

MEEKER COUNTY BOARD OF ADJUSTMENT MEETING
May 25, 2021

The Meeker County Board of Adjustment **met at the courthouse on Tuesday, May 25, 2021 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.

Hempel calls the meeting to order at 5:00pm.

Hempel asks the Board if there are any addition or changes to the April 20, 2021 meeting minutes. None are noted.

Nyman makes a motion to approve the minutes.

Hempel seconds the motion.

Motion carried 3-0.

5:02pm

Hempel opens the public hearing for Justin & Leia Klinghagen, 28690 660th Ave, Litchfield, MN 55355. Property located at 28705 660th Ave, Litchfield, MN 55355. Lot Three (3), Block One (1), Red Oaks 2nd Addition, Lake Richardson, Forest City Township. An application for an Area Variance to construct a garage in variance to the required 35' setback to the road right of way in the R-1 Suburban Residential District and within the Shoreland District.

Justin Klinghagen is present for this hearing.

Schultz: This property is a 7405 square foot (.17-acre) R-1 Suburban Residential District Lot 3, Block 1 of Red Oaks 2nd Addition, which was created in July of 1975, after the shoreland ordinance of December 6, 1972. The lot is small in width, depth and area. This plat is located in Section 33, Township 120 and Range 30 of Forest City Township. Lake Richardson is classified as a Recreational Development Lake.

Currently on adjacent property (09-0423000) in same ownership is a cabin and deck built in 1985. The property received a 35-foot variance from the OHWL and 50 feet from the road center in order to be built. Septic was found compliant in June of 2020.

Total impervious for the cabin parcel will not change. Total impervious for the new shed site will be approximately 17.2% if the oversized shed is allowed.

The property owner is requesting a variance of 33 feet to the setback of the public road right-of-way of 660th Ave for the construction of a 32' x 40' (1280 square foot) accessory building.

The structure will be placed 2't from the road right-of-way. Currently the setback to a public road in the R-1 district is 35' from the road right-of-way from Meeker Ordinance Article 13 Section 13.04.B

The property owner is also requesting to build a 32' x 40' (1280 square foot) 16' side wall accessory building which will be in excess of 240 square feet of the allowed 1040 square foot accessory building allowed as well as 2 feet over in side wall height for R-1 lots less than 20,000 square feet in size. Meeker Ordinance Article 13 Section 13.03.A.2 states that the total square footage area of all floors with a ceiling height of seven feet or more shall not exceed the maximum square footage. Parcels less than 20,000 square feet are allowed a maximum of 1,040 square feet with a maximum side wall height of 14 feet.

Variance required:

Accessory Building to Road: Required 35' to road right-of-way, Requested 2' from site map. Variance required of 33'.

Accessory Building Size: Required to be under 1040 square feet, Requested 1280 square feet. Variance required of 240 square feet.

Accessory Building Sidewall Height. Required to be under 14 feet, Requested 16 feet. Variance required of 2 feet in height.

Klinghagen states that there isn't currently a garage on the property and he needs one. There is really only one place the garage can go to maintain the lot line and septic setbacks. Over time the road has moved. The road on paper is not where it is in real life. That is why I need to road right of way variance because the road has shifted.

Schultz says the garage would be 33' from the road edge.

Hempel states that he could build a 1040 square foot garage without a variance for size.

Klinghagen says he doesn't need the 16' side walls, but wants it for storage.

Anderson agrees that this is the only location for the garage. He doesn't have issue, except for the height.

Hempel says the location is very narrow. She is concerned about safety, snow removal and having things too close to the road.

Klinghagen states that the road is actually getting closer to the house. The opposite way.

Hempel agrees that he needs a garage as the road is right up against the house.

Nyman says he can't get any closer to the mound and will need to have access to it.

Anderson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 3-0.

Hempel says he is land locked on the other side and is probably best if he didn't park cars on that side for safety reasons. If the building size is approved, she is okay with the height.

Anderson states that he is now parking cars up against the house. This might be better for safety.

Nyman agrees. For the safety aspect this should be approved.

Anderson makes a motion for approval.

Nyman seconds the motion.

Motion carried 3-0.

