

Morrison County Board of Adjustment Via Microsoft Teams

Minutes

February 2, 2021

Chairperson BethyJo Murphy called the meeting of the Morrison County Board of Adjustment to order at 7:00 p.m.

Members Present: BethyJo Murphy, Dave Stish, Russ Nygren, and Marvin Trettel.

Members Absent: None

Ex-Officio Members Present: Amy Kowalzek, Robert Wall and Sharon Peterson

Ex-Officio Members Absent:

County Commissioners: Jeff Jelinski, Mike LeMieur and Mike Wilson

1. Mark & Tamera Brown – 33705 East Shamineau Dr; Motley, MN 56466 – Application for a Variance to expand a detached garage within the setback of a side property lines; located in pt of Gov. Lot 2, Section 15, Township 132, Range 31, Scandia Valley Township.

Mark and Tamera Brown were present.

Amy Kowalzek entered into record Sections 301, 301.6 A, 706.1 B and 706.2 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, variance application, background information questions, site plan, three (3) aerial photos of the parcel, three (3) site photos, staff report, previous permit with site sketch, survey, previous variance request and impervious surface calculation sheet. There were 64 notices sent to neighboring property owners. Two comments were received prior to the hearing. Amy entered the finding of fact and decision questions.

Mark Brown stated the property was part of a resort. The parcels were broken up over time. We had to clear up an old easement. We like to keep a clean lake property without a lot of things sitting outside. Expanding the foot print of the garage really was not an option. We would like to expand up staying within the 25-foot height limit. We need more storage space. We talked to the neighbors to make sure the proposed expansion would not block any one's view of the lake. There will not be living quarters in this expansion to the garage. There is a plan to remove some of the asphalt to stay within the 25% impervious surface limit.

Russ Nygren it appears as the proposed asphalt to be removed is being used as a circle driveway. How will the neighbors maneuver getting in and out of their property?

Dave Stish stated the applicants did a nice job of looking at the parcel and moving the runoff correctly. The other parcel that is owned by the applicant has some impervious surface issues. Why not address all the impervious surface issues at one time? Mark Brown stated that the current boathouse is underwater, and they plan to deal with the situation once everyone knows what is going to happen with the high-water level. We can meet the 150-foot setback from the lake but not the side property line of 20 feet to allow a structure to be 25 feet in height.

Marvin Trettel stated that if the neighbors are going to continue to drive on the area where the asphalt will be removed it will not be reducing the impervious surface. Could there be other asphalt that could be removed to remedy this? Mark Brown stated that the driveway is a shared easement, but they could talk with the neighbors to see if something could be worked out. Amy Kowalzek asked if all the easement is on

the applicants' property. Mark Brown stated that this is a shared easement and they believe the property line is in the center of the driveway.

BethyJo Murphy stated that the applicant plans to gutter and send the runoff to a swale on the property. Mark Brown stated that there is a swale on the property, and everything slopes to it. We plan to get a contractor to help make sure the swale will continue to work after the addition. We may need to make it larger. BethyJo asked if there was anything the applicants need to know about changing the condition of the swale. Amy Kowalzek stated if there will be any excavation work done to the swale a permit will need to be obtained.

Audience Comment:

Laurel Kratzke stated she is the neighbor and they do not use the circle driveway. They use their own to go straight in and out.

Tim Rice stated he is in support of this request.

Earl Edeburn stated he is in support of this request.

Marvin Trettel stated he would like to discuss possible conditions if approved. Design the swale for the runoff to go into. BethyJo Murphy stated she would like to see a condition that the property must be at 25% or less of impervious surface. Russ Nygren stated he would suggest a condition that no living quarters to be allowed on the lot.

The voting sheets were polled.

A motion was made by Dave Stish to deny the Variance request. The motion was seconded by Russ Nygren. The vote was all in favor.

