

MEEKER COUNTY BOARD OF ADJUSTMENT MEETING

April 30, 2019

Audio Available Upon Request

The Meeker County Board of Adjustment met at the Courthouse on **Tuesday, April 30, 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 5:00pm. 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 March 5, 2019 meeting minutes. None are noted.

Brooks makes a motion to approve the minutes.

Anderson seconds the motion.

Motion carried 3-0.

5:01pm

Hempel opens the public hearing for Dean & Carol Nissen Living Trust (owners/applicants), 630 Shady Ridge Rd NW, Hutchinson, MN 55350. Property located at 61956 193rd St, Litchfield, MN 55355. That Part of Government Lot Six (6), more fully described in the application. Section Fourteen (14), Township One Hundred Eighteen (118), Range Thirty One (31), Lake Minnie Belle, Greenleaf Township. An application for an Area Variance to remove an existing dwelling and construct a new dwelling and deck in variance to the required 75' setback to a General Development Lake, a variance to the required 20' setback to a drainfield, and a variance to the required 10' setback to the side lot line all in the R-1 Suburban Residential District and within the Shoreland District.

Cote: This property is a .54 acre (23,522.4 square foot) R-1 zoned metes and bounds riparian parcel located on Lake Minnie Belle in Greenleaf Township. This lot was established prior to the Shore land Ordinance of 1972 and the lot is small in width, depth and area. Currently on this property there is a house built in 1978 with attached decks constructed in 1990, 1998, 2000, 2002 and 2011. A garage built in 1999; a small utility shed which the County has no record of the year constructed, an SSTS system installed new in 2016 and a domestic water well. The property owner received a variance in 2018 to reconstruct this cabin and deck in variance to the lake and side setback. Due to some issues with the existing foundation the owner found that it is not reasonable to attempt to reconfigure this existing structure. The property owner is now requesting to be permitted to construct a new dwelling and deck in variance to the required 75' setback to the OHWL of a G.D. lake, 10' side lot line setback and in variance to the required 20' setback to an SSTS drain field. The new structure is proposed to be no closer to the OHWL than what was existing.

Cote states that there is no longer a need for the side lot line variance.

Dean & Carol Nissen are present for this hearing.

Hempel states that this site has limitations.

Brooks says that he is still under on his coverage.

Cote states that he will be in the same footprint and he won't be any closer to the lake.

Anderson makes a motion to close the public hearing.

Brooks seconds the motion.

Motion carried 3-0.

Anderson makes a motion to approve the variance of 24' from the required 75' setback to the OHWL to construct a deck, 19' from the required 75' setback to the OHWL of a G.D. lake to construct a dwelling and 10' from the required 20' setback from an SSTS drain field to construct a dwelling, all the R-1 Suburban Residential District and within the Shoreland District, with the conditions that the portion of the foundation on the westerly side of this dwelling closest to the existing drain field have a water barrier material installed, 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.

Hempel opens the continued 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.

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.

Georgina Davis is present for this hearing.

Davis states that they purchased this cabin a year ago. It is a 1960 run-down cabin. They have remodeled it and put in a new septic in the back. It is a very narrow lot. They need a garage for storage and have the neighbor's approval.

Anderson wonders about the garage placement. If it was changed to go with the lot instead of going across the lot, it would get rid of one of the variances.

Hempel states that if she were to angle it just a little, she would be able to achieve everything without a variance.

Davis says that she wouldn't be opposed to it.

The Board shows Davis their idea on a map.

Davis is fine with moving the garage, but she is now worried that it would require more tar/impervious coverage.

Anderson asks Cote if they had a narrower deck, would that help with the impervious coverage.

Cote says that they would gain 56 square feet by changing the deck by 2'.

