

Chair Quade Mayer
Mayor Elizabeth Olson
Larry Murphy
Jeremiah Erickson
Mike Netland

City of Menahga
Planning and Zoning Commission Meeting
7:00 pm Thursday, May 5, 2022
City Council Chambers
115 2nd Street NE
www.cityofmenahga.com

Agenda

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Approval of Minutes

- Minutes of April 7, 2022

E. Variance Public Hearing – Matson of Minnesota, Inc.

F. Review information on fences and sheds.

1. Shed and fence discussion. Information from other cities.

G. Discussion of future training of members.

H. New Business

1. Tax Forfeited Lot Parcel Split
2. Boulder Ridge

I. Adjournment

**City of Menahga
Planning & Zoning Minutes
Thursday, April 7, 2022**

A. Call to Order

The Menahga Planning and Zoning Commission held their Regular Monthly Meeting on Thursday, April 7, 2022.

Chairman Quade Mayer called the meeting to order at 7:00 pm

B. Roll Call

Comprising a quorum of the commission, the following members were present:

Quade Mayer, Mayor Elizabeth Olson, Larry Murphy, Jeremiah Erickson and Mike Netland

Also present were Temporary City Administrator Betty Thomsen and Temporary Administrative Tech Jensine Kurtti

C. Pledge of Allegiance

D. Approval of Minutes

Main Motion: To approve the March 3, 2022 Minutes as presented.

Moved by:	Murphy
Seconded by:	Olson
Action:	Motion carried by a 5-0 voice vote
In favor:	Mayer, Olson, Murphy, Erickson, Netland
Opposed:	none

E. Review information on fences and sheds.

Discussion focused on fences and sheds within the city, the current ordinance does not address fences or sheds. It has been a longstanding practice of allowing a six-foot fence to be placed on the property line, with the best side facing the neighboring property, and any shed that is less than 120 sq. feet is allowed without getting a permit from the city.

The size of a shed that can be built without a zoning permit was also discussed. The commission would like to see how this is handled by other cities. Factors such as location and number of sheds on a property were discussed, and what type of construction material can be used for a fence. The question of whether a shed that is constructed on a platform and not permanently attached to the land, needed to have a permit at all, was also discussed. More information will be brought back to the commission, before any decisions will be made.

F. Updated Front Sheet for Capital Improvement Plan.

The commission was given an updated cover sheet to place on the Capital Improvement Plan that the commission approved in January 2022.

G. Covenants on M.D.C. (Menahga Development Corporation) Lots.

The M.D.C. had provided the city with a list of covenants for their 6th Addition that their property owners are required to adhere to. This will be very helpful for the city when property owners apply for zoning permits in that addition.

H. Update on Twin Lakes Property Group (Josephson) property.

Jensine Kurtti reported that a letter was not sent to Twin Lakes Group, but she had spoken with Mark Josephson regarding his questions about re-zoning the property he has at 315 1st St. SE, Menahga. Kurtti explained that they could apply for re-zoning the property from Residential to Commercial, but the property has come before the commission on several occasions (back to 1997) and had always been denied. Josephson stated that his plans had changed and was now looking at just making three apartments in the building, as well as personal storage. The commission agreed that those uses would be allowed, but that the building could not be used for a business use.

Regarding Josephson's claim that the city street is on his property, Kurtti stated that the best way to rectify the situation is for him to have a survey done.

I. Discussion on future training of members.

Betty Thomsen reported that she had contacted Sourcewell and they are working with the League of Minnesota Cities to provide training sessions for zoning issues.

Jensine Kurtti updated the commission on The Matson of Minnesota, Inc. Variance request, the plan is to have the Variance Public Hearing on May 5, 2022.

J. Adjournment

Main Motion: To adjourn the meeting at 7:38 p.m.

Moved by:	Olson
Seconded by:	Netland
Action:	Motion carried by a 5-0 vote
In favor:	Mayer, Erickson, Murphy, Olson, Netland
Opposed:	None.

Temporary Administrative Asst, Jensine Kurtti

Chairman, Quade Mayer

PUBLIC NOTICE

APPEAL FOR A VARIANCE

Notice is hereby given that on Thursday, May 5, 2022 at 7:00 pm, the Menahga Planning and Zoning Commission will hold a public hearing on the application of Matson of Minnesota, Inc. on the following described property:

Odland's Pine Acres Fourth:
Block #2, Lot 3, Parcel A and Parcel B
Block #2, Lot 4, Parcel C and Parcel D
Located in the City of Menahga, MN. 56464,
in an R-1 District.

Application, if approved, would allow the building to be built with a reduced side yard setback of 10 feet from the property line, from the required setback of 15 feet from the property line.

All persons interested are invited to attend said hearing and be heard on the matter. Written correspondence must be received by the City of Menahga Zoning Administrator, P. O. Box C, Menahga, MN. 56464 before the close of business on the day of the hearing in order to be accepted and must include the **full name and address of the person sending the correspondence in order to be accepted for presentation to the Planning Commission at the public hearing.** The correspondence may be submitted in person, by U.S. Mail, or by e-mail to the Zoning Office but it MUST include the required information.

City of Menahga
Planning and Zoning Commission
Date: 4-15-22



City of Menahga
 115 2nd Street NE • PO Box C
 Menahga, MN 56464
 218-564-4557
www.cityofmenahga.com

Variance Application
(\$150.00 Application Fee)

Application date: 1-8-22

Applicant name: MATSON OF Minnesota, INC. Lyle MATSON

Mailing address: 18948 county Hwy 38

City: Frazee State: MN Zip: 56544

Phone numbers: 320-980-4570

Email address: lmatson@outlook.com

Property address: Lot #3 Block #2 / Lot #4 Block #2

Parcel #: Lot #3 R176200060 / Lot #4 R176200070

Property size: 150 Width 150 Length 22,500 Total square feet

What is the property's current use?: Vacant Lot's

The property is currently zoned:

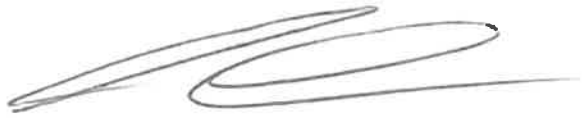
- | | |
|---|---|
| <input type="checkbox"/> A-R, agricultural residential | <input checked="" type="checkbox"/> R-1, one-to four-family residence |
| <input type="checkbox"/> R-2, multiple-family residence | <input type="checkbox"/> C-B, central business |
| <input type="checkbox"/> C-1, commercial | <input type="checkbox"/> C-2, highway commercial |
| <input type="checkbox"/> I, industrial | <input type="checkbox"/> S-D, shoreland district |
| <input type="checkbox"/> M-H, manufactured home residence | |

Explain in detail the reason for your request:

Split Lot's IN HALF FROM 22,500 SQ FT
TO 11,250 SQ FT ALLOW 10 FT SIDE
Yard set BACK'S

Please feel free provide any additional supporting documents and data to help this request.

Applicant statement. I certify that I am the applicant named in this application and that I have familiarized myself with the zoning information with respect to preparing and filing this application. I further certify that the statements made in this application are true and accurate to the best of my knowledge.



