

**SHERBURNE COUNTY  
BOARD OF ADJUSTMENT  
MINUTES  
MAY 11, 2023**

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

Roll call was taken.

Members Present:

Roger Johnson – Chairperson

David Anderson

Kodey Shaw

Steve Demeules

Bud Stimmler

Bryan Adams

Michelle MacMillan

Staff Present:

Lynn Waytashek – Planning & Zoning Administrator

Zach Guttormson – Assistant Planning & Zoning Administrator

Kelly Mittelstaedt – Secretary

Johnson welcomed Bryan Adams and Michelle MacMillan as new board members.

Demeules made a motion to approve the minutes from the January 19, 2023 Board of Adjustment Meeting. Shaw seconded the motion. Adams abstained. Motion passed.

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

Johnson informed everyone the meeting would be audio-recorded.

**6:01 P.M. ZIMMVET – DR. MARIA KRENZ:** (Property Owner: Krenz Properties, LLC) Requesting a 12’ variance in setback from the centerline of Highway 169 for an addition on existing building. Required setback from the centerline is 200’. Address: 12187 253<sup>rd</sup> Ave NW, Zimmerman, Mn Legal: That part of the W ½ of NW ¼ Desc as follows . . . (full legal on file) Sec 22, Twp 34, Rge 26 5.16 Acres Livonia Township Commercial District.

Johnson read the variance request.

Josh Krenz, a co-owner of Krenz Properties which owns the land was present. Dr. Maria Krenz is his wife and the owner of ZimmVet. His address is 31932 136<sup>th</sup> St, Princeton, Mn.

Dylan Howard, Contractor with Howard Homes, was also present.

Mr. Krenz explained the business has been at the current location since 2014. They bought the practice in 2008. They have grown the practice from a 2-doctor practice to a 5-doctor practice. They have added more services to meet the growing demand. They are planning to add urgent care and more doctors as well.

Guttormson stated the property was a 5-acre parcel. Livonia Township recommended approval. The Minnesota Department of Transportation commented they don't see any issues that affect the right of way since there is an existing frontage road. No comments were received from the City of Zimmerman or the SWCD. There is currently a 7,260 sq ft building with 4,800 sq ft of veterinary clinic space and 2,400 sq ft of warehouse space and 60 sq ft of entry overhang. The applicant is proposing a 12'x69.5' addition off the southwest side of the existing structure. The addition will be 188' from the centerline of the closest travelled lane of Hwy 169.

Adams asked if it would be possible to put the addition in the back of the building. Even though Mn Dot is saying they don't have a problem with the variance request now things could change in the future and create problems.

Mr. Howard said when they were working with the designer, he believes they would run into issues with parking and the septic if the addition were to be on the back of the building. They have 2 different types of septic systems on the property. One is a holding tank for the dog waste and the other is a septic system to accommodate the doctors and patients.

Mr. Krenz said the other buildings in the area are closer to the highway than they already are. As they discussed with Livonia Township, they are adding a whole new facade to the outside of the building to make it look like a professional veterinary building. That is part of why they want to redo the front of the building.

Shaw asked if they would be adding additional customer parking.

Mr. Krenz said the front parking area is for customers and the back parking is for employees. They will add additional parking to the north. They currently employ 26 people and will be going to 35 with the addition.

Demeules asked if there was currently a CUP for the business.

Waytashek did not think there was a CUP because she thinks it's an allowable use in the district. It's zoned commercial and offices are a commercial use so that would fit under the zoning.

Mr. Krenz said there was a used car dealership and an auto body shop on either side of them. It's a business stretch.

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

Demeules motioned and Stimmler seconded the motion to approve the 12' variance in setback from the centerline of Highway 169 for addition on existing building with the following conditions and "Findings of Fact":

**Conditions:**

1. Prior to construction, a building permit must be obtained from the County.
2. The Grading and Erosion Control Plan (Packet Attachment E) must be implemented prior to the final inspection of the structure addition.
3. The variance is only valid if acted upon by the applicant within one (1) year of approval.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( ) It will not. This is a usage that is allowable.
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 building is close to 169 and with restraints of the septic and parking in the back it's the only way to go.
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 a simple expansion and the business is doing well and will continue too.
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 is just something that was built too close to the highway. It was probably before the current setbacks were set.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) Going out the front is the only option.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No ( ) This is a business area and it fits in.

7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) As far as it was said the septic is compliant.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No ( ) Parking has been addressed on this lot.
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 ( ) The addition will not be any higher than 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 ( ) This is an expansion of a business and it is an allowable usage.

All in favor. Motion to approve passed.

