

# MCLEOD COUNTY BOARD OF ADJUSTMENT

Thursday, March 25, 2021 - 9:30 A.M.

Environmental Services Facility - Large Conference Room

1065 5<sup>th</sup> Avenue SE, Hutchinson, MN 55350

>Road Tour Departs at 8:30 A.M.<

## A G E N D A

- 1) CALL TO ORDER – Board Chairman Hausladen
- 2) APPROVAL OF MINUTES – November 19, 2020
- 3) CLOSE CALENDAR YEAR 2020
- 4) ELECTION OF OFFICERS
  - a) Director Telecky request 2021 Chairman nominations
  - b) Chairman request nominations for 2021 Vice-Chairman

5) PUBLIC HEARING:

**Variance 21-01, Gerald Pederson, Section 12, Collins Township**

Gerald Pederson, Gaylord, Minnesota, requests approval to vary 20.00 feet from the required lake shore setback of 100.00 feet on Lake Marion (a Recreational Development Lake) to 80.00 feet for new dwelling construction, due to the existing septic system placement and its setback requirement. (Lindeman's Subdivision Lot-001, Block-001, Section 12, Collins Township)

MEMO TO:	NOTIFIED:	Comments
Township & City Clerks	3/4	By Zoning Staff; E-mailed and mailed
Collins Township	3/11	By Applicant
Mn DNR-Garry Bennett	3/1	By Zoning Staff
Env. Services Director		See Staff Report in ES Office

- 6) STAFF COMMUNICATIONS
  - a) 2021 Calendar meeting dates
- 7) NEXT MEETING – April 22, 2021
- 8) MOTION TO RECESS

## McLEOD COUNTY BOARD OF ADJUSTMENT

Environmental Services, Large Conference Room

1065 5<sup>th</sup> Avenue SE, Hutchinson, MN 55350

November 19, 2020 @ 9:30am

### MINUTES

#### CALL TO ORDER

The McLeod County Board of Adjustment held its regular meeting on Thursday, November 19, 2020. The meeting was called to order by Chairman Charles Hausladen at 9:30 a.m. following an 8:30 a.m. Road Tour.

**Members present:** Charles Hausladen, Thomas Hueser, Weston Plath and Neal DeMars.

**Absent:** Merlin Mackenthun

**Staff members present:** Director, Marc Telecky, Secretary, Sandra Posusta.

**Others present:** Darryl Robinson and Beth Nelson

#### APPROVAL OF THE MINUTES

**Upon review of the September 24, 2020 meeting minutes, Board member Hueser made a motion to approve the minutes as presented. Board member DeMars seconded the motion. Motion carried.**

#### PUBLIC HEARING

##### Variance 20-04, Darryl Robinson, Bergen Township

---

Director, Marc Telecky welcomed Mr. Robinson and Ms. Nelson who are requesting a variance to reduce the required front yard setback of 130' from the centerline of County Road 9 to 100' to construct an accessory building, including a variance to minimize the impact on the flood plain. This has considerable flood plain as it is abutting the Crow River. Garry Bennett, DNR Hydrologist reviewed the site and determined no stage increase should result from this construction. There is no wetland located in the southeast corner where the proposed shed will be built. This site is adjacent City of Lester Prairie. A conditional use permit was also applied for and heard at the November 18, 2020 Planning Advisory Commission meeting due to the shed size being over 2,400 square feet. The Planning Advisory Committee unanimously recommended approval.

The structure would be a 50' x 80' x 14'H pole shed (4,000 sf) constructed on a 6-acre parcel zoned "A" Agriculture located in the Southwest quarter of the Southwest quarter of Section 1 in Bergen Township.

Mr. Robinson is a hitting coach in professional baseball and would like to open an indoor hitting facility to work with youth and athletes in the off-season.

The speed limit out front is 45 miles per hour. The building across the road is 80' from the centerline of County Road 9. This request is definitely in order. Staff has no concerns.

The Board of Bergen Township recommended approval at their November 12, 2020 meeting. McLeod County Highway Engineer, John Brunkhorst has no concerns with this request.

Board member DeMars questioned if this parcel was located in city limits. It is not.

The City of Lester Prairie provided comment indicating they have no concerns as requested.

Board member Plath commented to the Board that requested setback of 100' sounds good to him and doesn't see any issues with this as requested.

Chairman Hausladen noted there were no public in attendance and asked if there was any further discussion.

**Board member DeMars motioned to close the public hearing. Board member Hueser seconded the motion. Motion carried.**

Chairman Hausladen said he and the Planning Commission committee heard the use request yesterday, Wednesday, November 18, 2020 and saw no problems at all.

**Board member Plath motioned to grant approval of Variance 20-04, as requested. Board member Hueser seconded the motion. The motion carried unanimously.**

#### **OTHER INFORMATION:**

- Mr. Telecky said no applications were received to date for the December 17, 2020 meeting.
- Mr. Plath commented he will be moving to town but can still service on the Board of Adjustment committee.
- Mr. Telecky noted if there is no December 2020 meeting, then we will meet to re-organize in January 2021.