Cote states that the Board would have to make the adjustment in the approval. They will have to take into consideration any bituminous for the garage.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Brooks makes a motion to deny an area variance to construct a detached garage in variance to the required 10' setback to the side lot line and approve an area variance of 32' from the required 75' setback to the OHWL of a General Development Lake to construct a 10' x 28' deck and a variance of 848.75 square feet beyond the maximum allowed 2,688.25 square feet of impervious surface coverage (maximum coverage: 3,537 square feet) with the conditions that 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.

Hempel seconds the motion.

Motion carried 3-0.

5:23pm

Hempel opens the continued 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.

Scott Geislinger is present.

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.

Geislinger states that this will be a cold storage shed. No business will be run out of it. It is needed for storage of boats and trailers.

Brooks asks what Geislinger uses his other shed for.

Geislinger states that he has a vintage snowmobile collection and half of it has a basketball court in it.

Hempel reads a letter from the DNR:

This application proposes construction of a detached accessory structure more than double the allowable area in the Shoreland District raises many of the same questions as the above application with regards to setting a precedent for other projects on other lakes. If this structure were to be allowed, would it open the door for other non-conforming structures in shoreland residential areas? I must ask the Board to consider if the placement of this structure will change the essential character of the property with regards to the basin, and if this use could be considered reasonable at this site. While this property is non-riparian, are there any other options that would avoid the need for a variance at this site? In addition, how will stormwater be managed on this site to avoid negative impacts to surrounding properties, and change runoff characteristics to Clear Lake?

*I advise that, if possible, this project be reduced in size to meet the maximum allowed area requirements. If no reductions are made, **the DNR recommends denial of this application.** Should this application be approved as is, a difficult precedent may be set for future regulation of similar structures in the Shoreland District.*

Variations to shoreland ordinance standards are an important tool for balancing property rights with the public's right to clean water and healthy habitats. Variations to shoreland standards; however, should be rare and only for exceptional situations. The variance criteria in Minnesota Statutes 394.27, Subp. 7 must be used for determining these exceptional situations. Note that ALL five variance criteria must be satisfied to approve a variance. It is important that there be a good record that sufficiently documents the decision on all five criteria.

Please send your decision to me within ten days of making your decision, including your rationale or findings of fact for each of the five criteria in statute. If you have any questions, comments or concerns with regard to the information above, please feel free to contact me at 320-796-2161 x232.

Thank you for your consideration of the comments, and for your continued work in the protection of our irreplaceable water resources.

*Sincerely,
DNR Division of Ecological and Water Resources*

*Ethan Jenzen
Area Hydrologist*

Brooks agrees with the DNR. He thinks we would be setting precedence.

Geislinger doesn't understand why the DNR has their nose in his business. He is not happy.

Cote states that we are required to notify the DNR. The DNR is the entity that originates Shoreland rules.

Anderson asks Geislinger if he would consider reducing the size of the building.

Geislinger says no. If he has to, he will buy more land. He doesn't understand how the DNR can tell him what size shed he can build.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Hempel states that this shed is more than double of what is allowed. Variances are requested when there is a hardship. She doesn't see a hardship on a bare piece of land.

Brooks makes a motion to deny 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.

Anderson seconds the motion.

Motion carried 3-0.

5:38pm

Hempel opens the public hearing for Charles & Heidi Whiting, 813 Thorndale Ave, Crookston, MN 56716. Property located at That Part of Government Lot Five (5), more fully described in the application. Section Twenty Five (25), Township One Hundred Nineteen (119), Range Thirty (30), Lake Washington, Darwin Township. An application for an Area Variance to reconstruct an existing dwelling in variance to the required 30' to the top of the bluff in the R-1 Suburban Residential District and within the Shoreland District.

Chuck Whiting, William Hicks (architect) and Deborah Baker are present for this hearing.

