

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

Chairperson Johnson called the meeting to order at 5:08 P.M.

Daniel Petrik, Minnesota Department of Natural Resources, held a training for the Board of Adjustment members.

6:02 P.M. Training ended and Board of Adjustment Meeting started.

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

Mitch Glines – County Planner

Addison Otto – County Planner

Kelly Mittelstaedt – Secretary

Demeules made a motion to approve the minutes from the February 10, 2022 Board of Adjustment Meeting. Nelson seconded the motion. All in favor. Motion passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Ponting made a motion to approve the evening's agenda. Nelson 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.

6:05 P.M. JOHN KERN: Requesting a 50' variance in setback from the OHWL of Lake Julia for a septic system upgrade. Required setback from the OHWL is 100'. Address: 11371 42nd St SE, Clear Lake, Mn Legal: Myohn Oaks Lot 1, Block 2 Sec 22, Twp 35, Rge 29 0.3 Acres Palmer Township Agricultural District and within the Recreational Development Lakeshore District of Lake Julia.

JOHN KERN: Requesting an 8' variance in setback from the public right of way for a septic system upgrade. Required setback from the right of way is 10'. Address: 11371 42nd St SE, Clear Lake, Mn Legal: Myohn Oaks Lot 1, Block 2 Sec 22, Twp 35, Rge 29 0.3 Acres Palmer Township Agricultural District and within the Recreational Development Lakeshore District of Lake Julia.

Demeules read the variance requests.

Shane Steinbrecher was present to represent John Kern. Mr. Steinbrecher is the septic designer.

Mr Steinbrecher explained the lot was extremely difficult to get the septic to fit and maintain all the well setbacks. It will be a type 4 system. It will pretreat all the wastewater and have an operating permit.

Demeules asked if they had received approval from the DNR to use their access.

Mr. Steinbrecher said they are in the process of receiving approval. The DNR needed some additional information.

Glines said he did speak with the DNR, and they did not see a problem with issuing the permit.

Stimmler asked if they were just going to use the access to get to the applicant's property.

Mr. Steinbrecher said that was correct. All work would be done on the applicant's property.

Johnson asked if the chain link fence between the two properties would be replaced when all the work was done.

Zach Jocelyn, 14196 202nd Ave NW, Elk River, Mn explained he was not sure if the chain link fence was owned by John Kern or the DNR. They will need to remove a small section of the fence.

Mr. Steinbrecher said if the fence is owned by the DNR it will be replaced like it was and if it's the applicant's fence, they will work with him on the fence.

Ponting asked if they would be replacing any trees since they will be removing 3-4 trees for the septic.

Glines said typically replacing the trees is not a requirement since they are removing them for the purpose of the septic system.

Glines said if they need to install a retaining wall, they will need a shoreland alteration permit.

Johnson wanted to see an 8th condition about the fence. If the fence is owned by the DNR it needs to be replaced and if it's the applicant's its up to him whether he wants it replaced.

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

Demeules motioned and Ponting seconded the motion to approve the 50' variance in setback from the OHWL of Lake Julia for a septic system upgrade with the following conditions and "Findings of fact":

Conditions:

1. Prior to installation, a septic and operating permit must be obtained from the County.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. If installing a retaining wall for the drainfield then a Shoreland Alteration Permit will be required.
4. If the retaining wall is over 4 ft. tall then a building permit with engineered plans must be submitted to the Zoning Office.
5. Must supply the County with a copy from the DNR approving the use of public land to install the septic system prior to the permit being issued.
6. Must install erosion control between the new septic system and lake prior to installation.
7. The variance is only valid if acted upon by the applicant within one (1) year of approval.
8. If the fence (between the two properties) is owned by the DNR it needs to be replaced and if it's the applicant's fence its up to him whether he wants it replaced.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
The comprehensive plan calls for water quality and the new septic system will enhance water quality.
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 () This is a small, platted lot with limited area for necessary septic system.
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 () Everyone needs a functioning septic system.
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 () There is a failing system, and it needs to be replaced.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () Again, with the well and the water and the road there's very limited areas for this system to go in and this is it.
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 evidence of the system once it's done.

