

MCLEOD COUNTY BOARD OF ADJUSTMENT
Thursday, March 23, 2023 - 9:30 A.M.
Environmental Services Facility - Large Conference Room
1065 5th Avenue SE, Hutchinson, MN 55350
>Road Tour Departs at 8:30 A.M.<

A G E N D A

- 1) CALL TO ORDER – DIRECTOR, MARC TELECKY
- 2) APPROVAL OF MINUTES – October 27, 2022
- 3) CLOSE CALENDAR YEAR 2022
- 4) OPEN CALENDAR YEAR 2023 BY DIRECTOR MARC TELECKY
- 5) ELECTION OF OFFICERS
 - a) Director Telecky request nominations for 2023 Chairman
 - b) 2023 Chairman request nominations for 2023 Vice-Chairman

6) PUBLIC HEARING:

A. **Variance 23-01, Preston Fox, Helen Township**

Preston Fox is requesting to reduce the front yard setback of 130' on 9th Street E (CR 69) to 92' to construct a condo garage unit on vacant property.

MEMO TO:	NOTIFIED:	COMMENTS
Township & City Clerks	3/3/2023	March 3, 2023
City of Glencoe	3/3 & 3/10	Notified via email and mailings
Helen Township	3/13	By Applicant
Env. Services Director		See Staff Report in ES Office

- 7) STAFF COMMUNICATIONS
 - a) Review and Approval of the proposed 2023 meeting calendar
- 8) NEXT MEETING – April 27,2023 if applications are received.
- 9) MOTION TO RECESS

McLEOD COUNTY BOARD OF ADJUSTMENT
Environmental Services, Large Conference Room
1065 5th Avenue SE, Hutchinson, MN 55350
October 27, 2022 @ 9:30am

MINUTES

1) CALL TO ORDER

Following an 8:30 a.m. road tour, Chairman Charles Hausladen called the meeting to order at 9:35 a.m. in the McLeod County Environmental Services Facility, Large Conference Room, located at 1065 5th Avenue, SE, Hutchinson, Minnesota.

- **Members present:** Charles Hausladen, Merlin Mackenthun, Thomas Hueser, Neal DeMars and Weston Plath
- **Staff members present:** Marc Telecky, Environmental Services Director and Sandra Posusta, Secretary
- **Others present:** Steve Schauer and Tony Hand

2) APPROVAL OF THE MINUTES – SEPTEMBER 22, 2022

Motion made by Merlin Mackenthun to approve September 22, 2022 meeting minutes. Second by Thomas Hueser. Motion approved.

3) PUBLIC HEARINGS

A. Variance 22-03, Steve Schauer on property of Matt & Amanda Dammann

Marc Telecky, Director addressed the Board explaining the project from the staff report. Steve Schauer, Schauer & Son's Construction Inc., Silver Lake, MN representing Matthew & Amanda Dammann, property owners, requests to reduce the front yard setback (130th Street, a township road) from one-hundred (100) feet to fifty-five (55) feet to construct an expanded deck/porch addition onto the existing dwelling. This rural residential lot size is 1.25 acres and zoned "A" Agriculture. The dwelling is legal non-conforming due to being constructed prior to the current ordinance regulations. The septic system is compliant.

Director Telecky read aloud a letter received from Alan and Brenda Birkholz on October 21, 2022 stating they are in favor of the variance request.

On October 11, 2022 the Rich Valley Township Board recommended approval.

Director Telecky noted the Committee saw the flags posted upon road tour prior to the meeting. The project will be approximately eight (8) feet closer to the road.

There being no public available to comment, Tom Hueser motioned to close the public hearing. Merlin Mackenthun seconded the motion. Motion carried.

Weston Plath motioned to approve variance 22-03 as submitted. Neal DeMars seconded the motion. The motion carried unanimously.

B. Variance 22-04, Tony Hand, Hale Township

Marc Telecky, Director addressed the Board and explained the variance request applied for by Tony Hand presented on the staff report to reduce the required front yard setback (Swan Lake Road, (CR 79)) from one-hundred thirty (130) feet to forty (40) feet to construct an expanded deck addition onto the existing dwelling. This rural building site lot size is .81-acre and located in the "A" Agriculture District in Section-30 of Hale Township and described as Lot-3. This dwelling is legal non-conforming because it was constructed prior to the current ordinance regulations. It's located forty-eight (48) feet from the centerline of County Road 79. Staff does not have concerns with this request.

