

Morrison County Board of Adjustment Via Microsoft Teams

Minutes

June 1, 2021

Dave Stish called the meeting of the Morrison County Board of Adjustment to order at 6:49 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 LeMieur

County Commissioners Absent: Mike Wilson

Other Members: None

1. Joram Manka – 3018 150th Ave; Bowlus, MN 56314 – Application for a Variance to add onto a non-conforming structure; located in Lots 1, 2 & 3, Section 16, Township 127, Range 29, Two Rivers Township.

Joram and Maria Manka were present

Amy Kowalzek entered into record Section F.1 of the Mississippi Headwaters Management Plan, a plat map with the parcel location, variance application, background information questions, site plan, aerial photo, lake view photo, nine (9) site photos, staff report, land use permit for the home, site plan, three (3) aerial photos, four (4) site photos, 1982 permit site plan and an aerial photo showing setbacks from the home and the proposed deck. There were 33 notices sent to neighboring property owners. No correspondence was received prior to the hearing. Amy entered the finding of fact and decision questions.

Dave Stish stated that the Mississippi Rules came into effect in 1981 and the home was built in 1982, therefore the rules were in place at the time the home was constructed. Is it typical for Planning & Zoning to stake out the setback? Amy Kowalzek stated this permit was field checked by the Planning & Zoning department. Over the years the equipment has gotten more sophisticated.

Maria Manka stated the home has a door that was on the home when we purchased it, it is facing the river and we would like to use this door.

Dave Stish stated that all five Board of Adjustment members viewed the site on May 28, 2021. Dave asked if the property owner ever measured the setback. Joram Manka stated he had walked the setback and came up with approximately 150 feet to the water not the OHWM as the DNR would have that is up the hill a bit. Amy Kowalzek stated that the OHWM is checked at the top of the bank now, not sure what the rules were back in 1982.

Joram Manka stated that in the summer the water goes down, this could have been when the setback was taken in 1982. Marvin Trettel stated that he worked for Blanchard Dam and has seen the water levels change over time and seasons. Maria Manka stated she is not sure how the home got so close. Amy Kowalzek stated on the site plan from the permit it looks like the setback was measured from the waters edge in July of 1982.

Clint Kathrein stated that the river fluctuates all the time, to me the OHWM would be at the bottom of the vegetation. I think this was an error on staff in 1982. Dave Brutscher stated he agrees with Clint.

Audience Comment: None

Dave Stish stated this a large beautiful property. Agree that how the house got too close is an unfortunate thing that happened. There is no erosion and has good vegetation. The home is screened from the river by the trees. Would the bank ever get developed? Joram Manka stated they have no intension of removing the vegetation on the bank.

Amy Kowalzek stated that if the application gets approved it will also have to go in front of the Mississippi Headwaters Board, which staff will complete.

Dave Stish asked if the deck could be cut back to not further encroach on the river any closer than the existing home. Maria Manka stated they could. Amy Kowalzek stated that the measurement will be taken from the deck and not the stairs to the deck.

Amy Kowalzek stated the variance will be amended to state that the deck will not encroach any closer to the river than 117 feet from the river. Joram & Maria Manka state this was ok.

The voting sheets were polled.

A motion was made by Brent Lindgren to approve the amended 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 7:44 p.m.

No minutes could be approved due to the wrong minutes were sent in the packets. Approval will be held on June 15th for the May 25th minutes.

Correspondence - None

New business – Amy Kowalzek stated it was great to hear from Marvin Trettel on his knowledge of the Mississippi River.

When applying the reasonableness make sure it is what is reasonable for the property not the property owners.

Old business – If anyone has a discussion for our next meeting you can e-mail it or call to have it added to the discussion at the next meeting since we will only have one agenda item.

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 7:51 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