

**MEEKER COUNTY BOARD OF ADJUSTMENT MEETING**

**March 5, 2019**

*Audio Available Upon Request*

The Meeker County Board of Adjustment met at the Courthouse on **Tuesday, March 5, 2019 at 5:00pm** to consider the following variance applications and other business before the Board. Members present were Mike Brooks, Kim Hempel, Al Anderson and Zoning Administrator Kristin Cote.

Hempel calls the meeting to order at 5:01pm. There is a quorum.

The Board states their names for voice recognition.

Hempel asks the Board if there are any corrections or additions to the February 19, 2019 meeting minutes.

None are noted.

Brooks makes a motion to approve the minutes.

Anderson seconds the motion.

Motion carried 3-0.

5:02pm

**Hempel opens the public hearing for John Todd & Georgina Davis, 11342 Jersey Circle, Bloomington, MN 55438. Property located at 74286 323rd St, South Haven, MN 55382. Lot Nine (9), Block One (1), Holiday Beach, Lake Francis, Kingston Township. An application for an Area Variance to construct a detached garage in variance to the required 10' setback to the side lot line, a variance to construct a deck addition to an existing dwelling in variance to the required 75' setback to a General Development Lake and a variance to exceed the maximum permitted 25% of impervious coverage, all in the R-1 Suburban Residential District and within the Shoreland District.**

Jerry Davis, Todd's father, is present for this hearing.

Cote: This property is a 10,753 square foot R-1 Suburban Residential zoned riparian lot on the south side of Lake Francis in Kingston Township. This lot is located within the plat of Holiday Beach. The plat of Holiday Beach was made before the shore land ordinance of 1972 and the lot is small in width, depth and area. Lake Francis is a General Development Lake. Currently on this property there is a house with an attached porch constructed in 1960, two small utility sheds, a SSTS system installed new in May of 2018 and a domestic water well. The current property owner is asking for a variance to construct a deck addition onto said cabin in variance to the required 75 setback to the lake and to construct a 672 square foot (24x28) detached garage in variance to the required 10' side lot line setback. This construction also required a variance to the maximum permitted 25% of impervious surface coverage on a property in the Shoreland District. The property is currently at 25.3% of impervious coverage (2,720 square feet). With the proposed construction this property would be at 32.9% impervious (3,537 feet). Ordinary High Water Level setbacks are indicated in Article 19A.04.B.1.a. Side yard setback requirements are detailed in 13.04.C and maximum impervious coverage limitations is as per 13.04.J.1.

Hempel states that when viewing this property, it was a little challenging due to all the snow. The Board was unable to see any markings.

Anderson says there was not any stakes showing the outline for the proposed garage.

Davis says he is unaware of that.

Hempel states that the Board needs to see the stakes so they know where the building will be built. Because there weren't any markings, the Board has three options:

1. Deny the variance.
2. Approve the variance by guessing.
3. Continue the hearing. The Board is allowed an additional 60 days to make a decision. This would allow the property to be marked for the Board to see.

Cote asks that the property be marked by April 15, 2019.

Brooks makes a motion to continue the public hearing to April 30, 2019.

Anderson seconds the motion.

Motion carried 3-0.

5:10pm

**Hempel opens the public hearing for Scott Geislinger, 36824 654th Ave, Watkins, MN 55389. Lot Six (6), Block One (1), Lorenzo's Addition, Clear Lake, Forest Prairie Township. An application for an Area Variance to construct a detached accessory building in variance to the maximum permitted 3200 square feet on a lot between 2.5 – 4.99 acres in the R-2 rural Residential District and within the Shoreland District.**

Cote: This property is a 4.55 acre non-riparian R-2 zoned Rural Residential lot located within the plat of Lorenzo's Addition on Clear Lake in Forest Prairie Township. The plat of Lorenzo's Addition was established in 1997 and meets the size requirements in place for the time in which it was created. This is a bare lot with the capability to hook up to the municipal septic system that serves Clear Lake. The property owner is requesting a variance to allow for the construction of an accessory building larger than the maximum permitted 3200 square feet of floor area on a lot between 2.5 and 4.99 acres. The property owner is asking permission to construct a 60 x 120' (7200 square foot) shed on this property to allow for interior storage. Accessory building size allowances are detailed in Article 14.03.A.2 of the Meeker County Zoning Ordinance.

No one is present for this hearing.

Brooks makes a motion to move this hearing to the end of the meeting in hopes the Geislinger's will show up.

Anderson seconds the motion.

Motion carried 3-0.