Director Telecky read aloud comments provided by Garry Bennett, MnDNR Area Hydrologist, considering conditions to mitigate for additional lake encroachment, such as vegetation screening or storm water pond to prevent run-off into the lake. However, it will not encroach near the lake.

Chairman Charles Hausladen said the run-off will be stopped by the road. Not an issue.

John Brunkhorst, County Highway Engineer, reviewed the clear zone requirements for CR 79, and does not have concerns.

With no public comment, Neal DeMars motioned to close the public hearing. This motion was seconded by Merlin Mackenthun. Carried.

Chairman Hausladen asked about the DNRs perspective. Mr. Telecky said any type of run-off will be stopped by the road, therefore, Mr. Bennett has no concerns.

Mr. Telecky said this is not the first request on Swan Lake. There a lot of houses very close. Dust control and property road right-of-way ownership were discussed.

Tom Hueser asked if calcium chloride could be used for dust control. Mr. Telecky confirmed it can and there is another product that is fructose based.

Neal DeMars motioned to approve Variance 22-04. Merlin Mackenthun seconded the motion. The motion carried unanimously.

7) NEXT MEETING

- Marc Telecky said there may be one application for the November 17, 2022 meeting.

8) RECESS

Board member Weston Plath motioned to recess until the next meeting. Board member Neal DeMars seconded the motion. The motion carried unanimously.

Chairman, Charles Hausladen

Sandra Posusta, Secretary

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BOARD OF ADJUSTMENT STAFF REPORT

To: McLeod County Board of Adjustment

Prepared By: Marc Telecky

Application: Variance 23-01

Date: March 6, 2023 – **Meeting Date:** March 23, 2023

GENERAL INFORMATION

Brief Description: Preston Fox is requesting to reduce the front yard setback from 130' to 92' to construct a condo garage unit on vacant property.

Applicant: Preston Fox
580 Petersen Cir. NE
Hutchinson, MN 55350
P.I.D# 07.018.2100

Requested Action: To reduce the following required setbacks:

1) To reduce the front yard setback from 130' to 92' to construct a condo garage unit.

Lot Size: 1.81 acres Common Lot Fox Garage Addition Three
.27 acres Fox Garage Addition Three (9-unit building)

Existing Zoning: "HB" Highway Business (commercial district)

Location: 2.08 AC NE 1/4 SW ¼ Section 18 Helen Twp.

Existing Land Use: Existing commercial lot (Lange Building)

