

**SHERBURNE COUNTY  
BOARD OF ADJUSTMENT  
MINUTES  
APRIL 8, 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  
Mitch Glines – County Planner  
Kelly Mittelstaedt – Secretary

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

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

Johnson informed everyone the meeting would be audio-recorded for clarity of the minutes.

**6:02 P.M.** Johnson said that the variance requests by MLMJR Properties & Investments had been removed from the agenda and the applicant signed the 60-day waiver.

**6:03 P.M. WILLIAM STANG:** Requesting a 24' variance in setback from the centerline of County State Aid Highway #16 for an addition on house and attached garage. Required setback from a CSAH is 130'. Address: 17957 57<sup>th</sup> St SE, Becker, Mn Legal: E ½ of E ½ of NE ¼ of NW ¼ . . . (full legal on file) Sec 35, Twp 35, Rge 28 Santiago Township 10 Acres Agricultural District and within the Forested River District of the Snake River.

Johnson read the variance request.

Demeules said the applicant has signed the 60-day waiver in agreement to have the request tabled but the board will still have the public hearing.

Waytashek said a board member had contacted the Planning & Zoning Office and said it looked like a wetland had been filled in on the property. Zach, from the Planning & Zoning Office, looked at the property and agreed that may be the case. Staff called Mr. Stang and he said he did fill in a low area.

William Stang, 17957 57<sup>th</sup> St SE, Becker, Mn was on the phone.

Mr. Stang explained he wanted to add on roughly 12' of livable space on the main floor with a bathroom and a 28'x42' attached garage with living quarters above it. You will only enter the garage living quarters from the house area. You will not be able to enter it from the garage.

Johnson asked if the one access would be allowed per fire code.

Mr. Stang said there would be a window above in the livable area. You won't be able to go from the garage to the living area. There will be a fire barrier between the garage and the livable area above it.

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.

Johnson asked where the wetland, that was filled, was located on the property.

Waytashek said it was about 38' behind the existing home. The addition may also be going into a wetland that was filled. Staff will work with the applicant and possibly bring the request back before the board in the future.

Mr. Stang said they would need to figure out if it was a man- made wetland or if it was an original wetland. He thought it was man dug which is why he filled it in. The way the pond was – it was over dug and too deep. It wasn't shored so he thought it would be safer for it to be filled in. There is a potential for washouts.

Nelson motioned and Stimmler seconded to table the 24' variance in setback from the centerline of County State Aid Highway #16 for an addition on house and attached garage. All in favor. Motion to table passed.

**6:08 P.M. JULI SCHLUCHTER:** Requesting a 25' variance in setback from Long Lake for a new home. Required setback from a Recreational Development Lake is 100'. Address: 7130 43<sup>rd</sup> Ave SE, St Cloud, Mn Legal: Sherwood Shores Second Addition Lot 15, Block 1 Sec 4, Twp 34, Rge 30 Clear Lake Township .74 Acres Agricultural District and within the Recreational Development Lakeshore District of Long Lake and Pickerel Lake.

**JULI SCHLUCHTER:** Requesting a 14' variance in setback from the right of way of 43<sup>rd</sup> Ave SE for a new home. Required setback from the right of way is 67'. Address: 7130 43<sup>rd</sup> Ave SE, St Cloud, Mn Legal: Sherwood Shores Second Addition Lot 15, Block 1 Sec 4, Twp 34, Rge 30 Clear Lake Township .74 Acres Agricultural District and within the Recreational Development Lakeshore District of Long Lake and Pickerel Lake.

Johnson read the variance requests.

Waytashek handed out a revised survey showing a change in wording from "deck" to "patio".

Wayne Schluchter, 7130 43<sup>rd</sup> Ave SE, St Cloud, Mn was present.

Mr. Schluchter thanked the board for the work they do.

Mr. Schluchter handed out a packet with photos and descriptions to staff and the board members. It showed the trees and the vegetation on the property. There are 223 trees on the property that are 1" in diameter and bigger. They want to maintain as many of those as possible. The shoreline is 156'. The lot is pie shaped. About 96' of the shoreline is wooded with native vegetation for filtration. They have done 3 mold abatements in the house and they still have mold. They feel it's time to take the property down and build it back up. It will improve the value of the property and the tax base. They tried to put the new house in the same footprint as the existing with a few minor adjustments. They are not going closer to the lake but will be a little closer on the roadside. They are going from 40% impervious surface on the lot to 25% impervious surface.