Cote: This property is a riparian metes and bounds R-1 zoned property located on the north side of lake Washington in Darwin Township. This property is .75 of an acre (32,670 square feet) and was established after the shoreland ordinance of 1972. A variance was granted in 1977 to allow this property to be split from a contiguous lot. Currently on this property there is a 1979 single wide mobile home, an addition constructed in 1988, an SSTS system installed in 2002 and a domestic water well. The applicant is requesting to be permitted to reconstruct this existing cabin on the existing foundation in

variance to the required 30' setback to the top of the bluff. The proposal is for a negative variance. The entire existing cabin is on the lakeside of the top of the bluff setback. Based on the survey it appears there is sufficient area to meet the required setbacks. The applicant is indicating this variance should be granted because it is impractical to move the structure back for several reasons, including cost; the new construction will in the property owners opinion block the shared driveway; he believes he may encroach on his SSTS; the hillside will be destroyed if they have to remove that existing cabin; and it will be in line with the other houses in the general vicinity.

Hicks states that the foundation shows a few signs of aging, but feels it can be used. It would be reinforced. Everything looked good.

Deborah Baker is a neighbor and states that she doesn't have any problem with this application.

Hempel states that bluffs are very sensitive to the lake. This is the wrong side of the bluff.

Brooks asks if they intend to build in the same footprint.

Whiting says yes, and they'd like to use it year-round.

The Board looks over the proposed plans.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Anderson feels this will be improving the site.

Cote asks the Board if they would consider the conditions of gutters and possibly the requirement that it is built on the existing foundation. Yes

Anderson asks Whiting & Hicks if they looked at the water flow.

Hicks doesn't believe it would be very difficult to have it flow towards the road.

Anderson asks if the wood catwalk going down to the door will be in the current footprint. No

Cote suggests a concrete walkway or impervious stones might be better than a "deck", so it doesn't have to meet setbacks. They are below 25% impervious coverage.

The Board looks over their proposed plans.

Anderson makes a motion to approve an Area Variance to reconstruct an existing dwelling in variance to the required 30' to the top of the bluff in the R-1 Suburban Residential District and within the Shoreland District.

Hempel seconds the motion.

Motion carried 2-0. Brooks votes against.

Hempel opens the public hearing for Tracy Droessler, 60973 US Hwy 12, Litchfield, MN 55355. Lots Seven and Eight (7&8), Block One (1) and part of Outlot A, Holens Hwy 12 Subdivision, Stone Lake, Litchfield Township, more fully described in the application. An application for a Use Variance to construct an attached dwelling to an existing commercial building in the C-1 Commercial District and within the Shoreland District.

Tracy Droessler and Tim Johnson are present for this hearing.

Cote: This property is a C-1 General Commercial zoned parcel of land located on Hwy 12 west of Litchfield. Currently on this property a commercial greenhouse is operated. The property sold in 2017. This property had a new septic system installed in 2009 which passed a compliance inspection in 2016. The existing property owner went to the Planning Commission in 2018 to inquire about constructing an apartment for the owners use on this property. Dwellings are not allowed in a C-1 zone. The Planning Commission directed the property owner to the Board of Adjustment to apply for a variance. The property owner stated that the reason for this request is that during the winter months the seedlings require a lot of time to get started and also the heat needs to be consistently monitored. If the heating system would go out all of the inventory would be lost.

Droessler states that this would be a year-round residence. It is not a financial decision. Her business is a lifestyle. When you work, you work all day.

Anderson states that he understands that you need a place to rest once in a while, but a year-round residence is a big jump.

Hempel & Brooks agree. It is more about being in the commercial district.

Hempel states that you can construct a large addition; you just can't have it as a dwelling.

Anderson says that the way it is zoned right now, you can't have a residence.

Johnson asks if they can rezone it.

Cote says that you can't have a commercial business in a residential area.

Anderson states that this cannot be a residence, but you can add onto the building. That would not need a variance.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Brooks makes a motion to deny the application for a Use Variance to construct an attached dwelling to an existing commercial building in the C-1 Commercial District and within the Shoreland District.

Anderson seconds the motion.

Motion for denial carried 3-0.

