

**SHERBURNE COUNTY  
BOARD OF ADJUSTMENT  
MINUTES  
MARCH 11, 2021**

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

Roll call was taken.

**Members Present:**

Roger Johnson – Chairperson (on phone)

David Anderson

William Craft

Steve Demeules

Roger Nelson

Lynda Ponting

Bud Stimmler

**Staff Present:**

Nancy Riddle – Planning & Zoning Administrator

Lynn Waytashek – Assistant Planning & Zoning Administrator

Addison March – Environmental Specialist

Kelly Mittelstaedt – Secretary

Nelson made a motion to approve the minutes from the February 11, 2021 Board of Adjustment Meeting. Stimmler seconded the motion. All in favor. Motion passed.

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

Johnson welcomed the new members to the board. New members are David Anderson and William Craft.

Both new board members thanked everyone for the opportunity to be on the board.

**6:02 PM JOHN D. REBER:** Requesting a 5’ variance in setback from Lake Julia to construct an addition and garage. Required setback from a Recreational Development Lake is 100’. Address: 12033 42<sup>nd</sup> St SE, Clear Lake, Mn Legal: Lake Julia Parkway Lot 1, Block 1 & Lake Julia Beach Lot 1 Sec 23, Twp 35, Rge 29 .44 Acres Agricultural District and within the Recreational Development Lakeshore District of Lake Julia.

Johnson read the variance request.

John Reber, 12033 42<sup>nd</sup> St SE, Clear Lake, Mn was present.

Demeules said there was concerns at the township about the corner of the house that was in the floodplain.

Mr. Reber said he was told any of the addition that was being added needs to be at 970 and then everything within 15' around it needs to be at 969. The elevation of the garage addition is going to be 978 at the floor.

March explained the staff comments. She explained the additions cannot exceed 50% of the value of the structure. Staff spoke with the assessor and the structure being expanded is valued at \$147,753. Therefore, the additions cannot exceed \$73,877 as valued by the Sherburne County Building Official. The proposed additions are valued at \$56,320. She explained Zach Guttormson, Water Resources Environmental Specialist, wanted another condition on the variance which is "Floodplain regulation must be met".

Johnson asked if the applicant would be required to have flood insurance.

Waytashek said that would be up to the applicant's mortgage company.

Mr. Reber said there was no mortgage and there was no flood insurance on the property.

Demeules asked if the runoff mitigation was addressed.

March referred to packet attachment C and said everything in yellow was going to be removed. Everything in red was being added. The overall impervious surface will be at 24.98%. The applicant will be doing a vegetative swale on the property that goes around the new boathouse.

Ponting said the current runoff goes directly onto the driveway now.

Reber said the new driveway will be sloped to direct runoff to the swale. The SWCD suggested the swale should be 30' to 40' in length.

Johnson said since the applicant is tearing down the existing boathouse he wanted to know if the applicant has all the approvals needed to rebuild the boathouse.

March asked the applicant if he had discussed the boathouse with Zach Guttormson, Water Resources Environmental Specialist.

Reber said they have talked but have not gotten into the details of the project. He knows it's an allowable structure.

Waytashek said the ordinance allows 1 water oriented accessory structure that does not meet setbacks on the lot. It does need to meet floodplain regulations because of the size of the

building there are 2 options. You can either elevate the structure and then place fill around it 15' so it meets the 100 year flood plain elevation. The other option is you put vents in on 2 separate walls so the flood waters would put equal pressure on the structure. The applicant will need to do one or the other.

March said the new boathouse will meet setbacks and size and height requirements.

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

Stimmler motioned and Ponting seconded the motion to approve the 5' variance in setback from Lake Julia to construct an addition and garage with the following conditions and "Findings of Fact":

**Conditions:**

1. Prior to construction, a building permit must be obtained from the County.
2. The applicant must apply for and obtain a shoreland alteration permit.
3. Impervious surface on site must be reduced to under 25% prior to the issuance of a building permit for the additions per the proposed survey plan submitted December 16, 2020. The ground underneath must be tilled to a depth of 6 inches to be seeded or sodded. If needed, black dirt may be brought in.
4. Landfill receipts must be provided for the removed structures and impervious asphalt and concrete.
5. Applicant must install erosion control around perimeter of project to minimize construction run-off.
6. The proposed vegetated swale for stormwater control must be implemented by November 1, 2022.
7. The five (5) trees proposed to be removed for the attached garage and new driveway area must be replaced at a 1:1 ratio by November 1, 2022.
8. No additional bedroom space shall be included in the dwelling addition until such a time that the septic system on site is upgraded or replaced with a system that is designed to treat effluent from additional bedrooms.
9. The variance is only valid if acted upon by the applicant within one (1) year of approval.
10. Floodplain regulations must be met.

