



Chair Quade Mayer
Larry Murphy
Connie Steiner
Mike Netland
Brian Madsen

City of Menahga
Planning and Zoning Commission Meeting
7:00 pm Thursday, August 3, 2023
City Council Chambers
115 2nd Street NE
www.cityofmenahga.com

Agenda

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Approve the Agenda

E. Approval of Minutes

- Minutes of July 6, 2023

F. Public Hearing – Brian Madsen Variance

G. New Business

- 1.

H. Old Business

1. Ordinance Update
2. Issued Land Use Permits – Jane Kosola (Fence) PID# 17-430-0071

I. Adjournment

**City of Menahga
Planning & Zoning Minutes
Thursday, July 6, 2023**

A. Call to Order

The Menahga Planning and Zoning Commission held their Regular Monthly Meeting on Thursday, July 6, 2023.

Vice-Chairman Larry Murphy called the meeting to order at 7:00 pm

B. Roll Call

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

Larry Murphy, Connie Steiner, Mike Netland and Brian Madsen

Absent: Quade Mayer

Also present were City Administrator/Clerk/Treasurer Lacey Erickson, Administrative Assistant Jensine Kurtti and Jake Huebsch from Sourcewell.

C. Pledge of Allegiance

D. Approval of the Agenda

Two items were brought forward to add to the agenda: New Business 5. – Interim Ordinance on Setbacks in Residential Districts, and Old Business 3. – Marjama Lake Property.

Main Motion: To Approve the Agenda as amended.

Moved by:	Netland
Seconded by:	Madsen
Action:	Motion carried by a 4-0 voice vote
In favor:	Netland, Madsen, Murphy, Steiner
Opposed:	none

E. Approval of Minutes

The minutes from June 8, 2023 were presented.

Main Motion: To approve the minutes from June 8, 2023 as presented.

Moved by:	Steiner
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Netland, Madsen, Murphy, Steiner
Opposed:	None.

F. New Business

1. Land Use Ordinance Update

Jake Huebsch reported that he and Jensine Kurtti had met twice in the last month working on the Land Use portion of the ordinance, they had reviewed 6 sections the first meeting and 4 sections at the second meeting. Huebsch stated that because the Land Use section of the ordinance is quite large it may take a bit of time to totally review it, but that he and Kurtti would keep reviewing it. Huebsch also stated that the city has accomplished quite a bit in the last few months, passing a Nuisance and Enforcement Ordinance, completing the Comprehensive Plan, identifying nuisances and letters being sent. The commission agreed that things are progressing.

2. Land Use Permits 2023

Jake Huebsch presented a list of the Land Use Permits that had been issued in 2023. There have been 10 permits issued and Huebsch stated that he had approved another permit today for a new house. He stated that he will be giving monthly updates to the commission on permits.

3. Short-Term Rental Form

Jake Huebsch had prepared a form on registration of Short-Term Rentals for commission review and input. The current ordinance does not allow them, but they will possibly be allowed when the ordinances are updated. With a few minor adjustments, the commission felt it was an adequate form for registration.

4. Winter Public Access

Lacey Erickson had been asked if the city would consider selling the Winter Public Access on the west side of Spirit Lake. The person enquiring is an adjoining landowner who stated that he would use the property for a setback so he could build a garage. The commission felt that before they would consider the request, the property owner should have a land survey done with impervious surface coverage calculations. Erickson will follow-up with the property owner.

5. Interim Ordinance on Setbacks in Residential Districts

Jake Huebsch stated that he has had several discussions with property owners that are trying to find a location to place buildings on their property. The problem is how the City's current ordinance calculates setback requirements. The current ordinance reads "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."

Not only is it confusing, but it is quite a large distance, for example on a 150-foot lot the rear setback would be between 30 feet to 37.5 feet. The commission felt that a more realistic and industry standard setback would be to have a 10-foot setback from both the rear and the side.

