

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
FEBRUARY 10, 2022**

Chairperson Johnson called the meeting to order at 6:00 P.M.

Roll call was taken.

Members Present:

Roger Johnson – Remote
Steve Demeules
Roger Nelson
Lynda Ponting
Bud Stimmler
David Anderson
Kodey Shaw

Staff Present:

Lynn Waytashek – Planning & Zoning Administrator
Zach Guttormson – Assistant Planning & Zoning Administrator
Kelly Mittelstaedt – Secretary

Johnson welcomed Kodey Shaw to the Board of Adjustment.

Demeules made a motion to approve the minutes from the December 9, 2021 Board of Adjustment Meeting. Ponting seconded the motion. All in favor. Motion passed.

Ponting – Aye
Anderson – Aye
Shaw – Aye
Demeules – Aye
Nelson – Aye
Stimmler – Aye
Johnson – Aye

Johnson informed everyone the meeting would be audio recorded.

Demeules stated the board would like to add a training session to the end of the agenda.

Nelson made a motion to approve the evening's agenda with the addition of the training. Stimmler seconded the motion. All in favor. Motion passed.

Ponting – Aye
Anderson – Aye
Shaw – Aye
Demeules – Aye
Nelson – Aye
Stimmler – Aye
Johnson – Aye

ELECTION OF OFFICERS FOR 2022:

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

Nelson made a motion to keep all officers the same for 2022. Ponting seconded the motion. All in favor. Motion passed.

Officers for 2022 are: Roger Johnson, Chairperson; Steve Demeules, Vice-Chair; Kelly Mittelstaedt, Secretary.

Ponting – Aye
Anderson – Aye
Shaw – Aye
Demeules – Aye
Nelson – Aye
Stimmler – Aye
Johnson – Aye

6:03 P.M. MARK & KIM KURTZ: Requesting a 35' variance in setback from the right of way of 233rd Ave NW for an addition on existing house. Required setback from the right of way is 67'. Address: 18275 233rd Ave NW, Big Lake, Mn Legal: Registered Land Survey No. 42 Tract A Sec 32, Twp 34, Rge 27 0.5 Acres Orrock Township General Rural District and within the General Development Lakeshore District of Eagle Lake.

MARK & KIM KURTZ: Requesting a 1' variance in setback from the side property line for an addition on existing house. Required setback from the side property line is 10'. Address: 18275 233rd Ave NW, Big Lake, Mn Legal: Registered Land Survey No. 42 Tract A Sec 32, Twp 34, Rge 27 0.5 Acres Orrock Township General Rural District and within the General Development Lakeshore District of Eagle Lake.

MARK & KIM KURTZ: Requesting an 8' variance in setback from the rear property line for an addition on existing house. Required setback from the rear property line is 25'. Address: 18275 233rd Ave NW, Big Lake, Mn Legal: Registered Land Survey No. 42 Tract A Sec 32, Twp 34, Rge 27 0.5 Acres Orrock Township General Rural District and within the General Development Lakeshore District of Eagle Lake.

Demeules read the variance requests.

Guttormson explained the property is on Eagle Lake which is a General Development Lake. Orrock Township recommended approval. The addition will be 15'x20'. The majority of the project will be going over an existing deck. There will be 100 sq ft of additional impervious surface. The applicant is proposing to remove 50 sq ft of patio by the lake to get the impervious surface to 24.85%.

Teague Mitchell, 901 Xenia Ave S Apt #227, Golden Valley, Mn was present to discuss the variance requests. Mr. Mitchell is the applicant's son-in-law. Mark & Kim Kurtz are out of the Country.

Mr. Mitchell reiterated the total impervious surface was going to be under the required 25%. They will have gutters and downspouts. The majority of the project will be over the existing deck.

Nelson asked if there were previous variances on the property.

Waytashek said there have been other variances and additions to the house. They also did a registered land survey to combine lots.

Ponting asked what the previous variances were for.

Waytashek said it was an older home and the applicant took it down to the main structure and then put several additions on and a second story.

Johnson asked when the applicants planned to start construction.

Mr. Mitchell said they would like to start this spring/summer.

Johnson said they won't be able to remove the patio by the lake until the frost is out. Johnson wondered if they could remove the patio before a final inspection instead of before the permit can be issued.

Guttormson said generally staff likes to see the impervious removed before a permit is issued.

Ponting asked if there was a limit to how many variances a property can get.

Waytashek said they can legally apply as often and as many times as they like.

Waytashek said this property would need an impervious surface variance before they could do anything else to the property and that is a hard variance to get.

