

MEEKER COUNTY BOARD OF ADJUSTMENT MEETING

August 30, 2022

*Partial Audio Available*

The Meeker County Board of Adjustment **met at the courthouse on Tuesday, August 30th, 2022 at 5:00pm** to consider the following variance application and other business before the Board. Members present were Kim Hempel, Al Anderson, John Smith and Zoning Administrator Schultz.

5:00pm

Hempel calls the meeting to order.

The Board states their name for voice recognition.

Hempel asks the Board if they have any corrections or additions to the July 19, 2022 meeting minutes. None are noted.

Anderson makes a motion to approve the meeting minutes.

Smith seconds the motion.

Motion carried 3-0.

5:01pm

**Hempel opens the public hearing for JK Landscape/Jerry Konz (applicant), 19512 Hubble Rd, Clearwater, MN 55320 and Jim Shaw (owner), 12940 N 56th Ave, Plymouth, MN 55442. Property located at 74536 320th St, South Haven, MN 55382. Lot Four (4), Block One (1), Hidden Forest, Lake Francis, Kingston Township. An application for an Area Variance to replace an existing platform in variance to the maximum allowed yard regulations of 32 square feet in the R-1 Suburban Residential District and within the Shoreland District.**

Hempel states that neither the owner or applicant are present yet for this hearing, so this hearing is being continued to the end of the meeting in hopes a representative will arrive.

5:05pm

**Hempel opens the public hearing for Dan Miller (applicant) and Eva Miller (owner), 58012 129th St, Cosmos, MN 56228. Lots Twenty Eight and Twenty Nine (28 & 29), Block One (1), more fully described in the application. Corvuso Townsite, Cedar Mills Township. An application for an Area Variance to re-construct a dwelling in variance to the required 100' setback to 129th Street; in variance to the required 100' setback to CSAH 1; and in variance to the required 15' setback to the easterly side lot line abutting upon a residential district, all in the C-2 Neighborhood Commercial zoning district.**

Lorallen Schmeling, Don & Burnice DeLeeuw, Suzette Peterson, Alan Deleeuw and Dan & Ivy Miller are present for this hearing.

Schultz: This property is approximately 6534 square foot .15-acre C-2 Neighborhood Commercial Zoning District. Lots 28 & 29 of Corvuso Townsite created in 1923. The lots are small in width, depth and size. Located in Section 19, Township 117, Range 31 of Cedar Mills Township.

Currently on this property is the remains of a house built in 1923 that was used as a store front with living quarters. In 1997 a variance was granted to be within 4.5 feet of the east property line, a variance of 34 feet from the centerline of a 50-foot-wide street for a garage and a variance of 10 feet from the required 10-foot setback from a lot line for a combined septic system. The garage was never built thus nullifying setback variance. Currently the property shares a septic with the Deleeuw property to the east.

On June 18th 2022 the house which was occupied was destroyed by fire with the applicant wanting to rebuild in the same location.

Variations requested for project:

From 129th street the applicant would like to build a dwelling 49 feet from the required 100-foot setback to a township road center line. 49 feet is what the property to the east dwelling is set back.

From CSAH 1 the applicant would like to build a dwelling 44 feet from the required 100-foot setback to a township road center line.

From the east property line the applicant would like to build a dwelling 5 feet from the required 15-foot setback of the east side lot line.

All three requests are in variance to Article 16.01 – Permitted uses and 16.04. C-2 site regulations of the Meeker Ordinances.

Schultz reads two letters he received regarding this application:

*As I understand it, the new structure will not have much of an impact on TH 7 sight distances and will be further from CSAH 1 than the former structure. It's pretty tight to the Township road but further away than the old structure. The distance from the TWP road ROW would be my greatest concern, but the Township is the road authority for that. Yeah, not a great spot but better than what was there before the way it looks to me.*

*Phil Schmalz  
Meeker County Highway Engineer*

*and*

*Thank you for the opportunity to comment on the zoning variance request for the Miller property at 58012 129<sup>th</sup> St, Cosmos, MN 56228. We believe the current zoning setback requirements are reasonable and should be followed. The house that was destroyed was originally a commercial dwelling and was extremely close to both abutting roads and does not appear to be a buildable lot for residential purposes.*

*We are owners of 58066 and 58090 129<sup>th</sup> St, Cosmos, MN and are subject to the same zoning restrictions.*

*Lonny & Penny Reed*

Miller states that his mother is Eva Miller and he and his wife have been living with her since 2015. On June 18, 2022, the house that Eva lived in since 7<sup>th</sup> grade, burned to the ground. She lived in that house since 1980.