G. Old Business

1. Nuisance 90.01 thru 92.43 and Enforcement 10.98-10.99 Update

Jensine Kurtti updated the commission on the newly adopted ordinances. They have been sent to American Legal for codification. Once the codification is complete, Chief Lane can send it to the State for review, and then move on with the Administrative Citations for nuisance violations.

2. Nuisance Violation Update

Chief Lane has been sending out letters regarding nuisance violations. She has had some success with letters and site visits. She will continue to move forward with the process and for those that do not comply, Administrative Citations will be issued once that process is approved.

3. Marjama Lake Property

The property owned by Mike Marjama at 334 Main St. SW (R173500810) has been asked on several occasions to not place their personal items and park their vehicles on the public right-of-way. Photos were provided by commission member Netland showing that there is now a storage shed on the property which adds to the impervious surface coverage. Jake Huebsch and Lacey Erickson will draft a letter reminding Marjama that he is in the shoreland district and must comply with the impervious surface coverage requirement of 30% of the lot size from the Ordinary High Water Level to the property line.

H. Adjournment

Main Motion: To adjourn the meeting at 7:58 pm.

Moved by:	Netland
Seconded by:	Madsen
Action:	Motion carried by a 4-0 vote
In favor:	Netland, Madsen, Murphy, Steiner
Opposed:	None.

Administrative Asst. Jensine Kurtti

Chairman, Quade Mayer

City of Menahga Planning and Zoning Committee
Approved:

July 6, 2023 Regular Meeting Minutes
Page 3 of 4

DRAFT

**LAND USE STAFF REPORT
MADSEN
VARIANCE TO REDUCE REQUIREMENTS**

Applicant: Brian Madsen
Property Owner: Brian Madsen
Property Address: 52 Juniper Ave NW (17-540-0050)

Items:

1. Variance to reduce setback requirements

Zoning Classification: Residential R1

Application Date: 7/12/23

60-Day Action: 9/12/23

60-Day Extension: 11/12/23

Enclosures:

1. Variance Application

Notices:

Sent legal notice in official newspaper	7/15/23
Mailing to property owners within 350 feet of the subject property	7/15/23

Planning Commission Action:

1. Hold a public hearing to consider the variance application.
 2. Make a recommendation to the City Council for approval/denial of the application.
-

Application/Petition:

A variance application to reduce setback requirements.

Background:

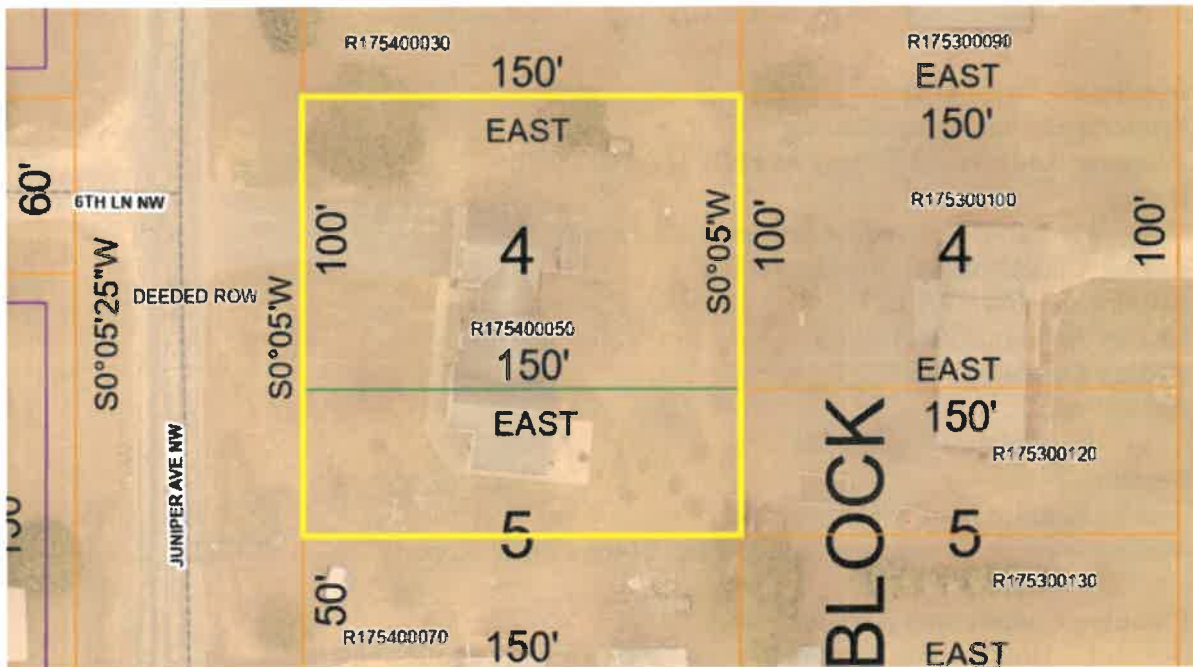
The applicant is proposing to build a 30 x 36 accessory structure that would be approximately 10-feet from the rear property line. The Current ordinance says:

Rear yard regulations.

- (a) Existing lots, single- through multi-family, shall be one-fifth of the lot.
- (b) New lots, single- through multi-family, shall be one-fourth of the lot depth.

The lot depth is 150-feet.

Subject Property:



Applicable Law(s) State Statue 462.358, subdivision 6.

A variance may be granted if the landowner can satisfy a three-factor “practical difficulties” test. These three factors are:

To constitute practical difficulties, all three test factors must be satisfied.

1. Reasonableness: Will the variance allow the property owner to use the property in a reasonable manner?
2. Uniqueness: Is the variance necessary because of circumstances unique to the property (not caused by the landowner)? For example, does a steep slope prevent usual setbacks?
3. Essential character: Will the variance alter the essential character of the locality? For example, will the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area?

Past Practices:

In evaluating a variance request, cities are not bound by decisions made for prior variance requests.

Neighborhood Opinion:

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, their task is limited to evaluating how the variance application meets the statutory practical difficulties factors.

Applicant Responses to the Variance Application:

1. See attached application.

Staff comments/findings on the variance:

2. Reasonable efforts were made to notify the public and surrounding properties regarding the proposed variance.
3. The city received one public comment via written letter (attached).
4. All notification requirements were met.
5. The applicant has submitted the required paperwork for the variance.
6. The city is in the process of updating its Land Use Ordinance. Likely the proposed project would meet zoning requirements under the proposed new ordinance.
7. Other accessory structures in the vicinity have similar and often less setbacks than what the applicant is proposing.

Staff Recommendation: Staff recommends the Planning Commission discuss each question in the three-factor test and base their recommendation on identified findings of fact that support their decision. If applicable, the Planning Commission can attach conditions to the variance; conditions must be directly related to the variance.

Planning Commission Direction: The Planning Commission can recommend approval of the variance request, deny the request, or table the request if additional information is needed. If the motion is for approval, findings of fact can be cited to support the decision. The request and supporting facts should be identified if the motion is to deny or approve.

CITY OF MENAHA
VARIANCE APPLICATION

APP #	2023-11
Date	7/12/2023
Fee	300
Check #	2308
(for office use only)	

Name of Applicant BRIAN MAOSEN

Phone 218 255 7253

Property Address (E911#) 52 JUNIPER AVENUE MENAHA MX1

Mailing Address _____
(if different than above)

Email _____

Applicant is:

Title Holder of Property (if other than applicant)

Legal Owner
Contract Buyer
Option Holder
Agent
Other _____

BRIAN & DEBRA MAOSEN
(Name)
SAME AS ABOVE
(Address)

(City, State, Zip)

Property ID # (# on Tax Statement) 17-540-0050

Zoning District R1

What are you proposing for the property? State nature of request in detail:
PERSONAL RESIDENTIAL USE

What changes (if any) are you proposing to make to this site?