**6:14 P.M. MARIANN WINKELMAN & MARK BANYAI:** (Property Owner: Paul E Winkelman ETAL) Requesting a 40' variance in setback from the right of way of 91<sup>st</sup> St SE for an accessory structure. Required setback from the right of way is 67'. Address: 11449 91<sup>st</sup> St SE, Clear Lake, Mn Legal: Prairie Acres Lot 8, Block 1 Sec 15, Twp 34, Rge 29 2.83 Acres Clear Lake Township Agricultural District and within the Natural Environment Lakeshore District of Prairie Lake.

Johnson read the variance request.

Mark Banyai, 11449 91<sup>st</sup> St SE, Clear Lake, Mn was present.

Mr. Banyai said he would like to build another building on his property and keep it in line with the existing buildings on his property.

Guttormson said the lot was 2.83 acres. The applicant is proposing a 30'x36' accessory structure to be located 27' from the right of way of 91<sup>st</sup> St SE. Currently there is a 930 sq ft house, 190 sq ft deck, 576 sq ft detached garage and a 192 sq ft lean-to. The house was constructed in 1981. The applicant stated he would like to keep the new building in line with the other building on the property. The slab is already in place, and he would like to use the existing driveway without having to bring in extra fill. Property is located within the shoreland overlay district of Prairie Lake. Impervious surface requirements are being met and the existing septic is compliant. Clear Lake Township recommended approval.

Johnson said the house does not look like it meets the setback from the cul-de-sac.

Guttormson said that was correct.

Johnson said the building could be moved back to meet the setback from the road.

Guttormson said that was correct. There is 1.4 acres that is buildable area.

Stimmler said the slab for the building has already been poured. The applicant found out after the slab was poured that it was too close to the road. The slab that has been poured already is in line with the house.

Guttormson said a permit is not needed to pour a slab.

Adams said #11 of the findings of fact say, "Economic considerations or circumstances shall not be considered". Just because the slab is there does that justify putting a building on top of it when there are other options on the property.

Stimmler said it would be an economic hardship for him to build another slab.

Johnson asked if Clear Lake Township would let the applicant have another driveway on the property.

Stimmler said the township would approve a second driveway.

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

Stimmler motioned and Shaw seconded the motion to approve the 40' variance in setback from the right of way of 91<sup>st</sup> St SE for an accessory structure 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 ( )  
It will not be in conflict with the comprehensive plan. They are building a garage in a residential 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 ( ) There are no circumstances over which the owners of the property have control. Although, they did pour the slab too close to 91<sup>st</sup>
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 applicant is just asking to build an accessory building on his 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 (X) No ( ) The extraordinary circumstances do not result from the actions of this owner although they did pour a slab ahead of getting a building permit too close to the road, but Clear Lake Township is not concerned about that.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) This is the minimum variance required. Again, because the slab has already been poured.
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 anything because it's a residential area with an accessory building being built.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) The septic was inspected and passed.
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 ( ) It will not interfere with traffic what-so-ever on 91<sup>st</sup> St.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes ( ) No ( ) N/A
10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties of the residence were built according to the applicable regulation and height of structure. Yes (X) No ( ) It will not increase the loss of sunlight, views or privacy. It's just a garage.

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 or circumstances shall not be considered on this property.

Shaw, Johnson, Adams and Stimmler voted in favor of the request. Anderson, MacMillan and Demeules voted against. The motion to approve passed on a 4-3 vote.

Johnson asked what would have to happen for people to be required to get a permit for a slab if it's in the setback limits.

Waytashek said people pour driveways and patios all the time. The county will be redoing the ordinance and if that's something the Planning Commissions, Townships and County Board want to see it could potentially be put in the ordinance.

**6:28 P.M. ORROCK TOWNSHIP:** Requesting a 20' variance in setback from the east property line for a new building after tearing down existing building. Required setback from the east property line is 100'. Address: 26401 180<sup>th</sup> St NW, Big Lake, Mn Legal: Exempt N 363' of W 198' of S 718.5' . . . (full legal on file) Sec 8, Twp 34, Rge 27 1.66 Acres Orrock Township General Rural District.

**ORROCK TOWNSHIP:** Requesting a 60' variance in setback from the north property line for a new building after tearing down existing building. Required setback from the north property line is 100'. Address: 26401 180<sup>th</sup> St NW, Big Lake, Mn Legal: Exempt N 363' of W 198' of S 718.5' . . . (full legal on file) Sec 8, Twp 34, Rge 27 1.66 Acres Orrock Township General Rural District.

**ORROCK TOWNSHIP:** Requesting a 40' variance in setback from the centerline of 180<sup>th</sup> St NW for a new building after tearing down existing building. Required setback from the centerline is 100'. Address: 26401 180<sup>th</sup> St NW, Big Lake, Mn Legal: Exempt N 363' of W 198' of S 718.5' . . . (full legal on file) Sec 8, Twp 34, Rge 27 1.66 Acres Orrock Township General Rural District.

Adams stepped down from the Board of Adjustment at this time.

Johnson read the variance requests.