**Findings of Fact:**

1. Granting the variance will not be in conflict with comprehensive plan. Yes (X) No ( ) It will not be in conflict as long as it meets all the conditions that we have on here.
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 variance didn't result from circumstances over which the owner of the property had no 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 ( ) It would deprive the applicant of rights. He's trying to improve the property and doing a very good job of it.

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 ( ) None of these circumstances result in the actions of the current or previous owners.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) This is the minimum variance because of the conditions and the floodplain involved. If he follows those it's fine.
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 will make the character of the locality much better. An improvement of the house.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) The existing sewage treatment system is in compliance.
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 ( ) This will not result in parking or loading of vehicles on public streets. Everything is far enough away from 42<sup>nd</sup> Street. It will not be a problem.
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 shoreland. In his diagrams it all meets the requirements for height.
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 will not cause a problem with the neighboring properties what so ever.
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 ( ) Circumstances shall not be considered. This is a reasonable use of the property.

All in favor. Motion to approve passed.

**6:19 PM TOM SWANSON:** Requesting a 77' variance in setback from the OHWL of the Mississippi River for a detached garage. Required setback from the Mississippi Scenic River is 150'. Address: 6036 16<sup>th</sup> Ave SE, St Cloud, Mn Legal: River Haven Lot 3, Block 2 & That pt of Lot 4, Described as follows . . . (full legal on file) Sec 31, Twp 35, Rge 30 1.06 Acres Scenic River District and within the Scenic River District of the Mississippi.

**TOM SWANSON:** Requesting a 30' variance in setback from a bluff for a detached garage. Required setback from the bluff is 30'. Address: 6036 16<sup>th</sup> Ave SE, St Cloud, Mn Legal: River Haven Lot 3, Block 2 and That pt of Lot 4, Described as follows . . . (full legal on file) Sec 31, Twp 35, Rge 30 1.06 Acres Scenic River District and within the Scenic River District of the Mississippi.

Johnson read the variance requests.

Tom Swanson, 6036 16<sup>th</sup> Ave SE, St Cloud, Mn was present.

March explained staff comments. She explained the detached garage would be 26'x40' and it would be 73' from the Mississippi River. It will be 0' from the top of the bluff. The garage will be located within the shore impact zone of the Mississippi River. Staff did receive a drainage plan from the applicant. The SWCD did have some concerns since storm water will be directed to some retaining walls and vegetation. The retaining walls should be reviewed by an engineer.

Mr. Swanson said he did contact Kevin Kruger who is with an engineering firm out of St Cloud. He will wait until the frost comes out so he can get a better look at the retaining walls.

Ponting said in the letter explanation the area where the proposed garage will be is concrete. She was on site and thought that area was all sand.

Mr. Swanson said there was concrete in the area and used the aerial photo to show everyone. He explained he built 2 retaining walls to handle the water that comes off the house and the new garage.

Ponting asked how long the retaining walls have been in place.

Mr. Swanson said they were built last summer.

Johnson asked if a building inspector has been to the site to inspect the slab to make sure its built to specifications.

Mr. Swanson said he will be putting a new slab over it.

Johnson said it will still need footings.

Mr. Swanson wondered if he would need footings on a slab.

Johnson said he would need a thicker footing around the edge.

Mr. Swanson said he would remove the existing concrete that will be on the edge and the slab will sit right on top of it.

Johnson has a problem with the fact a new slab is needed and looking at the survey he feels the garage could be moved further away from the bluff to meet the required setback. The driveway will be new coming into the garage.

Mr. Swanson said he was confused about where the bluff starts.

Demeules asked if the house was currently in the bluff.

March said the house is 0' from the top of the bluff. The house is its own non-conformity.

Stimmler asked where exactly the bluff is.