Building: ADDING A 30 X 36 GARAGE TO MY BACK YARD

Landscaping: _____

Parking/Signs: _____

Signature of Owner, authorizing application (required) _____
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): Brian Mosen
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

The Applicant should be prepared at the public hearing to explain the unique practical difficulty for the proposed variance. A practical difficulty is defined as a condition whereby the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a difficulty if reasonable use for the property exists under the terms of the Ordinance. Please complete all the following questions:

(1) Discuss your current use of the property and the reason for your variance request:
DESIRED BUILDING LOCATION WOULD BE 10 FT REAR SETBACK

(2) Describe the effects on the property if the variance is not granted:
WOULD NOT BUILD

(3) Describe any unique physical limitations that exist on your property, not generally found on others, which prevent you from complying with the provisions of the current ordinance:

(4) Discuss alternatives you considered that comply with existing standards. If compliant alternatives exist, provide your reasoning for rejecting them:

NONE

(5) Discuss alternatives you considered that would require a lesser variance. If you rejected such alternatives, provide your reasoning:

NONE

- (6) In your opinion, do you think the granting of your variance request would alter the "essential character" of the neighborhood/area?:

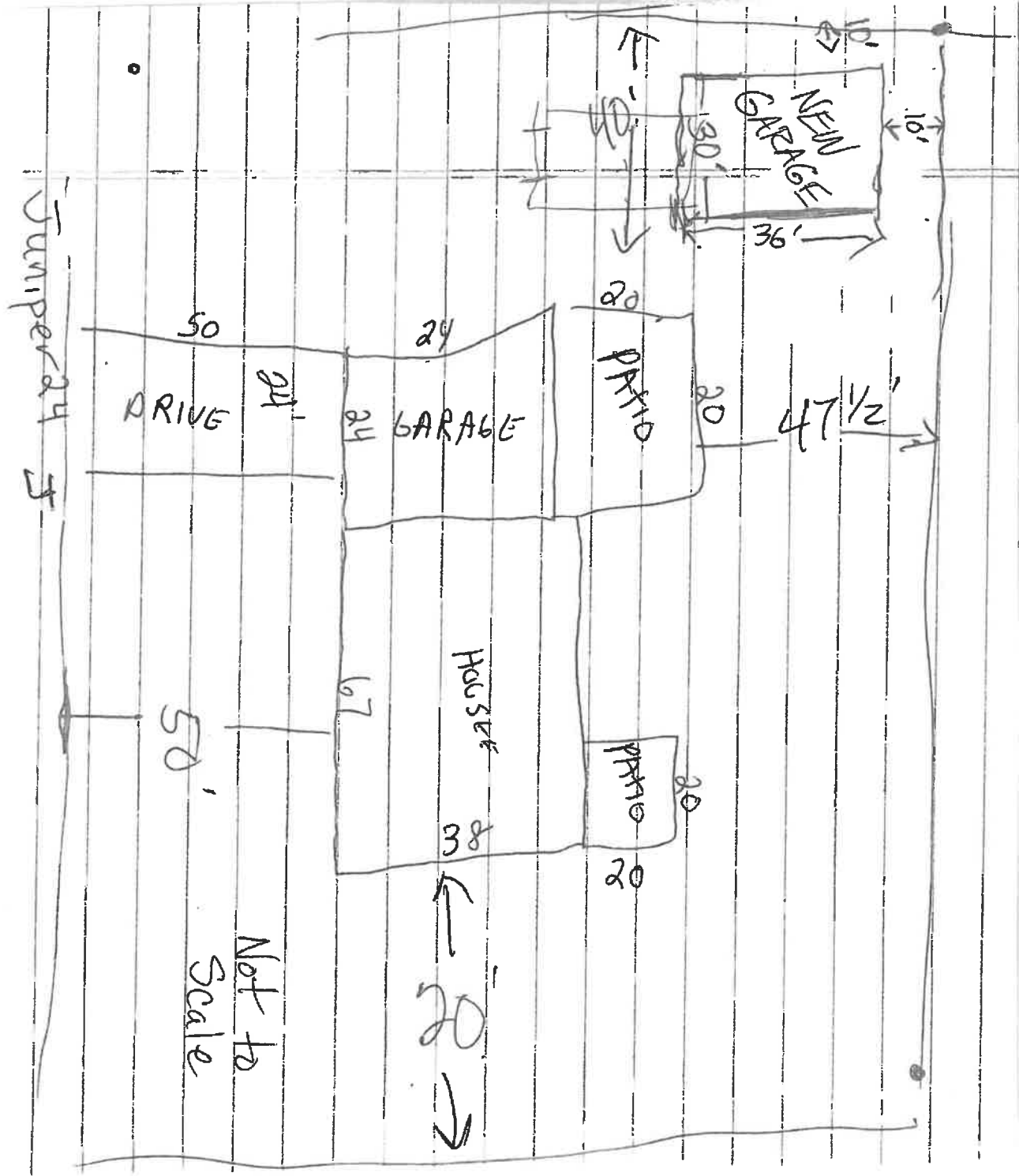
NO

- (7) Does the need for the variance involves more than economic considerations? Please include any other comments pertinent to this request.

YES WITH A 30 FT REAR SETBACK THE AREA
WOULD BE UNBUILDABLE

Include: Property lines, water features, existing and proposed structures, septic systems, wells and roads. Include all setbacks to features

Site Plan



Not to Scale

CITY OF MENAHGA

115 2nd St. NE
PO Box C
Menahga MN 56464

Receipt # 8.504
12-Jul-23 02:28pm

ZONING PERMITS

\$300.00

Madsen Variance
Application

Subtotal

\$300.00

Check

\$300.00

Ch# 2308 Varia

July 20, 2023

City of Menahga
Attn: City Manager, Lacey Erickson