**Hempel opens the continued public hearing for Brett & Siri Damerow, 725 W 8th St, Litchfield, MN 55355. Property located at 58001 226th St, Litchfield, MN 55355. Lot One (1), Block Three (3), Hidden View Woods 3rd Addition, Star Lake, Litchfield Township. An application for an Area Variance to remove an existing dwelling and construct a new dwelling with attached deck in variance to the**

**required 200' setback to the OHWL of a Natural Sensitive Lake, a variance to the required 150' setback to the OHWL of a Natural Environment Lake, a variance to the required 35' setback to the road right of way and a variance to the minimum permitted 800 square feet of area for a dwelling all in the R-2 Rural Residential District and within the Shoreland District.**

Cote: This property is a .61 acre riparian lot that is within the R-2 Rural Residential zoned plat of Hidden Creek Shores. That plat of Hidden Creek Shores was made before the Shore land Ordinance of 1972 and the lot is small in width, depth and area. It is also a peninsula that is bordered by Mud Lake to the northwest and Star Lake to the southeast of the property. Mud Lake is a Natural Sensitive Lake with a 200' lake setback and Star Lake is a Natural Environment Lake with a 150' lake setback. Currently on this site there is a mobile home with an attached deck and tuck under garage with no record of the year constructed, a holding tank septic system with no record of the year installed which passed compliance in 2016, and a domestic water well. The current property owner is requesting to be permitted to construct a new home with attached decks and a walk out basement in essentially the same area as where the existing home sits. The proposal would come 2' closer to Star Lake and approximately 5' closer to Mud Lake than what is currently on-site. That applicant has requested variance to the OHWL of both Star and Mud Lakes, the road right of way, and to construct a house less than 800 square feet on a permanent foundation. The applicant would like to continue utilizing the holding tank for this seasonal cabin. The Ordinary High Water Level elevation is set at 1165.4. That means the lowest livable level of this dwelling must be at a minimum elevation of 1168.4. The grade of the existing dwelling is at an approximate 1172 elevation. This lot is extremely limited in regards to building area due to the overlapping lake setbacks.

Brett Damerow is present for this hearing.

Damerow states that there were some questions about the road being paved. He doesn't believe there are any setback issues in terms of getting the township's way to get their work done in the cul-de-sac. The cabin has a tuck-under garage and Kevin Piepenburg looked at the block, and thought it looked good. The upstairs is very rotted, so they would like to replace it.

There are two decks on either side of the house, the one on the Star Lake side is about 6' out from the foundation. The one on the Mud Lake side is about 4' out. He would like a 10' addition on the Mud Lake side that would accommodate a stairwell. Four of those ten feet are taken out by the current deck, so the addition would take the place of that deck.

Right now the posts on the Star Lake side are on the edge of the deck. We would like to do a 2' cantilever over the existing block, so that would push the 4' deck out 2' more. Piepenburg had mentioned that we are allowed to cantilever the deck 2' over the posts. The hesitation is that those are 4x4 posts, but not sure a 2' cantilever is a good idea.

The interior stairwell, in terms of the addition, would give interior access to the basement which there isn't right now.

Andy Gilbertson of 201 Building believe that putting a stairwell in the 14x44 existing footprint with the cantilever would be extremely challenging based on the truss system.

Cote reminds the Board that the deck setback is always measured from the pole. A two foot cantilever is allowed by Building Code standards.

Hempel reads a letter from Ethan Jenzen, Area Hydrologist:

*This application requests variance to a number of ordinance standards, including OHWL setbacks for Star and Mud Lakes. The issue at hand with regard to this application is whether the variance request is reasonable given the current size and setting of the lot. As with the previous application, I must ask if the property is to be used in harmony with the general intent and purpose of the ordinance, and if there are unique circumstances to the property not created by the landowner. It is apparent that this property is inherently difficult due to the proximity to Mud and Star Lakes, two water bodies displaying significant natural character and deemed very sensitive to development pressures under the Meeker County Shoreland Ordinance. As such, if this lot were previously undeveloped for the property; specifically, what is the minimum impact alternative for use? In this case, it would appear that the minimum impact use would be maintaining the existing building footprint/area. It is my understanding that the current proposal requests a structure that is slightly larger than the existing building and deck footprint. Is the proposed development at this site reasonable for given the property location and setting?*

*Please consider that in previous letters to the Board, it has been stated that one goal of shoreland zoning is to decrease nonconformity over time. The existing structure is currently nonconforming to ordinance standards. Both lakes adjacent to this property have more significant protections under the Meeker County Ordinance due to natural character and sensitivity to development. While the proposed changes to the existing structure are small, minimal development should be the standard for lakes such as Mud and Star, and significant development will fundamentally change lake condition. As such, it is my recommendation that, if possible, this project be revised or reduced in size to meet the current level of development on the property, or additional options explored to prevent expansion beyond the existing structure footprint.*

Anderson asks for more information on the stairwell.

Damerow shows the Board his intentions on the photos and they discuss.

