried 5-0.

Dan moved to accept the findings and decision and deny Variance #25-341. Roy seconded and the motion carried. The applicant was given a copy of the findings, conditions and decision.

Roxanne stated that with the denial the building cannot remain on the property and must be removed.

5. Chad moved to adjourn at 7:07 p.m. Kevin seconded, and the motion carried.

Respectfully submitted,

A handwritten signature in blue ink, reading "Karen E. Loehrer".

Karen E. Loehrer
Administrative Assistant



BENTON COUNTY PLANNING & ZONING DEPARTMENT

531 Dewey St, P. O. Box 129, Foley, MN 56329

Phone: (320) 968-5065

Agenda Item #

5

APPLICATION FILED: January 20, 2026

BOARD OF ADJUSTMENT: February 19, 2026

STAFF REPORT SUMMARY

FILE NO. 26-018

APPLICANT/OWNER:	Larry Jarnigo / Matt Heinen (Richard Heinen)
ZONING:	Agricultural District
PARCEL:	07.00427.02
ACREAGE:	13.6 acres
DEVELOPMENT CODE PROVISIONS:	Sect. 7.6.6(A)(1)(2) Dry Buildable Land Sect. 11.5 (Variance)
PLAN MAP:	Agricultural
PROPOSAL:	To allow for construction of a dwelling on an existing parcel with 1.87 acres contiguous dry buildable land where 2 acres contiguous dry buildable land is required.

It should be noted that the content of this report reflects the analysis of staff; it does not reflect the position of the Board of Adjustment.

For information, contact the Planning & Zoning Department, Government Center, 531 Dewey Street, PO Box 129, Foley, MN 56329-0129, (320) 968-5065.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (320) 968-5065.

DESCRIPTION OF THE APPLICATION

The applicant, Larry Jarnigo, is requesting to construct a dwelling on a 13.6-acre parcel with 1.87 acres of contiguous dry buildable land where 2 acres of contiguous dry buildable land is required.

Copies of the proposed conditions for approval and application are contained in Appendices 1 and 2 respectively.

SITE INFORMATION

Location: TBD 65th St NE, Sauk Rapids, MN 56379

Legal Description: part of the NE1/4 NW1/4, Section 34, Mayhew Lake Township

Septic System Status: The site is currently vacant. A septic location has been identified for an alternative septic system due to the lack of required soil separation.

BACKGROUND

The parcel was created in 2002 when the property owner split the parcel into two similar sized parcels. The subject parcel being 13.6 acres.

Soil borings conducted in 2001 revealed there wasn't sufficient soil separation for a Type I septic system. A Type 1 system requires a minimum of 12 inches of original soil above mottled soil. Mottled soils contain hydric features. Later in 2001, a variance was granted to allow for an alternative septic system. It wasn't until 2016 that the County began allowing alternative septic systems for parcels that were unable to find 12 inches of separation. A dwelling was never constructed.

In 2018, a wetland delineation was completed in order to determine the amount of dry buildable land on the parcel. It was determined that there is 81,547sf (1.87 acres) of dry buildable land on the parcel. The property owner was notified they (or a future buyer) would need to seek a variance to the amount of dry buildable land if there was a desire to build on the parcel.

The property changed hands several times throughout the processes list above.

DESCRIPTION OF THE VARIANCE REQUEST

The applicant is requesting to be permitted to construct a dwelling on this parcel with 1.87 acres of contiguous dry buildable land where 2 acres of contiguous dry buildable land is required. The total lot size is 13.6 acres. It has approximately 482ft of lot frontage and an existing driveway on to 65th St NE (County Road 4).

There appears to be sufficient space on the parcel to meet the required setbacks from the property lines and right-of-way. Past soil borings indicate that an alternative septic system will need to be installed due to the lack of 12 inches of separation to the periodically saturated soils.

ANALYSIS

In order for the Board of Adjustment to grant a variance the application must meet the

following requirements.

- A) The proposed use is not prohibited in the zoning district in which the subject property is located.

Single family dwellings are permitted use in the Agricultural District.

- B) The variance must be in harmony with the general purposes and intent of the official controls. In accordance with:

In accordance with the following items in Section 2.1.1:

(A) To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

(B) To divide the unincorporated areas of the county into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and the use of structures and land.