7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () That's the reason for the variance.
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 () The contractor has promised not to park in the public roadway.
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 () There is no height difference for this variance.
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 all be underground when completed.
11. Economic considerations shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () Economics wasn't involved it was the necessity to have a proper septic system.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Demeules motioned and Ponting seconded the motion to approve the 8' variance in setback from the public right of way for a septic system upgrade with the following conditions and "Findings of Fact":

Conditions:

1. Prior to installation, a septic and operating permit must be obtained from the County.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. If installing a retaining wall for the drainfield then a Shoreland Alteration Permit will be required.
4. If the retaining wall is over 4 ft. tall then a building permit with engineered plans must be submitted to the Zoning Office.
5. Must supply the County with a copy from the DNR approving the use of public land to install the septic system prior to the permit being issued.

6. Must install erosion control between the new septic system and lake prior to installation.
7. The variance is only valid if acted upon by the applicant within one (1) year of approval.
8. If the fence (between the two properties) is owned by the DNR it needs to be replaced and if it's the applicants fence its up to him whether he wants it replaced.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
The comprehensive plan calls for water quality and the new septic system will enhance water quality.
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 () This is a small, platted lot with limited area for necessary septic system.
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 () Everyone needs a functioning septic system.
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 ()
There is a failing system, and it needs to be replaced.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () Again, with the well and the water and the road there's very limited areas for this system to go in and this is it.
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 evidence of the system once it's done.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () That's the reason for the variance.
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 () The contractor has promised not to park in the public roadway.
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 () There is no height difference for this variance.
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 all be underground when completed.

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 () Economics wasn't involved it was the necessity to have a proper septic system.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

6:16 P.M. CLINT CHRISTIANSON: (Property Owner: Reuben & Caroline Christianson Trust) Requesting a 66' variance in setback from the OHWL of Ann Lake for a septic system upgrade. Required setback from the OHWL is 100'. Address: 25176 164th St NW, Big Lake, Mn Legal: That Pt of Govt Lot 1 . . . (full legal on file) Sec 22, Twp 34, Rge 27 .89 Acres Orrock Township General Rural District and within the Recreational Development Lakeshore District of Ann Lake and within the Lakeshore District of Unnamed Lake #71-182 and #71-179.

CLINT CHRISTIANSON: (Property Owner: Reuben & Caroline Christianson Trust) Requesting an 8' variance in setback from the right of way of CSAH #15 for a septic system upgrade. Required setback from the right of way is 10'. Address: 25176 164th St NW, Big Lake, Mn Legal: That Pt of Govt Lot 1 . . . (full legal on file) Sec 22, Twp 34, Rge 27 .89 Acres Orrock Township General Rural District and within the Recreational Development Lakeshore District of Ann Lake and within the Lakeshore District of Unnamed Lake #71-182 and #71-179.

Demeules read the first two variance requests.

Shane Steinbrecher was present to represent Clint Christianson. Mr. Steinbrecher is the septic designer.

Mr. Steinbrecher explained the septic would be a type 3 system in order to make it fit on the lot. They will dig out the existing drainfield and part of the new system will be over the old system.

Waytashek said the existing system is closer to the lake than the proposed system.

Glines said the County Public Works Department just did a road improvement project where they had to have a survey done so he made sure there were no other easements for the overhead power lines. The power lines were within the road right of way easement. The existing septic tanks will be abandoned.

Johnson asked if the existing septic system was still in compliance and useable.

Zach Jocelyn, 14196 202nd Ave NW, Elk River, Mn explained the current system is non-compliant and not meeting code.

Mr. Steinbrecher said when septic systems are defined, they are either compliant or non-compliant.