Waytashek said there is a large area of concrete on the back of the house. She stated the impervious surface would be reduced. She thought a condition should be added to remove the concrete in the back to make sure it happens. They have submitted a septic application, but it has not been issued yet. The septic permit will be issued with the house permit if variances are approved.

Mr. Schluchter said the patio by the lake, shed and tree house are calculated in the 24.9% impervious surface.

Mr. Schluchter said they would like a pervious driveway. They will be well below the 25% impervious with the driveway being pervious.

Riddle explained he could do a pervious driveway, but the county does not count that against impervious surface numbers. There is so much maintenance with that and eventually they become impervious anyway.

Ponting asked a question about what would be removed from the drawing being shown.

Mr. Schluchter explained on the drawing what would be removed and what would be staying.

Waytashek said she would contact the surveyor and make sure everything is listed out so that it's very clear what is included in the 24.9% impervious surface before a building permit will be issued.

Mr. Schluchter said he was very fine with that. The driveway is too big so that will be cut down.

Riddle asked if the proposed house would be closer to the lake than the existing house.

Mr. Schluchter said it would not be any closer.

Johnson asked if the steps off the garage are considered part of the house.

Riddle said they are not attached to the house they are attached to the patio.

Ponting asked if the stormwater/drainage has been reviewed by the SWCD.

Schluchter said they worked with the civil engineer to design that. The original suggestion was to take out a bunch of trees down below the shed and take out a 20'x30' area of trees to hold the water. He did not think that made any sense. That area gets 5 lots worth of water and the township road run-off. They have let trees and grass grow there to this point. He doesn't want the run-off to erode the hillside that's why the holding area will be further away from the lake.

Waytashek said the SWCD office will meet with property owners and give them suggestions. The SWCD did make suggestions but has not worked with the applicant directly.

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.

Johnson mentioned the house will meet the 10' setback from the south side property line but there is no access for a well truck to get to the well if there are problems. He thought the house could be moved a bit to the north to get more room on the south side.

Mr. Schluchter said it was an excellent point and it had been talked about. The existing well has worked beautifully. They did talk about drilling a new well but decided to run the well as long as it will go. A new well would need to be towards the front of the property if one is needed.

Stimmler motioned and Ponting seconded the motion to approve the 25' variance in setback from Long Lake for a new home 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. Applicant must install erosion control around perimeter of project to minimize construction run-off.
4. The proposed stormwater basin (Packet Attachment F) for stormwater control must be implemented by November 1, 2022.
5. No additional stairs, landings, or sidewalks from the house down to the lake will be permitted other than what is depicted on the proposed site survey (Packet Attachment C) unless impervious surface is reduced somewhere else on the property in order to stay below 25% impervious surface.
6. The variance is only valid if acted upon by the applicant within one (1) year of approval.
7. Applicant must provide a survey listing everything that is considered impervious so it's very clear what is included in the 24.9% impervious surface before a building permit will be issued.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( ) This is a residential area with many houses in the area already – it will be no different.
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 an existing lot with an existing house he just plans to take the house down and build a new one.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No ( ) The new house will replace the house with mold in it and it will be better for the occupants.
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 nothing extraordinary about the circumstances here. Just wants to replace the house.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) Its pretty much the only place it can go on the lot and it's reducing the impervious.
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 ( ) Actually it will be an improvement to the area with a new house.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) Zoning staff comments # 8 state “a new septic permit will be issued if the variances are granted”.
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 will not result in parking or loading of vehicles on public streets. Plenty of room there.

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 ( ) Basically the same location as the existing house.
10. The variance will not increase the 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 increase loss of sunlight, views or privacy. It's replacing the existing house almost on the same footprint.
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 circumstances are he just wants to replace the existing house with a new one and it has mold.

All in favor. Motion to approve passed.

Stimmler motioned and Ponting seconded the motion to approve the 14' variance in setback from the right of way of 43<sup>rd</sup> Ave SE for a new home 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. Applicant must install erosion control around perimeter of project to minimize construction run-off.
4. The proposed stormwater basin (Packet Attachment F) for stormwater control must be implemented by November 1, 2022.
5. No additional stairs, landings, or sidewalks from the house down to the lake will be permitted other than what is depicted on the proposed site survey (Packet Attachment C) unless impervious surface is reduced somewhere else on the property in order to stay below 25% impervious surface.
6. The variance is only valid if acted upon by the applicant within one (1) year of approval.
7. Applicant must provide a survey listing everything that is considered impervious so it's very clear what is included in the 24.9% impervious surface before a building permit will be issued.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( ) This is a residential area with many houses in the area already – it will be no different.
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 an existing lot with an existing house he just plans to take the house down and build a new one.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No ( ) The new house will replace the house with mold in it and it will be better for the occupants.