Waytashek said staff does not determine where the bluff is. There is a definition that the Minnesota Department of Natural Resources has for a bluff. In this case there was a surveyor that determined where the bluff was per the definition.

March said the surveyor did not determine where the top of the bluff was but he stated the entire slope from the river to the proposed garage and the house is bluff but did not necessarily determine where the top of bluff is.

Mr. Swanson said if you look at the survey from where the survey line is and from the house is flat. There is not a slope. When you get to the line then there's a gradual step and then flat again to the river. That's why it is confusing to say there is a 0' setback.

Waytashek explained the definition of a bluff.

Ponting is concerned since the retaining walls were just built last year and it wasn't a very wet year last year. It's hard to know how much water the retaining walls will be able to handle with water. She feels there is plenty of room to move the garage further away from the bluff.

Mr. Swanson said the well is there.

Ponting knows where the well is and still feels the garage could be moved further from the bluff.

Johnson agrees with what Ponting is saying.

Mr. Swanson said if he moves the garage forward he was worried about directing water toward the neighboring property and flooding the basement.

Ponting thought that could be taken care of with grading.

Johnson said no matter where the garage is located whether it stays where its proposed or moved forward county ordinances require that he can't slope any ground towards his neighbors he has to control all ground water and runoff water on his own property.

Mr. Swanson said he would either run the water forward to the front left of the house or on the retaining wall where it goes down.

Demeules asked if anyone in the audience had any comments or questions.

March said she received an email on Tuesday, March 9<sup>th</sup> from Wayne & Debra Anderson, 6829 16<sup>th</sup> Ave SE, St Cloud, Mn. The email stated they lived across the street from the applicant for 46 years and visited with the applicant about the request and have no problem or objection with the request.

March received another email from Larry & Ann Larson, 6064 16<sup>th</sup> Ave SE, St Cloud, Mn. The email stated they have no objections to the location of the garage.

Nelson motioned to close the public hearing. Stimmler seconded the motion. All in favor. Motion passed.

Ponting motioned to deny the 30' variance in setback from the bluff for a detached garage because she thinks it could be moved further away from the river. Johnson seconded the motion to deny the variance request with the following "Findings of Fact":

**Findings of Fact:**

1. Granting the variance will not be in conflict with comprehensive plan. Yes ( ) No (X) It will be in conflict with the comprehensive plan because there are other options to move the garage away from the bluff to meet the setback.
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 ( ) No (X) There are other options on the property for other locations for this garage.
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 ( ) No (X) Once again there are other opportunities on the property.
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 ( ) No (X) Because this is a detached separate garage separate away from the house and he has other opportunities and other locations.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes ( ) No (X) There are other opportunities for other locations.
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 ( ) No (X) It's a development and it will be a garage it will be residential and it will stay residential.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes ( ) No ( ) N/A
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 driveway is adequate length and width even with moving the garage further towards the road.
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 the same proposed height as the house.
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 neighbors will still have adequate view of the river.
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 are not in effect here.

Demeules, Ponting, Johnson, Anderson & Craft were in favor of the motion to deny. Nelson & Stimmler were opposed of the motion to deny.

Motion to deny passed on a 5-2 vote.

Ponting motioned and Johnson seconded the motion to deny the 77' variance in setback from the OHWL of the Mississippi River for a detached garage with the following "Findings of Fact":

**Findings of Fact:**

1. Granting the variance will not be in conflict with comprehensive plan. Yes ( ) No (X) It will be in conflict with the comprehensive plan because there are other options to move the garage away from the bluff to meet the setback.
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 ( ) No (X) There are other options on the property for other locations for this garage.
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 ( ) No (X) Once again there are other opportunities on the property.
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 ( ) No (X) Because this is a detached separate garage separate away from the house and he has other opportunities and other locations.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes ( ) No (X) There are other opportunities for other locations.
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 ( ) No (X) It's a development and it will be a garage it will be residential and it will stay residential.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes ( ) No ( ) N/A
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 driveway is adequate length and width even with moving the garage further towards the road.
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 the same proposed height as the house.
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 neighbors will still have adequate view of the river.
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 are not in effect here.



Demeules, Ponting, Johnson, Anderson & Craft were in favor of the motion to deny. Nelson & Stimmler were opposed of the motion to deny.

