

## BOARD OF ADJUSTMENT

Corrected 3/30/20

### PUBLIC NOTICE

### APPEAL FOR A VARIANCE

Notice is hereby given that on Thursday, the 16<sup>th</sup> day of April, 2020, at 7:00 p.m., the Board of Adjustment will hold a public hearing on the application of **Tim W. & Anita J. Petersen, 38577 East Blueberry Drive, Menahga, MN 56464**, for a variance on the following described property: Pt of Lot No 1 commencing at a found iron monument which designates the northeasterly corner of Lot 8, Blk 2 of Tappe's Sunset Beach thence North 89 degrees 36 minutes 29 seconds West 15.84' on an assumed bearing along the northerly line of said lot 8 to the point of beginning; thence north 09 degrees 28 minutes 11 seconds east 99.50'; thence north 89 degrees 38 minutes 12 seconds West 160.56' to a found iron monument; thence continuing north 89 degrees 38 minutes 12 seconds West 8', more or less, to the water's edge of Blueberry Lake; thence southerly along the water's edge of said Blueberry Lake to the intersection with the northerly line of said Lot 8; thence South 89 degrees 36 minutes 29 seconds East 169.14', more or less, along the northerly line of said lot 8 to the point of beginning. Also included is a non-exclusive easement for driveway purposes over, under and across that part of said Govt Lot 1 described as follows: Beginning at the aforementioned point of beginning; thence North 09 degrees 28 minutes 11 seconds east 99.50'; thence South 89 degrees 38 minutes 12 seconds East 15.84'; thence south 09 degrees 28 minutes 11 seconds West 99.51' to a found iron monument at the northeasterly corner of said lot 8; thence North 89 degrees 36 minutes 29 seconds West 15.84' along the northerly line of said lot 8 to the point of beginning of said driveway easement, Section 11, Township 138 North, Range 35 West, Blueberry Township, located in an A-2 Mixed Agriculture-Forestry District with Shoreland Overlay.

Application, if approved, would allow an addition to an existing dwelling with a reduced setback from a sideyard property line.

In response to COVID-19, and pursuant to Minnesota Statute Chapter 12 relating to Emergency Management, Governor Walz has declared a state of emergency. In response to the state of emergency, and in accordance with Minnesota Statute 13D.021, a public body is permitted to hold meetings via telephone or other electronic means. Requirements for hold a meeting via telephone or other electronic means includes: 1) All participating members can hear one another; 2) Members of the public at the physical meeting location can hear all discussion "unless attendance at the regular meeting location is not feasible due to the health pandemic"; 3) At least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and 4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

The hearing will be held at the Wadena County Courthouse at 415 Jefferson Street S, Wadena, MN 56482. To conform with MDH and CDC guidelines to minimize gatherings, **in person public comments will not be heard**. The public may view the application content on the county website at: [www.co.wadena.mn.us](http://www.co.wadena.mn.us). The public may access the hearing remotely by phone and provide comment at the appropriate time by calling 1-646-558-8656, following the prompts, and using meeting number 7784048393. The public is encouraged to comment by email or by sending written correspondence to: Wadena County Zoning Office, Room 234, 415 Jefferson St. S., Wadena, MN 56482, before close of business the day before the hearing. In order to be accepted for presentation to the Planning Commission, correspondence must include the **full name and address of the person sending the correspondence**.

Wadena County  
Board of Adjustment

Date: March 30, 2020

CC: Review Messenger  
Menahga City Administrator  
Blueberry Township  
DNR Waters Office

## PLANNING COMMISSION

Corrected 3/30/20

### PUBLIC NOTICE

#### APPLICATION FOR A CONDITIONAL USE PERMIT

Notice is hereby given that on Thursday, the 16<sup>th</sup> day of April, 2020, at 7:00 p.m. the Planning Commission will hold a public hearing to consider the application of **Lorna L. Gorter, 22578 County Road 2, Staples, MN 56479**, for a Conditional Use Permit for the property described as follows: Part SE1/4 NW1/4\*\*Less Beg at NE cor of the SE1/4 NW1/4; Thn S 500'; Thn W 330'; Thn N 500' Parallel with the E li of said sec; Thn E 330' to the point of beginning\*\*subj to easement Section 30, Township 134 North Range 33 West, Thomastown Township, located in an A-3 General Agriculture District with Shoreland Overlay

The application, if approved, would allow operation of a commercial dog kennel for purpose of breeding and raising puppies.