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 nothing extraordinary about the circumstances here. Just wants to replace the house.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) It's pretty much the only place it can go on the lot and it's reducing the impervious.
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 ( ) Actually it will be an improvement to the area with a new house.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) Zoning staff comments # 8 state "a new septic permit will be issued if the variances are granted".
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 will not result in parking or loading of vehicles on public streets. Plenty of room there.
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 ( ) Basically the same location as the existing house.
10. The variance will not increase the 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 increase loss of sunlight, views or privacy. It's replacing the existing house almost on the same footprint.
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 circumstances are he just wants to replace the existing house with a new one and it has mold.

All in favor. Motion to approve passed.

**6:39 P.M. MICHAEL & ASHLEY DOHERTY:** Requesting an 80' variance in setback from the centerline of 184<sup>th</sup> St NW for a house addition and attached garage. Required setback from the centerline of 184<sup>th</sup> St NW is 130'. Address: 26083 184<sup>th</sup> St NW, Big Lake, Mn Legal: W 25rds of N 16rds of NW ¼ of NW ¼ . . . (full legal on file) Sec 17, Twp 34, Rge 27 Orrock Township 2.1 Acres General Rural District.

Johnson read the variance request.

Michael Doherty, 26083 184<sup>th</sup> St NW, Big Lake, Mn was present.

Mr. Doherty said the part of the house they will be tearing off is a crawl space. The house was built in 1920 and that part of the house is sinking. It has sunk over 3 ½ inches. It's getting worse every year and is cracking the stucco. The existing structure is made out of brick. It's cheaper to get a foundation than it would be to repair that area.

Demeules asked if the rest of the foundation is ok.

Mr. Doherty said the rest of the area has a basement. Where they are tearing off is a crawl space.

Waytashek said the township recommended approval. The property is on a county road and the county public works department is ok with it because it's on the back side of the house.

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.

Ponting motioned and Nelson seconded the motion to approve the 80' variance in setback from the centerline of 184<sup>th</sup> St NW for a house addition 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.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( )  
This variance will not be not in compliance. It's an existing structure built in the 1920's and they are adding onto it.
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 an old house that was built in the 1920's and it was close to the road at that time.
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 ( ) He owns the property and the existing structure and he wants to add onto the house.
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 ( ) This was built 100 years ago by someone else.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) Part of the existing house is remaining and he's just adding on to the back side of 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 ( ) It will have no effect on the surrounding properties. It will actually be a benefit to the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) He has to replace the septic and get a design for a 5-bedroom house. This will be with the new building permit.
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's plenty of parking area to not have people park on 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 ( ) No ( ) N/A
10. The variance will not increase the 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 be the same height as the existing structure.
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 taken. Fixing an old problem and adding onto the existing house.

All in favor. Motion to approve passed.

**6:48 P.M. ANGELA MAAS:** Requesting a 5' variance in setback from the OHWL of Duffy Lake to construct a pole shed. Required setback from a Natural Environment Lake is 150'. Address: 17798 112<sup>th</sup> St SE, Becker, Mn Legal: The E ½ of E ½ of NW ¼ Sec 26, Twp 34, Rge 28 Becker Township 40 Acres Zoned by Becker Township and within the Natural Environment Lakeshore District of Duffy Lake.

Johnson read the variance request.

Waytashek said the property is in Becker Township and the reason the county is seeing the request is because it's within a shoreland district. The pole building was constructed without a building permit. The assessor's office noticed there was a building without a permit. They are supposed to be 150' from the lake but the building is 145' from the OHWL of the lake. There are additional questions that need to be answered for an "after the fact" permit.

Kevin & Angela Maas, 17798 112<sup>th</sup> St SE, Becker, Mn were present.

Mr. Maas said when they bought the property in 2016 they replaced farmland with natural prairie. They made a fire break around the natural prairie. They needed a place to store equipment, so they hired PCI Pole Buildings to construct the building for them. They were supposed to pull all the permits which they did not. They had other challenges with the builder too. There is a natural flat un-treed area where the pole building is built. It was originally set back about 10' but when the concrete people came, they wanted it moved forward which made it within the setback area.

Mrs. Maas said even though the property is 40 acres a large percentage is either woodland or wetland. Native prairie takes up about 12 acres of the property. The only 2 flat locations are where the pole building is and another area where they plan to build a house.

