

MEEKER COUNTY BOARD OF ADJUSTMENT MEETING

June 4, 2019

Audio Available Upon Request

The Meeker County Board of Adjustment met at the Courthouse on **Tuesday, June 4, 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 April 30, 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 Kenneth Swanson, 17698 705th Ave, Dassel, MN 55325. Property located at 17718 705th Ave, Dassel, MN 55325. That Part of Government Lot Two (2), more fully described in the application. Section Twenty Nine (29), Township One Hundred Eighteen (118), Range Twenty Nine (29), Lake Jennie, Collinwood Township. An application for an Area Variance to split a parcel with less than the required 200' of width at the road for a non-riparian lot in the A-1 Agricultural Preservation District and within the Shoreland District to a Recreational Development Lake.

There is no one currently present for this hearing.

Anderson makes a motion to continue this public hearing to the end of tonight's meeting.

Brooks seconds the motion.

Motion carried 3-0.

5:05pm

Hempel opens the public hearing for Derek Becker, 36150 MN Hwy 15, Kimball, MN 55353. That Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼), more fully described in the application. Section Twenty Two (22), Township One Hundred Twenty One (121), Range Twenty Nine (29), Kingston Township. An application for an Area Variance to construct a shed in variance to the required 200' setback from the center line of MN Highway 15 in the A-1 Agricultural Preservation District.

Derek Becker is present for this hearing.

Cote: This property is a 8.50 acre A-1 zoned property located in Section 22 of Kingston Township adjacent to Minnesota Highway 15. The current property owner purchased this site 1/11/2019. Currently on this site there is a house constructed with attached garage constructed in 1999, a small utility shed constructed in 2000, a SSTS system installed new in 1999 which passed a compliance in 2018 and a domestic water well. The property owner has made application to construct detached accessory building in variance to the required 200' setback to the centerline of MN Hwy 15. In 2007, based on a study completed at the request of the Highway 15 coalition, that the setback on MN Hwy 15 be changed from 130' to 200' due to a potential expansion of that portion of Highway 15. This information is as per the meeting minutes from the April 17, 2007 Planning Commission meeting. As per ordinance requirements a public hearing was held April 17, 2007 and said amendments were adopted and became effective upon publication in the Litchfield Independent Review on May 10, 2007. The current house on-site is set back at approximately 200'. The property owner is indicating that he spoke with MN Dot prior to purchasing this lot and they indicated they didn't have an issue with a structure being as close as 105'. The property owner did not check with the County regarding setback. MN Dot does not have jurisdiction outside of their right of way. The applicant is indicating this variance is necessary because it is consistent with MN Dot requirements, that the property has natural and man-made features that limit the placement of the proposed structure; the proposed location will have the least impact on drainage. The current septic is in the same vicinity as the proposed construction.

Becker states that Stearns County and McLeod County's setback for highway 15 is 130'.

Hempel says that there is room for this garage without a variance.

Anderson states that his septic system is also there. If he were to put it in a different location, it would have to be much farther to the south.

Anderson is in favor of this variance.

Becker says that he talked to the Willmar office and they stated they have no plans for expansion in the next ten years.

Anderson says to be aware that if the highway department does expand the road, it is possible that he may have to move/remove the shed and septic system.

Beckers states that the shed is portable, which can be moved. There will be no foundation.

Anderson makes a motion to close the public hearing.

Brooks seconds the motion.

Motion carried 3-0.

Anderson makes a motion for approval.

Brooks seconds the motion.

Motion carried 2-1. Hempel denied.

Hempel opens the public hearing for John Grabow, 23531 630th Ave, Litchfield, MN 55355. That Part of Government Lots Four and Five (4 & 5), more fully described in the application. Section Twenty Five (25), Township One Hundred Nineteen (119), Range Thirty One (31), Round Lake, Litchfield Township. An application for an Area Variance to place a shed in variance to the required 100' setback

to the center line of the road in the A-1 Agricultural Preservation District and within the Shoreland District.

No one is present for this hearing.

Anderson makes a motion to continue the public hearing to the end of the meeting.

Brooks seconds the motion.

Motion carried 3-0.