5:12pm

Hempel opens the public hearing for Richard & Marilyn Howk, 27785 CSAH 4, Dassel, MN 55325. Lot One (1) and Lot Two (2), Block One (1), Arvilla Shores, Lake Arvilla, Dassel Township. An application for an Area Variance to construct a garage in variance to the required 100' setback to the OHWL of a Recreational Development Lake and a variance to the required 35' setback to the road right of way in the R-1 Suburban Residential District and within the Shoreland District.

Marilyn Howk and Brad & Lisa Rokala are present for this hearing.

Schultz: This property is a 15,000 square foot (.34-acre) R-1 Suburban Residential District Lot 1, Block 1 of Arvilla Shores, which was created in January of 1962, before the shoreland ordinance of December 6, 1972. The lot is small in width, depth and area. This plat is located in Section 3, Township 119 and Range 29 of Dassel Township. Lake Arvilla is classified as a Recreational Development Lake.

The property owner is requesting an area variance of 20.7 feet to the setback of the public road right-of-way of CSAH 4. For the construction of a 24' x 30' (720 square foot) attached garage. The structure will be placed 14.3 feet from the road right-of-way. An area variance of 58.4 feet to the setback of Lake Arvilla will also be needed for the structure. Currently the setback to a public road in the R-1 district is 35' from the road right-of-way from Meeker Ordinance Article 13 Section 13.04.B. The setback from the OHWL of Recreational Development Lake Arvilla is 100' from Meeker Ordinance Article 22 Section 22.13.I

Variance Required:

Attached Garage to Road right of way: Required 35' to road right-of-way, requested 14.7', Variance Required 20.3'.

Attached Garage to OHWL of a Recreational Lake: Required 100' to road right-of-way, requested 41.6', Variance Required 58.4'.

Howk states that she needs a garage attached to the house for wheel chair accessibility.

Hempel says that this looks like an extensive project—movement of phone, utility lines, trees, septic.

Howk says there is a slope, so this had to be the location.

There is discussion about the septic.

Nyman's biggest concern is being within 14' from the road.

Howk says her driveway is just road right of way now. So, it would be farther off the road than where we currently park.

Schultz states that it will be 66' from the center of the road.

Anderson says this is a difficult lot and is good with the request.

Anderson makes a motion to close the public hearing.

Nyman seconds the motion.

Motion carried 3-0.

Nyman says this is definitely a challenging lot and understands the need.

Hempel agrees.

Nyman makes a motion for approval.

Anderson seconds the motion.

Motion carried 3-0.

5:24pm

Hempel opens the public hearing for Jon Pettit and Craig Pettit, 6721 Pioneer Trail, Loretto, MN 55357. Property located at 73872 282nd St, Dassel, MN 55325. Lots Ten (10) and Eleven (11), Block Two (2), Nelson's Highview Shores, Big Swan Lake, Kingston Township. An application to install a holding tank in variance to the required 75' SSTS setback to a Recreational Development Lake in the R-1 Suburban Residential District and within the Shoreland District.

Jon Pettit is present for this hearing.

Schultz: This property is approximately 22,900 square foot (.52-acre) R-1 Suburban Residential District Lots 10 & 11 Block 2 of Nelson's Highview Shores, which was created in October of 1962, before the shoreland ordinance of December 6, 1972. The lots are small in width, depth and area. This plat is located in Section 35, Township 120 and Range 29 of Kingston Township. Big Swan Lake is classified as a Recreational Development Lake.

The property owner is requesting an area variance of 42.1 feet to the setback of the OHWL of Big Swan Lake, for the placement of a septic holding tank. The structure will be placed 13.3 feet from the road right of way and 42.1 feet from the OHWL. Currently the septic setback to the OHWL of a Recreational Development Lake is 75', from Meeker Ordinance Article 22 Section 22.13.I.

Variance Required:

Septic holding tank to OHWL: Required 75' to OHWL, Requested 42.1', Variance Required 32.9'.

Schultz says that the day the Board was out there, the edge of the stake was 96' to the OHWL, but that is not the ordinary high-water level. The water is very low right now.

The Board doesn't have any issue with this request.

Anderson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 3-0.

Nyman says Pettit is putting it where it has to be.

Hempel states that this is better for the lake.

Hempel makes a motion to approve the variance.

Anderson seconds the motion.

Motion carried 3-0.

5:35pm

Anderson makes a motion to adjourn.

Nyman seconds the motion.

Motion carried 3-0.