Demeules asked if anyone in the audience had any comments or questions. No one did. Nelson motioned and Ponting seconded the motion to close the public hearing.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Stimmler motioned and Ponting seconded the motion to approve the 35' variance in setback from the right of way of 233rd Ave NW for an addition on existing house with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. A shoreland alteration permit must be obtained prior to the issuance of a building permit.
3. Prior to the issuance of a building permit, the 50 sq. ft. of patio down by the lake must be removed. The ground underneath must be tilled, black dirt added, and seeded or sodded.
4. Gutters and downspouts must be installed on the addition by September 1, 2022.
5. No additional impervious may be added to the property besides the 100 sq. ft. associated with the proposed addition. Impervious surface coverage on the property cannot exceed 25%.
6. 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's building an addition to an existing house.
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 () The owners of the property have no control over this or the circumstances.
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 () They are just adding onto an existing house so it's there right to do that.
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 ()
The circumstances are not a result from the current owner's action.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It is the minimum variance possible.
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 () There will be no significant effect. They are just adding an addition to an existing house.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic has been inspected 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 be no interfering with the free flow of traffic on any streets near this.
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 be not a greater height or lesser shoreline.
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 () There will be no loss of sunlight or views or privacy.
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 shall not be considered.

All in favor. Motion to approve passed.

Ponting – Aye
Anderson – Aye
Shaw – Aye
Demeules – Aye
Nelson – Aye
Stimmler – Aye
Johnson – Aye

Nelson motioned and Stimmler seconded the motion to approve the 1’ variance in setback from the side property line for an addition on existing house with the following conditions and “Findings of Fact”:

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. A shoreland alteration permit must be obtained prior to the issuance of a building permit.
3. Prior to the issuance of a building permit, the 50 sq. ft. of patio down by the lake must be removed. The ground underneath must be tilled, black dirt added, and seeded or sodded.
4. Gutters and downspouts must be installed on the addition by September 1, 2022.
5. No additional impervious may be added to the property besides the 100 sq. ft. associated with the proposal addition. Impervious surface coverage on the property cannot exceed 25%.
6. 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’s building an addition to an existing house.
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 () The owners of the property have no control over this or the circumstances.
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 () They are just adding onto an existing house so it’s there right to do that.
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 () The circumstances are not a result from the current owner’s action.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It is the minimum variance possible.

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 () There will be no significant effect. They are just adding an addition to an existing house.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic has been inspected 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 be no interfering with the free flow of traffic on any streets near this.
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 be not a greater height or lesser shoreline.
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 () There will be no loss of sunlight or views or privacy.
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 shall not be considered.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Nelson motioned and Ponting seconded the motion to approve the 8’ variance in setback from the rear property line for an addition on existing house with the following conditions and “Findings of Fact”:

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. A shoreland alteration permit must be obtained prior to the issuance of a building permit.
3. Prior to the issuance of a building permit, the 50 sq. ft. of patio down by the lake must be removed. The ground underneath must be tilled, black dirt added, and seeded or sodded.
4. Gutters and downspouts must be installed on the addition by September 1, 2022.

5. No additional impervious may be added to the property besides the 100 sq. ft. associated with the proposed addition. Impervious surface coverage on the property cannot exceed 25%.
6. 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's building an addition to an existing house.
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 () The owners of the property have no control over this or the circumstances.
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 () They are just adding onto an existing house so it's there right to do that.
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 () The circumstances are not a result from the current owner's action.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It is the minimum variance possible.
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 () There will be no significant effect. They are just adding an addition to an existing house.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic has been inspected 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 be no interfering with the free flow of traffic on any streets near this.
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 be not a greater height or lesser shoreline.
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 () There will be no loss of sunlight or views or privacy.
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 shall not be considered.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

6:20 P.M. ORROCK TOWNSHIP: Requesting a 60’ variance in setback from the North property line for an addition on existing town hall. Required setback from the North property line is 100’. Address: 26401 180th St NW, Big Lake, Mn Legal: Exempt N 363’ of W 198’ of S 718.5’ . . . (full legal on file) Sec 8, Twp 34, Rge 27 1.66 Acres Orrock Township General Rural District.

ORROCK TOWNSHIP: Requesting a 40’ variance in setback from the centerline of 180th St NW for an addition on existing town hall. Required setback from the centerline is 100’. Address: 26401 180th St NW, Big Lake, Mn Legal: Exempt N 363’ of W 198’ of S 718.5’ . . . (full legal on file) Sec 8, Twp 34, Rge 27 1.66 Acres Orrock Township General Rural District.

