

MEEKER COUNTY BOARD OF ADJUSTMENT MEETING

January 11, 2022

Audio Available

The Meeker County Board of Adjustment **met at the courthouse on Tuesday, January 11, 2022 at 5:00pm** to consider the following variance applications and other business before the Board. Members present were Kim Hempel, Al Anderson, Galen Nyman and Zoning Administrator Greg Schultz.

5:00pm

Schultz calls the meeting to order.

The Board states their name for voice recognition.

Schultz states that the Board needs to vote for 2022 Chairman and Vice Chairman.

Anderson nominates Kim Hempel as 2022 Board of Adjustment Chairman.

Nyman seconds the motion.

Motion carried 3-0.

Nyman nominates Al Anderson as 2022 Vice Chairman.

Hempel seconds the motion.

Motion carried 3-0.

Hempel asks the Board if they have any corrections or additions to the December 21, 2021 meeting minutes. None are noted.

Anderson makes a motion to approve the meeting minutes.

Hempel seconds the motion.

Motion carried 3-0.

5:01pm

Hempel opens the public hearing for Jeffrey & Amy Blake, 67815 233rd St, Dassel, MN 55325. Lot Three (3), Dahlgren's Trail's End, more fully described in the application, Lake Washington, Darwin Township. An application for an Area Variance to exceed the maximum allowed 25% of impervious coverage in the R-1 Suburban Residential District and within the Shoreland District.

Jeffrey & Amy Blake and Jerry Konz are present for this hearing.

Schultz: This property is approximately 11,400 square foot .26-acre R-1 Suburban Residential, riparian lot 3 of Dahlgren's Trail's End formed September 1961. Located in Section 25, Township 119, Range 30 of Darwin Township. Lake Washington is a General Development Lake. Dahlgren's Trail End lot was formed before the shore land ordinance of 1972 and the lot is small in depth, width and area.

Currently on this property is a house built in 1995 and a garage built in 1997. Driveway, patio, steps and other impervious were installed previous to the buyers purchase in 2008. Septic system was made compliant in December 2021. Total impervious existing on the site is 4702 square feet or 41.2% which will increase by approximately 30 square feet with the expansion of the water orientated structure from 10'x12' to 10'x15' up to approximately 41.5% after the project completion. Reasons for the project are to move the existing water structure to be located 10' from side lot line and to OHWL, rework the rip rap, replace the steps and increase erosion control on the shoreline bank with landscaping that will require a CUP.

The property owners are also requesting a variance to be able to maintain being over on impervious for the parcel. Current impervious is 4702 square feet or 41.2%. After construction it will increase by 30 square feet to 4732 square feet requiring a variance of impervious above 25%. Impervious will be increased to 41.5% after the project completion. Maximum impervious for a R-1 zoned property is 25% from Meeker Ordinance (Sec. 13.03.A.2.a - Accessory uses).

Schultz reads a letter from the DNR:

Dear Mr. Schultz:

RE: Blake Variance Applications – Lake Washington, Board of Adjustment Meeting

Thank you for the opportunity to comment on the above-referenced variance request. Please forward this comment letter to the Board of Adjustment for consideration at the upcoming public hearing.

This application requests variance from impervious surface coverage requirements for expansion of an existing boat house and landscaping. The application requests variance from impervious surface limitation provisions of the Meeker County Shoreland Ordinance.

The issue at hand with regard to this application is whether the variance request is reasonable given the current size and development of this lot. Specifically, I must ask if the property is to be used in harmony with the general intent and purpose of the ordinance, which is to maintain and protect the natural character of the resource, and if there are unique circumstances to the property not created by the landowner that would constitute “practical difficulties” as denoted in MN Statutes §394.27. Was the previous structure in compliance with the standards of the ordinance, or was the lot non-conforming prior to this application? Typically, when a structure reconstruction or improvement is planned that will require variance from ordinance standards such as this, the proposed development is not appropriate for the current size of the lot. Overdevelopment of lakeshore property can drastically alter the runoff properties, resulting in erosion from excess stormwater. While it is understood that this project involved reconstruction of an existing structure and not new construction, are there unique circumstances to the property that should be considered for the structure as proposed to proceed?