(C) To promote the orderly development of residential, business, industrial, recreational and public areas.

(D) To provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structure.

(E) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

(F) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

(G) To limit congestion in the public right-of-way by providing for the off-street parking and loading of motor vehicles.

(H) To provide for the gradual elimination of those uses of land, buildings and structures, which do not conform to the standards of the district in which they are located.

(I) To preserve a maximum amount of the prime agricultural land for the assurance of adequate, healthful and nutritious food for future residents of the state and nation.

(J) To discourage the premature and unnecessary conversion of prime agricultural land to urban uses.

(K) To discourage noncontiguous urban development patterns which unnecessarily increase the costs of community services.

(L) To further the appropriate use of land, and conserve and protect the natural resources of the county for present and future generations.

(M) To avoid the creation of substandard lots whereby uniform setback requirements cannot be complied with.

C) The variance must be consistent with the comprehensive plan.

In accordance with the 2040 Comprehensive Plan the site is planned Agricultural. The site is zoned Ag. This district allows for low density non-farm residence.

Land Use

Goal #1: Rural Land Use

Policy #1: Rural Land Use: Plan land use and provide roads and other public services to sustain most of the County as a low-density, rural and generally agricultural environment.

Policy #2: Rural Non-Farm Housing: Allow additional rural non-farm housing so owners can extract some equity from their property while sustaining agricultural operations on their land and their neighbors'. Seek creative solutions to the tension between preservation and development by using techniques such as clustering and transfer or sale of development rights.

D) The variance may be granted if there are Practical difficulties in complying with the official control:

1) Property Owner proposes to use the property in a reasonable manner not permitted by an official control.

The applicant is proposing to construct a single family dwelling on this lot, which is a permitted use in the Ag District.

2) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The parcel was created prior to a wetland delineation and prior to the current owner purchasing the lot. It was unknown at the time of the split that the amount of contiguous dry buildable land on the parcel was less than the required 2 acres.

3) The variance, if granted, will not alter the essential character of the locality.

There are five other single family homes constructed in close proximity to this parcel. It will not alter the character of the locality.

4) The need for the variance involves more than economic considerations.

The variance would allow housing on parcel with limited permitted uses due to the saturated soils.

CONCLUSION

If the Board of Adjustment determines that the application meets this requirement it is staff's suggestion that the determination be subject to the proposed development conditions listed in Appendix 1.

It should be noted that the content of this report reflects the analysis of staff; it does not reflect the position of the Board of Adjustment.



APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

File #26-018

February 19, 2026

1. This variance is approved for the location shown on the plans submitted with this application and is not transferable to other land.
2. Pursuant to Section 11.5.2 of the Development Code, this variance shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the people hours which it is reasonably estimated will be necessary for completion of the project. The Board of Adjustment may grant an extension of six months to complete the project if a written request for additional time is filed with the Board of Adjustment prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
3. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
4. A Land Use and Building Permit shall be obtained prior to any construction, including the installation of a septic system.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Adjustment unless and until adopted by the Board of Adjustment.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required permits through established procedures, and this Variance shall not be valid until this has been accomplished.



BENTON COUNTY PLANNING & ZONING DEPARTMENT
531 DEWEY STREET, PO BOX 129
FOLEY, MN 56329-0129
PHONE: (320) 968-5065 FAX: (320) 968-5351

VARIANCE APPLICATION

Application Fee: \$600 (\$1154 if it is an after the fact application) File No. 26-018

As set forth in Section 11.5 of the Benton County Development Code.

Property Owner	<u>Matt Heinen- Inherited from Richard Heinen</u>	Phone	<u>[REDACTED]</u>
Applicant	<u>Larry Jarnigo- Buyer</u>		
Mailing Address	<u>507 Allibar Pl Brentwood TN 37027</u>		
Property Address	<u>65th Street NE Sauk Rapids MN 56379</u>		
Parcel I.D. Number	<u>07.00427.02</u>		
Township	<u>Mayhew Lake</u>	Section	<u>34</u>
		Range	<u>037-030</u>
Legal Description	<u>SECT-34 TWP-037 RANGE-030 13.60 AC PART OF NE1/4 NW1/4 COMM AT</u>		
	<u>NW COR OF</u>		
	<u>SEC 34 TH E 1479.66 FT TO POB TH E 482.81 FT TH S 1274.4 FT TH WLY</u>		
	<u>457.76 FT TH N</u>		
	<u>1244.60 FT TO POB W/HWY EASMNT</u>		

Benton County strongly recommends that you discuss your proposal with the adjacent property owners before a formal application is made. Any conflicts you can resolve ahead of time will make it easier and faster for the County to process your application.

