

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
JANUARY 19, 2023**

Chairperson Johnson called the meeting to order at 5:30 P.M.

Roll call was taken.

Members Present:

Roger Johnson – Remote

David Anderson

Steve Demeules

Bud Stimmler

Staff Present:

Lynn Waytashek – Planning & Zoning Administrator

Zach Guttormson – Assistant Planning & Zoning Administrator

Addison Otto – County Planner

Kelly Mittelstaedt – Secretary

Demeules made a motion to approve the minutes from the December 8, 2022 Board of Adjustment Meeting. Stimmler seconded the motion. All in favor. Motion passed.

Anderson – Aye

Demeules – Aye

Stimmler – Aye

Johnson – Aye

Demeules made a motion to approve the evening’s agenda. Stimmler seconded the motion. All in favor. Motion passed.

Anderson – Aye

Demeules – Aye

Stimmler – Aye

Johnson – Aye

ELECTION OF OFFICERS FOR 2023:

Current officers are: Roger Johnson, Chairperson; Steve Demeules, Vice-Chair; Kelly Mittelstaedt, Secretary.

Stimmler made a motion to keep all officers the same for 2023. Anderson seconded the motion. All in favor. Motion passed.

Officers for 2023 are: Roger Johnson, Chairperson; Steve Demeules, Vice-Chair; Kelly Mittelstaedt, Secretary.

Anderson - Aye

Demeules – Aye

Stimmler – Aye

Johnson – Aye

5:32 P.M. CARDINAL ENTERPRISES, LLC – TOM HOLTHAUS: Requesting a variance to the Shoreland Ordinance Section 14, Subdivision 5.5B1 which states “Impervious surface coverage of lots must not exceed 25 percent of the lot (For example: driveways, structures, sidewalks, and patios) area. Address: 20455 187th Ave NW, Big Lake, Mn Legal: That part of Govt Lot 3 Desc as following: Beg at Point . . . (full legal on file) Sec 35, Twp 33, Rge 28 3.34 Acres Big Lake Township Special Use District and within the Mississippi River Recreational District.

CARDINAL ENTERPRISES, LLC – TOM HOLTHAUS: Requesting a 55’ variance in setback from the centerline of HWY 25 for an addition on existing building. Required setback from the centerline is 150’. Address: 20455 187th Ave NW, Big Lake, Mn Legal: That part of Govt Lot 3 Desc as following: Beg at Point . . . (full legal on file) Sec 35, Twp 33, Rge 28 3.34 Acres Big Lake Township Special Use District and within the Mississippi River Recreational District.

Demeules read the variance requests.

Otto explained currently on the property there is a 7,620 sq. ft. pet grooming, boarding, and pet-related retail sales facility. The structure was constructed in 1972 with additions in 1974. The applicant is proposing a 50’x50’ (2,500 sq. ft.) addition off the west side of the structure for a veterinary clinic. The addition will be on the opposite side of the building from State Hwy 25. When the applicants purchased the property in 2021 the impervious surface coverage was at 73.6% coverage. The applicant has removed 21,750 sq. ft. of bituminous between the structure and the river. The impervious currently is 45.8%. Staff does not have concerns about the

impervious because they have removed so much of it. There will be 1 tree removed. The septic system was checked and is compliant.

Stimmler said even though they are over on the impervious surface it is a business and most of the lot is parking. He said this lot was different than a small lake lot that's over on impervious.

Otto said the area where they removed the bituminous has been replanted.

Otto pointed out the property is in the special use district with mostly commercial uses allowed.

Demeules said the structure has been there for a long time and they are making improvements to it.

Aaron Holthaus, from Cardinal Enterprises, was present. His father, Tom Holthaus, is also a partner with him in Cardinal Enterprises.

Mr. Holthaus said they knew going into the project the impervious surface was something that was going to need to be dealt with. He hopes when people drive by the property, they see a vast improvement has been made. They didn't need to remove the bituminous but felt it would make the property better. They did remove an old part of the building that was the rotted part of the building. They plan to remove another small triangle area of bituminous.

Johnson asked what would happen to the animal waste and if it would be going into the septic system.

Mr. Holthaus said it is similar to the pet grooming business where all the hair and clippings are garbage disposal and removed separately. Surgical work will be disposed of outside of the normal garbage disposal. The vet business cleans with a hydrogen peroxide base and in discussions with a few different septic companies that is what is used in septic's and is deemed good for the septic system.

Demeules asked if anyone in the audience had any comments or questions. No one did. Demeules closed the public hearing.

Stimmler motioned and Anderson seconded the motion to approve the variance to the Shoreland Ordinance Section 14, Subdivision 5.5B1 – Impervious Surface with the following conditions and “Findings of Fact”

Conditions:

1. Prior to issuance of a building permit, a shoreland alteration permit must be obtained from the County.
2. Prior to construction, a building permit must be obtained from the County.
3. The area where the 21,750 sq. ft. of bituminous was removed and vegetated must remain vegetated and no additional impervious surface (patio, sidewalks, structures, etc.) may be added in the future.
4. The variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () It will not be in conflict. The addition is to an existing business.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () There are no circumstances over which the owners of the property have control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No () The applicant is just asking to build an addition to an existing business.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () Extraordinary circumstances do not result from the actions of this owner or the previous owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () This is the minimum variance required. In good faith the applicant has removed 21,750 sq. ft. of bituminous.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () It will not alter actually it's in a business district and it's an addition to an existing business.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic was inspected in 2021 and is compliant.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () There will not be any parking or loading adverse effects on here. They have a huge parking lot to take care of that.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No (

) It will not be a greater height or lesser shoreline setback than what is typical for the area.

10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () This will not increase loss of sunlight, views or privacy of neighboring properties.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () Economic considerations or circumstances shall not be considered on this property.

All in favor. Motion to approve passed.

Anderson – Aye
Demeules – Aye
Stimmler – Aye
Johnson – Aye

Stimmler motioned and Anderson seconded the motion to approve the 55’ variance in setback from the centerline of HWY 25 for an addition on existing building with the following conditions and “Findings of Fact”

Conditions:

1. Prior to the issuance of a building permit, a shoreland alteration permit must be obtained from the County.
2. Prior to construction, a building permit must be obtained from the County.
3. The area where the 21,750 sq. ft. of bituminous was removed and vegetated must remain vegetated and no additional impervious surface (patio, sidewalks, structures, etc.) may be added in the future.
4. The variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () It will not be in conflict. The addition is to an existing business.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () There are no circumstances over which the owners of the property have control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of

this Ordinance. Yes (X) No () The applicant is just asking to build an addition to an existing business.

4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No () Extraordinary circumstances do not result from the actions of this owner or the previous owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () This is the minimum variance required. In good faith the applicant has removed 21,750 sq. ft. of bituminous.
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11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () Economic considerations or circumstances shall not be considered on this property.

All in favor. Motion to approve passed.

Anderson – Aye

Demeules – Aye

Stimmler – Aye

Johnson - Aye

5:48 P.M. Stimmler motioned and Anderson seconded the motion to adjourn. Motion carried. Meeting adjourned.

Anderson – Aye

Demeules – Aye

Stimmler – Aye

Johnson – Aye

Submitted by:

Kelly Mittelstaedt