

**SHERBURNE COUNTY  
BOARD OF ADJUSTMENT  
MINUTES  
MAY 13, 2021**

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

Roll call was taken.

Members Present:

Roger Johnson – Chairperson  
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  
Dave Lucas – Solid Waste Administrator  
Mitch Glines – County Planner  
Kelly Mittelstaedt – Secretary

Nelson made a motion to approve the minutes from the April 8, 2021 Board of Adjustment Meeting. Demeules seconded the motion. All in favor. Motion passed.

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

Nelson made a motion to remove the item from the table. Ponting seconded the motion. All in favor. Motion passed.

William Stang, 17957 57<sup>th</sup> St SE, Becker, Mn was attending the meeting via telephone.

Waytashek explained staff thought there was a wetland violation on the property. Zach, from Planning & Zoning and SWCD staff looked at the site and determined there was not a wetland violation. There were some solid waste violations but those have been taken care of. There was a building built without a permit, but it has been applied for and paid for.

Johnson looked at the 3<sup>rd</sup> page in the board packet on attachment C and it talks about a proposed breezeway, but the floor plan does not show a breezeway.

Stang said they would be adding living space on the ground level from the house to the garage which would be the stairs to the living space above the garage. Everything else on the ground level would be garage.

Mr. Stang said the existing fireplace will be eliminated when he adds onto the house. The existing gas line will be used to heat the addition.

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

Ponting motioned and Nelson seconded the motion to approve the 24' variance in setback from the centerline of County State Aid Highway #16 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 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 be further enough away from the road. It's a livable house right now. It's not getting any closer to the road.
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 an existing house that they are adding onto. It's out of their control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. Yes (X) No ( ) This is a residential area and its going to be used for the same.

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 house was here and they are just adding onto it.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) He's not getting any closer to the road. Actually it's moving away from the road.
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 a residential area and it will continue to be used as the same.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) There already is an existing compliant septic system.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No ( ) This driveway is long enough and there is no need to be parking 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 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 nearest house is a ¼ mile plus away.
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 will continue to be residential and will remain the same.

All in favor. Motion to approve passed.

**6:10 P.M. ALEX JONES:** Requesting a 30' variance in setback from the bluff for a shed. Required setback from the bluff is 30'. Address: 3173 River Road SE, St Cloud, Mn  
 Legal: That pt of N 400 FT of S 800 FT of Govt Lot 2 . . . (full legal on file) Sec 5, Twp 34, Rge 30 Clear Lake Township 6.02 Acres Scenic River District and within the Scenic River District of the Mississippi River.

Johnson read the variance request.

Alex Jones, 3173 River Road SE, St Cloud, Mn was present.

Mr. Jones explained he was trying to put a pole building on an old tennis court. The building will be 64'x40'. It's the only spot on the property that is not a wooded hill. Its already graded and cleared. Anyplace else on the property he would need to knock down 20-30 oak trees and it would be in his neighbor's view.

Waytashek explained the definition of a bluff.

Waytashek said there is an area for septic expansion if it's needed.

Johnson asked if the old tennis court base needed any work to support the building.

Mr. Jones said he would need to put holes straight through it for the timbers. It will be cold storage only.

Ponting asked what he was going to do about stormwater around the building.

Mr. Jones gave zoning staff updated building plans that showed gutters on it. There will be a little bit of landscaping in the front. He has creeping junipers that could be relocated to the area around the building.

Johnson said the building will be 2500 sq ft and thought it could only be 1200 sq ft.

Waytashek said the lot was 6.02 acres and it meets the requirements.

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

Stimmler motioned and Nelson seconded the motion to approve the 30' variance in setback from the bluff for a shed 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 is a residential area with plenty of other sheds there too.
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 and he just wants to add a storage building to it. He is not taking down any trees and is over 300' from the river.
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 shed will actually improve the lot and the property that he owns.
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 exceptional about this lot except that it's in the river bluff area and that has been covered.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) Because of the lay of the land and the lot that he owns it's pretty much the only place to build it. It saves a spot for a future septic system.

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 lot.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) No additional sewage treatment is needed for this shed.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No ( ) This will not result in parking or loading of vehicles that will impact the county road. He is plenty far away from it.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No ( ) It will not be a greater height or lesser shoreline setback than what is typical for the area.
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 loss of sunlight, views or privacy of the neighbors. He has plenty of acreage around him.
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 the owner just wants to build a storage shed on his own property.