Motion to deny passed on a 5-2 vote

**6:42 PM BRENDA SPRINGER:** Requesting a 35' variance in setback from the centerline of County Road #1 for a new house with attached garage. Required setback from the centerline of County Road #1 is 130'. Address: 28200 144<sup>th</sup> St NW, Zimmerman, Mn Legal: Pt of Govt Lot 2 Lying West of County Aid Road . . . (full legal on file) Sec 36, Twp 35, Rge 27 .70 Acres General Rural District and within the General Development Lakeshore District of Little Elk Lake.

Johnson read the variance request.

March said the house will be a 38'x50' dwelling with a 26'x32' attached garage. The structure will be 95' from the centerline of CSAH #1. Currently there is a pole shed on the property. There was previously a house on the property that has been removed.

Brenda Springer, 28185 144th St NW, Zimmerman, Mn was present.

Ms. Springer said with the location of the current driveway and the pole building she needs a 35' variance for the house.

Demeules asked if the house was damaged or anything.

Ms. Springer said she considered the house unlivable with the conditions on the inside. It was small with a small addition on the front. The house was in very bad shape inside and out.

Ponting asked about the driveway location since it was not shown on the drawing.

Ms. Springer said the driveway goes directly from the front of the shed straight out to the road.

Ponting asked if there was anyway to move the house further back from what was being proposed.

Ms. Springer said the picture shows where the corner of the garage is in relation to the shed. When you back out of the garage there is not a lot of room to turn.

March mentioned the Sherburne County Public Works Department is changing the right of way on the road the from 33' to 50'. The setback is measured from centerline regardless of the right of way. The right of way won't have any effect on the proposed house.

Johnson asked if the applicants house would be in front of the line of site for the structures on either side.

March said the line up rule would be very close but they aren't allowed to use the line up rule because the property is on a CSAH and line of site rule can only be used on township roads.

Ponting said the speed limit at this spot on the road is only 30 miles per hour.

Demeules asked if anyone in the audience had any comments or questions.

March said staff did receive a comment from the SWCD. They felt increasing impervious surface near the roadway may result in an increase of stormwater runoff entering water resources due to the properties proximity to the lake with the proposed work the impervious surface percentage as shared in the variance packet would be close to 20%. While they do not have particular concerns with the proposed work or variance they would encourage the landowner to maintain vegetative cover where possible on the property so a buffer of vegetation is present between the roadway and the impervious areas of the property. Grass is sufficient but shrubs, trees and deep rooted native plants will help to capture stormwater even better.

Nelson motioned to close the public hearing. Stimmler seconded the motion. All in favor. Motion passed.

Nelson motioned and Stimmler seconded the motion to approve the 35' variance in setback from the centerline of County Road #1 for a new house and attached garage with the following conditions and "Findings of Fact":

**Conditions:**

1. Prior to construction, a building permit must be obtained from the County.
2. The variance is only valid if acted upon by the applicant within one (1) year of approval.
3. The surveyor needs to show and calculate the driveway, all sidewalks and hard surfaces on the plat to ensure they stay under 25% impervious surface before a building permit can be issued.

**Findings of Fact:**

1. Granting the variance will not be in conflict with comprehensive plan. Yes (X) No ( )  
This is a residential area with many houses in the area.
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 ( ) These lots around the lake were platted in the 1950's so they can't take 2021 zoning and apply it to 1950's lots.
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 ( ) Several houses in the area that are the same size.
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 ( ) These lots were made in the 1950's.

5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) Because of the way the lot lays this is the best place for the house.
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 greatly improve the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) It will be a brand new 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 ( ) The driveway is adequate length for at least two delivery trucks at a time.
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 are several mature trees that are taller and the houses on either side will be taller than this one.
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 ( ) Several trees will be providing more shade than the house will.
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 applicant wishes to have a new house and cost is not a factor.

All in favor. Motion to approve passed.

**6:57 PM MLMJR PROPERTIES & INVESTMENTS:** Requesting a 4' variance in setback from the side property line for an addition onto the second story of the garage. Required setback from the side property line is 10'. Address: 11347 42<sup>nd</sup> St SE, Clear Lake, Mn Legal: Myohn Oaks Lot 8, Block 1 & That pt of Govt Lot 2 lying . . . (full legal on file) Sec 22, Twp 35, Rge 29 .24 Acres Agricultural District and within the Recreational Development Lakeshore District of Lake Julia.