ORROCK TOWNSHIP: Requesting a 20’ variance in setback from the East property line for an addition on existing town hall building. Required setback from the East property line is 100’. Address: 26401 180th St NW, Big Lake, Mn Legal: Exempt N 363’ of W 198’ of S 718.5’ . . . (full legal on file) Sec 8, Twp 34, Rge 27 1.66 Acres Orrock Township General Rural District.

Demeules read the variance requests.

Guttormson explained the property is surrounded by the Sherburne National Wildlife Refuge which has a 100’ structure setback. They commented that since the township already has buildings within the setback requirement they have no issues with the request. The addition will be 32’x42’. They have applied for a conditional use permit for a Permanent Government Structure. The existing septic tank is non-compliant and will need to be upgraded.

Bryan Adams. 23250 182nd St NW, Big Lake, Mn was present.

Mr. Adams said due to the growth of the community they needed to add onto the township hall. They need a bigger space for meetings and voting. The building was originally built in the

1880's and was a school. Orrock Township purchased the building in 1951. They have added several additions to the building. They are waiting until spring to get the septic tanks replaced.

Nelson asked where the septic tanks would be located on the property.

Mr. Adams said they would be going in the same location as the current one.

Nelson asked if the parking lot would be expanded.

Mr. Adams said it would be.

Johnson asked if the drainfield needed to be increased since the building was increasing in size.

Mr. Adams said the current building has 2 bathrooms and they are not adding anymore. The septic designer knew how many bathrooms the building would have when he sized the tanks.

Guttormson said the septic designer would have determined the design flow when the compliance inspection was done. He would have determined the drainfield was sufficiently sized for the proposed expansion.

Demeules asked if anyone in the audience had any comments or questions. No one did. Nelson motioned and Stimmler seconded the motion to close the public hearing.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Nelson motioned and Anderson seconded the motion to approve the 60' variance in setback from the North property line for an addition on existing town hall with the following conditions and "Findings of Fact":

Conditions:

1. Prior to the issuance of a building permit, a Conditional Use Permit (CUP) for a Permanent Government Structure must be obtained.
2. Prior to the issuance of a building permit, our building official will require engineered building plans, architectural plans with dimensions showing all life/safety items and

accessibility requirements, a code analysis of the entire structure from an architect that details maximum occupancy, and a civil engineered plan of the site.

3. Prior to construction, a building permit must be obtained from the County.
4. At the time of issuance of a building permit, a septic system permit must also be obtained from the County.
5. 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's in a rural area with very few houses around it – none in fact.
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 () It's an older building that's been remodeled and an extremely small lot. It's surrounded by the Sherburne National Wildlife Refuge on three sides.
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 () Because of the pandemic they need more room for voting and other duties.
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 ()
The lot has been there for many many years.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () Older parts of the building are actually closer to the lines than the new addition.
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's surrounded by the refuge and there's nobody close by.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ()
The new septic is one of the conditions.
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 () They have a parking lot now and they are going to expand 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 () No ()
N/A

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 () It's right out in a bare parking lot now.
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 () It's a reasonable use to expand a commercial building.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Nelson motioned and Anderson seconded to approve the 40' variance in setback from the centerline of 180th St NW for an addition on existing town hall with the following conditions and "Findings of Fact":

Conditions:

1. Prior to the issuance of a building permit, a Conditional Use Permit (CUP) for a Permanent Government Structure must be obtained.
2. Prior to the issuance of a building permit, our building official will require engineered building plans, architectural plans with dimensions showing all life/safety items and accessibility requirements, a code analysis of the entire structure from an architect that details maximum occupancy, and a civil engineered plan of the site.
3. Prior to construction, a building permit must be obtained from the County.
4. At the time of issuance of a building permit, a septic system permit must also be obtained from the County.
5. 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's in a rural area with very few houses around it – none in fact.
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 () It's an older building that's

been remodeled and an extremely small lot. It's surrounded by the Sherburne National Wildlife Refuge on three sides.