Riddle asked what agency they worked with on the prairie planting.

Mrs. Maas said it was the Soil and Water Conservation District.

Ponting thought there were a lot of other places the building could have been placed on the property.

Mr. Maas said he wasn't sure if the building was staked and then the concrete people moved the stakes. The applicants currently live in Maple Grove.

Ponting asked if the contract with the builder had anything about a building permit.

Mr. Maas said that it did.

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 Stimmler seconded the motion to approve the 5' variance in setback from the OHWL of Duffy Lake to construct a pole shed with the following conditions and "Findings of Fact" and "After the Fact Findings":

**Conditions:**

1. The applicant must apply for and obtain an after-the-fact Land Use Permit from Sherburne County.
2. The applicant must apply for and obtain all of the required permits from Becker Township.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( ) All buildings are allowed in this district.
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 was a miscommunication between the builder and the homeowner.
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 ( ) Pole buildings are allowed in this area.
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 ( ) They do not.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) It's a very small variance with a bunch of trees between the building and the lake.
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 ( ) I doubt it can be seen from the neighboring properties.
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 ( ) They have several acres to park their trucks on.
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 ( ) The trees are taller than the building.
10. The variance will not increase the 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 trees provide the shade that is needed.
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 ( ) Cost was not a factor because they needed storage for their machinery.

**After the Fact:**

- a. Did the applicant act in good faith? Yes (X) No ( ) As soon as they found out they were in violation they tried to fix it. They thought the contractor had taken care of the permit.
- b. Did the applicant attempt to comply with the ordinance? Yes (X) No ( ) They did after they were made aware that there was a violation.
- c. Did the applicant make a substantial investment? Yes (X) No ( ) Pole buildings are fairly costly – more so now.
- d. Was the construction completed? Yes (X) No ( )
- e. Are there similar structures in the area? Yes (X) No ( ) He didn't see any but assumes there are in the area. Pretty common.
- f. Is the County's benefits outweighed by the applicant's burden if the applicant were required to comply with the ordinance? Yes (X) No ( ) It will increase the property values on the acreage.

All in favor. Motion to approve passed.

**7:03 P.M. BRENT & TAMBRA BENSON:** Requesting a 14' variance in setback from Long Lake to construct a house addition, attached garage and deck. Required setback from a Recreational Development Lake is 100'. Address: 6843 41<sup>st</sup> Ave SE, Clear Lake, Mn Legal: Scenic View Lot 6 Sec 4, Twp 34, Rge 30 Clear Lake Township .39 Acres Agricultural District and within the Recreational Development Lakeshore District of Long lake.

**BRENT & TAMBRA BENSON:** Requesting a 32' variance in setback from the right of way of 41<sup>st</sup> Ave SE to construct a house addition, attached garage and deck. Required setback from the right of way is 67'. Address: 6843 41<sup>st</sup> Ave SE, Clear Lake, Mn Legal: Scenic View Lot 6 Sec 4, Twp 34, Rge 30 Clear Lake Township .39 Acres Agricultural District and within the Recreational Development Lakeshore District of Long lake.

**BRENT & TAMBRA BENSON:** Requesting a 6' variance in setback from a septic system to construct a house addition, attached garage and deck. Required setback from the septic system is 20'. Address: 6843 41<sup>st</sup> Ave SE, Clear Lake, Mn Legal: Scenic View Lot 6 Sec 4, Twp 34, Rge 30 Clear Lake Township .39 Acres Agricultural District and within the Recreational Development Lakeshore District of Long lake.

Johnson read the variance requests.

Waytashek said she did have some concerns on this one. The applicant submitted a certificate of survey with what is existing on the property now. They installed a new septic about a year ago. With them now wanting to expand the garage it will no longer meet the 20' required setback from the drainfield. On the existing survey there is a concrete pad in front of the 3<sup>rd</sup> stall garage that staff assumes will become part of the driveway. She feels some additional impervious surface needs to be added there. The house is not currently a walkout. The applicant is stating they will be taking out anywhere between 250 and 500 cubic yards of material. That is a pretty big gap in number. They want to change the topography in order to make it a walkout. There is a concern with the proposed grade changes.

Johnson said they are exceeding the 25' limit in height.

Waytashek said they are allowed to add 10' on the walkout side per the Shoreland Ordinance.

Brent & Tambra Benson, 6843 41<sup>st</sup> Ave SE, Clear Lake, Mn were present.

