

MEEKER COUNTY BOARD OF ADJUSTMENT MEETING

July 9, 2019

Audio Available Upon Request

The Meeker County Board of Adjustment met at the Courthouse on **Tuesday, July 9, 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 , Zoning Dept officials, Greg Schultz and Monica Ankrum.

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 June 4, 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 continued 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.

Ken Swanson is present for this hearing.

Schultz: This property is a 12 acre riparian A-1 Agricultural Preservation District zoned parcel of land on Lake Jennie in Collinwood Township. Currently on this site there is a house constructed in 1939, various agricultural outbuildings, an SSTS system installed new in 1997 which passed compliance in 2015 and a domestic water well. The existing property owner currently owns an A-1 zoned, 55.26 acre property directly south of this parcel which has his current dwelling on it. The property owner is proposing to split the 12 acre parcel so that the dwelling can be sold separately and he can retain ownership of the Ag buildings and also maintain ownership of the existing driveway. The lot currently does not meet the minimum 200' of road frontage for an A-1 zoned property with the overlay of the RD lake. A split cannot be approved for a non-conforming property without a variance being granted for said split.

Required width: 200', requested 180', Variance required 20'

Lot is 100,159 sq. feet, 100,000 required.

Swanson states that there is a taper in the lot because of the driveway. It's pretty hard to change that driveway. The taper is only in the one corner and it won't affect anyone. It won't change anything for anyone.

Hempel says that it seems this can be split off without a variance and there would still be a road to the other property.

Brooks says that it is 180' instead of 200'.

Anderson is in favor of the 20' variance.

Anderson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 3-0.

Anderson makes a motion for approval.

There is not a second.

Motion denied for lack of a second.

Motion failed.

Brooks states that there is plenty of land to meet the 200' setback.

5:08pm

Hempel opens the continued public hearing 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 & Aubrey Cruz are present for this hearing and a representative from Lifestyle Homes.

Schultz: 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. The 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.

Required setback to top of bluff: 30' required, requested 20', Variance required 10'
Required setback to road right of way: 35' required, requested 17.6' (on southwest corner), Variance required 17.4'
Required setback to north side lotline 10' required, requested 8.5', Variance required 1.5'
Required setback to south side lotline 10' required, requested 8.5', Variance required 1.5'

Anderson asks if this was the shortest house they could find.

Lifestyle Rep: It was built about 8-10 years old. It had to be certified through HUD as well.

Anderson says that one of things we talked about last time was that it needed to be shorter to get more distance from the side lot lines, so this is shorter.

Brooks asks where guests will park. I can see it on the map, but that is one of the reasons we require the 35' setback. During an event like the 4th of July, there isn't any parking. People are parking on the roads, parking in the trees—parking any place they can. I don't like the discrepancy off the 35'.

Hempel says that she is appreciative that the applicant did find a smaller house. She still isn't happy with the size due to the adjoining properties and how close everyone is to the line.

Anderson is happy with the smaller house and thinks the lot will look much nicer.

Hempel makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Hempel states that they have been out there twice. It is an extremely difficult lot. She understands the want for this.

Anderson makes a motion to approve the application.

There is not a second.

Motion denied for lack of a second.

Motion failed.

Brooks says that he doesn't know what to tell them to do with the lot, but only to keep looking at it. He doesn't like them being in the bluff.

Cruz says that this was their last option. They could keep the old house, but the new one is better.

Hempel states that she has empathy for this lot. But the Board has to look at surrounding properties, the future and public safety. Also, parking—there are so many factors that go into it.

Brooks states that no one is saying that this lot is unbuildable. They are saying that it's a hard lot to build on to try to get around all of the variances.

5:21pm

Hempel opens the continued 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.

Doug Kephart of Richard Larson Builders and Aaron Amic are present for this hearing.

Schultz: 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.

Deck - Required setback to OHWL: 100' required, requested 81', Variance required 19'

Porch - Required setback to OHWL: 100', requested 93', Variance required 7'

Hempel thanks the Amic's for marking the property.