Applicant Signature

1-8-22

Date

Zoning Administrator

Date

Office Use

Date application received: _____
Filing fee included?: _____
Forwarded to the Planning Commission on: _____
Planning Commission meeting date: _____
Notices were mailed to the property owners on: _____
Planning Commission decision was forwarded to the Council on: _____
City Council meeting date: _____
Resolution Number: _____
Did the Council adopt the resolution?: _____
Effective date: _____



City of Menahga
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R-1, One to Four Family Residence Zoning District

What is the purpose of the R-1 district?

The R-1 district is intended for low density residential development in those areas where development fits the land use plan and policies and to establish general development standards to assure compatible land uses, to prevent blight and deterioration and to enhance the health, safety, and general welfare of the city. (MMC 151.16 A and F).

What is allowed in the R-1 district?

These uses are allowed without any additional permits, other than the Land Use Permit (MMC 151.16 B):

- One to four family unit dwellings;
- Parks and recreational areas owned or operated by governmental agencies;
- Public elementary or high schools or private schools with an equivalent curriculum;
- Churches, parish houses, convents, children's nurseries and schools;
- Crop farming, other than livestock on unplatted land not involving a sales structure;
- Home occupations and offices of professional persons when the use does not exceed one-third of the floor space of a dwelling or accessory building and does not employ more than one person not residing on the premises;
- Public golf courses, public swimming pools, private recreational clubs, tennis courts, except those operated for commercial purposes; and
- Manufactured homes built in conformance with MS 327.31 to 357.35 (the Manufactured Home Building Code) that comply with all other zoning provisions promulgated by the city.

The following accessory buildings and accessory uses are also allowed (MMC 151.16 C):

- Private garage, carport, boathouse, one of each depth designation;
- Private swimming pools when completely enclosed by a fence five or more feet high;
- Boarding or rental of rooms shall be subject to providing off-street parking, as regulated in MMC 151.35 through 151.38;
- Maintenance of dogs and cats or other household pets, subject to City licensing requirements and other City rules;
- Off-street parking, as regulated in MMC 151.38;
- Parking of one commercial motor vehicle not more than 26 feet in length used by the resident occupant and parking of passenger cars but not including storing vehicles which are inoperable, for sale, or for rent; and
- Signs, as regulated in MMC 151.37.

What else is allowed in the R-1 district?

Before conducting any of the following activities, you must obtain a Conditional Use Permit and a Land Use Permit (MMC 151.16 D):

- Municipal administration buildings, police and fire stations, libraries, museums, art galleries, post offices and other municipal service buildings, except those customarily considered industrial or commercial in use;

- Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures;
- Commercial country club, commercial swimming pool, private swimming pool serving more than one dwelling;
- Apartment buildings and multiple dwelling units housing four to eight families with appropriate off-street parking facilities;
- Boarding or rental of rooms for three to eight persons on a premise; and
- Manufactured home park developments, subject to manufactured home park development regulations in the general requirements of the Menahga Municipal Code.

Are there height requirements?

No structure can be over two and one half stories or 35 feet, whichever is less, in height. Church spires, belfries, domes which do not contain usable space, chimneys and similar structures not intended for human occupancy may be of any height. (MMC 151.16 E)

How far back from the property lines do I have to be?

- Front yard – 20 feet from the property line. Corner lots, where both yards border a street, are considered front yards;
- Rear yard – existing lots, one fifth of the size of the lot. New lots, one fourth of the size of the lot;
- Side yard – existing lots, ten feet from the property line. New lots, 15 feet from the property line. (MMC 151.16 E)

Is there a minimum lot size for the R-1 residential district?

- The minimum lot size for lots with public sewer and one or two residential units is 9,000 square feet;
- The minimum lot size for lots with public sewer and more than two units is 9,000 square feet plus 2,000 additional square feet per unit. I.e., the minimum lot size for a lot that has public sewer and three units is 11,000 square feet;
- The minimum lot size for lots without public sewer and one or two residential units is 20,000 square feet; and
- The minimum lot size for lots without public sewer and more than two units is 20,000 square feet plus 2,000 additional square feet for each additional unit. I.e., the minimum lot size for a lot that does not have public sewer and three units is 22,000 square feet (MMC 151.16 E).

How wide does the lot have to be?

- The minimum lot width for lots with public sewer is 75 feet; and
- The minimum lot width for lots without public sewer is 150 feet. (MMC 151.16 E)

How deep does the lot have to be?

- The minimum lot depth for lots with public sewer is 120 feet; and
- The minimum lot depth for lots without public sewer is 150 feet. (MMC 151.16 E)

What can and cannot be used as additional living space?

- Basements may be used as living quarters or rooms as a portion of residential dwellings;
- Cellars, basements, garages, tents, or accessory buildings may not be used as an independent residence or dwelling unit, temporarily or permanent, except in multiple-family dwellings with additional living units located above ground. (MMC 151.16 F)

Notes:

- Land Use Permits are almost always required before constructing, altering, moving, or demolishing a building.

City of Menahga
"The Gateway to the Pines"



