

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
APRIL 14, 2022**

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

Roll call was taken.

Members Present:

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

Staff Present:

Zach Guttormson – Assistant Planning & Zoning Administrator
Mitch Glines – Planner
Addison Otto – Planner
Kelly Mittelstaedt – Secretary

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

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

Nelson made a motion to approve the evenings agenda moving PPC, Inc (Ryan & Roger Plath) to the beginning of the agenda. Stimmler 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.

6:02 P.M. PPC, INC (RYAN & ROGER PLATH) (Property Owner: CPEC Exchange 40821 LLC) Requesting an 11’ variance in setback from the side property line for an addition on existing structure. Required setback from the side property line is 20’. Address: 31521 125 ½ St NW, Princeton, Mn Legal: Georgetown First Addition Lots 3&4, Block 1 Sec 9, Twp 35, Rge 26 1.38 Acres Baldwin Township Industrial District.

PPC, INC (RYAN & ROGER PLATH) (Property Owner: CPEC Exchange 40821 LLC) Requesting a 20’ variance in setback from the right of way of 125 ½ St NW for an addition on existing structure. Required setback from the right of way is 67’. Address: 31521 125 ½ St NW, Princeton, Mn Legal: Georgetown First Addition Lots 3&4, Block 1 Sec 9, Twp 35, Rge 26 1.38 Acres Baldwin Township Industrial District.

Demeules read the variance requests.

Otto said there was a 1680 sq ft portion of the building that will be torn down. That area will be replaced with a 2760 sq ft addition. There will be no further encroachment with the additions.

Ryan Plath, 31521 125 ½ St NW, Princeton, Mn was present.

Mr. Plath stated both of these variances were approved for an addition they did 2 years ago.

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

Otto read an email she received from Anthony Flander, 31540 125 ½ St NW, Princeton, Mn. He stated there has been a history of fires at the business. There is no water retention on the property. The parking lot is busting up because of frost. Semi-trucks struggle to get backed up to the dock. Trucks block the roadway when docked. There is no room for snow removal storage. They push the snow across the road which is a violation of Mn Statute.

Otto said staff looked at the stormwater and no additional impervious surface would be added to the property.

Glines said a few years ago when Mr. Plath got variances he worked with an engineer, and they determined there was adequate enough green space to retain any stormwater on site. Glines did a site visit recently and it still looked like it did 2 years ago.

Otto said the addition will not go any closer to the right of way of the road and the addition is not going in the area of the loading docks. She said the Mn Statute Mr. Flander is referring to talks about snow being pushed into the roadway. In this case snow is being pushed into the right of way not being left in the road.

Demeules asked if zoning had received any complaints with the property.

Otto said not to her knowledge.

Mr. Plath said he bought the building in 2016. He said there was a fire when the previous owner had the property. They do plan to fix some of the water issues they do have. A 53' truck might stick out about 2' in the road. Mr. Flander is searching for things to complain about. He lives in a camper on an industrial lot. Everyone on the road pushes their snow across the road into the ditch.

Otto said that Baldwin Township recommended approval of both variances.

Ponting said the road is narrow.

Nelson said because the dock area is existing and there won't be a new dock it doesn't really pertain. It is an industrial area.

Johnson asked if the trucks park in the roadway overnight.

Mr. Plath said they do not allow overnight parking on the property. Most trucks park at Walmart overnight or the park and ride.

Nelson motioned and Ponting seconded the motion to approve the 11' variance in setback from the side property line for an addition on existing structure with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a building permit must be obtained.
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 is an industrial 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 () It's a fairly big building for a smaller lot.
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 needs room for storage. Other businesses in the area have the same need.
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 ()
Its just an expansion of a business that's been there.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance is actually the same as the rest of the building. It is not going any farther or closer.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () There's several businesses around that area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () He upgraded a year ago.
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 new addition will not have any loading dock or be a problem or create any parking issues.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes () No ()
N/A
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () There are other buildings in the area the same height and density.

