

Morrison County Board of Adjustment
Morrison County Government Center Board Room

Minutes

August 31, 2021

Dave Stish called the meeting of the Morrison County Board of Adjustment to order at 6:00 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: Mike Wilson

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

Other Members: None

Pledge of Allegiance

- 1. Lola Retka / Sharon Smieja – 12626 Great River Rd; Little Falls, MN 56345 – Application for a Variance to place a septic system within the setback to the Mississippi River; located in pt of Gov. Lot 2, Section 36, Township 129, Range 30, Pike Creek Township.**

Sharon Smieja and Gerald Retka were present

Amy Kowalzek entered into record Section F.1. of the Mississippi Headwaters Comprehensive Plan, a plat map with the parcel location, variance application, background information questions, site plan, septic design site plan, three (3) aerial photos, staff report and statement from the septic designer. There were 89 notices sent to neighboring property owners. One correspondence was received prior to the hearing. Amy entered the finding of fact and decision questions.

Gerald Retka stated they are way too close to the river and we would like to sell the property. Sharon Smieja stated others in the area have the same issue. Gerald stated that a neighbor has a junk yard.

Dave Stish asked if a holding tank would be an option. Amy Kowalzek stated with the lot limitations a holding tank would be allowed. Sharon Smieja asked what that would be like. Amy stated it would only be the tanks and they would need to be pumped. Gerald Retka asked what the size of the holding tanks would be. Amy stated the minimum would be 1500 gallons. Gerald stated they would like a full system. Amy stated that even if it was just holding tanks a variance would still be needed. Gerald stated they plan to sell the property and would not want someone to not pump the tanks and run the sewage to the river.

Dave Stish asked if a holding tank would need a variance if it was located on the road side? Amy Kowalzek stated from the aerial it would be a very tight fit but cannot say for sure.

Clint Kathrein stated he did not make the viewing but is familiar with the property. What will happen at the Mississippi Headwaters Board meeting? Amy Kowalzek stated they look at the findings from the BOA and assess from there. Tim Terrill - MHB joined the DRT meeting and stated this looks like the only choice. Clint stated he has had experience with only using holding tank and with two people in a home you would not even make it one month without pumping the tank.

Dave Stish stated all members, but Clint Kathrein viewed the property.

Marvin Trettel asked how far is the neighboring septic from the river? Amy Kowalzek stated 65 feet. Marvin Trettel stated that Great River Road was widened about 15 years ago. This system states it will be 60 feet from the river.

Dave Brutscher stated this system will be practical and it will work to protect the river. Would not want to have a pumper truck on site once per month.

Dave Stish asked if our setbacks can have administrative variances. Amy Kowalzek stated that when the shoreland ordinance was rewritten the we changed the setbacks to the State minimum setbacks.

Audience Comment: None

The voting sheets were polled.

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

2. William & Teresa Trout – 34195 Aztec Rd; Motley, MN 56466 – Application for a Variance to place a deck within the setback to a County Road; located in pt of the NE ¼, Section 06, Township 39, Range 30, Scandia Valley Township.

William Trout was present

Amy Kowalzek entered into record Section 706 B 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, two (2) site photos, staff report, aerial photo showing deck distance from the road, statement from the Public Works Department and impervious surface calculation sheet. There were 108 notices sent to neighboring property owners. Two correspondence were received prior to the hearing. Amy entered the finding of fact and decision questions.

Marvin Trettel stated the staff report states the impervious surface is 25%. The impervious surface calculation in the packet stated it is 25%. Amy Kowalzek stated the applicant had to recalculate the impervious surface because he added the driveway that is within the right of way. The new impervious surface calculation is 24%.

Clint Kathrein stated there is not room on the back of the home for the deck. What rooms are on the back of the home. William Trout stated bedrooms.

Dave Stish stated all Board Members viewed the property except Clint Kathrein.

Marvin Trettel asked what type of work is being done on the lake shore. William Trout stated this was pushing down a pressure ridge and the neighbors tree fell.

Marvin Trettel stated it would be nice to take down the boathouse. Would you be in favor of taking down the boathouse. Dave Brutscher stated he believes this is exceeding our authority by asking for something that is not in connection with the request. Marvin Trettel stated the reason he is asking about the boathouse is due to the impervious surface and possible erosion issues.

Dave Stish stated he is concerned about the lake shore as well. The boathouse is probably not a nexus to the deck request. William Trout stated this last year was devastating to both people and our lakeshore. The shoreline condition is due to the ice heaves from the winter. I fully intent to repair the lake shore damage. Would like to wait until after this winter. Amy Kowalzek stated if the work for an ice ridge is done within

the same year it would not need a permit. If you wait a permit will be needed. A permit is also needed for rip rap repair.

Dave Stish asked if the deck could go anywhere else on the home. Amy Kowalzek stated that there is not another access out of the house in other areas for the deck to be placed. Dave stated in the area there are no other homes that have decks on the front. A deck here would be very out of character. William Trout stated there are some homes that are built on the lake side closer to the lake. Dave stated everyone in the area is non-conforming and too close to the road. Expanding non-conformities is not something I am in favor of.

Marvin Trettel asked how many accesses are on the home. William Trout stated two. Marvin stated this could be a safety factor. Amy Kowalzek stated landings are allowed at 32 square feet without a permit or meeting setbacks.

Audience Comment: None

The voting sheets were polled.

A motion was made by Dave Brutscher to approve the Variance request. The motion was seconded by Marvin Trettel. The vote was four in favor and Dave Stish opposed.

With no further business at hand, the hearing was closed at 7:51 p.m.

A motion was made by Brent Lindgren to approve the August 17, 2021 minutes including correction. The motion was seconded by Clint Kathrein. The vote was all in favor.

Correspondence - None

New business – Galen Gruber our Shoreland Specialist will be leaving for another position in September. The Board does not wish to view the Kapsner variance request again.

Old business –

A motion was made by Brent Lindgren 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 8:08 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