

LYNDEN TOWNSHIP
STEARNS COUNTY
PUBLIC HEARING – VARIANCE
JOHN AND SARAH HOPPE
JANUARY 30, 2018

Those present were Supervisors Anne Ackerman, Jerry Finch, Dave Johnson and Clerk Jenny Schmidt. Chair Ackerman called the meeting to order at 6:00 p.m. and opened the hearing for public comment.

The purpose of tonight's meeting is to consider a variance application submitted by John & Sarah Hoppe for a home and garage to be constructed approximately fifty-two (52) feet and a shed to be constructed approximately sixty (60) feet from the centerline of a private road. Sixty-three (63) feet is required according to Stearns County Zoning Ordinance #439 Section 9.9.9 A.(3) adopted by reference as Lynden Township Ordinance #7. The subject property is ID # 19.10441.0000 and described as Part of Government Lot 1, (.69 Acres W150' of S200' of E 475' of Lot 1 Lying N of Shore Line), Section 31, Township 122, Range 27, with a property address of 379 Beachwood Road, South Haven, MN 55382.

It was noted that the Planning Commission performed a site visit on January 12. The planning commission prepared findings and unanimously recommended approval of the application.

Applicants John and Sarah Hoppe were present and explained their desire for a variance. The proposed house achieves the required setback, but a portion of the garage encroaches into the 63 foot requirement. The proposed shed is 30 x 40 and the applicants noted they are proposing a smaller shed than initially desired. It was also noted the existing small shed will remain. Their proposal conforms with other required lake frontage and side setbacks, so they believe they do not need to apply for a variance through Stearns County. Environmental Services was notified of the public hearing but did not provide any comment. The applicants indicated they need to raise the house up 4 feet due to floodplain requirements. The wooden stake seen by Supervisor Johnson is the ordinary high water mark and the orange stake is the sewer location.

Adjacent neighbors Clint and Karen Olson were present and are in support of the application.

Clerk Schmidt received no correspondence or phone calls.

Johnson made a motion to close the public input portion of this hearing at 6:37 p.m., seconded by Finch, all in favor, motion passed.

The Board reviewed the Planning Commission's Findings of Fact for the proposed variance. It was noted that the house portion of the proposed structure achieves the 63 foot setback and is also in line with the house to the east. Only a portion of the garage encroaches into the required setback. It was also noted that this proposal is behind the established building line as there is an accessory structure two lots to the west that is located much closer to the road than the distance requested by the applicants. Johnson indicated he has no issues with this request. Finch expressed concerns because of previous similar requests that have been denied on Alder Road. Johnson sees Beachwood Road differently than Alder Road. The proximity of the homes to Alder Road is much less and it is a denser environment. It was acknowledged that the applicants have a much larger lot, they are not requesting to be closer than 30 feet to the edge

of the road, and there would be no impact on road accessibility for emergency vehicles, which are issues on Alder Road. The road is not platted in front of this lot, so it is impossible to establish the edge of the road right way. The edge of Beachwood Road to the closest point of the proposed structures was calculated at approximately 43 feet. Based on the magnitude of the encroachment and due to the fact that Stearns County approved a driveway through Agricultural land contrary to their own ordinance, Johnson's position would be to grant the variance. Ackerman expressed support for the request because the structures fall within the established building line. It was also noted that septic location is not a factor, as this property is part of an existing community septic system. Finch is not in support of approving the application as he believes the proposed structures are too big for the lot and could be modified to meet the ordinance requirements.

Ackerman made a motion to grant the variance application for a home with attached garage to be constructed 52 feet from the center line of Beachwood Road and an accessory building to be constructed 60 feet from the centerline of Beachwood Road, as illustrated in the plan submitted with the application, seconded by Johnson, two in favor, Finch opposed, motion carried 2 – 1.

Johnson made a motion to accept the Planning Commission's Findings with additions noted in the Board's discussion, seconded by Ackerman, all in favor, motion passed. Ackerman will prepare the Board's Findings of Fact which will be provided to the applicants.

The applicants were cautioned that this variance approval only applies to the location of the attached garage and accessory building in relation to the private road. As this property is located in Shoreland, Stearns County has jurisdiction over all other aspects of the zoning ordinance. The applicants were instructed to contact Stearns County to review their plans with staff in the Environmental Services office. They were also told they must secure all required permits including a construction site permit from Environmental Services and a building permit from Nancy Scott of AllSpec Services (Lynden Township's Building Official) before proceeding with any construction. They were provided with contact information for those offices.

Ackerman made a motion to adjourn the meeting, seconded by Johnson, all in favor, motion passed. Meeting adjourned at 6:47 p.m.

Respectfully submitted,

Jenny Schmidt, Clerk

Anne Ackerman, Chair