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 () He needs storage and whatever it costs it costs.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw - Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

Nelson motioned and Stimmler seconded the motion to approve the 20' variance in setback from the right of way of 125 ½ St NW for an addition on existing structure with the following conditions and “Findings of Fact”:

Conditions:

1. Prior to construction, a building permit must be obtained.
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 is an industrial 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 or property since enactment if the relevant Ordinance have had no control. Yes (X) No () It's a fairly big building for a smaller lot.
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 needs room for storage. Other businesses in the area have the same need.
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 () Its just an expansion of a business that's been there.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance is actually the same as the rest of the building. It is not going any farther or closer.

6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () There's several businesses around that area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () He upgraded a year ago.
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 new addition will not have any loading dock or be a problem or create any parking issues.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes () No () N/A
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () There are other buildings in the area the same height and density.
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 () He needs storage and whatever it costs it costs.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

6:21 P.M. DISTINCTIVE DOOR DESIGNS: (Property Owner: RJMC Properties, LLC) Requesting a 15' variance in setback from an existing building for a septic system upgrade. Required setback from a building is 20'. Address: 32010 126th St NW, Princeton, Mn Legal: Buenaventura Vista 2nd Addition S 95' of Lot 2 & All Lot 3, Block 2 Except The W 10' of Lot 3 & W 10' of S 95' of Lot 2, Block 2 Sec 4, Twp 35, Rge 26 2.87 Acres Baldwin Township Industrial District.

Demeules read the variance request.

Glines explained the septic tanks did pass compliance and they are just upgrading the drainfield. They will be replacing in the same location so it will be a type 3 septic system. This is the only grass area on the property for a septic system.

Rick Buyens, 32010 126th ST NW, Princeton, Mn was present.

Mr. Buyens explained he bought the business 4 years ago and the building about 1 year ago. Because of the purchase of the building the septic needed to be inspected. The system does not have the proper separation from the water table.

Glines said the property is in the Princeton Well Head Protection Area.

Demeules asked if it would be a mound system.

Glines said it would be elevated somewhat. It will be located by the parking area so they will need to put something around the drainfield so there isn't the chance anyone drives over the drainfield.

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

Ponting motioned and Nelson seconded the motion to approve the 15' variance in setback from an existing building 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 variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
This is an industrial area and its an industrial use site.
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 has been an existing industrial for a while and there's no other place for this septic upgrade.
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 is for industrial use and it's all industrial around there.

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 () He recently purchased it and that required the septic upgrade and it's an existing system.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () This is the only spot for the septic drainfield to get placed.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No () It's underground. It's a septic.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () That's what the purpose is for.
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 () No () N/A – This is not part of the parking area. It will be protected from parking.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes () No () N/A
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No () This is a septic. It's underground.
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 business needs a functioning approved septic system.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson – Aye

6:30 P.M. MICHAEL DUBOIS: Requesting a 70' variance in setback from the OHWL of Sandy Lake for an addition on existing house. Required setback from the OHWL of a Recreational Development Lake is 100'. Address: 28509 100th St NW, Zimmerman, Mn Legal: Pt of Govt Lot 1 Des as Beg at SW Cor of Road . . . (full legal on file) Sec 25, Twp 35, Rge 26 .60 Acres Baldwin Township General Rural District and within the Recreational Development Lakeshore District of Sandy Lake.

Demeules read the variance request.

Otto said the house was built in 2009. They were able to use the line-up rule with the houses on either side of them. When the applicant contacted staff about the addition they suggested he get another survey because looking at the aerial photo of the house location and the lake it seemed like something wasn't adding up. When the new survey was done it was determined the survey from 2009 had the OHWL incorrectly located and it's really much closer to the house. The house is actually 30' from the OHWL. The OHWL is an elevation from the DNR and that doesn't change.

Michael Dubois, 28509 100th St NW, Zimmerman, Mn was present.

Mr. Dubois said he has worked with staff on the impervious and there has been a lot of survey work done on the property. The addition will be going away from the water. He has agreed to all the impervious terms.

Otto explained she has been working with the applicant on the impervious surface. The garage doors on the detached garage are currently on the east side those will be made non-functional to drive a car through and the garage doors will be on the north side. That makes the driveway shorter. He will also remove a shed that's on the property and a portion of a gravel pad.

Demeules mentioned that with the impervious surface additional variances would be hard to get in the future.

Johnson said the house is becoming a 7-bedroom with 7-bathroom house and wondered if the septic was designed for a 7-bedroom house.