All in favor. Motion to approve passed.

**6:21 P.M. JOAN FREDEEN:** Requesting a 4' variance in setback from the side property line for a septic system upgrade. Required setback from the side property line is 10'. Address: 14037 290<sup>th</sup> Ave NW, Zimmerman, Mn Legal: Elk Point Lot 36, Block 2, Ex that pt lying E of the following des line . . . (full legal on file) Sec 30, Twp 35, Rge 26 Baldwin Township .27 Acres General Rural District and within the General Development Lakeshore District of Little Elk Lake.

**JOAN FREDEEN:** Requesting a 16' variance in setback from an existing garage for a septic system upgrade. Required setback from a garage is 20'. Address: 14037 290<sup>th</sup> Ave NW, Zimmerman, Mn Legal: Elk Point Lot 36, Block 2, Ex that pt lying E of the following des line . . . (full legal on file) Sec 30, Twp 35, Rge 26 Baldwin Township .27 Acres General Rural District and within the General Development Lakeshore District of Little Elk Lake.

Johnson read the variance requests.

Shane Steinbrecher, 13792 247<sup>th</sup> Ave, Zimmerman, Mn was present. He is the septic designer.

Mr. Steinbrecher said the lot is narrow and the house was built in the early 1960's. The septic is failing. Both variances are needed. The house has 2 bedrooms.

Glines said he has worked with Mr. Steinbrecher and knows he had a lot to deal with on the property with well locations, topography and soils. This is the best location for the septic.

Ponting asked if they were proposing a garage in the future.

Glines said a garage would not be allowed in the future under the new accessory building ordinance. The ordinance states that the applicant can't apply for a variance for the garage either.

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

Stimmler motioned and Ponting seconded the motion to approve the 4' variance in setback from the side property line for a septic system upgrade with the following conditions and "Findings of Fact":

**Conditions:**

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. The variance is only valid if septic permit has been obtained from the County, 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 it will be ok according to the comprehensive plan.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No ( ) The biggest concern is the lack of size to the lot. The designer is making it fit the 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 ( ) The owner is just trying to upgrade the septic system.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No ( ) There's nothing extraordinary about the circumstances here other than the lack of size to the lot.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) It's the minimum variance needed for this.
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 basically just a septic upgrade to his property.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) Adequate sewage treatment system is the reason for the variance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because

the driveway is inadequate length or width. Yes (X) No ( ) The variance will not result in the parking or loading of vehicles on public streets. It has no effect on that.

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 ( ) No ( ) N/A
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 circumstance is that he just wants to upgrade his septic system in the limited space he has. It's a public health and safety issue.

All in favor. Motion to approve passed.

Stimmler motioned and Nelson seconded the motion to approve the 16' variance in setback from an existing garage for a septic system upgrade with the following conditions and "Findings of Fact":

**Conditions:**

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. The variance is only valid if septic permit has been obtained from the County, 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 it will be ok according to the comprehensive plan.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No ( ) The biggest concern is the lack of size to the lot. The designer is making it fit the 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 ( ) The owner is just trying to upgrade the septic system.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No ( ) There's nothing extraordinary about the circumstances here other than the lack of size to the lot.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) It's the minimum variance needed for this.

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 basically just a septic upgrade to his property.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) Adequate sewage treatment system is the reason for the variance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No ( ) The variance will not result in the parking or loading of vehicles on public streets. It has no effect on that.
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 ( ) No ( ) N/A
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 circumstance is that he just wants to upgrade his septic system in the limited space he has. It's a public health and safety issue.

All in favor. Motion to approve passed.

**6:30 P.M. JULIE ANDERSEN:** (Property Owner: Carl D. Hogfeldt) Requesting a 45' variance in setback from the OHWL of the Elk River for a septic system upgrade. Required setback from the Elk River is 100'. Address: 21606 186<sup>th</sup> St NW, Big Lake, Mn Legal: That part of the NW ¼ of SE ¼ Desc as follows . . . (full legal on file) Sec 7, Twp 33, Rge 27 Big Lake Township 2.05 Acres General Rural District and within the Agricultural District of the Elk River.

Johnson read the variance request.

Eugene Brouillette, 21606 186<sup>th</sup> St NW, Big Lake, Mn was present.