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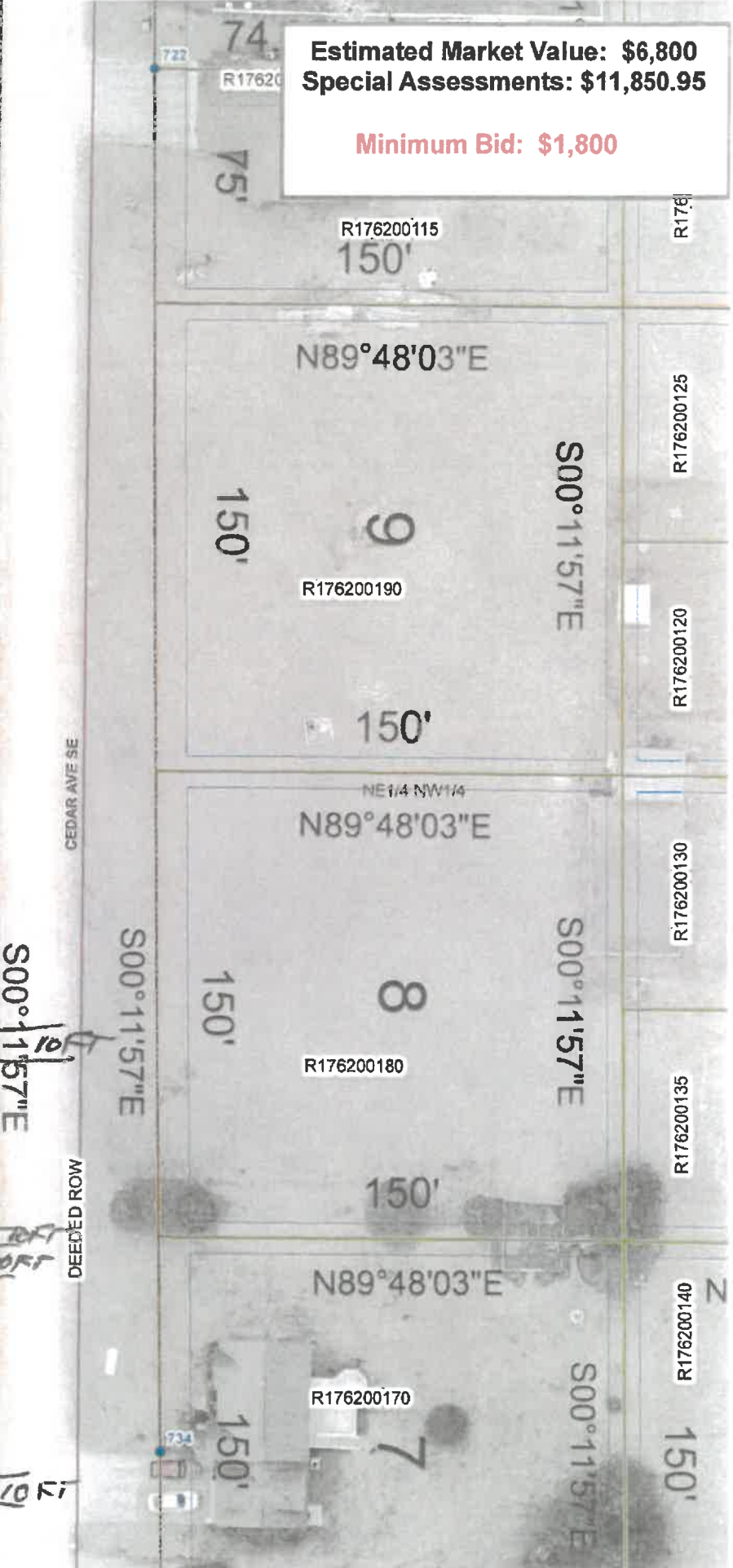
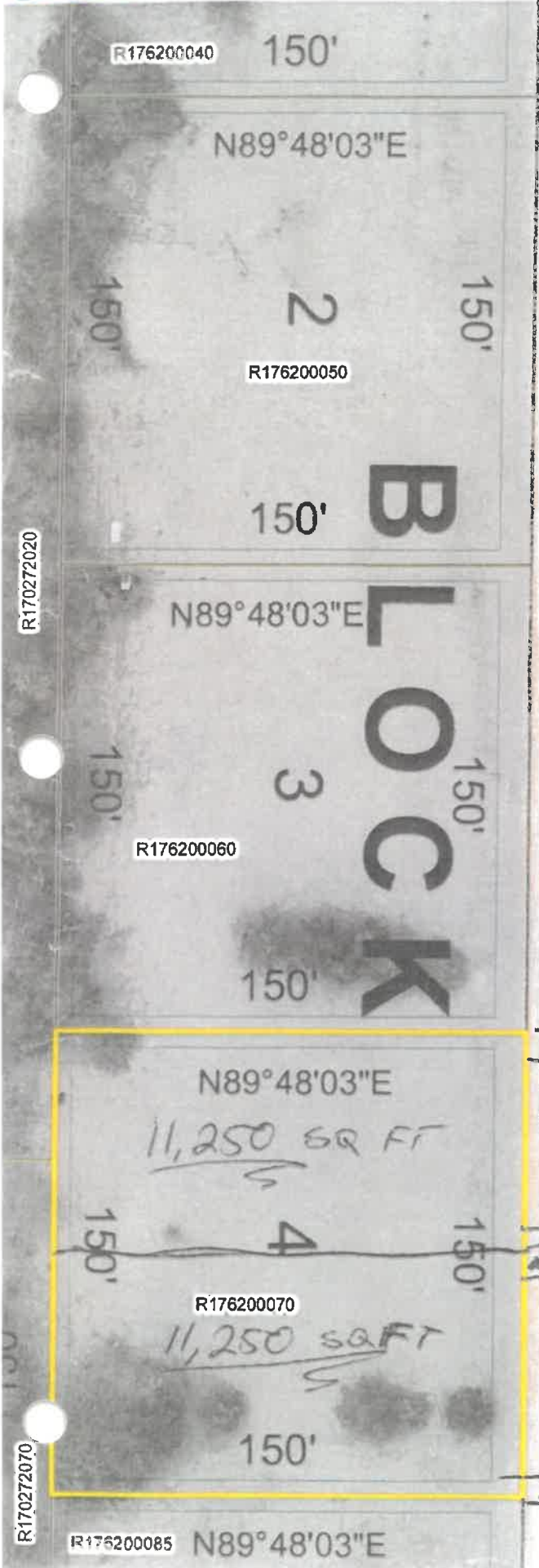
Planning Commission Meeting

Variance Public Hearing – Matson of Minnesota, Inc.

May 5, 2022

Public Hearing Sign Up

<u>Name</u>	<u>Address</u>
1. Joanie Jematta	
2. Brian	
3. John Christensen	
4. Cheri Christensen	
5.	
6.	
7.	
8.	
9.	
10.	



Estimated Market Value: \$6,800
Special Assessments: \$11,850.95
Minimum Bid: \$1,800

11,250 SQ FT
11,250 SQ FT

10 FT
10 FT
10 FT

CEDAR AVE SE

DEDICED ROW

R170272020

R170272070

722

74
R176200115

75'

R176200115
150'

N89°48'03"E

150'

9

R176200190

150'

NE1/4 NW1/4

N89°48'03"E

150'

8

R176200180

150'

N89°48'03"E

150'