Applicants must attach a **Statement of Justification** describing the grounds for the variance request and why the variance is necessary to alleviate practical difficulties or particular hardship in the way of carrying out the strict letter of the ordinance. The application will be considered incomplete and returned if the statement of justification is not provided.

I hereby swear and affirm that the information supplied to the Benton County Planning & Zoning Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant, in applying for this variance, is inaccurate or untrue.

Signature: Larry Jarnigo Dated: 1/16/26
Property Owner

Matt Heinen

STAFF USE ONLY

Application Fee Received and Reviewed for accuracy by _____
Date _____ Receipt No. _____ Acres 13.60 Zoning A01
Request for variance from 7.2.6(A)(1)(2) To allow 1.87 dry buildable
when 2 acres is required.
Section: 34 Township: 37 Range: 30
Meeting Date: 2/19/2026 (Date shall not be scheduled until staff confirms receipt of all materials)

Variance Statement of Justification

Board of Adjustment Members:

I hope this message finds you well. I am under contract to purchase the property located on 65th Street NE , Sauk Rapids, MN 56379 Parcel ID: **07.00427.02** in Benton County. A wetlands delineation study has determined that approximately 1.87 acres of the parcel consist of buildable soil. I understand that the county's minimum buildable area requirement is 2 acres.

Given the unique characteristics of this property, I am respectfully requesting consideration for a variance from the 2-acre minimum requirement with the difference of 0.13 Acres. I believe that the proposed use of the land having one home on the 13.6 acres will comply with all other applicable regulations and will have minimal impact on the surrounding area that is also primarily single family residential.

Thank you very much for your time and consideration. I look forward to your guidance.