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

Anderson motioned and Nelson seconded the motion to approve the 66’ variance in setback from the OHWL of Ann Lake for a septic system upgrade with the following conditions and “Finding of Fact”:

Conditions:

1. Prior to installation, a septic permit must be obtained from the County.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. Must install erosion control between the new septic system and lake prior to installation.
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 ()
Everybody needs a septic system.
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 shape of this property means the septic system can only go where they are proposing to put it.
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 () This property needs a working septic system.
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 property is the way they bought it. They had no control over the size of the lot.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The septic system has got to go where it can go.
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 () The septic system won't be seen. Every lot there has got a septic system.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () That's the purpose of the variance.
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 () The variance won't change the functionality of the driveway.
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 () In fact the drainfield will be a little bit further away from the lake than the current drainfield.
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 () The septic system is underground and won't be seen.
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 () There is no financial consideration here. They are just putting in a septic system.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Anderson motioned and Nelson second the motion to approve the 8’ variance in setback from the right of way of CSAH #15 for a septic system upgrade with the following conditions and “Findings of Fact”:

Conditions:

1. Prior to installation, a septic permit must be obtained from the County.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. Must install erosion control between the new septic system and lake prior to installation.
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 ()
Everybody needs a septic system.
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 shape of this property means the septic system can only go where they are proposing to put it.
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 () This property needs a working septic system.
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 property is the way they bought it. They had no control over the size of the lot.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The septic system has got to go where it can go.

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 () The septic system won't be seen. Every lot there has got a septic system.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () That's the purpose of the variance.
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 () The variance won't change the functionality of the driveway.
9. If a shoreland variance, it 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 () In fact the drainfield will be a little bit further away from the lake than the current drainfield.
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 () The septic system is underground and won't be seen.
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 () There is no financial consideration here. They are just putting in a septic system.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

CLINT CHRISTIANSON: (Property Owner: Reuben & Caroline Christianson Trust)

Requesting a 63' variance in setback from the centerline of CSAH #15 for a new house on existing foundation with an expanded garage and front porch. Required setback from the centerline of CSAH #15 is 130'. Address: 25176 164th St NW, Big Lake, Mn Legal: That Pt of Govt Lot 1 . . . (full legal on file) Sec 22, Twp 34, Rge 27 .89 Acres Orrock Township General Rural District and within the Recreational Development Lakeshore District of Ann Lake and within the Lakeshore District of Unnamed Lake #71-182 and #71-179.

CLINT CHRISTIANSON: (Property Owner: Reuben & Caroline Christianson Trust)

Requesting a 69' variance in setback from the OHWL of Ann Lake for a new house on existing foundation with an expanded garage and front porch. Required setback from the OHWL of Ann Lake is 100'. Address: 25176 164th St NW, Big Lake, Mn Legal: That Pt of Govt Lot 1 . . . (full legal on file) Sec 22, Twp 34, Rge 27 .89 Acres Orrock Township General Rural District and within the Recreational Development Lakeshore District of Ann Lake and within the Lakeshore District of Unnamed Lake #71-182 and #71-179.

Demeules read the variance requests.

Otto said at the time of publication the property was in the name of Reuben & Caroline Christianson Trust it is now in Clint Christianson's name. The existing house will be removed and placed on a lot down the road. The new house will be built on the existing foundation. The garage will be expanded. The front porch will be larger in size than the existing one. The impervious surface is at 21.6%. A stormwater plan has been submitted.

Clint Christianson, 25176 164th St NW, Big Lake, Mn was present.

Mr. Christianson said there are no large changes to the property. They are trying to keep the impervious to a minimum.

Stimmler said no part of the house or garage will be going closer to Ann Lake.

Johnson asked if anything needed to be done to remove the house.

Otto said to remove the house they may need to get permits from the road authority in place. In the conditions it states prior to issuance of a building permit a structural engineer look at the existing foundation. The applicant may want to discuss the timeline for removal of the existing driveway.

Mr. Christianson said he thought removing the existing driveway during construction with the heavy equipment that will be needed would cause more destruction and run-off issues than if he left the hard surface in place until construction is done.

The board agreed that it made sense to leave the hard surface (driveway) in place during construction. The hard surface would need to be removed before a certificate of occupancy is issued.

Waytashek asked if they would need a razing permit to remove the existing house structure.