In response to COVID-19, and pursuant to Minnesota Statute Chapter 12 relating to Emergency Management, Governor Walz has declared a state of emergency. In response to the state of emergency, and in accordance with Minnesota Statute 13D.021, a public body is permitted to hold meetings via telephone or other electronic means. Requirements for hold a meeting via telephone or other electronic means includes: 1) All participating members can hear one another; 2) Members of the public at the physical meeting location can hear all discussion "unless attendance at the regular meeting location is not feasible due to the health pandemic"; 3) At least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and 4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

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By: Wadena County  
Planning Commission

Date: March 30, 2020

CC: Review Messenger  
Staples World  
Thomastown Township Clerk

# PLANNING COMMISSION

## PUBLIC NOTICE

### APPLICATION FOR A CONDITIONAL USE PERMIT

Corrected 3/30/20

Notice is hereby given that on Thursday, the 16<sup>th</sup> day of April, 2020, at 7:00 p.m. the Planning Commission will hold a public hearing to consider the application of **Wes Renneberg, Renneberg Holdings LLC, 16340 590<sup>th</sup> Avenue, Menahga, MN 56464**, for a Conditional Use Permit for the property described as follows: N 300' of the NE1/4 SW1/4; W 660' S1/2 SE1/4 NW1/4; S1/2 SW1/4 NW1/4; all in Section 4, T-138-N, R-35-W; and SE1/4 SE1/4 NE1/4; E1/2 NE1/4 SE1/4; E1/2 SE1/4 SE1/4; all in Section 5, T-138-N, R-35-W; and NE1/4 NE1/4 NE1/4, Section 8, T-138-N, R-35-W; and Pt. of the N1/2 NW1/4, Section 9, Township138-N, Range-35-W, all tracts in Blueberry Township, located in an R-1 Suburban Residence District.

The application, if approved, would allow, development of a common interest community for single family and or multi-family dwellings

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By: Wadena County  
Planning Commission


Date: March 30, 2020

CC: Review Messenger  
Blueberry Township Clerk  
City of Menahga  
MN Dot

# MEMORANDUM

DATE: March 30, 2020

TO: Adjustment Board & Planning Commission Members

FROM: Deana M. Malone, Planning & Zoning Administrator 

SUBJECT: Meeting scheduled for April 16, 2020, to begin at 7:00 p.m. in the Wadena County Court House.

*Agendas are listed below.*

## Agenda – Adjustment Board

**Tim W. & Anita J. Petersen, 38577 East Blueberry Drive, Menahga, MN 56464**, for a variance on the following described property: Pt of Lot No 1 commencing at a found iron monument which designates the northeasterly corner of Lot 8, Blk 2 of Tappe's Sunset Beach thence North 89 degrees 36 minutes 29 seconds West 15.84' on an assumed bearing along the northerly line of said lot 8 to the point of beginning; thence north 09 degrees 28 minutes 11 seconds east 99.50'; thence north 89 degrees 38 minutes 12 seconds West 160.56' to a found iron monument; thence continuing north 89 degrees 38 minutes 12 seconds West 8', more or less, to the water's edge of Blueberry Lake; thence southerly along the water's edge of said Blueberry Lake to the intersection with the northerly line of said Lot 8; thence South 89 degrees 36 minutes 29 seconds East 169.14', more or less, along the northerly line of said lot 8 to the point of beginning. Also included is a non-exclusive easement for driveway purposes over, under and across that part of said Govt Lot 1 described as follows: Beginning at the aforementioned point of beginning; thence North 09 degrees 28 minutes 11 seconds east 99.50'; thence South 89 degrees 38 minutes 12 seconds East 15.84'; thence south 09 degrees 28 minutes 11 seconds West 99.51' to a found iron monument at the northeasterly corner of said lot 8; thence North 89 degrees 36 minutes 29 seconds West 15.84' along the northerly line of said lot 8 to the point of beginning of said driveway easement. Section 11, Township 138 North, Range 35 West, Blueberry Township, located in an A-2 Mixed Agriculture-Forestry District with Shoreland Overlay.