R176200170

7

S00°11'57"E

S00°11'57"E

S00°11'57"E

R176200115

R176200125

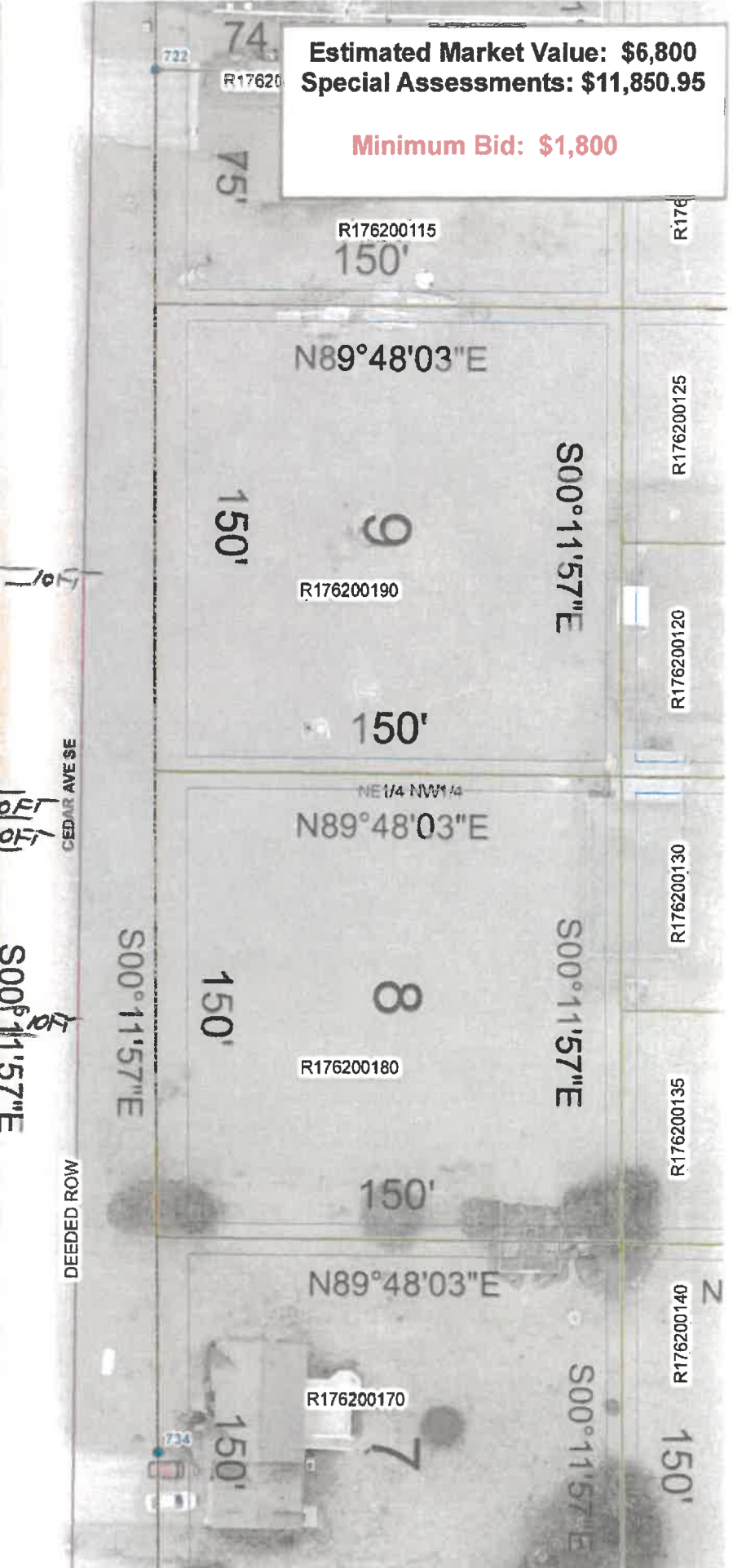
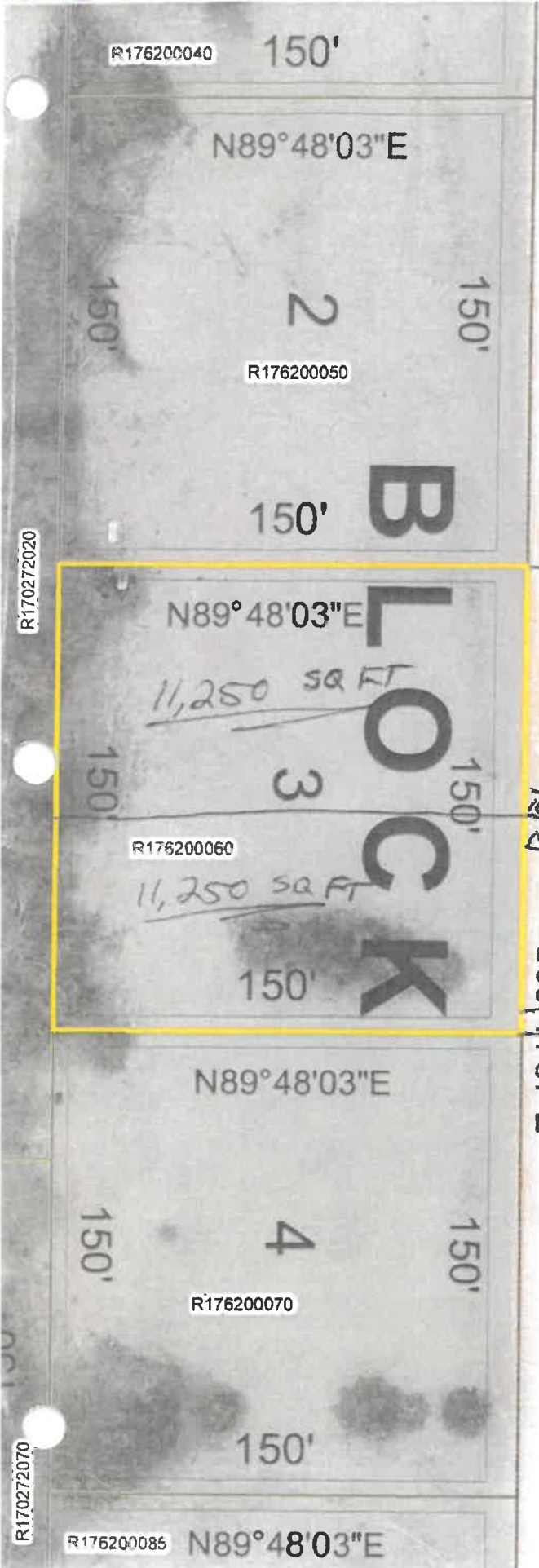
R176200120

R176200130

R176200135

R176200140

150'



Estimated Market Value: \$6,800
Special Assessments: \$11,850.95
Minimum Bid: \$1,800

