

Morrison County Board of Adjustment
Morrison County Government Center Board Room

Minutes

September 28, 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, Shannon Wettstein and Sharon Peterson

Ex-Officio Members Absent: Robert Wall

County Commissioners: Mike Wilson and Jeff Jelinski

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

Other Members: None

Pledge of Allegiance

- 1. Timothy Backes / Shad DeGuseppi – No property address – Application for an After the Fact Variance to continue the retaining wall and the grade & fill within a bluff; located in Lot 17 Blk 1 of Marina Addition, Section 26, Township 127, Range 29, Two Rivers Township.**

Shad DeGuseppi was present

Amy Kowalzek entered into record sections 706 E of the Morrison County Land Use Ordinance and F.5 of the Mississippi River Comprehensive Plan, plat map with the parcel location, after the fact variance application, background information questions, after the fact background information question, site plan, photo from the applicant, three (3) aerial photos, five (5) site photos, staff report, aerial photo showing both parcels the applicant owns, four (4) site photos showing the work that was done, stop work order that was issued from the Land Services Department, violation letter from the Land Services Department and second notice of violation from the Land Services Department. There were 33 notices sent to neighboring property owners. Three correspondences were received prior to the hearing. Amy entered the finding of fact and decision questions and the after the fact variance questions.

Shad DeGuseppi stated there was a lot of garbage that was removed from the site. At least 20 years' worth of solid waste that was already in the ravine that was there before I purchased the property. Unaware that I was doing anything wrong.

Dave Stish stated that himself, Clint Kathrein, Dave Brutscher viewed the property on September 24, 2021. Marvin Trettel stated he viewed the site on September 25, 2021. Brent Lindgren stated he was unable to view the property.

Shannon Wettstein – SWCD stated she has not been to the site but has reviewed the soils and the slope. Highly erodible soil, very sandy. Once this is disturbed it is very hard to reestablish this. This would not be something we would recommend. Adding a retaining wall to create access, in my opinion this creates a channel for the water to run. Looks like now some vegetation has been established. SWCD staff was on-site with Galen Gruber at one point. Once there is no violation the SWCD could work with the property owner to get some vegetation established on this site.

Clint Kathrein stated he was shocked at how much vegetation was there. What will be better, leaving the retaining walls in place or removing them. Shannon Wettstein stated that since this has already been done it should have been done a different way. If the retaining wall is left in place it will create a ravine for the water. Clint asked if it could be modified. Shannon stated it should be removed, if left issues in the future will have issues. Clint asked what a recommendation for someone would be else if they have this issue. Shannon stated most things that are normally there would be things like beer cans and containers. If it is hazardous things getting in touch with the MPCA.

Marvin Trettel stated from the slope the water would go more towards the road. Concerned with removing the rock. Shannon Wettstein stated that removing the wall would not create any more damage than what has already been done.

Dave Stish asked what would have happened if they decided not to go for a variance. Amy Kowalzek stated the applicant would have to work with the Land Services Department and SWCD for a restoration project. Dave asked if there are people to help with this work from the two departments. Amy stated we would need to tap the SWCD engineer for this site.

Dave Stish stated it is not natural and does not look natural. Creating a way to the river. This is still within the MHB corridor.

Brent Lindgren asked about the dumpster. Shad DeGuisseppi added photos for the record. Amy Kowalzek added these as exhibits. Shad asked if the ravine that was there before hand was more of a channel than what was done now? Not that long ago we had a heavy rain and the wall and the work that was done handled the rain very well. Shannon Wettstein stated it does look like a mess when it was purchased. This work was done without permission. I am sure the site did have some erosion issues before. It does not take much to destabilize a slope.

Audience Comment: None

Clint Kathrein asked why there was a second notice of violation. Amy Kowalzek stated that the deadline for the first violation expired and no action was taken. Shad DeGuisseppi stated it was due to the time frame and the finances for the meeting. No work was done after the notice was received.

Dave Stish stated if this is denied the bluff needs to be restored as best as can be. What kind of access can the applicant have? Amy Kowalzek stated that a stairway lifts and landings can be apply for. Dave asked if this can be done before the violation is fixed. Amy stated we look at all applications are looked at for best practices.