Hempel opens the public hearing for Christopher & Jean Wirz, 13941 160th St, Watkins, MN 55389. Property located at 36763 657th Ave, Watkins, MN 55389. Lot Twenty Six (26) and the Southeasterly Half (SE ½) of Lot Twenty Seven (27), Gemma Shores, Clear Lake, Forest Prairie Township. An application for an Area Variance to reconstruct an existing deck and construct a deck addition with a ramp in variance to the required 75' setback to the OHWL of a sewerod Recreational Development Lake in the R-1 Suburban Residential District and within the Shoreland District.

Chris and Jean Wirz are present for this hearing.

Cote: This property is a riparian R-1 Suburban Residential zoned property on Clear Lake in Forest Prairie Township within the plat of Gemma Shores. This property is approximately 11,760 square feet. The plat Gemma Shores was made before the shore land ordinance of 1972 and the lots are small in width, depth and area. Currently on this property there is a cabin constructed in 1941 with deck additions completed in 1960 and a small utility shed. This property is served by the municipal septic system that serves the majority of Clear Lake. The property owner is requested to be permitted to add a deck and ramp addition onto the existing deck. The cabin is currently 37' from the OHWL. The addition is to make the deck handicapped accessible.

Anderson believes it would fit in nicely and it is a necessity for the family.

Hempel asks if it is a seasonal cabin. Yes

Brooks makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 3-0.

Anderson makes a motion to approve the application.

Brooks seconds the motion.

Motion carried 3-0.

5:20pm

Hempel opens for Joana Arboladura-Cruz, 883 Braunworth Ct, Chaska, MN 55318. Property located at 21200 654th Ave, Litchfield, MN 55355. Lot Sixty Nine (69), Manuella Beach 2nd Addition and Lot Five (5), Block Two (2), Manuella Beach 4th Addition, Section Four (4), Township One Hundred Eighteen (118), Range Thirty (30), Lake Manuella, Ellsworth Township. An application for an Area Variance to move in a new mobile home in variance to the required 30' setback to the top of a bluff, a variance to the required 35' setback to the road right of way and a variance to the required 10' setback to both side lot lines all in the R-1 Suburban Residential District and within the Shoreland District.

Alfred & Joanna Cruz, Kent Dib and Dustin Falling are present for this hearing.

Cote: This property is a riparian R-1 Suburban Residential zoned property on Lake Manuella in Ellsworth Township within the plats of Second Addition to Manuella Beach and Manuella Beach 4th Addition. This property is approximately 10,454 square feet. The plat of Second Addition to Manuella Beach was made before the shore land ordinance of 1972 and the lots are small in width, depth and area. That plat of Manuella Beach 4th Addition is a nonconforming plat and was created to accommodate additional land when 654th Avenue was re-constructed. Currently on this site there is a 1974 Economy single wide manufactured home, an attached deck constructed in 1982, an SSTS system which the county has no record of the year installed, and a domestic water well. The shoreline on this property is a bluff. The current mobile home sites within the bluff area. The existing property owner is proposing to remove the existing home and move in a new single wide manufactured home closer to the road. Said home placement requires variances to the top of the bluff, the road right of way and both side lot lines. Based on the overlapping setbacks there is no buildable area on this lot without the granting of a variance.

Hempel states that this is a tough lot.

Falling says that the current home is very old and probably not even safe. They focused on trying to find the smallest possible home for the lot. It is seasonal.

Mrs. Cruz states that she has been working with Northstar Surveying, A&T Septic and Lifestyle homes.

Falling shows the Board the location of the proposed septic on the survey.

Hempel states that whatever is done to this lot variances will be needed, but the 1' side lot line variance really bothers her.

Brooks says that he has no problem with the road right of way variance, but not the variances to the side property lines. He wonders how they will get to their septic if something was to go wrong.

Falling is not sure.

Greg Schultz, Meeker County's septic inspector, states that tubing can be run to pump the septic. The pump itself is mobile, which can be replaced by hand.

Kent Dib says that he is the neighbor to the south. He is wondering how far the septic will be from his well. His well is in the back and is about 15-20' from the property line.

The Board looks over the survey with Mr. Dib and it will be more than 50'. Mr. Dib is happy with that.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Brooks says that he can't approve the lot line variance. It is too close.

Cote states that they could try to stick build, but it would still need a variance.

Anderson states that if there was a fire, it would be an awful situation.

Brooks feels the same, it is too close. He would like to continue this hearing and give the applicant a chance to look for other options.