- To his knowledge, there was never an issue to anyone as far as causing concerns with traffic views.
- Mom's dying wish was to pass away in that home.
- Never noticed anything that would create a problem.
- Eva applied for a variance in 1997 for a garage to be within 5' from the eastern neighbor, which was passed. Eva had financial problems at that time, so she wasn't able to do it.
- With current ordinances, the lot is unbuildable.
- New house will bring beauty and value to the neighborhood.
- Wants Board to consider all the hardships involved.

Hempel asks if the new house will be one or two story? Basement?

Miller says they plan to build a slab on grade, with the option of having a loft. No exact plans yet. Two bedrooms, two bathrooms and two separate living areas. Approximately the same size as the original footprint.

Hempel states that the new dwelling looks larger.

Miller says it will be within 150 square feet. This will have a little more living space, but there was no garage.

Anderson asks for clarification on the location of the garage on the drawing.

Hempel asks if they have any intention of using this for commercial. *No.*

Don DeLeeuw says that he is the neighbor next to this property. He has concerns about the east property line setbacks as there will be two buildings only 7 feet apart. He's okay with the front, but says that county road #1 is hard to see when people come up the street. May be a traffic concern.

Schultz says the ordinance is 100' from the centerline of #1.

DeLeeuw also has concerns about the shared septic. The mound was originally put in for four bedrooms. Three for DeLeeuw and one for Eva.

Peterson says that she is the daughter of DeLeeuw and will eventually have possession of their house. She believes that all the ordinances should be adhered to.

Allen DeLeeuw says that if the property is deemed buildable, it should have its own septic and water.

Miller says that half the septic and sewer are contracted to their property.

Hempel asks Schmeling if he knows of any future changes or upgrades happening to 129<sup>th</sup> or #1? *No*

Anderson makes a motion to close the public hearing.

Smith seconds the motion.

Motion carried 3-0.

Hempel states that it would have been nice to see markers on this property.

Anderson would like to see something better than 7' between the houses. He can't imagine a fire taking out these houses.

Smith feels that this is not a good fit. It's too close.

Hempel says that there seems to be a reoccurring theme here whether it's from the public, letters or us—safety. She has concerns about lot size and that it is zoned C-2. Back in 1923 there probably weren't ordinances. Also, #1 didn't even have a shoulder.

Smith agrees. Meeting farm machinery on that road is unsafe. He also feels that sharing a well and septic is never a good fit.

Hempel asks that if this was just a lot that never had a house on it previously, and someone bought it asking for all these variances, would we approve it? We also need to look at the future. We can't let our compassion and emotions be involved with the decision. Everything needs a variance.

Anderson says his biggest concern is the east side. He would like to see at least 10', but that would make house closer to #1. Maybe the house could go down 5' in width.

Schultz says the minimum allowed width of a house is 24'.

Hempel reads through each variance:

Variance to build a dwelling 51 feet of the required 100 feet from 129th street.

Smith makes a motion to deny.

Hempel seconds the motion.

Denial carried 3-0.

Variance to build a dwelling 56 feet of the required 100 feet from CSAH 1.

Hempel makes a motion to deny.

Smith seconds the motion.

Denial carried 3-0.

Variance to build a dwelling 10 feet of the required 15 feet from a side lot line.

Anderson makes a motion to deny.

Hempel seconds the motion.

Denial carried 3-0.

5:50pm

**Hempel opens the public hearing for Ken & Dawn Kuechle, 35823 697th Ave, Kimball, MN 55353. Property located at 28740 660th Ave, Litchfield, MN 55355. Lot One (1), Red Oaks Addition, Lake Richardson, Forest City Township. An application for an Area Variance to construct a deck in variance to the required 100' setback to the OHWL of a Recreational Development Lake and to construct a gazebo in variance to the required 100' setback to the OHWL of a Recreational Development Lake, both in the R-1 Suburban Residential District and within the Shoreland District.**

Ken Kuechle is present for this hearing.