Adjacent Land Use And Zoning: "A" Agriculture, City of Glencoe, Highway Business

Zoning History: NA

Applicable Ordinance McLeod County Zoning Ordinance Section 10 & 23

SPECIAL INFORMATION

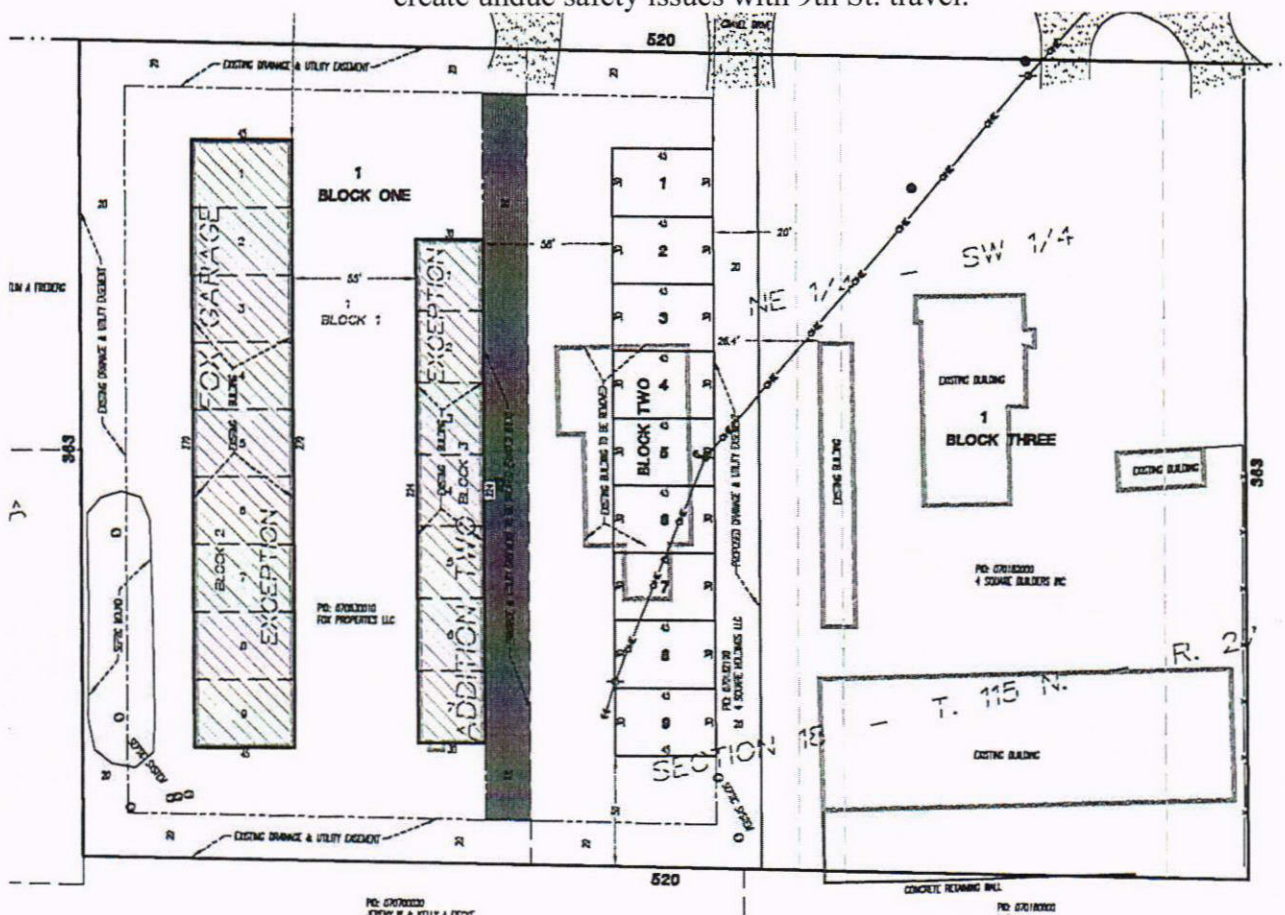
Public Utilities: McLeod Cooperative Power

Public Services: Individual Sewage Treatment System

Transportation: 9th St. (CR 69)

Physical Characteristics: Existing commercial property to be re-purposed, Municipal Boundary (Glencoe)

Analysis: This proposed development is currently under review as a Preliminary Plat and prior to moving forward in the platting process a variance is needed for the closest proposed building in this proposed condo garage development. Variances are required to meet the strict rule of practical difficulty as provided in the questions below. However due to the fact that a few buildings on the west side of this lot are constructed at a distance similar to this request, this request would not adversely impact the nature of the area or create undue safety issues with 9th St. travel.



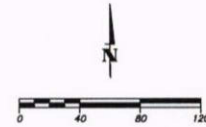
Recommendations: Staff has no objections with this request.

The Board shall consider these questions before granting area variances:

- 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: Preston Fox– applicant

**PRELIMINARY PLAT OF
FOX GARAGE ADDITION THREE**
STOECKEL-JAHNER SURVEYING FILE NO. 8130



DEVELOPMENT DATA:

OWNER & DEVELOPER:
Fox Properties LLC
Preston Fox
2718 9th Street East
Glencoe, MN 55336
(320) 563-6712

SURVEYOR:
Stoeckel-Jahner Surveying Inc.
1206 3rd Avenue East
Alexandria, MN 56308
(320) 763-6855

EXISTING ZONING: B-1 Highway Business District

SETBACKS: Township Road 100' from centerline
Side Yard 20'
Rear Yard 50'

LOCATION: Part of the Northeast Quarter of the Southwest Quarter, Section 18, Township 115 North, Range 27 West, McLeod County, Minnesota.