2. Kathleen Pattock (Brian) – 31083 Fish Trap Lake Ct; Cushing, MN 56443 – Application for a Variance to construct a shed within the setback of a road; located in Lot 17 & 18 of Pan's Shore Lots, Section 29, Township 132, Range 31, Scandia Valley Township.

This request was continued to the April meeting.

3. Cory & Katie Plohasz – 30269 22nd Ave; Cushing, MN 56443 – Application for a Variance to construct a dwelling within the setback to the lake; located in Lot 31 of Lake Shore Acres, Section 32, Township 132, Range 31, Scandia Valley Township.

Cory & Katie Plohasz were present.

Amy Kowalzek entered into record Section 706.1 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, variance application, background information questions, three (3) site plans, six (6) aerial photos of the parcel, lake view photo, four (4) site photos, staff report and the impervious surface calculations. There were 73 notices sent to neighboring property owners. One comment was received prior to the hearing. Amy entered the finding of fact and decision questions.

Cory Plohasz stated the proposed structure is 960 sq ft. This is the best possible design plan for this lot. We have a large amount of wetland on the property. The road also runs through the property. Being so close to the road is a concern of safety and snow removal. We will also have to move the septic tank to get a full functioning septic on the lot.

Marvin Trettel stated that at the viewing there was discussion about moving the road. Cory Plohasz stated the he looked into the option of moving the road and found out that the road is dedicated to the public and it

in the place the plat dedicated it to be. Adding a curve to the road would compound the problem. This is a private road not maintenance by the Township. The road cannot be re-routed just to fit my needs.

Dave Stish stated that the letter from SWCD from 2003 stated that this is a small lot with a beautiful view. Any structure proposed for this lot will need to be small enough to fit on the lot. The structures that are on the site now do not have permits, some of this may have been caused by the current owner. There is a large wetland and a road. This lot could possibly fit an RV within the building envelope, not sure a deck would fit but maybe a patio.

Russ Nygren asked what the size of the building envelope is. Amy Kowalzek stated she did not have this information.

Cory Plohasz stated that nothing that is located on the property was done by them. All of the structures were on the property when we purchased it.

BethyJo Murphy stated that the plans state that there is a proposed attached garage to the left of the home. Would there be room for emergency vehicles and snow removal if the shed was removed across the road. Cory Plohasz stated that there is a proposed attached garage but to move the shed still does not allow us to move the road. The vehicles would still be very close to the home.

Russ Nygren asked if there was enough room from the wetland and the road for a garage. Amy Kowalzek stated it could be possible, but the structure would be narrow.

Audience Comment:

Dylan Howard asked if the neighboring home locations are considered in the hearing process. BethyJo Murphy stated all applications are looked at on their own merit. Amy Kowalzek stated Morrison County does not have ordinance language for averaging setbacks from neighboring homes. Cory Plohasz stated that his neighbor needed a variance and was allowed to be at 60 feet from the lake.

Russ Nygren asked if a non-conforming lot could be built on without a variance. Amy Kowalzek stated it could as long as all setbacks are met.

The voting sheets were polled.

A motion was made by Marvin Trettel to deny the Variance request. The motion was seconded by Dave Stish. The vote was all in favor.

With no further business at hand, the hearing was closed at 9:12 p.m.

A motion was made by Dave Stish to approve the January 5, 2021 minutes. The motion was seconded by Russ Nygren. The vote was all in favor.

A motion was made by BethyJo Murphy to approve the December 1, 2020 minutes. The motion was seconded by Marvin Trettel. The vote was all in favor.

New business – Amy Kowalzek stated our new feedlot officer is Robert Wall.

Old business –

A motion was made by Russ Nygren to adjourn the meeting. The motion was seconded by BethyJo Murphy. The vote was all in favor.

With no further business at hand, the hearing was closed at 9:19 p.m.

Respectfully submitted,

Amy Kowalzek, Secretary

Morrison County Board of Adjustment

BethJo Murphy, Chairperson

Morrison County Board of Adjustment

Dave Stish, Vice-Chairperson

Morrison County Board of Adjustment