Subject: Building Setback Variance Request at 52 Juniper NW, Menahga

Dear Ms. Erickson:


We have received your Notice of Public Hearing for the above subject request. We live just behind the property listed above, on Hickory Ave NW.

With regard to the request to reduce the current property line setback to 10 feet, we do not have any problem with that request. As most sub-urban development's currently have 10-foot property line setbacks, we believe this will not negatively affect our property.

We do, however, request that the new structure adhere to residential codes and not be a 'pole barn' or prefabricated steel structure with side walls greater than 10 feet in height. We would prefer it to be similar in style as their current house and garage.

Thank you for allowing our input.

Truly,


Tim and Betsy Vrudny
41 Hickory Ave N.W.
Menahga, MN

**CITY OF MENAHGA
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Menahga Planning Commission will convene on Thursday, August 3, 2023, at 7:00 PM in the council chambers at City Hall at 115 2nd St. NE. The commission will conduct the following public hearing and make a recommendation to the City Council:

1. Variance request to reduce setback requirements. The applicant and property owner is Brian Madsen – 52 Juniper NW, Menahga.

All interested persons are invited to attend these hearings and be heard or send written comments to City Hall at PO BOX C Menahga, MN 56464: Attn. City Administrator Lacey Erickson or to cmenahga@cityofmenahga.com. All written comments need to be submitted by 1:00 pm on the day of the hearing. Application information and a staff report are available for viewing at City Hall (staff report typically 5-7 days prior to the hearing date). If you need a reasonable accommodation to participate in the hearing, please call (218) 564-4557 or contact City Hall by noon the day prior of the scheduled public hearing date.

Menahga Planning Commission

Dated: July 14, 2023

Lacey Erickson
City of Menahga

**CITY OF MENAHGA
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

A parcel under your ownership has been identified as within the 350-foot notification area for a Variance request.