**MLMJR PROPERTIES & INVESTMENTS:** Requesting a 41' variance in setback from the right of way of 42<sup>nd</sup> St SE for an addition onto the second story of garage. Required setback from the right of way is 67'. Address: 11347 42<sup>nd</sup> St SE, Clear Lake, Mn Legal: Myohn Oaks Lot 8, Block 1 & That pt of Govt Lot 2 lying . . . (full legal on file) Sec 22, Twp 35, Rge 29 .24 Acres Agricultural District and within the Recreational Development Lakeshore District of Lake Julia.

**MLMJR PROPERTIES & INVESTMENTS:** 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: 11347 42<sup>nd</sup> St SE, Clear Lake, Mn Legal: Myohn Oaks Lot 8, Block 1 & That pt of Govt Lot 2 lying . . . (full legal on file) Sec 22, Twp 35, Rge 29 .24 Acres Agricultural District and within the Recreational Development Lakeshore District of Lake Julia.

Johnson read the variance requests.

March explained the applicant is requesting a 12'x24' addition on the second story of the existing detached garage. Palmer Township was concerned the space would turn into sleeping and living quarters. The applicant would be required to sign a zoning agreement if request is approved. Palmer Township recommended denial on the impervious surface because the property is at 38.5% impervious surface currently. There has not been any proposal to remove any impervious surface.

Morris Matthews, 4720 Hittner Point, Eagan, Mn was on the phone for the meeting.

Mr. Matthews said they would not be adding any more impervious surface to the property. There will not be anyone living in the addition. There will not be a bathroom in there.

Johnson asked what the definition of "living area" was. The plans say "game room" and "play area".

March explained living area would be bedrooms or sleeping quarters or kitchen area. He is allowed to have a bonus space above the garage.

Johnson asked what would happen if he was found in violation of the agreement.

March said that would be a zoning violation and violation protocol would be followed. Typically 3 notices of violation would be sent and if the property is still non-compliant the County Attorneys Office would get involved.

Ponting asked when the concrete was poured for the garage in the front.

Mr. Matthews said he has owned the property since 2002 and he put the concrete in.

March explained Ponting was referring to staff comment #2 regarding the concrete area.

Waytashek said anytime an applicant is asking for a variance and they are over on the impervious surface staff tries to work with them to reduce the hard surface area on the lots. This applicant is significantly above the allowed 25% impervious.

Ponting asked if the 10'x40' concrete area was removed what would that bring the impervious down to.

March said the impervious surface would be reduced to 34.4%.

Demeules said there has not been any good faith effort by the applicant to remove any of the impervious surface.

Stimmler asked how the property ever got to 38% impervious surface.

March said things could have been done without permission or permits. There is no record of when the current house was constructed on the property. The deck down by the lake could be removed to help with the impervious surface.

Ponting asked if the deck was made out of wood.

March said staff thought it was wood but it was covered by snow when pictures were taken.

Johnson asked if the impervious surface requirement was in place when the variance was granted in 1986.

Waytashek was not sure.

Mr. Matthews said he was willing to consider some options. He was never offered any options at the township meeting.

Waytashek asked him what he was willing to remove. She asked if he was willing to remove the deck by the lake.

Mr. Matthews said he was willing to remove the deck by the lake.

Waytashek asked if he was willing to remove the concrete area south of the garage – 10'x40' area.

Mr. Matthews asked how much of that area would need to be removed.

Waytashek said he would be allowed to keep a sidewalk width area the rest would need to be removed.

Mr. Matthews said he was willing to sit down and look at the options.

Waytashek asked March where they were at on the 60-day rule.

March said the application was complete on February 23, 2021 so the 60-day rule would be April 23, 2021.

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

Nelson motioned and Ponting seconded the motion to table the 3 variance requests. All in favor. Motion passed.

Waytashek told Mr. Matthews the variance requests will more than likely be on the April Board of Adjustment Meeting and he can call March to discuss options.

**7:15 P.M.** Nelson motioned and Ponting seconded the motion to adjourn. Motion carried.  
Meeting adjourned.

Submitted by:  
Kelly Mittelstaedt