As a general response to variance requests, the applicant must demonstrate a unique circumstance that would allow for the creation of a non-conforming condition. One goal of shoreland zoning is to decrease nonconformity over time. If this application were to be approved, it would allow for greater impervious surface coverage than would be appropriate for the shoreland district for a General Development lake like Lake Washington. For these reasons, DNR asks that the Board of Adjustment consider this decision in regards to precedence, and how similar applications will have to be considered in light of this decision, should they be received in the future. Please note that consideration must be given to the impacts on the public water and the riparian area and appropriate conditions to mitigate them. Conditions must be directly related and roughly proportional to the impacts created by the variance request.

In this case, DNR recommends that the application(s) be revised to allow for construction that more closely conforms to ordinance standards, and average approved development standards for this area of the lake, or other considerations be made regarding stormwater discharge and treatment from this site appropriate to mitigate impacts to receiving waters. If this is not possible, the DNR recommends denial of this application.

*Sincerely,
DNR Division of Ecological and Water Resources
Ethan Jenzen
Area Hydrologist*

Mr. Blake states that ultimately the existing impervious coverage was already there when he purchased the property in 2008. His goal is to improve the current boathouse, the hill side and lakeshore. He wants to create a native hillside to retain the soil, and matting to reduce carbon, sediment and soil that is currently going into the lake.

Mrs. Blake says that the plants are native friendly that will attract bees and other pollinators.

Mr. Blake also states that he is willing make efforts to reduce the impervious coverage, such as pervious pavers on the back patio and the back side of the boathouse. He can also do something with the front deck. He continues to talk about his thoughts for improvement.

Hempel states that she appreciates his willing to bring down the impervious coverage and likes the seed mix they intend to use.

The Board looks at the maps and discusses the areas and square footage to create pervious coverage.

Schultz says that in our ordinance, a roof may not be used as a deck on a water-orientated structure—Section 19A.04.B.2. The current structure can be maintained, but if a new structure is built, it must meet current ordinance standards. This is discussed by the Board and applicant.

Anderson makes a motion to close the public hearing.

Nyman seconds the motion.

Motion carried 3-0.

Anderson says the he approves of the decision to decrease the impervious coverage.

Nyman thinks the hillside plans are good.

Nyman makes a motion to approve a variance to allow 4202 square feet/36.8% of impervious coverage.

Hempel seconds the motion.

Motion carried 3-0.

5:46pm

Hempel opens the public hearing for Bret Wakefield (applicant), 17121 MN Hwy 15 S, Dassel, MN 55325 and Joshua Wakefield (owner), 116 Morse St N, Norwood-Young America, MN 55368. Property located at 17121 MN Hwy 15 S, Dassel, MN 55325. That part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼), more fully described in the application. Section Thirty (30), Township One Hundred Eighteen (118), Range Twenty Nine (29), Collinwood Township. An application for an after-the-fact variance to construct a “drying” shed in variance to the required 200’ setback to MN State Highway 15 in the A-1 Agricultural Preservation District.

Bret Wakefield is present for this hearing.

Schultz: This is an approximate 39.8-acre A-1 Agricultural Preservation District zoned property located in the SE ¼ of SW ¼ of Section 30, Township 118, Range 29 of Collinwood Township.

The applicant and owner are requesting an area variance of 95 feet to the center of Minnesota Highway 15 to be allowed a 24’x30’ post framed shed for lumber drying. The first reason for the location is due to the accessibility of water for washing dirt off of logs. The second reason is that bark slabs are sorted for fire wood to be used in an outdoor boiler which is 40-50 feet west of the drying shed. The third reason is accessibility of power. The last reason is that putting the drying shed on another part of the property would create added labor and material handling. Currently there is a steep grade and trees between the drying shed and highway.

Currently the setback to the centerline of Highway 15 is 200 feet due to possible highway expansion -- Meeker Ordinance Article 11 Section 11.06.B.a.

Hempel states that this property has unique circumstances—septic, utilities, change in grade.

Anderson says that if Wakefield agrees to move the shed if the highway does expand, he is okay with this variance.

Anderson makes a motion to approve with the condition of shed removal should the highway expand.

Hempel seconds the motion.

Motion carried.

5:51pm

Anderson makes a motion to adjourn.

Nyman seconds the motion.

Motion carried 3-0.