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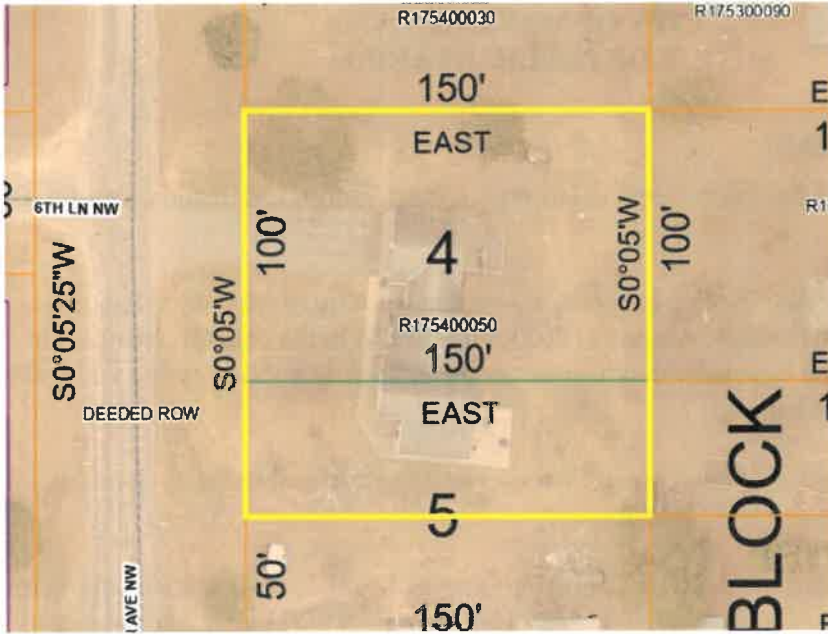
Menahga Planning Commission

Dated: July 14, 2023

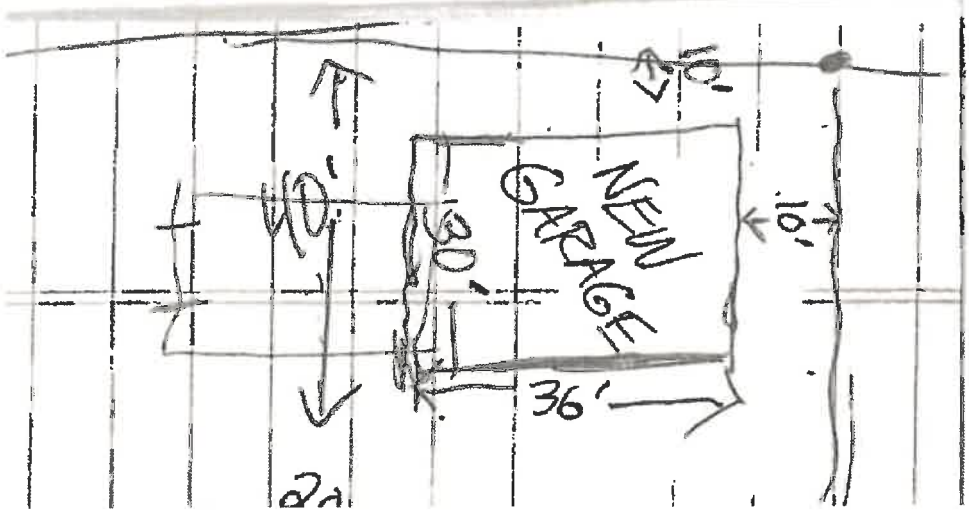
This letter is being sent to all parties owning property within 350 ft, according to Minnesota State Statute 462.357 Sub. 3.

Lacey Erickson
City of Menahga

Subject Property (additional information on the reverse side of the notice):



Site Plan



Additional Information:

The applicant is proposing to build a 30' x 36' garage. Per city ordinance, the rear yard setback is 30-feet, and the applicant is proposing to build 10-feet from the property line.