Otto thought the current system was sized for a 5-bedroom house. Per Mn Rule 7080 when someone is proposing an expansion on a dwelling that is adding bedrooms staff cannot require them to upgrade the system however it is strongly recommended.

Johnson said when he was looking at the as-built drawing of the septic it looks like only 1/3 of the drainfield is connected to the house.

Otto explained 3 properties have an easement on the property for the drainfield. The other 2 drainfields are servicing the properties to the north.

Shaw asked if he had more room to expand the drainfield if he needed it.

Mr. Dubois said the adjacent owner owns 5 acres.

Shaw thought they could possibly use the southwest corner of the lot for additional drainfield space if needed.

Guttormson thought that area could be wetlands.

Ponting asked the applicant if he was going to have the SWCD design something for the stormwater and French drains.

Mr. Dubois said he was happy to hear they would help him with the design.

Johnson asked the applicant if he was living in the house now.

Mr. Dubois said this was his 2nd home.

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

Nelson motioned and Stimmler seconded the motion to approve the 70' variance in setback from the OHWL of Sandy Lake for an addition on existing house with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a building permit must be obtained.
2. Prior to the issuance of a building permit, the 485 sq. ft. of impervious surface proposed to be removed must be removed from the property, and the ground underneath tilled to a depth of 6 inches, black dirt brought in if needed, and the soil either seeded or sodded.
3. Prior to the issuance of a building permit, the garage doors located on the east side of the detached garage must be rendered unusable as doors, and any driveway area in front of them tilled to a depth of 6 inches, black dirt brought in if needed, and the soil either seeded or sodded.
4. Prior to construction, a shoreland alteration permit must be obtained.

5. 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.
6. The proposed French drains and perforated drain tile must be installed prior to the issuance of a certificate of occupancy for the residence.
7. 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 () He has worked diligently to get under the 25% impervious.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No () It's a fairly small lot.
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 just wants to have more living space.
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 () I believe it was an error in the surveying previously.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The addition is actually farther away from the lake than 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 () There's several houses along the lakeshore.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Staff has looked at it and it's 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 () The property is at the end of 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 just an addition onto 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 () It's far enough away from the other houses to not shade them.

11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No () It's a reasonable use to have an addition on their house and the cost is not included in this.

All in favor. Motion to approve passed.

Ponting – Aye

Anderson – Aye

Shaw – Aye

Demeules – Aye

Nelson – Aye

Stimmler – Aye

Johnson - Aye

6:51 P.M. JULIA ESPE: 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: 7023 41st Ave SE, Clear Lake, Mn Legal: Scenic View Lot 15 Sec 4, Twp 34, Rge 30 .39 Acres Clear Lake Township Agricultural District and within the Recreational Development Lakeshore District of Long Lake.

JULIA ESPE: Requesting a 27’ variance in setback from the right of way of 41st Ave SE for a 4-season porch over existing deck. Required setback from the right of way is 67’. Address: 7023 41st Ave SE, Clear Lake, Mn Legal: Scenic View Lot 15 Sec 4, Twp 34, Rge 30 .39 Acres Clear Lake Township Agricultural District and within the Recreational Development Lakeshore District of Long Lake.

JULIA ESPE: Requesting a 6’ variance in setback from the existing septic tank for a 4-season porch over existing deck. Required setback from the septic tank is 10’. Address: 7023 41st Ave SE, Clear Lake, Mn Legal: Scenic View Lot 15 Sec 4, Twp 34, Rge 30 .39 Acres Clear Lake Township Agricultural District and within the Recreational Development Lakeshore District of Long Lake.

Demeules read the variance requests.

Otto explained Clear Lake Township did give a comment regarding the impervious surface. They would like to see the storage shed on the property removed. They thought moving the septic would do more harm than good. They were fine with the road variance because it’s not going any closer than the existing.

Otto said there is currently a deck on the lake side of the house. The applicant is proposing to enclose 10'x20' of that deck. Underneath they would be enclosing it for additional storage. They will remove the storage shed on site and put the items under the deck. The storage shed is 100 sq ft. The impervious will go from 27.24% to 26.63%. They plan to install gutters to divert rainwater away from the lake. The septic was in place first and then the deck was added. The deck could encroach in the 10' setback to the tank because the deck was not considered living quarters. Now they are enclosing the deck so it would need to meet the setback or get a variance.