Total area of Preliminary Plat = 3.90 Acres

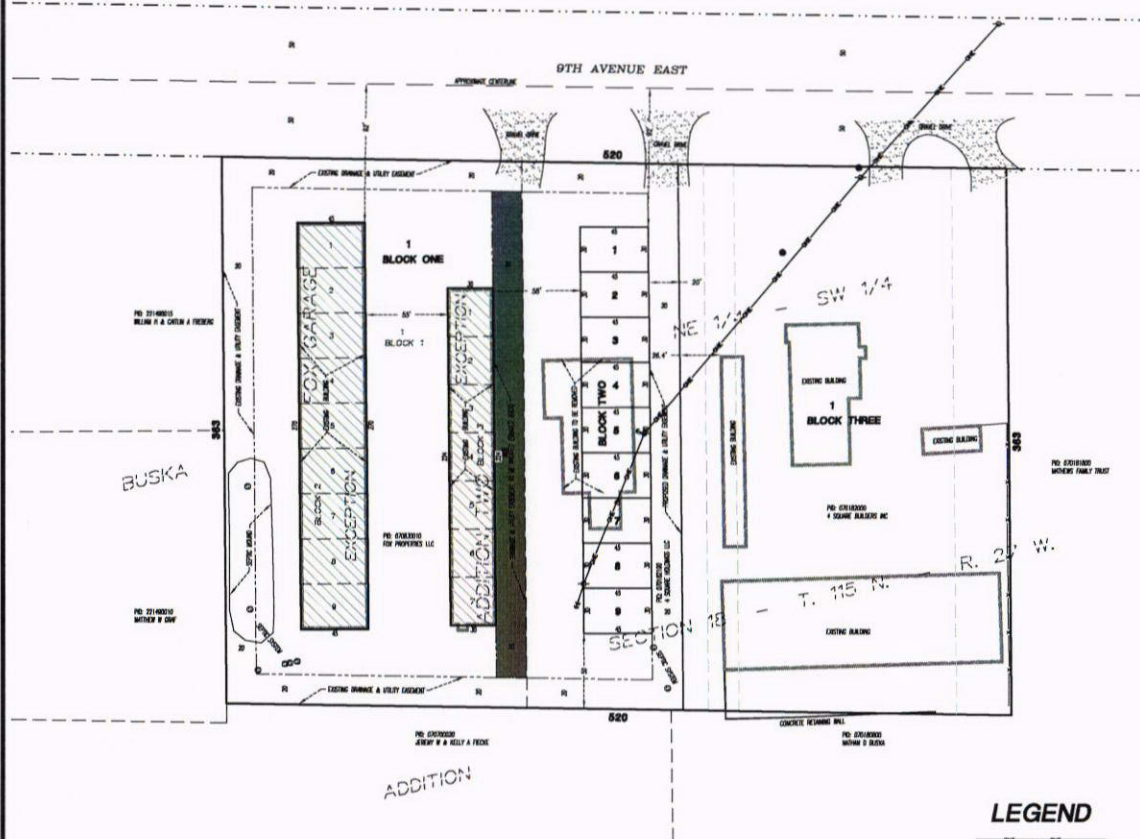
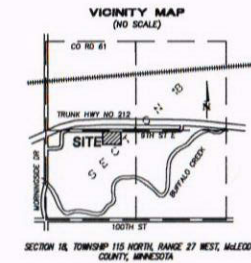
LOT SIZE BREAKDOWN:

BLOCK ONE
LOT 1 = 78,952 Sq.Ft.

BLOCK TWO
LOT 1 = 1,350 Sq.Ft.
LOT 2 = 1,350 Sq.Ft.
LOT 3 = 1,350 Sq.Ft.
LOT 4 = 1,350 Sq.Ft.
LOT 5 = 1,350 Sq.Ft.
LOT 6 = 1,350 Sq.Ft.
LOT 7 = 1,350 Sq.Ft.
LOT 8 = 1,350 Sq.Ft.
LOT 9 = 1,350 Sq.Ft.

BLOCK THREE
LOT 1 = 78,742 Sq.Ft.