BECK/RONALD G & JOY M
PO BOX 395
MENAUGA, MN 56464

JOHNSON/KAREN E
PO BOX 285
MENAUGA, MN 56464

PETERSON/TYLER L & EMILY B
57 JUNIPER AVE NW
MENAUGA, MN 56464

BELDO/ANDREW C & ANNE P
35 HICKORY AVE NW
MENAUGA, MN 56464

KANGAS/BETTY
48 HICKORY AVE NW
MENAUGA, MN 56464

ROCK/PATRICK & RITA
8996 TEWSDURY GATE
MAPLE GROVE, MN 55311

BURKHOLDER/DOUGLAS W/SR
LINDA M BURKHOLDER
46 JUNIPER AVE NW
MENAUGA, MN 56464

LAKE/ERVIN & PHOEBE/TRUSTEES
TRUSTEES OF LAKE FAMILY TST
1740 EL PORTAL DR
LA HABRA, CA 90631

SCHOON/JOSEPH B & STACY L
55 HICKORY AVE NW
MENAUGA, MN 56464

CHAMBERS/JOHN C
51 HICKORY AVE NW
MENAUGA, MN 56464

MADSEN/BRIAN C & DEBRA L
52 JUNIPER AVE NW
MENAUGA, MN 56464

TORVINEN/ALAN D & BEVERLEY K
620 6TH LANE NW
P O BOX 313
MENAUGA, MN 56464

GARCIA/ROCIO MERCED
620 1ST ST NW
MENAUGA, MN 56464

MCDONALD/BRIAN EDWARD
ELIZABETH ANNE MCDONALD
56 HICKORY AVE NW
MENAUGA, MN 56464

VANORSDEL/BARBARA LYNN
40 HICKORY AVE NW
MENAUGA, MN 56464

HAAPALA/PHILIP M
64 JUNIPER AVE NW
MENAUGA, MN 56464

MEYER/ROGER
614 6TH LANE NW
P O BOX 154
MENAUGA, MN 56464

VILLAGE OF MENAUGA
P O BOX C
MENAUGA, MN 56464

HEPOKOSKI/HENRY A
63 JUNIPER AVE NW
MENAUGA, MN 56464

MICKELSON/HEATH