6:18pm – Break

6:21pm

Hempel opens the public hearing for Karen Kirby, 9025 Island View Rd, Waconia, MN 55387. Property located at 71785 178th St, Dassel, MN 55325. That part of Government Lot Two (2), more fully described in the application. Section Twenty Eight, Township One Hundred Eighteen (118), Range Twenty Nine (29), Lake Jennie, Collinwood Township. An application for an Area Variance to remove an existing dwelling and construct a new dwelling with attached decking in variance to the required 100' setback to a Recreational Development Lake in the R-1 Suburban Residential District and within the Shoreland District.

Karen Kirby, Gerry Kirby, Kevin Hickus, Chad Shultz and Tim Johnson are present for this hearing.

Cote: This property is an R-1 Suburban Residential zoned riparian lot located on the north side of Lake Jennie in Collinwood Township. The property is approximately .76 of an acre (33,105.6 square feet). This property was granted a conditional use permit in 2016 for shoreland alterations. Currently on this lot there is a house and detached garage constructed in 1966, an SSTS system that the County has no record of and a domestic water well. The property owner is proposing to construct a new house with attached deck and porch and is requesting a variance to the lake setback. Based on the drawing submitted with this application it appears the setback requirements can be met. The applicant has stated the need for the variance is due to the fact that the shared driveway will not allow adequate access to existing detached garage if the dwelling is constructed at the required structure setback.

Johnson states that their first thought was to remodel the existing house. As they looked at the structure and the foundation, they found that it would take a lot of work. The new structure is designed for their narrow lot and the house would be set back further from the lake.

Hickus is a neighbor and is approval of this request.

Hempel states that this will definitely be an improvement. The only concern was meeting some of the setbacks.

Anderson wondered where the door of the garage will be in relation to the house & the deck.

Brooks says that there is plenty of room behind the shed.

Johnson states that the septic is in the way.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Anderson makes a motion for approval of an Area Variance to remove an existing dwelling and construct a new dwelling with attached decking in variance to the required 100' setback to a Recreational Development Lake in the R-1 Suburban Residential District and within the Shoreland District.

Brooks seconds the motion.

Motion carried 3-0.

6:37pm

Hempel opens the public hearing for David Strohmeier, 37041 657th Ave, Watkins, MN 55389. That Part of Government Lot Two (2), more fully described in the application. Section Fifteen (15), Township One Hundred Twenty One (121), Range Thirty (30), Gemma Shores, Clear Lake, Forest Prairie Township. An application for an Area Variance to construct a detached accessory building in variance to the required 100' setback to the center line of the road, and a variance to the required 50' setback to a wet land, all in the A-1 Agriculture Preservation District and within Shoreland District.

No one is present for this hearing.

Cote: This property is a 3.84 acre metes and bounds non-riparian A-1 Agricultural Preservation zoned property located adjacent to Clear Lake in Forest Prairie Township. The existing property owners residence is located on the riparian lot across the street from this property. The property owner also owns a wedge shaped piece between this lot and the road. Currently on this property there a shed with a lean to addition and a lean to. The property owner is requesting a variance to the road centerline and the wetland to allow for the construction of a 32' x 44' shed. This property is zoned A-1 which changes the setback requirements to the road. In a residential zone the required setback is 35' from the road right of way.

Brooks and Anderson see no problem with this request.

Hempel wasn't sure about this angular lot.

Cote states that everything on the non-riparian side of the road is zoned A-1 which creates a lot of issues, then there is a large wetland area beyond that, which also creates issues. If this was zoned residential, he would not need a variance to the road, but he would still need one to the wetland.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Anderson makes a motion to approve an Area Variance to construct a detached accessory building in variance to the required 100' setback to the center line of the road, and a variance to the required 50' setback to a wet land, all in the A-1 Agriculture Preservation District and within Shoreland District.

Brooks seconds the motion.

Motion carried 3-0.

6:47pm

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.