Anderson makes a motion to continue this public hearing to July 9, 2019.

Brooks seconds the motion.

Motion carried 3-0.

5:36pm

Hempel opens the public hearing for Gregory & Patricia Meyer, 54736 243rd St, Grove City, MN 56243. That Part of Government Lots Two and Three (2&3) and the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), except platted parts, more fully described in the application. Section Twenty Three (23), Township One Hundred Nineteen (119), Range Thirty Two (32), Action Township. An application for a Use Variance to expand an existing Class A Feedlot with a current capacity of 142.5 animal units to 177.5 animal units in the A-1 Agricultural Preservation District and within the Shoreland District.

Mike & Heidi Pinnell and Greg & Patti Meyer are present for this hearing.

Cote: This property is a 72.29 acre A-1 Agricultural Preservation District zoned property in section 23 of Acton Township within the shore land district to Long Lake. This site has been in operation as a feedlot since 1993. Currently on this property there is a house and garage constructed in 2004, an SSTS system installed in 2004, a domestic water well, a barn, several agricultural sheds and buildings, and three silos. The existing property owner has made application for a variance to allow for the expansion of a feedlot closer to the OHWL than the existing animal feedlot. This proposal is to add a 12 x 96' lean to addition onto the easterly side of the existing barn and to add 37 animals to this operation. Currently this site houses 141 animals which equates to 142.5 animal units. With this expansion the site would house 178 animals which equates to 177.50 animal units. The reason for this proposed expansion is that the current feedlot operator needs more space for the existing cows. This expansion will both give the existing animals more space, will help the feedlot operations and will also allow this site to add 37 animals. As per the applicant, if this expansion occurs the property owner's son will become a part of this feedlot operation.

Cote reads a letter from Steven Schmidt of the MPCA:

Kristin:

Thank you for the follow-up and clarification of the variance request both verbally and in writing.

As discussed during our phone conversation, MN Rules, Ch. 7020.2005 subp.2 described shoreland expansion limitations. Specifically the second sentence in subp. 2. "An existing animal feedlot or a manure storage area expanding in shoreland shall not locate any portion of the expanded animal feedlot or manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or manure storage area".

Thus as described verbally during our phone conversation and in writing the variance request for the proposed expansion meets the rule requirements in MN 7020 for expansion of an existing feedlot within the shoreland.

Please let me know if you have further questions, comments or concerns.

*Thank you,
Steve*

Cote states that this expansion does meet the 7020, so the Board of Adjustments could grant a variance if they choose to.

Hempel reads letters sent to the Planning & Zoning Office:

Kristin:

Long Lake Association of Grove City received notice of the public hearing for Greg & Patty Meyer to enlarge their feedlot to 177.5 animal units. The board of Long Lake Association endorses the increase of animal units. Long Lake Association wants to cast a positive vote for the Meyer's.

*Pay Nerby
Long Lake Association of Grove City President*

Kristin:

We received notice of the public hearing for Greg & Patty Meyer to enlarge their feedlot to 177.5 animal units. We have no objection to the increase. Since we live out of town we wanted to cast a positive vote for the Meyer's.

Pat & Geri Nerby

Ms. Pinnell states that she is currently on the Long Lake Association Board and she made sure that there wouldn't be any runoff into the lake.

Ann Steinhaus, the Meeker County feedlot officer says that the expansion will have no pollution effects—positive or negative.

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

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

5:43pm

Hempel opens the public hearing for Richard Larson Builders, Inc (applicant), 640 Adams St SE, Hutchinson, MN 55350 and Aaron & Lisa Amic (owners), 3045 Butternut Dr, Medina, MN 55340.

Property located at 17391 721st Ave, Dassel, MN 55325. Lot Four (4), Block One (1), Mattson's Addition, Lake Jennie, Collinwood Township. An application for an Area Variance to reconstruct an existing deck and construct a new porch in variance to the required 100' setback to the OHWL of a Recreational Development Lake in the R-1 Suburban Residential District and within the Shoreland District.

Aaron Amic & Doug Kephart (Richard Larson Builders) are present for this hearing.