- **Application, if approved, would allow an addition to an existing dwelling with a reduced setback from a side yard property line.**

## Agenda – Planning Commission

**Lorna L. Gorter, 22578 County Road 2, Staples, MN 56479**, for a Conditional Use Permit for the property described as follows: Part SE1/4 NW1/4\*\*Less Beg at NE cor of the SE1/4 NW1/4; Thn S 500'; Thn W 330'; Thn N 500' Parallel with the E li of said sec; Thn E 330' to the point of beginning\*\*subj to easement Section 30, Township 134 North Range 33 West, Thomastown Township, located in an A-3 General Agriculture District with Shoreland Overlay

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- **The application, if approved, would allow, development of a common interest community for single family and or multi-family dwellings.**

Review calendar for possible work session meeting dates in April/May

received  
Dunn

### APPEAL FOR VARIANCE

NOTE: In order to grant a variance from the Zoning or Subdivision Ordinance, the Board of Adjustment is required to make written findings of facts based on the information the applicant provides and information gained at the public hearing to show:

- 1) That there are practical difficulties special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity;
- 2) That the property owner is proposing to use the property in a reasonable manner not permitted by the official controls;
- 3) That the practical difficulty is unique to the property and not caused by acts of the property owner;
- 4) That the variance would not alter the essential character of the locality;
- 5) That the granting of the variance is not based solely on economic conditions;
- 6) That the granting of the variance is in harmony with the basic intent of the Zoning or Subdivision Ordinance, and
- 7) That the granting of the variance is in harmony with the County Comprehensive Plan.

It is your responsibility to provide these facts in your application to the Board of Adjustment to use in their decision making process. With this in mind, please complete the following information and questions:

Owner(s) as listed on tax statement: Tim W & Anita J Petersen  
 Owner's Phone Number: (218) 564-4781  
 Owner's Address: 38577 E Blueberry Dr Menahga MN 56464  
 Legal description of property where variance is requested: 1 Sect - 11 Twp 4 - 138 Rang - 35  
Pt Lot No 1 commencing at a found iron monument which  
designates the 38577 East Blueberry Dr. Tappe's sunset Beach E 12' of lot 8 Blk 2  
 Zoning District in which the property is located: \_\_\_\_\_  
 Property address where variance is requested: 38577 E Blueberry Dr Menahga MN 56464  
 Date of Current Certificate of Compliance for Septic System: October 1, 2018.  
 Are the property taxes on this parcel of property up-to-date?  Yes ( ) No

REQUEST FOR VARIANCE FROM Section H7 EIC of the Wadena County Zoning Ordinance,  
 as amended, which requires: A SHELTER OF NOT LESS THAN 30' ON EACH SIDE  
OF A BUILDING

Please answers the questions below, and use additional paper if necessary. Please attach a detailed drawing of the property, including: the dimensions of the parcel, existing & proposed buildings and their setbacks from property lines, roads, and waters of the state. Please also attach any other information or documents which you feel would help support your application for variance.

- 1) What changes are intended to be made on the property, which do not meet the requirements of the Ordinance?  
We would like to take down an existing 12' x 12' enclosed patio (screen porch) on the south side of house which was built by the previous owner and attached to the house, and replace it with a 12' x 36' addition on that south side of the house to extend the living area and make it a proper home.
- 2) If the current requirements of the Ordinance are applied, what practical difficulty, other than financial, is created for you as the property owner?  
Our family has lived and enjoyed this side of Blueberry Lake since 1958. There are 6 properties here owned by our family members. We are unable to obtain a permit to build an addition because the set back requires 30'. This property is zoned agricultural unlike those to the south of us which are zoned lake shore and only require 10' set back, which is available. We want to make this a home we can enjoy with our family and one we can eventually leave to our children and grandchildren. A comfortable place to live.

3) What kind of problems exist on or with your property, not generally found on other properties, that do not allow you to conform with the current provisions of the Ordinance? Zoned as agricultural, only able to build 30' from the property line. We did not construct this house which was built in 1958. The building was not centered on the property. A pole barn was constructed on the north side of the property approximately 25 years ago leaving no room on that side to build an addition. Most of the other properties on this side of the lake are seasonal cabins so no need for additions. Those who have built additions had plenty of room as the #3 cont. on next page).

4) Is the need for the variance a result of something you, as the property owner, did prior to requesting this variance? Please explain your answer. No. Cabin was built in 1958, pole barn was built in approximately 1994.

5) In your opinion, do you think what you are proposing will alter the essential character of the general area? Please explain your answer. Not drastically, small addition. It will definitely improve the area.

6) In your opinion, do you think this requested variance will cause a problem for any property or property owners in the neighborhood, and, what benefits, if any, do you think would be realized if this variance were granted? Please explain both parts of this question. No problems. The cabin to the south is owned by our family so it is almost like the same property. The cabin to the north is set back much farther and we have discussed this addition with most of our neighbors and they agree it will make an attractive addition to our property and the general area. In event the properties would sell down the line, there would be no problem.