#### **RECESS:**

**Board member DeMars motioned to recess. Board member Hueser seconded the motion. The motion carried unanimously.**

---

*Charles Hausladen, Chairperson*

---

*Sandra Posusta, Secretary*

# McLeod County Board of Adjustment

**To:** McLeod County Board of Adjustment

**Prepared By:** Marc Telecky

**Application:** 21-01

**Date:** March 3, 2021 – **Meeting Date:** March 25, 2021

## GENERAL INFORMATION

**Brief Description:** Gerald Pederson is requesting to reduce the lake shore setback (Lake Marion – Recreational Development Lake) from 100' to 80' to construct a new dwelling on an existing platted lot with a small cabin which would be removed.

**Owner/Applicant:** Gerald Pederson  
19091 115<sup>th</sup> St.  
Brownton, MN 55312  
P.I.D#03.060.0010

**Requested Action:** 1) To reduce the lake shore setback from 100' to 80' (Recreational Development Lake – Lake Marion) to construct an attached garage addition onto a non-conforming dwelling.

**Lot Size:** ~ 160' x ~250' = .918 acres, Lindeman's Subdivision Lot 1 Block 1

**Existing Zoning:** "R-1" Rural Residential, Shore land overlay

**Location:** That part of the SE ¼ SE ¼ Section 12 Collins Twp

**Existing Land Use:** Residential, Shore land

**Adjacent Land Use  
And Zoning:** Residential, Shore land

**Zoning History:** NA

**Applicable Ordinance** McLeod County Zoning Ordinance Section 8, 13 & 23  
McLeod County SSTS Ordinance

## SPECIAL INFORMATION

**Public Utilities:** McLeod Cooperative Power

**Public Services:** Individual Sewage Treatment System

**Transportation:** 115<sup>th</sup> Dr.

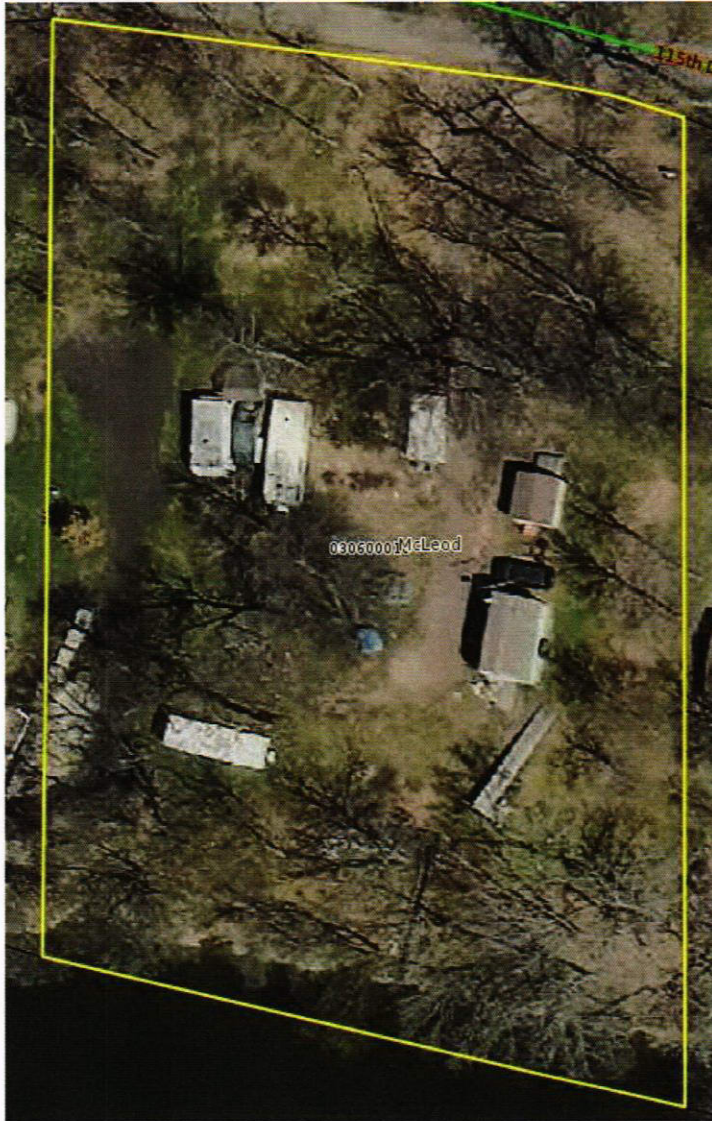
**Pederson Variance**

**March 3, 2021**

**Page 2**

**Physical Characteristics:** Riparian lot that was established prior to the adoption of the McLeod County Subdivision Ordinance and the adoption of MN Rule 6120.

**Analysis:** The applicants are requesting to construct a new year-round dwelling in-line with the neighboring structures. The existing septic system on-site creates some difficulty with meeting the required lakeshore setback thus the request.



**Recommendations:** Staff does not have concerns with this request.

The Board shall ask themselves these questions before granting area variances:  
M.S 394.27

- 1) Is the variance request in harmony with the general purpose and intent of official controls?
- 2) Does the applicant propose to use the property in a reasonable manner not permitted by an official control?
- 3) Is the plight of the landowner due to circumstances unique to the property not created by the land owner?
- 4) Will granting the variance alter the essential character of the locality?
- 5) Is the practical difficulty solely economic in nature?

Cc: Gerald Pederson-- Applicant