KAYLEE JOHNSON
47 HICKORY AVE NW
MENAUGA, MN 56464

VONADA/DAVID A & JOANN L
17313 ARBOR ROAD
PARK RAPIDS, MN 56470

HOBAN/WILLIAM EDWARD
52 HICKORY AVE NW
MENAUGA, MN 56464

MICKELSON/JOEL J
& KATHLEEN J
35 JUNIPER AVE NW
MENAUGA, MN 56464

VRUDNY/TIMOTHY J & ELIZABETH A
41 HICKORY AVE NW
MENAUGA, MN 56464

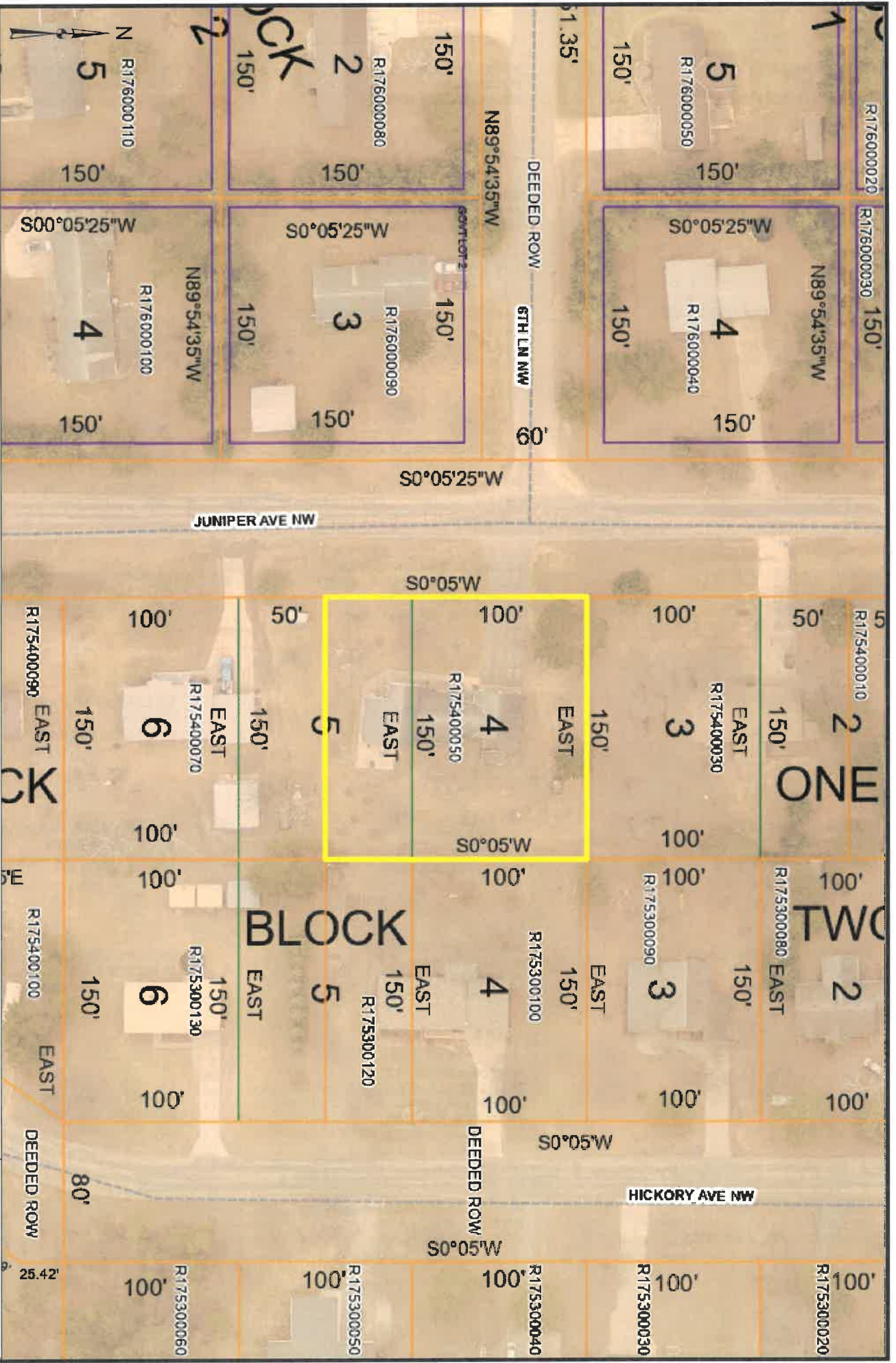
HODGE/APRIL R & WILLARD
44 HICKORY AVE NW
MENAUGA, MN 56464

NELSON/SANDIE LEE
ROBERT DALE NELSON
619 6TH LANE NW
MENAUGA, MN 56464

YLINIEMI/JOSEPH
40 JUNIPER AVE NW
MENAUGA, MN 56464

JEM HOLDINGS TRUST
249 CARDINAL WAY
REDWOOD FALLS, MN 56283

PETERSON/CHARLES E & LOIS C
501 MAIN ST NE APT 29
MENAUGA, MN 56464



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.

1-867

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

Date: 7/28/2023



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: Brian Madsen

Applicant: Brian Madsen Date of Hearing: August 3, 2023

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: Brian Madsen

Applicant: Brian Madsen

Date of Hearing: August 3, 2023

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 August 14, 2023, at 6:00 p.m.

Date: _____

Chair, City of Menahga Planning Commission