R170272020

R170272070

R176200040

R176200050

R176200060

R176200070

R176200085

R176200115

R176200190

R176200180

R176200170

R176200125

R176200120

R176200130

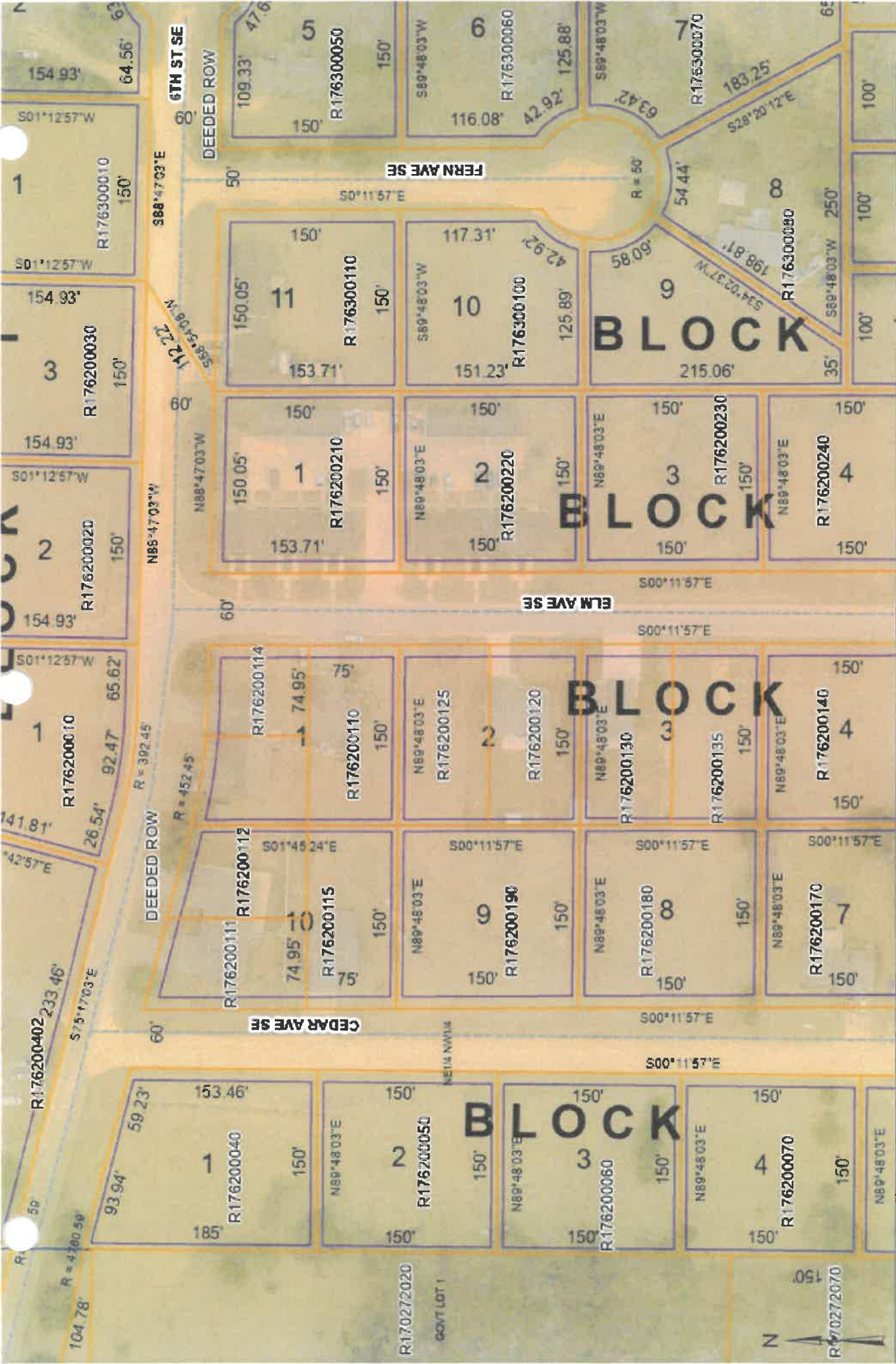
R176200135

R176200140

10 FT
 10 FT
 CEDAR AVE SE
 DEEDED ROW

722

724



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 5/5/2022

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

1:1,268

§ 151.53 ADJUSTMENTS AND VARIANCES.

(A) *Board of Appeals and Adjustments.* The City Council shall be the Board of Appeals and Adjustments for this city, and as provided by M.S. § 462.354, Subdivision 2 shall have the powers granted under M.S. § 462.357, Subdivision 6, as they may be amended from time to time.

(B) *Variances.* Pursuant to M.S. § 462.357, Subdivision 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variance from the provisions of this zoning code. A variance is a modification or variation of the provisions of the zoning code as applied to a specific piece of property.

(1) Variances shall only be permitted:

(a) When they are in harmony with the general purposes and intent of this section; and

(b) When the variances are consistent with the comprehensive plan.

(2) Variances may be granted when the applicant for the variance established that there are practical difficulties in complying with the zoning ordinance.

(3) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PRACTICAL DIFFICULTIES. As used in connection with the grant of a variance, means that:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

2. The plight of the landowner is due to circumstances unique to the property not created by the landowners; and

3. The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but

are not limited to, inadequate access to direct sunlight for solar energy systems.

(4) Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, Subdivision 14, when in harmony with the section. The Board of Appeals and Adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The Board may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(Ord. passed 4-24-78; Am. Ord. 151.53, passed 1-12-15)

Natural Resources

The City of Menahga surrounds Spirit Lake. The lakes surface area is approximately 113-119 acres and has a maximum depth of 48 feet. Spirit Lake’s average water clarity since 1975 is 2.6 meters. Spirit Lake’s Ordinary High Water Level (OHW) is 1,382.9 feet. The highest recorded water level was 1,383.89 feet in 1999, and the lowest was 1,377.82 in 2004. The last recorded reading was 1,377.82 as of November 14th 2011. Table 19 shows the numbers of fish sample in the 2008 survey year.

Table 15: Spirit Lake Fish Samples

Spirit Lake Fish Samples			
Species	Gear Used	Caught	Average Fish Weight
Black Crappie	Trap net	23.11	.34
Bluegill	Trap net	51	.22
Brown Bullhead	Trap net	2.33	1.17
Largemouth Bass	Trap net	.11	.57
Northern Pike	Trap net	.78	1.71
Pumpkinseed	Trap net	11.44	.21
White Sucker	Trap net	.17	5.10
Yellow Bullhead	Trap net	6.44	.65
Yellow Perch	Trap net	.33	.2

Source: Minnesota Department of Natural Resources

Residential

Consistent with the desires of the community and the prevailing market, single family residential is the predominant residential land use type in the plan. As the community grows, both in population and in physical size, the demand for this use may continue and areas outside of the current City limits may need to accommodate the demand.

It is a goal of this plan to accommodate the housing needs of people of all ages, ethnicities, and income levels, traditional and non-traditional families, and single and elderly residents. Even more than simply



meeting their needs, the community should provide quality housing opportunities for all its residents.

As a small town, Menahga should be able to create residential areas that meet the needs of its citizens without compromising the standards of the community. Several strategies must be recognized in order to ensure that new housing areas are not compromised by detrimental adjacent land uses, and that older areas and older buildings can be utilized to serve existing and future residents' needs. Most important, Menahga is an aging community, and the need for quality affordable housing must be met to serve the needs of this segment of Menahga's population. One potential strategy would be to promote the development of senior accessible/one level patio type housing within the City.



There is also the notion that young people looking to buy homes will also be in need of quality affordable housing

General goals for residential development should aim to balance the needs of all residents, but particular attention should be given to maintaining a stock of affordable housing in the community. Strategies to consider in achieving goals for residential uses could be:

- Create infill housing in areas where houses have been or will be removed (where it is not feasible to upgrade an existing structure); maintain the character, compatible use, scale and detail of the neighborhood with the new development.
- Develop a strategy that addresses the needs of the aging “baby-boom” generation’s housing needs effectively and efficiently. Individuals aged 65 and over comprise 28% of the City’s population as of 2010, and this trend is projected to increase into the near future
- Mix affordable housing opportunities through the community (rather than concentrating affordable housing in a few areas); create incentives for developers to create a percentage of new construction to be more affordable.
- Encourage development and redevelopment of multifamily residential uses in areas near the central core of the community, or on sites which have easy access to the central core; encourage multi-family development with a more residential character.
- Provide assistance to seniors and new home buyers to ensure that their housing needs are met.
- Support land for senior housing, incorporate opportunities for assisted living as a part of the development of senior housing.
- Work with county, school, and hospital to develop and enhance the assisted living program.
- Consider usable outdoor space, parks, outdoor living areas, gardens or similar uses at multi-family residential projects.
- Connect neighborhoods with pedestrian/bicycle paths and extend those paths to important community facilities; consider construction of sidewalks in all new neighborhoods; a program of developing sidewalks in established neighborhoods; a street tree planting

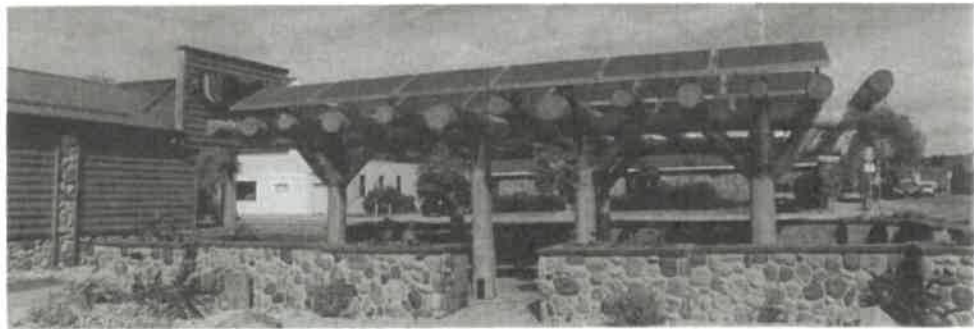
program in all neighborhoods.