Schultz:

This property is approximately 13,196 square foot .3-acre R-1 Suburban Residential Zoned district. Lot 1 of Red Oaks Addition created 1951 with the lots small in width, depth and size. Located in Section 33, Township 120, Range 30 of Forest City Township, Lake Richardson shoreland district.

Currently on this property is a cabin built in 1940 with a deck put on in the 1970's. A new septic was installed in 2021. No other permits were found for the property. Impervious after the project will be approximately 18.2%. The existing dwelling on the property is 75 feet from the Ordinary High-Water Level OHWL with the deck 67 feet from the OHWL. Currently the structure setback to Lake Richardson is 100 feet from the OHWL from Meeker Ordinance (Sec 19.A.04.B.1 – Placement of Structures on Lots) Averaging setback for the dwelling on the lot is 71 feet.

The following variances would be required for the project:

A variance to the OHWL of Lake Richardson for the placement of a new 12' x 31' deck. The new deck will be 4 feet closer to the OHWL than the existing deck or 63 feet from the OHWL. A 37' variance will be required.

A variance to the OHWL of Lake Richardson for the placement of a new 16' x 17.5' gazebo. The new structure will be 61 feet from the OHWL. A 39' variance will be required.

Hempel questions the setback of the gazebo to the house.

Schultz says that the setback can be 3', but it is usually dictated by the insurance companies. They usually make it be a minimum of 5'.

Kuechle asks if he puts the gazebo 5' away from the house, can he get a variance for the side lot line to be closer than 10'?

Schultz says that he can't tonight because it wasn't advertised.

Anderson says that if the insurance company says it has to be 5', Kuechle may have to just make the gazebo smaller or longer.

Anderson comments that Kuechle is doing a great job on the landscaping which will slow down the runoff into the lake.

Anderson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 3-0.

Hempel reads each variance:

An area variance to be 63 feet rather than the required 100-foot setback to the OHWL of Lake Richardson to allow a new 12' x 31' foot deck in the Shoreland and R-1 Suburban Residential District to be built with the condition that all permits must be obtained prior to building new deck.

Anderson make a motion to approve.

Hempel seconds the motion.

Motion carried 3-0.

An area variance to be 61 feet rather than the required 100-foot setback to the OHWL of Lake Richardson to allow a new 16' x 17.5' Gazebo in the Shoreland and R-1 Suburban Residential District to be built with the condition that all permits must be obtained prior to building new structure.

Anderson makes a motion to approve.

Smith seconds the motion.

Motion carried 3-0.

6:02pm

Hempel opens the continued public hearing for JK Landscape/Jerry Konz (applicant) and Jim Shaw (owner).

Jerry Konz is present for this hearing.

Schultz: This property is approximately 35,931 square foot .82-acre R-1 Suburban Residential, riparian lot 4, block 1 of Hidden Forest formed July 2000. Located in Section 12, Township 120, Range 29 of Kingston Township. Lake Francis is a General Development Lake.

Currently on this property is a house/garage built in 2011. Steps, landing and other impervious were installed with CUP issued in 2012.

Septic system was installed in 2011 and needs a compliance check. Total impervious after the project on the site will be 6736 square feet or 18.7%. Reasons for the project are to rework the rip rap, replace the failing steps and landing, reset failing boulder stairs, add a retaining wall, and add a 6' wide infiltration basin.

The property owners are requesting a variance to be able to replace with a new 8' x 8' landing or 64 square feet, approximately 45 feet from the OHWL. Meeker Ordinance Sec. 19A.04. B.2.c. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements: Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties.

Variance requested:

Variance to be 64 square feet which is over the allowable 32 square feet of landing for a stairway for a R-1 property in the shoreland of a General Development Lake.

Konz says that Shaw just wants to rebuild what is there at the same size. Konz suggested to Shaw that if he was going to go through the expense and time, to go bigger. He didn't want that. Just wants to keep it the same size.

Hempel says that this landing is double than allowed, but the property is unique. It has angles because the hill is steep. And it needs to be replaced for safety. It's not big enough for seating.

Anderson makes a motion to close the public hearing.

Hempel seconds the motion.

Motion carried 3-0.

Smith makes a motion to approve.

Hempel seconds the motion.

Motion carried 3-0.

6:26pm

Anderson makes a motion to adjourn.

Hempel seconds the motion.

Motion carried 3-0.