

Morrison County Board of Adjustment

Minutes

February 4, 2020

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 and Sharon Peterson

Ex-Officio Members Absent: None

PLEDGE OF ALLEGIANCE

- 1. Mitchell Peterson – 1624 Lincoln Hills Circle; Cushing, MN 56443 – Application for a Variance to expand a non-conforming structure and to encroach on a side property line and building with a septic system drainfield; located on Lot 6 of Lincoln Hills Lake Lots, Section 31, Township 132, Range 31, Scandia Valley Township.**

Mitchell Peterson & Angela Peterson were present.

Amy Kowalzek entered into record Sections 301, 301.6(a), 706.1 and 1301.34 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, variance application, background information questions, three site plans, two site photos, three aerial photos, six site photos, staff report, aerial photo of both parcels owned by the applicant, impervious surface calculation sheet, aerial photo of building envelope, There were 103 notices were sent to neighboring property owners. One comment was received prior to the hearing. Amy entered the finding of fact and decision questions.

Angela Peterson stated when they purchased the property, they thought they would be able to build a garage across the road like the neighbors have done. They found out that the area was wetland and building a garage was not an option.

Russ Nygren asked if one lot or both lots were included in the impervious surface calculation. Since they must move together and cannot be sold separately shouldn't they both be included in the impervious surface calculation. Amy Kowalzek stated that she asked the applicant to only include the lake side property in the calculation. In the past the Board has asked what the calculation was on the single lot because that is where the building would take place.

Marvin Trettel asked what the applicants plan to do with the stormwater. Mitchell Peterson stated they would have a ten-foot shelter belt along the shore. Angela Peterson stated there is grass and shrubs in the area now. Mitchell stated he would be open to other suggestions.

Dave Stish asked if the non-conforming structure meets the side yard setback. Mitchell Peterson stated he was not sure. Dave asked if the septic could be moved over to meet all setbacks. Amy Kowalzek stated this is what came to the office from the septic designer. Mitchell Peterson stated this was the best fit for the septic. Dave asked if the placement of the septic was due to the location and size of the addition. Angela Peterson stated the addition was noted at the time of the design. Dave asked if there would be an option to take the addition off to eliminate the need for the variance. Angela stated she did not think this would be an option.

Dave Stish stated this is a non-conforming lot. A conforming lot would need to be 30,000 square feet and 120 feet in width along the lake. Angela Peterson stated she did not think the addition would be outside the look of the cabin.

Russ Nygren asked about an alternate location for the septic. Amy Kowalzek stated there is limited space on the lot and this design is for a Type III septic already. Any future septic designs would need to be a Type III as well. If this system failed, they would need to place a new one on top of the old system due to the lack of space. Russ Nygren stated that the site plan on the design shows the septic to be right next to the addition.

BethyJo Murphy asked if this was a year-round home before. Mitchell Peterson stated it was not.

Audience Comment:

Christine Ziehmman stated that the previous owner of this property did not use it as a year-round home but the property owner before that did.

7:27 p.m. - Audience comment was closed.

Dave Stish asked if the requests should be split or heard together.

BethyJo Murphy asked if the property only had holding tanks at this time. Amy Kowalzek stated there is only holding tanks on the property now.

Dave Stish suggested to split the requests to make better discussion for each request.

The voting sheets were polled.

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

BethyJo Murphy asked if there were any thoughts to a detached garage. Amy Kowalzek stated a variance would be needed to convert the existing attached garage into living quarters.

Russ Nygren asked if there could be a condition on stormwater control. Amy Kowalzek stated it could be a condition to have the Shoreland Specialist look at the area and come up with a plan.

A motion was made by Russ Nygren to deny the home addition Variance request. The motion was seconded by Dave Stish. The vote was three in favor and Marvin Trettel opposed.

2. Peter & Judith Michels – 4151 Cedar Ln; Burtrum, MN 56318 – After-the-fact application for a Variance to continue a stairway and landing greater than the allowed size; located in pt of Govt. Lot 11, Section 7, Township 127, Range 31, Elmdale Township.

Peter Michels was present.

Amy Kowalzek entered into record Sections 301, 301.6(a) and 711.2 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, after the fact variance application, background information questions, after the fact background information questions, a site plan, two aerial photos, three shoreline photos, site photo, photo showing proposed work to be done and three site photos of before and after, There were 50 notices were sent out to neighboring properties. There was one phone call and one e-mail received prior to the hearing. Amy entered the finding of fact and decision questions and the after the fact variance consideration questions.

Peter Michels stated the existing wall was rotting and needed to be replaced. Was going to just replace the wall and when the contractor came out, we also did rip rap. I thought rock was rock. The stairs were replaced at this time as well. The top of the stairs is the same size as it was.

Russ Nygren stated the top of the steps seems to be even now, its rounded and I would assume an encroachment was made towards the lake with grade and fill. Peter Michels stated that the water is higher than it has ever been. Russ stated that is noticeable.

Dave Stish asked if we are considering the retaining wall at all tonight. Amy Kowalzek stated we are not.

Marvin Trettel stated the permit was for an eight-foot stairway correct? Amy Kowalzek stated no, the permit was for a five-foot stairway. It was a replacement of exactly what was there. Peter Michels stated he had measured the stairs before they replaced them, and they were eight feet in width.

BethyJo Murphy stated that the letter from SWCD stated that this is a high-quality lake. Could there be more options to add more green space to offset the impervious surface. Peter Michels stated there are flowers and plants all over in the rocks. Russ Nygren asked how deep the rock area is next to the lake. Peter stated about one foot deep.

Dave Stish asked due to the after the fact the applicant cannot replace what was there before but only allowed to go to what is in the ordinance now. Amy Kowalzek stated that was correct. Dave stated that he appreciates Shannon Wettsteins letter from the SWDCs office and think the letter was intended to ask us to help mitigate the stormwater if we approved the variance request. Dave asked that when the permit was given where you clear on the discussion that was had. Peter Michels stated he was clear, but the discussion never included the size of the stairs. Amy Kowalzek read the language on the permit that was issued. Russ Nygren stated that the permit stated exact for exact and that is not what happened.

BethyJo Murphy asked if the variance is denied would the applicant have to bring the size of the stairs down to four feet and remove the landing. Amy Kowalzek stated that is what would need to be done. BethyJo asked if a permit would be needed to fill in the area that was removed due to the stairs and landing being removed. Amy stated that a permit would be needed.

Russ Nygren asked if the black area in the old picture from the stairs to the lake is a dock. Peter Michels stated it is. Russ stated you could scale from the dock to get the width of the stairs.

Audience Comment: None

8:38 p.m. the audience comment was closed.

The voting sheets were polled.

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

With no further business at hand, the hearing was closed at 9:00 p.m.

A motion was made by Marvin Trettel to approve the January 7, 2020 minutes. The motion was seconded by Russ Nygren. The vote was all in favor.

New business – None.

Old business – None.

A motion was made by Dave Stish to adjourn the meeting. The motion was seconded by Marvin Trettel. The vote was all in favor.

With no further business at hand, the hearing was closed at 9:02 p.m.

Respectfully submitted,

Amy Kowalzek, Secretary

Morrison County Board of Adjustment

BethJo Murphy, Chairperson

Morrison County Board of Adjustment

Dave Stish, Vice-Chairperson

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