- Reinforce landscape and design character and build identity for the community by regulating outdoor storage, signage and landscape requirements for new developments.
- Consider small lot cluster development through Planned Unit Development process to preserve land and utilize City service extensions more efficiently.
- Enforce codes to maintain the quality, character, viability, value and livability of all neighborhoods.

Commercial

Commercial areas in Menahga are generally located along the US Highway 71 corridor. Within this area are nearly all retail and service businesses, restaurants and other commercial oriented establishments in the community. Most commercial establishments in Menahga are aimed to directly serve the needs of the Menahga area residents, and recreational populations. There may be a need to call for definition of a more regional customer base for businesses in Menahga and present opportunities for businesses to expand their services and develop in ways that might best serve their entire potential customer base.

Commercial areas in Menahga are a true challenge for the community. Residents rely on services that exist today and desire opportunities for additional goods



and services today and in the future. At the same time, they want a community that reflects the character of a small town; they desire quality buildings and permanent structures, especially relative to areas that face the outside. The challenge is to create commercial uses that have a permanent or long term commitment, that are a part of the community, reflect the desired character, provide the needed goods and services for the residents as well as those that attract outside new patrons to town.

Health care services located in the City include:

- Dental
- Medical Clinic
- Chiropractor
- Assisted Living
- Physical Rehabilitation
- Home Health Aide
- Natural Alternative Medicine

Along with the challenge of developing the appropriate types of commercial establishments is the challenge of acquiring the space for additional developments. It could be expected that further commercial development would logically be located along the Highway 71, County

PLANNING COMMISSION

A variance from the official controls may be granted by the Planning Commission when it is found that the strict enforcement of the Land Use Ordinance will result in "practical difficulties." The Planning Commission shall weigh each of the following questions to determine if the applicant has established there are "practical difficulties" in complying with the regulations and standards set forth in the City of Menahga Land Use Ordinance 151.53.

FINDINGS OF FACT SUPPORTING/DENYING A VARIANCE IN RE:

Applicant: Matson of Minnesota, Inc **Date of Hearing:** May 5, 2022

1. Is the property owner proposing to use the property in a reasonable manner?

Yes No **Explain:**

The proposed use is for housing and the area is zoned residential.

2a. Is the need for the variance unique to the property? Yes No **Why or Why not:**

This is one of the few residential areas available where a project like this will be consistent with other building projects of this type.

2b. Is the need for the variance created by the actions of the landowner? Yes No

Why or Why not:

The lots were large enough to split per the ordinance and to have affordable building lots in Menahga, a split was needed. This housing area also has twin homes that have common wall construction.

3. Will the granting of the variance alter the essential character of the locality? Yes No

Why or Why not?

This project will be consistent with other housing in the neighborhood.

4. Does the practical difficulty involve more than economic considerations? Yes No **Why or Why not?**

Affordable housing needs for the City of Menahga, which was identified as a need in the Menahga Comprehensive Plan.

5. Would the variance be in harmony with the general purpose and intent of the official controls? Yes No **Why or Why not?**

The proposed use will be consistent with the allowed uses in the R-1 District in which it is located.

FINDINGS OF FACT SUPPORTING/DENYING A VARIANCE IN RE:

Applicant: Matson of Minnesota, Inc. **Date of Hearing:** May 5, 2022

6. Is the variance consistent with the City of Menahga Comprehensive Plan? (X) Yes () No **Explain:**
The comprehensive plan makes several references to the need for affordable housing and housing for all sectors of the community.

CONDITION OF THE VARIANCE: The four lots affected by this variance will not be allowed to be split any further, due to the size of the lot (11,250 square feet). Any building placed on these lots must remain under one ownership.

The City of Menahga Planning Commission has **weighed** each of these factors when deciding to approve or deny this application for variance. Based on the information provided and facts addressed above, Mike Netland made a motion to certify the facts supporting each of the answers to the questions above as the Findings of Fact of the City of Menahga Planning Commission in this matter and further to: (X) Grant the Variance () Deny the Variance.

Motion seconded by Larry Murphy, and carried 4-0.

The City of Menahga Planning Commission has reviewed each of the required factors and established whether or not it is consistent with the land use ordinance and the Comprehensive Plan when deciding to recommend action for approval of this application for a Variance to the Menahga City Council at their regularly scheduled meeting May 9, 2022, at 6:00 p.m.

Date: _____

Chair, City of Menahga Planning Commission

PLANNING COMMISSION

A variance from the official controls may be granted by the Planning Commission when it is found that the strict enforcement of the Land Use Ordinance will result in “practical difficulties.” The Planning Commission shall weigh each of the following questions to determine if the applicant has established there are “practical difficulties” in complying with the regulations and standards set forth in the City of Menahga Land Use Ordinance 151.53.

FINDINGS OF FACT SUPPORTING/DENYING A VARIANCE IN RE:

Applicant: _____ **Date of Hearing:** _____

1. Is the property owner proposing to use the property in a reasonable manner?

Yes No **Explain:**

2a. Is the need for the variance unique to the property? Yes No **Why or Why not:**

2b. Is the need for the variance created by the actions of the landowner? Yes No

Why or Why not:

3. Will the granting of the variance alter the essential character of the locality? Yes No

Why or Why not?

4. Does the practical difficulty involve more than economic considerations? Yes No **Why or**

Why not?

5. Would the variance be in harmony with the general purpose and intent of the official controls?

Yes No **Why or Why not?**

FINDINGS OF FACT SUPPORTING/DENYING A VARIANCE IN RE:

Applicant: _____ **Date of Hearing:** _____

6. Is the variance consistent with the City of Menahga Comprehensive Plan? () Yes () No **Explain:**

The City of Menahga Planning Commission has **weighed** each of these factors when deciding to approve or deny this application for variance. Based on the information provided and facts addressed above, _____ made a motion to certify the facts supporting each of the answers to the questions above as the Findings of Fact of the City of Menahga Planning Commission in this matter and further to: () Grant the Variance () Deny the Variance.

Motion seconded by _____, and carried _____.

The City of Menahga Planning Commission has reviewed each of the required factors and established whether or not it is consistent with the land use ordinance and the Comprehensive Plan when deciding to recommend action for approval or denial of this application for a Variance to the Menahga City Council at their regularly scheduled meeting _____, at 6:00 p.m.

Date: _____

Chair, City of Menahga Planning Commission

Discussion points for fences and sheds...

Sheds:

- What size will be allowed without a permit?
- Location on property?
- Number of sheds per property? Size of lot to determine the number of storage sheds per property?
- Do non-permanent sheds (on skids and not attached to the land) need to get a permit from the city?
- How do sheds in the Shoreland District effect the impervious surface requirements of 30%? A shed on pylons that allow for drainage under the shed count as impervious?