Sincerely,

Larry Jarnigo

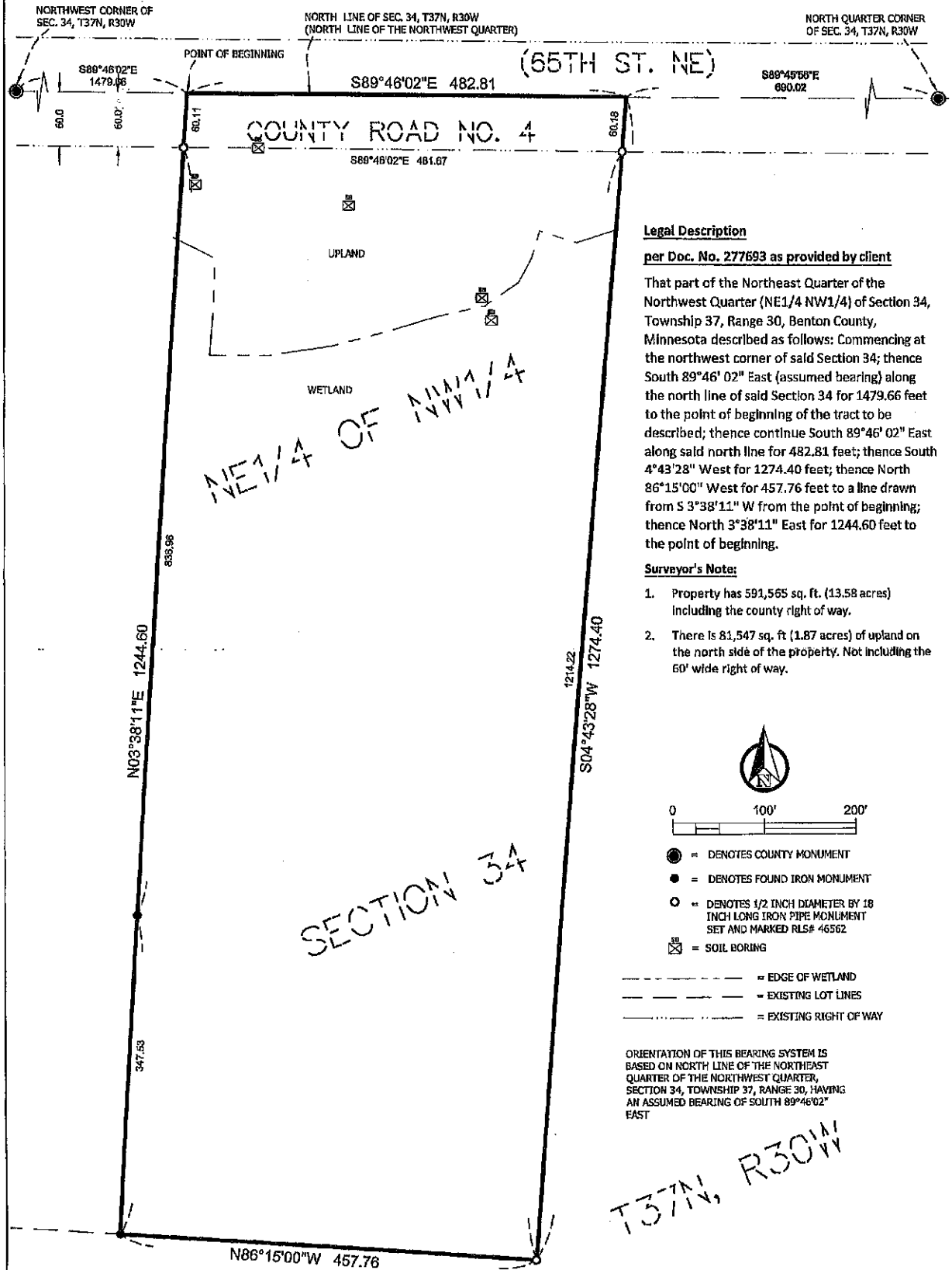
[REDACTED]

[REDACTED]

07.00427.07

CERTIFICATE OF SURVEY

SECTION 34, T37N, R30W



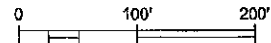
Legal Description

per Doc. No. 277693 as provided by client

That part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 34, Township 37, Range 30, Benton County, Minnesota described as follows: Commencing at the northwest corner of said Section 34; thence South 89°46' 02" East (assumed bearing) along the north line of said Section 34 for 1479.66 feet to the point of beginning of the tract to be described; thence continue South 89°46' 02" East along said north line for 482.81 feet; thence South 4°43'28" West for 1274.40 feet; thence North 86°15'00" West for 457.76 feet to a line drawn from S 3°38'11" W from the point of beginning; thence North 3°38'11" East for 1244.60 feet to the point of beginning.

Surveyor's Note:

1. Property has 591,565 sq. ft. (13.58 acres) including the county right of way.
2. There is 81,547 sq. ft. (1.87 acres) of upland on the north side of the property. Not including the 60' wide right of way.



- = DENOTES COUNTY MONUMENT
- = DENOTES FOUND IRON MONUMENT
- = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS# 46562
- ⊗ = SOIL BORING

- = EDGE OF WETLAND
- = EXISTING LOT LINES
- = EXISTING RIGHT OF WAY

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 34, TOWNSHIP 37, RANGE 30, HAVING AN ASSUMED BEARING OF SOUTH 89°46'02" EAST

T37N, R30W

NO.	DATE	DESCRIPTION	DATE	11/27/2018
			SCALE	AS SHOWN
		DRAWN BY:	DJR	
		CHECKED BY:	JCR	
		PROJECT NO.	0018111	

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.

PREPARED FOR:

Gary & Eileen Steffes

DESIGN TREE
engineering + land surveying
3100 1st Avenue S. #100
St. Cloud, MN 56301

C. W. LUNSER COMPANY INC.

Perc testing & Septic Designs~Soil Borings & Septic Evaluations
Minnesota Pollution Control Agency Licensed and Bonded

South Village
2233 Roosevelt Rd. Suite #10
St. Cloud, MN 56301

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Fax: (320) 251-2851
Res: (320) 255-5300