TOTAL = 169,844 Sq.Ft. or 3.90 acres



LEGEND

- OVERHEAD ELECTRIC
- POWER POLE
- SANITARY MANHOLE
- ELECTRIC POWER
- POLE GUY
- SEWER RISER

SEC. 18, TWP. 115N., R. 27W., MCLEOD CO., MN.

DATE: 02-20-23

DRAWN BY: DLS

CHECKED BY: MFL

FILE NUMBER: 8130

FOX PROPERTIES LLC

PREPARED FOR:

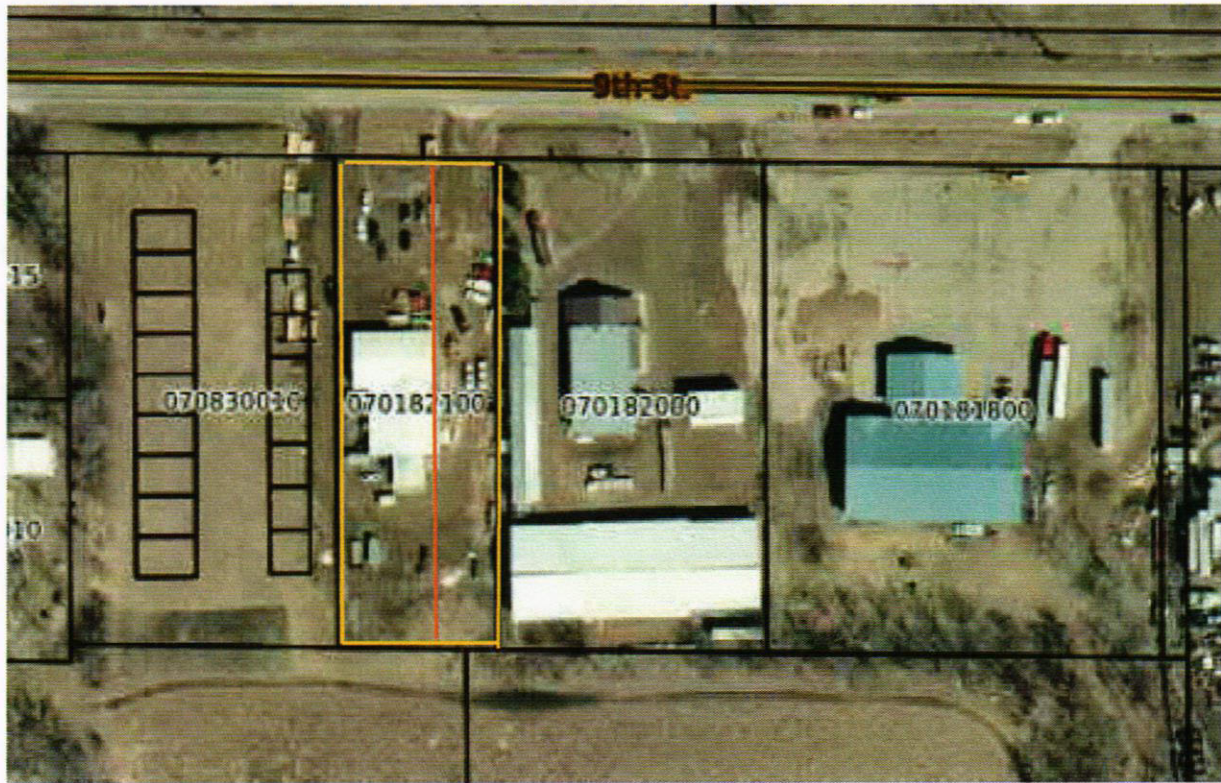
STOECKEL-JAHNER LAND SURVEYING

MANUSCRIPT - LICENSE NO. 44403

1206 3rd Avenue East, Alexandria, MN 56308

Phone: 320-763-6855 Fax: 320-763-6856

Website: stoeckeljahner.com Email: msj@stoeckeljahner.com



Preston Fox, Preliminary Plat

2023

January '23						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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29	30	31				

February '23						
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26	27	28				

March '23						
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April '23						
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30						

May '23						
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June '23						
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July '23						
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August '23						
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September '23						
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October '23						
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22	23	24	25	26	27	28
29	30	31				

November '23						
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December '23						
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