Fences:

- What height will be allowed? Example....6 feet in residential area, 8 feet in industrial area, etc.
- What type of material can be used to construct the fence?
- How close to the property line is allowed?
- Does the neighboring property have to be involved in the decision?
Example.....sign an agreement agreeing to location of fence?

Park Rapids, MN.

151.151 SCREENING AND/OR FENCING.

(A) Screening shall be required in a residential zone where:

(1) Any off-street parking area containing more than 6 parking spaces and is within 30 feet of an adjoining residential zone; and

(2) Where the driveway to a parking area of more than 6 parking spaces is within 15 feet of an adjoining residential zone.

(B) No perimeter fence or screening shall exceed 6 feet in height in residential areas, 8 feet in height in industrial or commercial areas, or 4 feet in height in the front yard. All fences must maintain a 30 foot sight triangle along the right-of-way when placed on corner lots.

(C) Fencing or screening required by this section or the City Council shall be either a solid fence or dense vegetative cover at least 6 feet but not greater than 8 feet in height.

(D) All fences must be located entirely upon the private property of the person constructing the fence and the property owner must leave enough setback to allow maintenance of both sides of the fence.

(E) All posts or supports shall face inward toward the property being fenced. The good or finished side shall face the neighboring property or the public right-of-way.

(F) All fences shall be made of durable, weather treated or resistant material, and kept in a condition so as not to become a private or public nuisance. Fence material used shall be of common residential fence material and shall not consist of salvaged materials not traditionally used for fencing i.e. pallets, tires, doors, plywood, tarps or similar materials.

(G) Above ground perimeter electrified and barbed wire fences are prohibited in residential districts except those associated with a permitted agricultural use.

(H) Fences abutting an alley must leave enough setback as to not impede with snow removal.

(I) Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

(J) Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainage ways created within easements.

Sebekka

E. **LOT REQUIREMENTS** **O** **OPEN**

1.

Lot width – feet, minimum	100
Lot area (sewered) – square feet, minimum	20,000
Lot area (unsewered) – square feet, minimum	40,000
Setback, right of way, City road – feet, minimum	10
Setback, right of way, County or State road – feet, minimum	30
Setback, side yard – feet, minimum	10
Setback, rear – feet, minimum	10
Setback, parking from lot line – feet, minimum	5
ROW & lot line Setback, Sign – feet, minimum	1
Setback, wetland – feet, minimum	15
Impervious surface – percent, maximum	75%
Building height – feet, maximum	25

SECTION X. FENCES AND WALLS

A. **PURPOSE**

The purpose of this section is to regulate the location, size, and placement of fences and walls to prevent visual hazards, the restriction of visibility, and provide for their maintenance.

1. **Fences, Walls, and Front Yards**

No fence, wall or accessory structure or planting shall arise over 2 ½ feet in height above the level of a public sidewalk in a residential zone or on any corner lot within twenty (20) feet of any corner, so as to interfere with the traffic visibility across the corner. No fence or wall or shrub planting of more than 2 ½ feet in height above the level of a public sidewalk shall be erected on any interior line within ten (10) feet of the front property line where it will interfere with traffic visibility from a driveway.

2. **Fences and Walls on Side and Rear Yards**

No fence along a side or rear line of a lot in a residential zone shall be higher than eight (8) feet. No retaining wall along a side or rear line of a lot in a residential zone shall be higher than eight (8) feet, unless the adjoining lot is not a residential zone. All walls and fences shall be at a minimum one (1) foot from the side or rear lot line, unless a written agreement is signed and notarized by both property owners that the fence or wall may be placed closer than one foot. This agreement shall be submitted with the permit application.

3. **Construction of Fences**

All fences and walls shall be constructed in a good and workmanlike fashion and shall be regularly maintained by the person constructing or erecting the fence or wall. Permitted fences, without limitation, include chain - link fences, vertical or slatted fences of treated wooden material, plastics, split - rail fences, or masonry walls.

4. **Building Permit Requirement**

Before any fence or wall shall be constructed in the City of Sebeka, the person proposing to construct said fence or wall shall apply for a Building Permit as otherwise specified in this Ordinance. The adjoining owner must be given notice of the application for a permit to build a fence or wall. The application to build a fence or wall shall specify the dimensions, the manner of construction, and materials of construction of the proposed fence or wall.

5. **Maintenance of Fence or Wall**

The person constructing the fence or wall shall erect the fence or wall on the property owned by him and shall be responsible for the maintenance of both sides of the fence or wall provided, however, that the adjoining owner shall assume the responsibility of maintenance of his side of the fence or wall if he is unwilling to give the party constructing the fence or wall reasonable access for such maintenance.

SECTION XI SIGNS

A. **PURPOSE**

1. The purpose of this section is to regulate the location, size, and placement of signs to enable the public to locate goods and services to prevent hazards to life and property and to assure the continued attractiveness of the City.

B. **PROHIBITED SIGNS**

1. No sign shall be erected or maintained in a location which would interfere with the view of any traveler on any street.
2. On rocks, trees or utility poles.
3. Containing a rotating beam resembling an emergency vehicle.
4. Which interferes with public utility facilities or the maintenance thereof.
5. Which is structurally unsafe, in disrepair, or abandoned.
6. In a Residential District.

C. **SIGNS PERMITS**

1. No sign shall be erected or replaced without first securing a sign permit from the City Clerk.

WHEN IS A BUILDING PERMIT NOT REQUIRED

A building permit is not required for:

- movable cases, counters, and partitions not over 5 feet 9 inches high
- platforms, walks, and driveways not over 30 inches above grade and not over a basement or story below
- fences under 6 feet high or chain link fences
- painting , wallpapering, or paneling
- temporary stage sets and scenery
- gutters
- sheds under 120 square feet
- installing carpeting or other flooring
- window awnings not projecting more than 54 inches on homes
- prefabricated above grade swimming pools of a capacity of 5,000 gallons or less
- redecorating without structural change
- replacing cabinets in kitchen or elsewhere

* **ACCESSORY STRUCTURE.** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principal structure on the same parcel or lot which, because of the nature of its use, can be reasonably located at or greater than the minimum structure setbacks. Includes all structures not considered the principal structure, including, but not limited to, television towers, antennas, dish antennas, outdoor swimming pools, outdoor hot tubs, detached garages, sheds and guest quarters.

ACCESSORY USE. A use naturally and normally incident and subordinate to the main use of the premises.

ADJACENT. In close proximity to or neighboring, not necessarily abutting.

ADULT BOOK AND/OR MEDIA STORE. An establishment which has a substantial portion (at least 25% of utilized floor area) of its stock in trade or stock on display books, magazines, films, videotapes or other media which are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET. An establishment which provides dancing or other live entertainment, and such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of specified sexual activities or specified anatomical areas.

ADULT ESTABLISHMENT. Any business which offers to its patrons services, entertainment or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses and other adult establishments.

ADULT HOTEL OR MOTEL. A hotel or motel wherein material is presented which is distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER.

(1) A theater in an enclosed building, with a capacity for less than 50 persons used for presenting motion pictures, including, but not limited to, film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(2) Any business which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for viewing on the premises, including, but not limited to, private booths, viewing by means of coin-operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.

* (2) The guest dwelling shall not cover more than 700 square feet of land and must not exceed 15 feet in height.