Julia Espe, 7023 41st Ave SE, Clear Lake, Mn was present.

Ms. Espe said nothing has changed with the variances for the setback. She did contact the company that installed the tank and they said they could replace a tank in that same location.

Otto said the county did receive written comment from the septic installer stating he would be able to replace the system in the same area if need be.

Johnson asked if there were comments in the variance from 2017 about if there could or could not be variances in the future on the property.

Otto said the only conditions from 2017 was about the impervious surface and the applicant will be under the required impervious numbers from 2017. The other condition was about installing gutters on the addition.

Ponting said the impervious surface will still be over 25%.

Shaw asked if the county saw permeable driveways or sidewalks as not impervious surface coverage.

Otto said in Sherburne County those things are still considered 100% impervious surface because over time if the area are not kept up, they will eventually fill with silt and sand and become impervious.

Ponting asked what impervious surface they would need to remove to get under the 25% impervious.

Guttormson said approximately 266 sq ft.

Demeules reminded everyone they were still going to be under the impervious surface number that was established in 2017.

Glines said when they added the garage in 2017 they didn't add additional impervious because they added the garage over the existing driveway.

Ponting asked if there could be a condition that no other variances be allowed on the property.

Nelson said last month Waytashek said that can't be done. If someone wants to apply for a variance the board needs to look at it.

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

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

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. Prior to the issuance of a building permit, the 100 sq.ft. storage shed must be removed from the property, and ground underneath tilled to a depth of 6 inches, black dirt brought in if needed, and the soil either seeded or sodded.
3. Prior to construction, a shoreland alteration permit must be obtained from the County.
4. 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.
5. The proposed gutters must be installed prior to the final building inspection.
6. The variance is only valid if acted upon by the applicant within one (1) year of approval.
7. Applicant does not exceed 26.63% of impervious surface that is being requested.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No () It's a residential area and adding to the 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 extraordinary circumstances. They are just adding an addition to the house on the same foundation.
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 making an addition to an existing 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 () There are no exceptional or extraordinary circumstances from the actions of this 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 would 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 () They are putting an addition on the existing house in a residential area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic and the drainfield are all compliant.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () There will be no impact on 41st Ave SE.
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 an addition to an existing house it won't be less shoreline setback.
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 Nelson seconded the motion to approve the 27' variance in setback from the right of way of 41st Ave SE for a 4-season porch over existing deck 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, the 100 sq. ft. storage shed must be removed from the property, and the ground underneath tilled to a depth of 6 inches, black dirt brought in if needed, and the soil either seeded or sodded.
3. Prior to construction, a shoreland alteration permit must be obtained from the County.
4. 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.
5. The proposed gutters must be installed prior to the final building inspection.
6. The variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
It's a residential area and adding to the 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 extraordinary circumstances. They are just adding an addition to the house on the same foundation.
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 making an addition to an existing 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 () There are no exceptional or extraordinary circumstances from the actions of this 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 would 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 () They are putting an addition on the existing house in a residential area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic and the drainfield are all compliant.

8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () There will be no impact on 41st Ave SE.
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 an addition to an existing house it won't be less shoreline setback.
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 6' variance in setback from the existing septic tank for a 4-season porch over existing deck 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, the 100 sq. ft. storage shed must be removed from the property, and the ground underneath tilled to a depth of 6 inches, black dirt brought in if needed, and the soil either seeded or sodded.
3. Prior to construction, a shoreland alteration permit must be obtained from the County.
4. 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.
5. The proposed gutters must be installed prior to the final building inspection.
6. The variance is only valid if acted upon by the applicant within one (1) year of approval.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
It's a residential area and adding to the 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 extraordinary circumstances. They are just adding an addition to the house on the same foundation.
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 making an addition to an existing 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 () There are no exceptional or extraordinary circumstances from the actions of this 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 would 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 () They are putting an addition on the existing house in a residential area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () The septic and the drainfield are all compliant.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () There will be no impact on 41st Ave SE.
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 an addition to an existing house it won't be less shoreline setback.
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

7:18 P.M. Nelson motioned and Ponting 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