Otto said she did discuss that with Cheryl and Doug in the Planning & Zoning Office and a razing permit is not required since the house is being moved and not disposed of. A building permit will be needed for the property where the existing house is being moved too.

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

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Stimmler motioned and Nelson seconded the motion to approve the 63’ variance in setback from the centerline of CSAH #15 for a new house on existing foundation with an expanded garage and front porch with the following conditions and “Findings of Fact”:

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. Prior to the issuance of a building permit, a septic permit must be obtained from the County.
3. Prior to the issuance of a building permit, a shoreland alteration permit must be obtained from the County.
4. Prior to the issuance of a building permit, a structural engineer must assess the foundation and submit a report that verifies the repaired foundation will be able to support the proposed house.
5. Prior to the issuance of a certificate of occupancy, the 814 sq. ft. of impervious surface proposed to be removed (as shown in Packet Attachment B) must be removed from the property prior to the final building permit inspection. The ground underneath must be tilled to a depth of 6 inches, black dirt brought in if needed, and the soil seeded or sodded.
6. Erosion control must be installed between the house and the lake to eliminate stormwater runoff and sedimentation during the construction process and must remain in place until vegetation has been established.
7. Gutters and downspouts that drain into the existing drain tile must be installed by November 1, 2023.

8. An access permit must be obtained from the Sherburne County Public Works Department to alter the driveway.
9. 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 with the comprehensive plan. They are just building a brand-new 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 () There are no circumstances that the owners of the property since the enactment. Basically, just putting a new house on the same foundation with the same setbacks.
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 () Again, they are just putting a house back where the original house was with the original setbacks.
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 () There are no exceptional or extraordinary circumstances from the actions of the current owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () This is the minimum variance that will take care of the situation.
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 () This will be a brand-new built house. It will probably enhance the character of the locality.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Previous variances granted earlier provide a new septic system. The septic variances were approved on March 10, 2022.
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 impact on CSAH #15.
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's a new home but it won't be a greater height or less shoreline setback than what is typical.

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, views or privacy of the 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 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

Stimmler motioned and Ponting seconded the motion to approve the 69’ variance in setback from the OHWL of Ann Lake for a new house on existing foundation with an expanded garage and front porch with the following conditions and “Findings of Fact”

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. Prior to the issuance of a building permit, a septic permit must be obtained from the County.
3. Prior to the issuance of a building permit, a shoreland alteration permit must be obtained from the County.
4. Prior to the issuance of a building permit, a structural engineer must assess the foundation and submit a report that verifies the repaired foundation will be able to support the proposed house.
5. Prior to the issuance of a certificate of occupancy, the 814 sq. ft. of impervious surface proposed to be removed (as shown in Packet Attachment B) must be removed from the property prior to the final building permit inspection. The ground underneath must be tilled to a depth of 6 inches, black dirt brought in if needed, and the soil seeded or sodded.
6. Erosion control must be installed between the house and the lake to eliminate stormwater runoff and sedimentation during the construction process and must remain in place until vegetation has been established.

7. Gutters and downspouts that drain into the existing drain tile must be installed by November 1, 2023.
8. An access permit must be obtained from the Sherburne County Public Works Department to alter the driveway.
9. 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 with the comprehensive plan. They are just building a brand-new 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 () There are no circumstances that the owners of the property since the enactment. Basically, just putting a new house on the same foundation with the same setbacks.
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 () Again, they are just putting a house back where the original house was with the original setbacks.
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 () There are no exceptional or extraordinary circumstances from the actions of the current owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () This is the minimum variance that will take care of the situation.
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 () This will be a brand-new built house. It will probably enhance the character of the locality.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Previous variances granted earlier provide a new septic system. The septic variances were approved on March 10, 2022
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 impact on CSAH #15.
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's a new home but it won't be a greater height or less shoreline setback than what is typical.

10. The variance if granted 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, views or privacy of the 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 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

6:45 P.M. Nelson motioned and Anderson seconded the motion to adjourn. Motion carried.
Meeting adjourned.

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

Submitted by:
Kelly Mittelstaedt