(H) Lots joined together for building permit applications shall not be divided in the future, but shall be tied together with restriction filed with the County Recorder permanently requiring that the lots be considered as one lot only.

(I) Buildings with four or more units shall meet the requirements of the International Building Code. Multi-family buildings shall have one-hour fire rating on all party walls and floors and shall be designed to a 45-decibel rating between units. Visual screening shall be provided in the side yard setback area when adjacent to single-family residences.

(Ord. passed - -2007)

C - COMMERCIAL DISTRICT

§ 150.060 PURPOSE.

The Commercial District is designed to provide for the convenient highway-oriented business facilities and to satisfy the shopping needs of the people.

(Ord. passed - -2007)

§ 150.061 PERMITTED USES.

(A) All bona fide commercial uses, as defined by this chapter, that are not detrimental to the general health and welfare of the residents of the city;

(B) Hotel/motel;

(C) Medical facilities; and

(D) Semi-public uses.

(Ord. passed - -2007)

- b. Closer than ten (10) feet to a side property line.
 - c. Each lot shall have a rear yard of not less than twenty-five (25) feet for the main building and not less than ten (10) feet for garages and accessory buildings.
 - d. Closer than fifty (50) feet from the right-of-way of a County, County State Aid, or State Highway.
5. All dwellings and accessory buildings on any lot shall not cover more than thirty (30) percent (%) of the area of the lot.
- * 6. Accessory buildings shall not be more than one (1) story or twenty (24) feet maximum in height. (12-6-2004)
7. All principal structures shall not exceed 30 feet in maximum height.

SECTION V. R-2 MEDIUM DENSITY RESIDENTIAL

A. PURPOSE

The purpose of the R-2 Residential District is to provide for medium density housing in multiple-family structures and directly related accessory uses.

B. PERMITTED USES

- 1. All permitted uses allowed in the R-1 District
- 2. Two-family dwelling units

C. CONDITIONAL USES

The following are conditional uses in the R-2 District only upon the issuance of a conditional use permit as specified in the Ordinance:

- 1. All conditional uses allowed in the R-1 District.
- 2. Town homes
- 3. Conversions of single-family units into multiple-family units.
- 4. Multiple-family dwelling structures containing not more than four (4) units.
- 5. Other uses of the same general character, provided they are deemed fitting and compatible to the District by the City Council.

WADENA COUNTY TAX FORFEITED LAND SALE

AVAILABLE OVER THE COUNTER FROM THE OCTOBER 4-6TH 2021 TAX FORFEITED LAND SALE

****ADDITIONAL FEES AND TERMS OF THE SALE ARE AS FOLLOWS****

ASSURANCE FEE: 3% OF PURCHASE PRICE (as per Minnesota Statute 284.28, Subd. 8) **STATE DEED FEE: \$ 25.00 **RECORDING FEE: \$ 46.00
 **STATE DEED TAX: .33% OF PURCHASE PRICE ** ADMINISTRATION FEE: \$ 100.00

****SPECIAL ASSESSMENT DISCLAIMER****

IT IS THE BUYERS RESPONSIBILITY TO CONTACT THE MUNICIPALITY WHERE THE PROPERTY IS LOCATED TO SEE IF THERE ARE ANY OUTSTANDING SPECIAL ASSESSMENTS THAT OCCURRED PRIOR TO FORFEITURE THAT MAYBE "REASSESSED" TO THE PROPERTY AFTER IT IS PURCHASED

****LAND LOCKED PARCELS****

IT IS THE BUYERS RESPONSIBILITY TO CONTACT THE ADJACENT LAND OWNER AND/OR PETITION THE TOWNSHIP IN WHICH THE PROPERTY IS LOCATED TO ESTABLISH AN EASEMENT FOR ACCESS

PARCEL #	LEGAL DESCRIPTION	ADDRESS	NOTES/ASSESSOR VALUE	MINIMUM BID
			*CITY SPECIAL ASSESSMENTS ARE FOR INFORMATION ONLY - SUBJ TO CHANGE	
LYONS TWP				
06.009.3010	SECT-09 TWP-136 RANG-33 60.00 AC - SE1/4 SW1/4 & W1/2 NW1/4 SE1/4 *LAND LOCKED*		VALUE: \$ 15,800	4,050
MENAHGA CITY				
17.022.1100	SECT-22 TWP-138 RANG-35 THE W 250' OF THE E 901' OF THE N 140' OF SW1/4 NE1/4 & PART OF NW1/4 NE1/4 DESC AS: COMM AT THE SE CORNER OF SAID NW1/4 NE1/4; THN ON AN ASSUMED BEARING S 89°28'07"W ALNG THE S LI OF SAID NW1/4 NE1/4 739.11'TO THE POB OF THE PARCEL TO BE DESC: THN CONT S 89°28'07"W ALNG SAID S LI 84.81'TO THE SESTLY ROW LI OF CSAH #21; THN N 63°01'47"E ALNG SAID ROW 70.47'; THN S 30°33'18"E 29.90'; THN S 51°25'55"E 8.70'TO THE POB*LESS PT OF SW1/4 NE1/4 TO ZIESKA*SUBJ TO EASEMENTS	622 1 NE - MENAHGA	VALUE: \$ 8,400 *CITY SPECIAL ASSESSMENTS - \$ 21,722.94	2,200
17.630.0090	LOT-9 BLK-1 ODLANDS PINE ACRES 5TH		VALUE: \$ 6,600 *CITY SPECIAL ASSESSMENTS - \$ 11,813.75	1,750
17.630.0100	LOT-10 BLK-1 ODLANDS PINE ACRES 5TH		VALUE: \$ 6,700 *CITY SPECIAL ASSESSMENTS - \$11,842.55	1,775
SEBEKA CITY				
19.330.0040	ORIGINAL TOWNSITE E 51'2" OF LT 2; W 28'2" LT 3 BLK 1	116 MINNESOTA AVE W - SEBEKA	VALUE: \$ 32,300 (LAND: \$ 5,500 BUILDING \$ 26,800)	8,175
WADENA CITY				
22.770.0020	LT-2 BLK-1 -WINKELS ADDTN*SUBJ TO EASEMENT		VALUE: \$ 11,700	3,025

R-1

Mark Josephson

(5) *Lot size regulations.*

(a) Lot area with public sewer, one or two units, shall be 9,000 square feet. Units in excess of two shall be 2,000 additional square feet per unit.

(b) Lot area without public sewer, one or two units, shall be 20,000 square feet. Units in excess of two shall be 2,000 additional square feet for each additional unit.

(6) *Lot width regulation.*

(a) With a public sewer, the width shall be 75 feet.

(b) Without a public sewer, the width shall be 150 feet.

(7) *Lot depth regulations.*

(a) With a public sewer, the depth shall be 120 feet.

(b) Without a public sewer, the depth shall be 150 feet.

(8) The lot area, width and depth regulations of this section shall not apply to lots platted prior to the adoption of this chapter. However, the lots shall not be altered in any way which would further reduce their dimensions below minimum requirements.

Kangas lot front footage

145 ft/per
gis

R-2 same as R-1



City of Menahga - GWC

Date: 4/25/2022

1:1,268

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



R170221100 - Kangas

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Date: 4/25/2022

1:634

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