Damerow asks the Board if it is possible to put in a foundation within the posts of the deck, staying within the same footprint and not having a deck anymore—on both lake sides. He would keep the deck on the channel side.

Cote states that enclosing the deck would be staying with the DNR's recommendation, but warns that he cannot exceed height requirements.

Brooks states that he would like to see gutters installed and a drain tile that runs into Mud Lake.

Hempel says that this spring will have a significant amount of water. It needs to be diverted off the roof.

Anderson believes he needs to tile.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Hempel and Anderson believe this request is okay as long as he staying in the same footprint.

Brooks makes a motion to approve an area variance of 118' from the required 200' setback to the OHWL of Mud Lake, 70' from the required 150' setback to the OHWL of Star Lake, and a variance of 15'6" from the required 35' setback to the road right of way to construct a new dwelling with the conditions that the new dwelling may be no closer to the Ordinary High Water Level of both Mud and Star Lake than what the foundation of the existing dwelling and decks are, that the property owner must install gutters on the new dwelling which utilize an underground method to divert the existing roof water to the lake, when this structure becomes a homestead property and/or a full time residence the property owner must install a full in ground SSTS system to serve the structure, erosion control be utilized during construction until permanent vegetative cover is established to prevent the erosion of material into sensitive areas and all permits must be obtained prior to commencing any construction on this site.

Anderson seconds the motion.

Motion carried 3-0.

5:45pm

**Hempel opens the continued public hearing for Harlan & Denise Andersen, 66305 288th St, Litchfield, MN 55355. That Part of Government Lots Four (4) and Five (5), more fully described in the application. Section Thirty Four (34), Township One Hundred Twenty (120), Range Thirty (30), Richardson Lake, Forest City Township. An application for an Area Variance to construct a house addition to an existing dwelling in variance to the required 10' setback to the side lot line, a variance to exceed the maximum permitted 25% of impervious coverage, and a variance to the required 100' setback to a Recreational Development Lake all in the R-1 Suburban Residential District and within the Shoreland District.**

Cote: This property is a metes and bounds R-1 Suburban Residential zoned riparian lot located on Lake Richardson in Forest City Township. Lake Richardson is classified as a Recreational Development Lake. This property existed prior to the Shore land Ordinance of 1972 and is small in width, depth and area. Currently on this property there is a house constructed in 1952 which was granted a variance for the construction of an addition to the lake setback in 2004, a free standing deck, a small detached accessory building, a detached garage which was granted a variance to both the square footage and the side yard setback in 1997, a domestic water well and a mound SSTS system installed in 1996 which passed a compliance inspection in 2016. The property owner accesses this lot via an easement over parcel number 09-0354-000. This property has a steep shoreline, but it has been indicated by the land surveyor that the slope and distance does not meet the criteria of a bluff. The current property owner is requesting to be permitted to construct an addition to this dwelling in variance to the side lot line setback, lake setback and to the maximum permitted 25% of impervious surface coverage.

Cote states that this hearing was continued because the closing of the adjacent lot had not happened yet. It has now been completed.

Harlan & Denise Andersen are present for this hearing.

Harland Andersen states that the Board has a copy of the deed for the purchase of the adjacent lot, so that eliminates the variance request for the lot line and for impervious coverage. The only variance needed now is the setback to the lake.

Andersen says that the proposed addition is actually further away from the lake than the house is.

Brooks makes a motion to close the public hearing.  
Anderson seconds the motion.  
Motion carried 3-0.

Anderson makes a motion to **deny** an area variance of 5' from the required 10' setback to a side lot line and to exceed the maximum permitted 25% of impervious surface coverage on a property in the R-1 Suburban Residential District and within the Shore land District to build a house addition and **approve** a variance of 40' from the required 100' setback to the OHWL of Lake Richardson to construct a house addition with the conditions erosion control be utilized during construction until permanent vegetative cover is established to prevent the erosion of material into sensitive areas and all permits must be obtained prior to commencing any construction on this site.

Brooks seconds the motion.  
Motion carried 3-0.

5:51pm

**Hempel reopens the hearing for Scott Geislinger, 36824 654th Ave, Watkins, MN 55389. Lot Six (6), Block One (1), Lorenzo's Addition, Clear Lake, Forest Prairie Township. An application for an Area Variance to construct a detached accessory building in variance to the maximum permitted 3200 square feet on a lot between 2.5 – 4.99 acres in the R-2 rural Residential District and within the Shoreland District.**

No one is present for this hearing.

Brooks makes a motion to continue this hearing to April 30, 2019 to have a representative present.  
Anderson seconds the motion.  
Motion carried 3-0.

6:00pm

Brooks makes a motion to adjourn.  
Anderson seconds the motion.  
Motion carried 3-0.