Shad DeGuisseppi stated he would like to be able to leave things as they are with any other things the Board would like to help with the situation. Would like to add a stair way down the rest of the way to the river.

Amy Kowalzek stated so what is being asked is to leave what is there stays and only add a stairway to the river. Shad DeGuisseppi stated that is correct.

The voting sheets were polled.

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

2. Robert & Carol Kasper – 35756 Logan Ln; Hillman, MN 56338 – Application for a Variance to add onto a non-conforming structure; located in Lot 2 Blk 3 of Coranotta Beach; Section 7, Township 42, Range 28, Richardson Township.

Robert Kasper was present

Amy Kowalzek entered into record sections 301, 301.6, 706 and 706.3 of the Morrison County Land Use Ordinance, plat map with the parcel location, variance application, background information questions, site plan, two (2) aerial photos, lake view photo, seven (7) site photos, staff report, aerial photo showing addition to be removed and placement of new addition and the impervious surface calculation sheet. There were 113 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 Marvin Trettel, Dave Stish and Clint Kathrein viewed the property on September 24, 2021. Brent Lindgren stated he viewed on September 28, 2021. Dave Brutscher stated he did not view the property.

Robert Kasper stated he has three sons that are six-foot-tall and have a hard time in the structure because of the height.

Dave Stish stated this is a non-conforming lot and structure. Robert Kasper stated in the past the previous owners were made to take the height of the structure down.

Amy Kowalzek stated that the building envelope is about 400 sq. ft. Not sure if the existing detached garage meets all setbacks.

Dave Stish asked if this property can have guest quarters. Amy Kowalzek stated it is not. Robert Kasper stated he did not do anything to this property since they purchased it. Everything was done by the previous owners.

Brent Lindgren asked if they could rebuild the cabin and go up in height without a variance. Amy Kowalzek stated they could not, they could change the roof pitch but no increase in height.

Audience Comment: None

The voting sheets were polled.

Possible conditions were discussed.

A motion was made by Clint Kathrein to approve the Variance request including conditions. The motion was seconded by Dave Brutscher. The vote was four in favor and Dave Stish opposed.

3. Lowell & Lori Kruger – 2496 White Pine Ln; Motley, MN 56466 – Application for a Variance to add onto a non-conforming structure; located in Lots 32 & pt of lot 33 of 10th to Shamineau Park; Section 17, Township 132, Range 31, Scandia Valley Township.

Lowell & Lori Kruger were present

Amy Kowalzek entered into record sections 301, 301.6, 706, 706.1 B and 706.3 of the Morrison County Land Use Ordinance, plat map with the parcel location, variance application, background information questions, three (3) site plans, two (2) aerial photos, lake view photo, eight (8) site photos, staff report, survey showing the building envelope and the impervious surface calculation. There were 273 notices sent to neighboring property owners. No correspondence was received prior to the hearing. Amy entered the finding of fact and decision questions.

Clint Kathrein stated because the home is a non-conforming structure all the requests will need a variance. Amy Kowalzek stated that is correct. Clint asked how far from the lake. Lowell Kruger stated it is 66 feet from the lake.

Dave Stish asked if the applicant was aware the lot was non-conforming. Lowell Kruger stated he was not aware. Dave stated the structure is out of the shore impact zone. The structure is four feet from the side property line. Dave asked what the plan is if the variance does not pass. Lowell stated they are not

expanding just going up. Dave stated that the attached garage would be expansion. This is a large expansion on a small property.

Marvin Trettel asked what the addition would be from the side property line. Amy Kowalzek stated about 21 feet.

Clint Kathrein asked what drove you do complete this request. Lori Kruger stated we would like to make this our year-round home. We have a bigger family and need more room. There is two bedrooms now and the expansion will give us three bedrooms.

Audience Comment: None

The voting sheets were polled.

Dave Stish stated all members viewed the property on September 24, 2021.

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

With no further business at hand, the hearing was closed at 8:16 p.m.

A motion was made by Dave Brutscher to approve the September 14, 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 Clint Kathrein 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 8:23 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