Mr. Benson said he has been working with Bogart, Pederson on a proposed survey. There were some roofline problems that held them up. They are meeting with the architect to go over final building plans. The original designer of the plans was not experienced enough. The roofline is not correct in the drawings that staff has.

Waytashek said she explained to Mr. Benson once they get the actual survey if their numbers are off at all and they asked for the wrong variance they may need to go through the whole process again if the variances were approved.

Mr. Benson said he guaranteed they will not be beyond what they were asking for. If anything, they will be below.

Mr. Benson said there will not be much of a driveway in front of the garage unless they remove the tree. Which is not in their plan.

Glines said in his experience when you switch builders/designers the footprint will change because they have their own ideas.

Mrs. Benson said they have told the new architect they are working with the design needs to fit within the same footprint. He's just changing the rooflines.

Mr. Benson said they plan to remove a large portion of the back patio. Any rain they get runs directly down the hill and into the lake now. There is no filtration on the lot right now. By terracing it out they will be able to build in different areas. They talked with SWCD about options. They talked about a rain garden but because of the lot size that's a little more difficult because of the distances from the septic and lake. They did talk about different areas for swales and putting in drain tile. Because of the trees and roots the placement of some of those things will be done on the fly.

Mrs. Benson said over the 17 years they have lived on the property they used to mow the hill. They can't mow it anymore because the lawn mower will go into the lake. It's washing down the hill. They want to stop that before they don't have any property between the water and the back of the house. The properties on either side of them sit lower than their property does.

Johnson said he was in favor of tabling the request and asked if the applicants would need to sign the 60-day waiver.

Glines said township comments were received on March 16, 2021.

Waytashek said she would like to see them sign the 60-day waiver.

Waytashek said they show a mulch sidewalk from the garage driveway to the front door and mulch path from back door of the garage back around the side of the house. She's concerned in the future it could become concrete. She feels they should reduce impervious in other areas because she feels that area could become impervious surface at some point.

Mrs. Benson said the front area has always been a mulch path. The architect will be reworking the front area.

Johnson feels that the requests should be tabled because there is lots of conversation between the applicants and the architect's, but the county hasn't seen anything showing those changes. There are too many variables up in the air.

Johnson asked about the line-up rule.

Glines said they can only use the line-up rule if they don't need any other variances.

Waytashek said those are things that could be looked at once the survey is completed.

Waytashek explained the 60-day waiver to the applicants.

Mr. Benson asked is the only thing the board is requesting is for the updated site plan with the new impervious numbers and the setbacks.

Waytashek said that was correct and to make sure the site plan that was drawn up matches the survey and there are no changes.

Mr. Benson said they are fine with that. Part of the problem is they are trying to schedule things and get some timelines in place to get the structure built before fall. Contractors are booked out months already and he wants to make sure they can get the excavation done and the concrete done, and structure built before fall. He doesn't want to delay things any longer than he has too.

Waytashek explained the faster he gets the changes into staff the faster they can get him scheduled for a board meeting.

Waytashek said another question she has is the amount of material that will be excavated. The amount of 250 to 500 needs to be more specific. They should work with Zach, County Shoreland/Wetland Specialist, to make sure he's on board with what they are proposing.

Demeules said it would be nice to see the stormwater management plan implemented on the drawing.

Mr. Benson said they will do their best to lay that out but there will be some barriers they need to work around at the time the excavation work is being done.

Demeules said he would like to see the square footage of rain gardens.

Mr. Benson said according to Dan from the SWCD they will not be able to install rain gardens on the property because of the well location. They would also like to put native plants on the lake side.

Mr. Benson said the septic was replaced in October because the septic completely failed. They couldn't even flush the toilets. They tried to place the septic in the best location they could but at the time they didn't know where the building would be.

Waytashek asked how big the proposed garage would be.

Mr. Benson said it was a 3-stall garage with a bonus room above.

Waytashek said it was a deep garage and asked if the garage could be moved back to reduce/eliminate that variance.

Mr. Benson said that has changed a bit with the changes to the roofline. The office moved out into the garage a little. It's not as deep as it appears on the current drawing.

Mr. & Mrs. Benson said they would sign the 60-day waiver.

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.

Ponting motioned and Stimmler seconded the motion to table all 3 variance requests by Brent & Tandra Benson. All in favor. Motion to approve passed.

**7:32 P.M.** Nelson motioned and Craft seconded the motion to adjourn. Motion carried.  
Meeting adjourned.

Submitted by:  
Kelly Mittelstaedt