Cote: This property is a riparian R-1 Suburban Residential lot on the east side of Lake Jennie in Collinwood Township within the plat of Mattson's Addition. The plat of Mattson's Addition was made before the shore land ordinance of 1972 and the lots are small in width, depth and area. Currently on this lot there is a house with an attached deck constructed in 1982, a gazebo constructed in 2010, and a SSTS system which was installed new in 2002 and passed a compliance inspection in 2018. A variance was granted in 1982 to allow the existing deck to be constructed closer to the OHWL level than the required 100' setback. The current property owner is requesting to be permitted to reconstruct the existing deck and add a screen porch addition in variance to the required 100' setback. The drawing submitted with this application shows the existing deck setback at 110'. That survey is not consistent with the GIS mapping or a site visit in which the deck location to the OHWL was measured by zoning staff. The on-site measurement taken was 81' from the existing deck to the OHWL. The measured setback is consistent with GIS mapping.

Hempel noted that the property was not marked, which made it hard to see the proposal.

Kephart wasn't aware he was supposed to mark something. I just took the survey, which at that time showed 110'. I then did my site plan based on the survey that was dated 2002.

Cote is wondering if that survey went to the water edge or the elevation.

Kephart is not sure.

Cote states that DNR sets elevations and the highest known on Lake Jennie is 1061.3.

Amic says that the current deck is very bad. Insurance won't cover them anymore if he doesn't get it fixed. They are not expanding the deck, only replacing it and the porch is set further back from the lake than the deck.

Cote stated that this was measured by the Board & Greg Schultz, separately, and both times it was 81'. The setback is 100'. The cabin is grandfathered in, but any expansion or construction needs a variance.

Cote believes the biggest concern is that the Board doesn't know where the OHWL is located. She suggests they have a land surveyor mark the OHWL and continue this public hearing.

Hempel makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Brooks makes a motion to continue this hearing to July 9, 2019

Anderson seconds the motion.

Motion carried 3-0.

5:58pm

Hempel reopens the public hearing for John Grabow, 23531 630th Ave, Litchfield, MN 55355. That Part of Government Lots Four and Five (4 & 5), more fully described in the application. Section Twenty Five (25), Township One Hundred Nineteen (119), Range Thirty One (31), Round Lake, Litchfield Township. An application for an Area Variance to place a shed in variance to the required 100' setback to the center line of the road in the A-1 Agricultural Preservation District and within the Shoreland District.

John Grabow is present for this hearing.

Cote: This parcel of land is a bare 80.36 acre A-1 Agricultural Preservation District zoned property in Section 25 of Litchfield Township. Currently there is a double wide manufactured home on-site that was moved onto this property in 2018, a SSTS system installed in 2018 and a domestic water well. This site was granted a Conditional Use Permit in 2018 to allow 355 cubic yards of fill to raise the elevation of the land three feet above the Ordinary High Water Level elevation to allow for dwelling placement. This site is heavily wooded with a large area of wetland on the northwest corner of the property. The property owner is requesting to be permitted to move in a used garage in variance to the required 100' setback to the road centerline. The reasons indicated for this request are if the garage is moved back to meet the structure setback approximately 50 trees will need to be cleared and the garage will be closer to the wetland area.

Hempel says that there was already a cement slab poured.

Grabow states that he was getting the shed from First District and they needed it moved immediately. He apologizes, but everything needed to happen quickly.

Hempel found it unusual that he said this is the only location he can put it otherwise 50 trees will need to be removed.

Grabow says that if he would have to move it farther away from the road, he'd have to take out another line of trees. The only other spot is the other side of the house where the beach is and he would eventually like to build a house in that location.

Anderson and Brooks agree that Grabow has made this a very nice site.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

6:08pm

Hempel reopens the public hearing for Kenneth Swanson, 17698 705th Ave, Dassel, MN 55325. Property located at 17718 705th Ave, Dassel, MN 55325. That Part of Government Lot Two (2), more fully described in the application. Section Twenty Nine (29), Township One Hundred Eighteen (118), Range Twenty Nine (29), Lake Jennie, Collinwood Township. An application for an Area Variance to split a parcel with less than the required 200' of width at the road for a non-riparian lot in the A-1

Agricultural Preservation District and within the Shoreland District to a Recreational Development Lake.

No one is present for this hearing.

Brooks makes a motion to continue this hearing to July 9, 2019.

Anderson seconds the motion.

Motion carried 3-0.

6:25pm

Brooks makes a motion to adjourn.

Anderson seconds the motion.

Motion carried 3-0.