Bryan Adams, 23250 182<sup>nd</sup> St, Big Lake, Mn was present.

Mr. Adams explained they are looking at building a new town hall. The property is in the mist of the state forest which has a 100' setback on all 4 sides. They did get variances a year ago but

the price of the building came in too high, so they weren't able to construct the building in the year timeline. The majority of the building will be on the same footprint as the existing building except for an addition to the south.

Guttormson said the parcel is 1.66 acres located in Sherburne National Wildlife Refuge. Orrock Township recommended approval of the variances. The US Fish and Wildlife Service's stated that the refuge has no further comments on the proposed town hall. The new structure will be 2,256 sq ft to expand meeting and voting space. Orrock Township is proposing to tear down and rebuild the town hall. The septic system was upgraded in 2022.

Waytashek asked how old the existing town hall was.

Mr. Adams said the existing structure was build in the 1880's as a schoolhouse and the township purchased it in the 1950's for a town hall.

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

Demeules motioned and Shaw seconded the motion to approve the 20' variance in setback from the east property line for a new building after tearing down existing building with the following conditions and "Findings of Fact":

**Conditions:**

1. Prior to the issuance of a building permit, our building official will require engineered plans, architectural plans with dimensions showing all life/safety items and accessibility requirements, a code analysis of the entire structure from an architect that details maximum occupancy, and a civil engineered plan of the site.
2. Prior to construction, a building permit must be obtained from the County.
3. The variance is only valid if acted upon by the applicant within one (1) year of approval.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( )  
It will not alter the land use.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No ( ) This is a building that is on a small lot with very large setbacks.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of

this Ordinance. Yes (X) No ( ) There is a need for a new town hall and without the variance they would not be able to move forward.

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 has been in existence for a long time.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) They are actually building further south to alleviate any additional variance.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No ( ) This building has been there for generations and it will still be the same type of usage.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) The septic has been updated within the last couple years.
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 is adequate parking off street.
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 ( ) The height of the structure will not exceed the allowance of the ordinance.
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 ( ) This is a necessity to rebuild the town hall.

Motion to approve passed on a 6-0 vote. Adams was the applicant.

Demeules motioned and Anderson seconded the motion to approve the 60' variance in setback from the north property line for a new building after tearing down existing building with the following conditions and "Findings of Fact":

**Conditions:**

1. Prior to the issuance of a building permit, our building official will require engineered building plans, architectural plans with dimensions showing all life/safety items and accessibility requirements, a code analysis of the entire structure from an architect that details maximum occupancy, and a civil engineered plan of the site.
2. Prior to construction, a building permit must be obtained from the County.

3. The variance is only valid if acted upon by the applicant within one (1) year of approval.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( )  
It will not alter the land use.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No ( ) This is a building that is on a small lot with very large setbacks.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No ( ) There is a need for a new town hall and without the variance they would not be able to move forward.
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 has been in existence for a long time.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) They are actually building further south to alleviate any additional variance.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No ( ) This building has been there for generations and it will still be the same type of usage.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( )  
The septic has been updated within the last couple years.
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 is adequate parking off street.
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 ( ) The height of the structure will not exceed the allowance of the ordinance.
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 ( ) This is a necessity to rebuild the town hall.

Motion to approve passed on a 6-0 vote. Adams was the applicant.

Demeules motioned and Stimmler seconded the motion to approve the 40' variance in setback from the centerline of 180<sup>th</sup> St NW for a new building after tearing down existing building with the following conditions and "Findings of Fact":

**Conditions:**

1. Prior to the issuance of a building permit, our building official will require engineered building plans, architectural plans with dimensions showing all life/safety items and accessibility requirements, a code analysis of the entire structure from an architect that details the maximum occupancy, and a civil engineered plan of the site.
2. Prior to construction, a building permit must be obtained from the County.
3. The variance is only valid if acted upon by the applicant within one (1) year of approval.

**Findings of Fact:**

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ( )  
It will not alter the land use.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No ( ) This is a building that is on a small lot with very large setbacks.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No ( ) There is a need for a new town hall and without the variance they would not be able to move forward.
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 has been in existence for a long time.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) They are actually building further south to alleviate any additional variance.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties. Yes (X) No ( ) This building has been there for generations and it will still be the same type of usage.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) The septic has been updated within the last couple years.
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 is adequate parking off street.

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 ( ) The height of the structure will not exceed the allowance of the ordinance.
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 ( ) This is a necessity to rebuild the town hall.

Motion to approve passed on a 6-0 vote. Adams was the applicant.

Johnson recommends for the new staff to go out and visit the sites because sometimes there are things on the properties that do not show up on photos.

Adams came back to the Board of Adjustment.

**6:40 P.M.** Adams motioned and Stimmler seconded the motion to adjourn. Motion carried. Meeting adjourned.

Submitted by:  
Kelly Mittelstaedt