Anderson & Brooks have no issue with this request.

Brooks makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Anderson makes a motion for approval.

Brooks seconds the motion.

Motion carried 3-0.

5:25pm

Hempel opens the public hearing for Michael & Brenda Pollock, 26245 660th Ave, Darwin, MN 55324. Property located at That Part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼), more fully described in the application. Section Ten (10), Township One Hundred Nineteen (119), Range Thirty (30), Darwin Township. An application for an Area Variance to construct a dwelling on a lot within the required 1000' setback to an existing Class A feedlot in the A-1 Agricultural Preservation District.

Brenda, Mike and Sara Pollock are present for this hearing.

Schultz: This property is a 2.65 acre A-1 Agricultural Preservation District portion of a 77.88 acre property located in Section 10 of Darwin Township. This is a bare parcel of land. There is a ditch located

on the west side of this site and also some wetland. The current property owners are proposing that their daughter construct a dwelling on this acreage. The property owner has an existing Class A feedlot located southwest of the proposed dwelling site. In 2003 a Conditional Use Permit was approved to allow for a maximum of 290 animal units on this site. The required setback to a non-owner operator dwelling is 1,000'. The property owner is requesting to be permitted to construct a dwelling 630' feet from their feedlot. The proposed dwelling will meet all other required structure setbacks and there are appropriate locations on-site for the installation of an SSTS system.

Required setback: 1,000', Requested 630', Required Variance: 370'.

Hempel states that when viewing this property, their measurements varied a little bit in the Pollock's favor.

The new setback requested is 681', so a required variance of 319'.

Brenda Pollock shows Hempel who will have what land on the map.

Anderson states that it helps that the road is in between the two sites.

Anderson and Brooks state that they have no problem with this application.

Hempel says that we have never approved a variance for a dwelling closer than 1000' to a feedlot.

Brooks states that the only person this will affect is a future owner of this house.

Michael Pollock says that if the prices don't go back up for layer hens, they may shut the whole farm down.

Anderson makes a motion to close the public hearing.

Brooks seconds the motion.

Motion carried 3-0.

Brooks makes a motion for approval.

Anderson seconds the motion.

Motion carried 3-0.

5:31pm

Hempel opens the public hearing for Justin & Carolyn Berggren, 16129 CSAH 9, Hutchinson, MN 55350. That part of Lot's A, B, C & D of Government Lot One (1) of Section Thirty Three (33) and that part of Lot's A & B of Government Lot One (1), Section Thirty Four (34), Township One Hundred Eighteen (118), Range Thirty (30) and Government Lots 1, 2 & 3 of Section Thirty Four (34), Township One Hundred Eighteen (118), Range Thirty (30), more fully described in the application, Cedar Lake, Ellsworth Township. An application for an Area Variance to construct a detached accessory building in variance to the required 200' setback to the OHWL of a Natural Sensitive Lake in the A-1 Agricultural Preservation District and within the Shoreland District.

Justin & Carolyn Berggren are present for this hearing.

Schultz: This property is a 3.36 acre A-1 Agricultural Preservation District zoned metes and bounds riparian property on Cedar Lake in Ellsworth Township. Cedar Lake is a Natural Sensitive lake. Currently on this property there is a house and attached garage, a gazebo, a small utility shed, a domestic water well and a SSTS system installed new in 2006. The existing property owner is requesting to be permitted to construct a detached garage in variance to the 200' setback to the OHWL of a NS lake.

Required setback: 200', Requested 138', Required Variance: 62'

Justin asks that if this does get approved, can he change the size of the garage a bit?

Ankrum says that he can change the size as long as he still meets the approved setback and doesn't exceed the 10% impervious coverage in the A-1 District.

Anderson makes a motion to close the public hearing.

Brooks seconds the motion.

Motion carried 3-0.

Anderson makes a motion to approve.

Hempel seconds the motion.

Motion carried 3-0.