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 () Because of the pandemic they need more room for voting and other duties.
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 () The lot has been there for many many years.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () Older parts of the building are actually closer to the lines than the new addition.
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's surrounded by the refuge and there's nobody close by.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The new septic is one of the conditions.
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 () They have a parking lot now and they are going to expand 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 () No () N/A
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 () It's right out in a bare parking lot now.
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 () It's a reasonable use to expand a commercial building.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Nelson motioned and Anderson seconded the motion to approve the 20' variance in setback from the East property line for an addition on existing town hall with the following conditions and "Findings of Fact":

Conditions:

1. Prior to the issuance of a building permit, a Conditional Use Permit (CUP) for a Permanent Government Structure must be obtained.
2. Prior to the issuance of a building permit, our building official will require engineered building plans, architectural plans with dimensions showing all life/safety items and accessibility requirements, a code analysis of the entire structure from an architect that details maximum occupancy, and a civil engineered plan of the site.
3. Prior to construction, a building permit must be obtained from the County.
4. At the time of issuance of a building permit, a septic system permit must also be obtained from the County.
5. 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's in a rural area with very few houses around it – none in fact.
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 () It's an older building that's been remodeled and an extremely small lot. It's surrounded by the Sherburne National Wildlife Refuge on three sides.
3. The literal interpretation of the provisions of this Ordinance have had no control. Yes (X) No () Because of the pandemic they need more room for voting and other duties.
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 () The lot has been there for many many years.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () Older parts of the building are actually closer to the lines than the new addition.
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's surrounded by the refuge and there's nobody close by.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The new septic is one of the conditions.
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 () They have a parking lot now and they are going to expand 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 () No () N/A
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 () It's right out in a bare parking lot now.
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 () It's a reasonable use to expand a commercial building.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

6:34 P.M. LINDA MEYER: (Property Owner: Carefree Country Club)

Requesting a 132' variance in setback from the OHWL of Fredrickson Slough for a roof/cover over deck on Lot - 725. Required setback from the OHWL is 150'. Address: 12311 185th Ave SE, Big Lake, Mn Legal: S ½ of NE ¼; SE ¼ of NW ¼ . . . (full legal on file) Sec 36, Twp 34, Rge 28 328.85 Acres Becker Township – Zoned by Becker Township and within the Forested River District of Snake River and Natural Environment Lakeshore District of Fredrickson Slough.

Demeules read the variance request.

Guttormson explained that Becker Township recommended approval of the variance request. The roof over existing deck will be 14'x16' on the lakeside of the park model. Also, an 8'x14' roof over deck on the roadside. The applicant purchased the property in October 2021. The decks never were permitted by the previous owners.

Robert Aasen, 19710 159th St NW, Elk River, Mn was present to represent the applicant.

Mr. Aasen said the applicant has been diagnosed with melanoma cancer and that's the main reason she wants the roof over the deck.

Demeules asked staff how it was going to be handled since there was no permit for the decks originally.

Waytashek said that Becker Township does their own zoning. The County does do the shoreland and wetland permits for Becker. They may have been built during the time Becker has taken over the zoning – no one knows that for sure.

Johnson thought the deck should be inspected for appropriate footings since a roof is being added.

Mr. Aasen said there are no footings in Carefree Country Club, and everything is free standing not attached. There are no footings to inspect.

Guttormson said the building permit will be issued through Becker Township.

Mr. Aasen said he didn't think a permit was required for the decks originally because they are not attached to the structure, and they are free standing.

Waytashek said she thinks a permit would have been required because the property is within the shoreland district and was not meeting setbacks.

Mr. Aasen said the existing railings will be coming off the decks and there will be 6'x6' posts that will go in an area cut out of this existing deck. A new railing will then be put on the deck.

Demeules asked if anyone in the audience had any comments or questions. No one did. Nelson motioned and Ponting seconded the motion to close the public hearing.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Nelson motioned and Ponting seconded the motion to approve the 132' variance in setback from the OHWL of Fredrickson Slough for a roof/cover over deck on Lot – 725 with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a land use permit must be obtained from the County.
2. Prior to construction, a building permit must be obtained from Becker Township.
3. 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 ()
This is a park and every lot is one like the other.
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 () Because of the health situation she needs a roof over the deck that's there.
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 () It's a recreational area and they can sit in the shade.
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 ()
She wants to cover the deck to stay out of the sun.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It's not expanding the impervious surface areas any bigger than what's there.
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 () There's many places like that in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () It's a central system.
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 () They should have enough room to park and deliver vehicles.
9. If a shoreland, 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 ()
According to the drawing it will be lower than the original trailer.
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 () It's a fairly low building in height.

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 () The cost is irrelevant. They need a roof.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

6:50 P.M. Tim Sime, Assistant Sherburne County Attorney, held a training for the Board of Adjustment Members.

8:15 P.M. Nelson motioned and Ponting seconded the motion to adjourn. Motioned carried. Meeting adjourned.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Submitted by:

Kelly Mittelstaedt