

Morrison County Board of Adjustment Via Microsoft Teams

Minutes

May 25, 2021

Dave Stish called the meeting of the Morrison County Board of Adjustment to order at 6:57 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. John & Michelle LeBlanc – 1532 Lincoln Hills Circle; Cushing, MN 56443 – Application for an After the Fact Variance to keep the patio and retaining walls within the bluff impact zone; located in pt of Gov. lot 1, Section 31, Township 132, Range 31, Scandia Valley Township.**

John & Michelle LeBlanc were present

Amy Kowalzek entered into record Sections 706.1 D, 706.1 E and 710.02, 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, site plan, aerial photo, lake view photo, nine (9) site photos, staff report, land use permit for the home, site plan from permit, bluff determination with the permit, letter of violation, three (3) site photos from the violation, 2017 aerial photo, 2020 aerial photo and impervious surface calculation sheet. There were 95 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.

John LeBlanc stated they purchased the property in 2016. Started construction in 2017, finished construction in 2018. The retaining walls were built to retain the area of the reverse walkout. We thought the retaining walls were part of the building permit. We did not think we needed a permit for the patio. We asked about our property in the county and no permit was needed. Our intention is to take care of the bluff, maintain the integrity of the bluff and shoreline. Michelle LeBlanc stated if we have to take it back out it will be detrimental to the area. We plan to keep our shoreline natural.

Brent Lindgren asked if there were any other options besides the retaining walls. John LeBlanc stated at the beginning we thought they would go in with the construction of the cabin. Brent asked if they were always planned. John stated they were.

Dave Stish stated the ordinance did change between the time of permitting and construction. Could have been permitted at the time of construction. Amy Kowalzek stated that rules for patios have gradually changed over time. We used to allow them outside of the 50' setback and within bluff impact zones with a permit. The rules changed due to impervious surface calculations. Retaining walls have been allowed to help prevent existing erosion issues, if not other option is available. If a property does not lend itself to a walkout then retaining walls come into play.

Dave Stish asked if the home meets the setbacks. Amy Kowalzek stated it does. We generally do not see retaining walls on the road side of a property.

Marvin Trettel stated it is nice to see a conforming lot. What is the patio made from? John LeBlanc stated that his contractor told him they are porous pavers. The building site needed the retaining walls.

Dave Brutscher stated that with being an electrician you understand the need for inspections. What was the reason no permit was applied for? John LeBlanc stated that they checked on this for their home in Little Falls and were told no permit was needed. Did not think a permit would be needed here either.

Clint Kathrein stated this project is not evasive. There is a ton of vegetation. Look into plantings to prevent erosion. Could put gutters on the home. John LeBlanc stated they are all for putting gutters on and would like to tier the area in question to help with erosion and plant vegetation.

Marvin Trettel stated he would like to see the Shoreland Specialist on site to help create a plan for this area. Also, the gutters could be directed away from the lake.

Dave Stish stated the Shoreland Specialist would be very helpful here. Maybe see what the plan states if the gutters are even needed.

Audience Comment:

Julie Smith – asked if the retaining walls and patio will be voted on together or separate.

The voting sheets were polled.

The after the fact questions were discussed.

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

**2. Carl Darwin Lundeen Trust – 31115 Fish Trap Lake Dr; Cushing, MN 56443 – Application for a Variance to place a septic holding tank having only 1000-gallon capacity and within the setback to a side property line; located in Lots 65 & 66 of Pan’s Shore Lots; Section 29, Township 132, Range 31, Scandia Valley Township.**

Brett Lundeen was present

Amy Kowalzek entered into record Sections 1301.22 c and 1301.34 of the Morrison County Land Use Control Ordinance, a plat map with the parcel location, variance application, background information questions, site plan, two (2) aerial photos, lake view photo, four (4) site photos, staff report, aerial photo showing parcels, non-compliance septic inspection, letter to have septic upgraded and notice of violation. There were 80 notices sent to neighboring property owners. No correspondence was received prior to the hearing. Amy entered the finding of fact and decision questions.

Brett Lundeen stated his great grandfather built this place with his friends. The septic facilities are not to code now from the install. The only alternative is to install a holding tank. Dave Stish asked why the tree was removed. Brett stated that the tree was mostly on the neighbor’s property and we worried the tree may cause a disturbance. Dave asked why this is the only place for the holding tank. Brett stated this is area is far enough from the lake, street and wells.

Audience Comment: None

The voting sheets were polled.

A motion was made by Brent Lindgren to approve 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 8:42 p.m.

A motion was made by Marvin Trettel to approve the May 11, 2021 minutes. The motion was seconded by Dave Brutscher. The vote was all in favor.

Correspondence - None

New business – Deb Gruber and Paycom sent out e-mails to get everyone logged into the new payroll system. Please do this before June 1<sup>st</sup>.

June 1<sup>st</sup> viewing will be done on your own. The June 15<sup>th</sup> meeting has a light agenda, if you would like to bring up some topics, this would be the time to do it.

Old business – None

A motion was made by Dave Brutscher to adjourn the meeting. The motion was seconded by Brent Lindgren. The vote was all in favor.

With no further business at hand, the hearing was closed at 8:51 p.m.

Respectfully submitted,

Dave Stish, Chairperson / Amy Kowalzek appointed Secretary  
Morrison County Board of Adjustment

Marvin Trettel, Vice-Chairperson  
Morrison County Board of Adjustment

Secretary, Clint Katherine  
Morrison County Board of Adjustment