5:36pm

Hempel opens the public hearing for Richard Clark (applicant), 73251 263rd St, Dassel, MN 55325 and James Klein (owner), 73026 263rd St, Dassel, MN 55325. That part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼), more fully described in the application. Section Eleven (11), Township One Hundred Nineteen (119), Range Twenty Nine (29), Little Swan Lake, Dassel Township. An application for an Area Variance to split a parcel with less than the required 150' in width, 200' in depth and 50,000 square feet in area in the R-1 Suburban Residential District and within the Shoreland District.

Richard Clark, Steve Renquist and Donna & James Klein are present for this hearing.

Schultz: This property is a .06 acre portion of a 4.81 acre riparian R-1 Suburban Residential and A-1 Agricultural Preservation District zoned property on Little Swan Lake in Dassel Township. Little Swan is a recreational development lake. This property is a metes and bounds parcel. Currently on this site there is a dwelling constructed in 1920, with attached decks constructed in 1980, a small utility shed constructed in 1992, a domestic water well and an SSTS system which the county has no record of the year installed. The property owner south of this site across 263rd Street is proposing to purchase a 100' x 17.57' .06 acre parcel of property to utilize as an access to Little Swan Lake. This small portion of property does not have a building eligibility and will be unbuildable due to size and setback requirements.

Width - Required: 150' required, requested 100', Variance required 50'.

Depth – Required: 200', requested 17.57', Variance required 182.43'

Area – Required 50,000 square feet, requested 2,613.6 square feet, Variance required 47,386.4 square feet.

Anderson says he is curious if there isn't something the applicant can do with the landowner, such as a lease, so the Board doesn't have to approve or deny such a large variance.

Clark says that he hasn't discussed that. He doesn't know.

Brooks states that the problem is setting precedence. Everyone else will want to do the same thing.

Clarks says that there is just a little shoreline and he owns the 40 acres across the road.

Anderson says that this is too big of a variance for him to get behind.

Steve Renquist says that he is the next neighbor to this property. The Clarks are a positive to this area. If he acquires this property, he will clean it up. This variance makes sense. It is appropriate for what he wants to do. He wants to have lake shore for when his family comes to visit.

Hempel makes a motion to close the public hearing.

Anderson seconds the motion.

Motion carried 3-0.

Hempel makes a motion to deny.

Brooks seconds the motion.

Motion for denial carried 3-0.

5:44pm

Hempel opens the public hearing for Steve Schmitt (applicant), 17178 20th St SW, Cokato, MN 55321 and Janelle Holle (owner), PO Box M, Annandale, MN 55302. Property located at 56945 US Hwy 12, Grove City, MN 56243. That Part of Government Lots Two & Three (2 & 3), more fully described in the application. Section Six (6), Township One Hundred Nineteen (119), Range Thirty One (31), Litchfield Township. An application for a Use Variance to commence operation of a new hog feedlot for 180 AU's in the A-1 Agricultural Preservation District and within the Shoreland District.

Present for this hearing were Rob & Jennifer Ammerman, Elizabeth & Jeffery Ammerman and Erv Niehaus, whom were all opposed to this variance.

Ankrum states that Steve Schmitt had initially called our office to cancel his variance application. This morning he called again to ask if he was still on the agenda for the hearing. I told him yes, because his application was advertised. In a case like this, the Board would just deny the variance. He asked if he could still be on the agenda and have the hearing continued to August, because he might still be able to purchase the property.

Anderson makes a motion to continue the hearing to the August 13th, 2019 meeting.

Brooks seconds the motion.

Motion carried 3-0.

5:49pm

Hempel opens the public hearing for Brett & Siri Damerow, 725 W 8th St, Litchfield, MN 55355. Property located 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 in variance 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, a variance to exceed the maximum permitted 25' in structure height in the Shoreland Management Overlay District, a variance to the required 10' setback from a SSTS tank to a dwelling, a variance to the required 20' setback from an SSTS drainfield to a dwelling, a variance to the required 150' setback from an SSTS drainfield and tank to the OHWL of a Natural Sensitive Lake and a variance to the required 150' setback from an SSTS drainfield and tank to the OHWL of a Natural Environment Lake, all in the R-2 Rural Residential District and within the Shoreland District.