I, the undersigned, certify that I am the owner of the above described property. I understand that the County may require additional information for this application prior to the public hearing. By signing this application, I agree to provide any and all information requested by the County prior to the day of the public hearing on my application. . I understand that the fee involved in making an application for a variance is non-refundable and separate and apart from any further permitting process. I also understand this application is for the Variance process only and a permit to allow construction, if applicable, is necessary if this Variance is granted and I further understand, a Variance granted by the Board of Adjustment may be revoked if no action has been taken to complete the proposal requested in the application for Variance within a period of thirty-six (36) months from the date of the public hearing in which the Variance was heard and granted.

Date: 2.22.2020

Owner's Signature: *Trin Wilhelmsen*  
*Axita J. Petersen*

(question 3 cont. from page 2).

set back was only 10' or their property was bigger.

We have moved from a 120 acre farm with a 2,400 sq. ft. home and a 3 car garage. We wanted to down size but this existing house is only approximately 1,096 sq. ft.. 308 sq. ft. of that was a garage but was turned into a non insulated guest room by the previous owners. We will be using that room for our 2 pet cats and for storage, not living area.

West line.  
 Approx. 100' across →  
 lane shore front  
 Front is 100' set back ←  
 from lake shore.

\* SW corner is 31' from line.

\* NW corner is 53' from line

\* Existing = (screen porch will be removed).

12' x 12' Screen Porch

1,096 sq. ft.  
 308 sq. ft. which is storage and a pet room.  
 788 sq. ft. of living space.

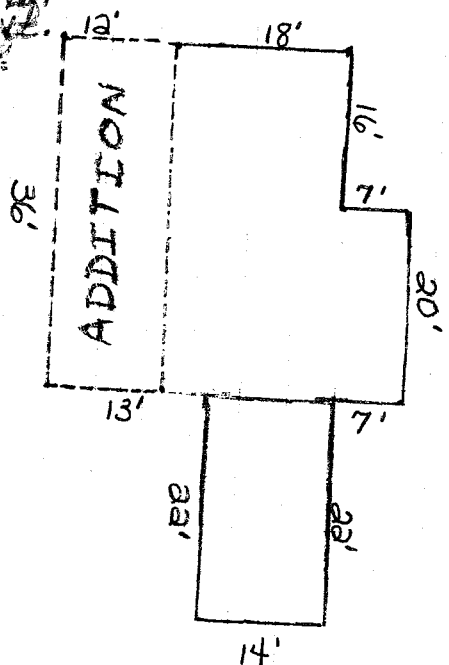
\* SE corner is 24' from line

\* NE corner includes pole barn.

North corner approx. 169'

South line approx. 160'

\* ...with 432 sq. ft. addition =



1,528 sq. ft.  
 - 308 " "  
 1,220 sq. ft. of living space.

38577 East Blueberry Dr.  
 Menasha WI 56464

Lake Shore approx. 100' ↔



**Tim & Anita Petersen - Appeal for Variance –  
STAFF REPORT**

**ZONING ORDINANCE:**

Property is located in an A-2 Mixed Agriculture/Forestry District with an S-1 Shoreland Overlay District

**Section 7. E.** requires a side yard of not less than 30 feet.

**Section 14 Shoreland Overlay District** - Standards in the Shoreland Overlay District were adopted to provide a district that allows for the wise utilization of the shoreland resources and to provide for shoreland development that are consistent with MN Statute 103F (previously 105) and MN Rules 6120

**Section 25 Board of Adjustment** - In general, this section allows for the Board of Adjustment to order the issuance of variances from the requirements of official controls if a practical difficulty is found to exist and other factors are found that would allow a property owner a reasonable use of their property.

**COUNTY COMPREHENSIVE PLAN**

The purpose and intent of the Comprehensive Plan does not prohibit a property owner from using or improving their property in a reasonable manner.

**Site Location & Observations:**

Property is located on the east side of Blueberry Lake in Section 11 of Blueberry Township. The lot is a non-conforming lot of record and the dwelling on the property is also pre-existing. It is zoned agriculture, as are several parcels surrounding it but it is not a part of a pre-existing plat and so does not allow the reduced setback of 10 feet for a side yard property line.

The proposed addition would meet all other required setbacks including the lake setback of 100 feet.

Staff have not visited the property due to snow cover, but was at the property in 2018 at the time of the septic inspection. The proposed addition would not extend further to the south than the existing screen porch and would be a logical place to add space.

Applicant has provided good detail in the application.

**DISCUSSION:**

- The application does not indicate if the property line has been surveyed

