

Morrison County Board of Adjustment Via Microsoft Teams

Minutes

May 11, 2021

Amy Kowalzek called the meeting of the Morrison County Board of Adjustment to order at 8:48 p.m.

Members Present: Dave Stish, Brent Lindgren, Dave Brutscher, Clint Katherine and Marvin Trettel.

Members Absent: None

Ex-Officio Members Present: Amy Kowalzek and Sharon Peterson

Ex-Officio Members Absent: Robert Wall

County Commissioners: Jeff Jelinski, Greg Blaine, Randy Winscher and Mike Wilson

County Commissioners Absent: Mike LeMieur

Other Members: None

- 1. Kevin & Jodi Olson – 5582 Concord Rd; Cushing, MN 56443 – Application for an After the Fact Variance to add onto a non-conforming structure; located in Lot 5 of Birchdale Knolls, Section 35, Township 132, Range 31, Scandia Valley Township.**

Kevin and Jodi Olson were present

Amy Kowalzek entered into record Sections 301, 301.6a, 706.1 and 706.3 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, after the fact variance application, plat map, background information questions, after the fact background information questions, site plan, two (2) aerial photos, staff report, aerial photo showing the distance from the cabin to the lake, lake view photo, notice of violation letter, site photos of the structure before and after the addition, aerial photo showing a building envelope and impervious surface calculation sheet. There were 58 notices sent to neighboring property owners. No correspondence was received prior to the hearing. Amy entered the finding of fact and decision questions and the After-the-Fact Considerations.

Dave Stish stated all five Board members were present for the viewing on May 7th.

Kevin Olson stated while he was completing the roofing and siding, he noticed that the overhang roof was rotten. I new I could replace it but then put walls around it and Jodi Olson wanted to keep it that way. I called and left a message with Land Services, waited for two weeks and no one returned my call. It was fall and winter was coming so I decided to complete the work. Thought we could come back in beg for forgiveness. Our neighbors must have called us in before we got to take care of this.

Dave Stish stated there is room on the lot to move the structure back. Do you understand what the After the Fact means? Kevin Olson stated he does know what the after the fact means. Not sure how we could move the structure back, it has a granite fire place. I missed the notice of the viewing or I would have been there. The old roof was just under half of what was added.

Brent Lindgren stated if no permit is needed for a roof or siding, what about expanding the roof? Amy Kowalzek stated re-shingling or siding does not need a permit. If you re-roof or expand a structure it would need a permit. The expansion of this structure could not be permitted since it is a non-conforming structure.

Clint Kathrein asked before any work was done, did you know you had a non-conforming structure. Kevin Olson stated they had talked with the County and knew the structure was non-conforming. We were told we could add up to 50% of the square footage.

Audience Comment: None

The voting sheets were polled.

Possible conditions were discussed if approved.

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

2. Brian Flanagan – 2052 Fish Trap Lake Dr – Cushing, MN 56443 – Application for a Variance to add onto a replaced cabin; located in Lot 5 of Lake Shore Acres, Section 32, Township 132, Range 31, Scandia Valley Township.

Brian & Kristine Flanagan were present

Amy Kowalzek entered into record Sections 301, 306.6a, 706.1 and 706.3 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, variance application, letter from the owner, background information questions, plat map, two (2) site plans, four (4) aerial photos, (2) renderings of the proposed project, three (3) aerial photos, lake view photo, previous variance recording including conditions, letter from the Shoreland Specialist, site plan of the structure, permit of the cabin addition, site plan, stop work order, notice of violation, site photos of before and after, impervious surface calculation sheet, aerial photo showing the depression on the property, aerial photo showing a building envelope and suggested conditions if approved. There were 80 notices sent to neighboring property owners. One e-mail in support was received prior to the hearing. Amy entered the finding of fact and decision questions.

Brian Flanagan stated the practical difficulty on the first variance was not explained very well. I have a better understanding of what a practical difficulty is. Dave Stish asked how we got here today. Brian stated he made a mistake. Dave stated at the last hearing it was noted that you did not want to take down the cabin because it was in too good of shape. Brian stated it was more about where I would have to put the cabin if I rebuilt. The cabin would have ended up in the low area of the lot.

Dave Stish stated all five Board Members viewed the property on May 7th.

Clint Kathrein asked where the water goes. Brian Flanagan stated it just sits in the dip. If we moved the cabin back to meet setbacks it would be right before the dip in the property. We would still need area for parking. Clint asked how many of the previous conditions were completed. Brian stated they removed the sidewalk and the area of the home. The front deck has not been completed.

Marvin Trettel stated that the old foundation still looks dilapidated. Brian Flanagan stated his contractor has made a few renovations to the foundation already.

Brent Lindgren asked how the cabin ended up being completely removed. Brian Flanagan stated when we applied for the variance to add onto the old cabin, we did not look at the shape of the existing cabin. Once we pulled the permit and started to remove a portion of the existing cabin the contractor noticed that the existing cabin was not in good shape. I approved the contractor to take it down. There was no malice intent and we should have reached out to the Land Services Department. The structure will be the exact same as what was there only difference is it will have a proper foundation.

Marvin Trettel stated if this is approved, I would like to see the previous conditions included. Amy Kowalzek stated it is what the Board decides.

Clint Kathrein stated that last years decision is not any less difficult as tonight's meeting. We are now dealing with something within the shore impact zone. That is why we have been asking about moving the structure back.

Audience Comment:

Denny Smith – asked if a fire destroyed the home would they be in the same situation?

Katie Harms - stated she is a neighbor and the Flanagan's are good neighbors. Moving the cabin would be difficult and could change the water flow. The Flanagan's could replace the cabin they had here originally, no one expected that they would end up having to tear it down. They are losing time to use the property because of the situation.

Dave Stish asked Amy to explain what would happen if the structure had been destroyed by a fire. Amy Kowalzek stated there is ordinance language that stats it depends on how much of the structure was damaged by the fire.

Marvin Trettel stated if approved he would like to see the conditions the same as the last variance.

The voting sheets were polled.

A motion was made by Brent Lindgren to deny the Variance request. The motion was seconded by Clint Kathrein. The vote was all in favor.

With no further business at hand, the hearing was closed at 8:46 p.m.

A motion was made by Marvin Trettel to approve the April 27, 2021 minutes. The motion was seconded by Dave Stish. The vote was all in favor.

Correspondence - None

New business – None

Old business – None

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

With no further business at hand, the hearing was closed at 8:50 p.m.

Respectfully submitted,

Dave Stish, Chairperson
Morrison County Board of Adjustment

Marvin Trettel, Vice-Chairperson
Morrison County Board of Adjustment

Secretary, Clint Katherine / Amy Kowalzek
Morrison County Board of Adjustment