Brett Damerow and Bob Billiet were present for this hearing.

Schultz: This property is a .61 acre riparian lot that is within the R-2 Rural Residential zoned plat of Hidden View Woods 3rd Addition. That plat of Hidden View Woods 3rd Addition 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 structure setback and Star Lake is a Natural Environment Lake with a 150' lake structure 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 property owner was granted a variance on March 5, 2019 to allow for reconstruction of the new dwelling in the same footprint at the existing dwelling. The current property owner has changed his plans and 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. This new proposal includes cantilevering the side walls of the dwelling a maximum of 30", constructing the dwelling at an average height of 32', constructing an addition on the road side corner of the dwelling and installing a full SSTS system. 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.

The March 5, 2019 Approval: Area variance of 124' from the required 200' setback to the OHWL of Mud Lake, 102' from the required 150' setback to the OHWL of Star Lake, a variance of 15'6" from the required 35' setback to the road right of way to construct a new dwelling, and a variance of 44 square feet from the required 800 square feet on a permanent foundation for a 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.

Variations required for request

- OHWL of Mud: 200' required, 79' requested, 121' variance required
- OHWL of Star: 150' required, 77' requested, 73' variance required
- Road Right of way for new addition: 35' required, 13' requested, variance required 22'

- Mud Lake for new addition: 200' required, 76' requested, variance required 124'
- Star Lake for new addition: 150' required, 85' requested, variance required 65'
- Average height: 25' in SMO, 32' requested, variance required 7'
- SSTS Tanks to dwelling, 10' required, 5' requested, variance required 5'
- Drainfield to House, 20' required, 11' requested, variance required 9'.
- Tank to Mud Lake, 150' required, 71' requested, variance required 79'.
- Drainfield to Mud Lake, 150' required, 50' requested, variance required 100'.
- Tank to Star Lake, 150' required, 85' requested, variance required 65'.
- Drainfield to Star Lake 150' required, 88' requested, variance required 62'.

Brooks states that he is really only willing to listen to is the septic variances. You have a difficult lot and back in March and we gave you what we thought was reasonable to use it and now you want to add on to it. This is twelve variances.

Anderson agrees. We really went overboard to help back in March, but I am in agreement with the new septic variances.

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

Brooks makes a motion to approve the septic variances and deny all building setback variances.
 Anderson seconds the motion.
 Motion carried 3-0.

6:03pm

Hempel opens the public hearing for Brent & Loree Schultz, 27867 655th Ave, Litchfield, MN 55355. The North Seven Hundred Seventy Five feet (N775') of the East Six Hundred Seventy Five feet (E675') of the North Half (N ½) of the Northwest Quarter (NW ¼), more fully described in the application. Section Four (4), Township One Hundred Nineteen (119), Range Thirty (30), Darwin Township. An application for an Area Variance to construct a house addition in variance to the required 100' setback to the center line of the road in the A-1 Agricultural Preservation District.

Brent & Loree Schultz are present for this hearing.

Schultz: This property is an A-1 Agricultural Preservation District zoned property located in Section 4 of Darwin Township. There is a wetland located east of this property approximately 664'. Currently on this site there is a house constructed in 1925 with additions in 1965 and 1988, a garage constructed in 1940, several agricultural out buildings, a domestic water well and a septic system installed new in 1992. The existing property owner is requesting to be allowed to construct an attached garage in variance to the required 100' to the road centerline of a township road in the A-1 district. The existing dwelling, on the road side, is approximately 57' from the road centerline. The garage addition is proposed to go on the west side of the dwelling and will be approximately 80' from the centerline at its closest point. The existing detached garage shall be removed if this variance is approved and construction occurs.

Attached garage to road centerline: Required setback 100' requested setback, 91', variance required 9.'

The Board thanks the Schultz's for drawing the lines.

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 3-0.

6:07

General Business:

Kristin Cote found a good BOA court case in Otter Tail County, which was printed out for the Board. It is good information to read.

6:44pm

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