Mr. Brouillette is the new owner of the property.

Glines said the septic needed to be upgrade for the sale of the property. The drainfield will meet the 100' setback but the tank will not.

Johnson asked if the tanks could go in front of the big oak tree.

Glines said they could not because of the elevation coming out of the house and being at the max depth of 4'.

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



Nelson motioned and Stimmler seconded the motion to approve the 10' variance in setback from the right of way of 100<sup>th</sup> Ave SE for a septic system upgrade with the following conditions and "Findings of Fact":

**Conditions:**

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. Applicant must install erosion control to minimize construction run-off toward the river.
4. The variance is only valid if septic permit has been obtained from the County, 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 ( ) Every lot needs a working septic system.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control. Yes (X) No ( ) The lot was established in the 1970's.
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 ( ) Every home needs a working septic.
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 ( ) It was platted several years ago.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) According to staff it was the best place to put this.
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 be underground and will not be seen.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) That's what the variance is for so it will improve it.
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
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No ( ) It will be underground.
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 ( ) No ( ) N/A

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 ( ) A new complying septic is a necessity.

All in favor. Motion to approve passed.

**6:36 P.M. ANGELA ENNEN ET AL:** (C/O Maria Musachio) Requesting a 10' variance in setback from the right of way of 100<sup>th</sup> Ave SE for a septic system upgrade. Required setback from the right of way is 10'. Address: 5262 100<sup>th</sup> Ave SE, Clear Lake, Mn Legal: Oak Grove Beach Lots 5 & 6, Block 1 Sec 28, Twp 35, Rge 29 Palmer Township .40 Acres Agricultural District and within the Recreational Development Lakeshore District of Briggs Lake.

Johnson read the variance request.

Nick Musachio, 5262 100<sup>th</sup> Ave SE, Clear Lake, Mn was present.

Mr. Musachio said there is a 20' easement into the property from the road. Part of the septic goes into the roadway easement.

Demeules said the agreement between the applicant and the township is pretty much done except it needs to be filed.

Demeules asked what kind of system the existing septic was. He thought it was an old cesspool.

Waytashek asked what year the house was built.

Mr. Musachio thought it was 1930 something.

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

Glines said she did have a copy of the lot combining form that will be submitted to the Auditor/Treasurer's Office.

Demeules motioned and Nelson seconded the motion to approve the 10' variance in setback from the right of way of 100<sup>th</sup> Ave SE for a septic system upgrade with the following conditions and "Findings of Fact":

**Conditions:**

1. Applicant must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
2. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.

3. The County will require a copy of the Right-of-Way (ROW) Agreement between the property owners and Palmer Township allowing the drainfield to encroach into the ROW prior to the septic permit being issued.
4. The two parcels 40-402-0120 and 40-402-0115 are required to be combined prior to the septic permit being issued.
5. A new well must be installed prior to the septic permit being issued. Existing well must be capped and sealed per the Minnesota Department of Health requirements.
6. The variance is only valid if septic permit has been obtained from the County, 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 change 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 small lake lot. It is getting away from the lake unfortunately it encroaches into the road.
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 property owner needs a functioning septic system and he needs to get rid of the old cesspool.
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 an old warn out system that needs to be replaced.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) This is pretty much the only place it can go that's why he need to encroach into the road right of way.
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 has nothing to do with the other properties it's just a necessity of a functioning septic system.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) That's the reason for the variance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width. Yes ( ) No ( ) N/A
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site. Yes (X) No ( ) It will not protrude out of the ground.
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 ( ) No ( ) N/A
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 use will still be the same and this is out of necessity.

All in favor. Motion to approve passed.

**6:42 P.M. ROBERT TJOSTELSON:** Requesting a 64' variance in setback from the centerline of 108<sup>th</sup> Ave for a personal storage structure. Required setback from the centerline is 100'. Address: 6543 108<sup>th</sup> Ave SE, Clear Lake, Mn Legal: All that pt of Govt Lot 6 Desc as follows . . . (full legal on file) Sec 34, Twp 35, Rge 29 Palmer Township .54 Acres Agricultural District and within the General Development Lakeshore District of Big Elk Lake.

Johnson read the variance request.

Robert Tjostelson and Diane Tiegs, 6543 108<sup>th</sup> Ave SE, Clear Lake, Mn were present.

Ms. Teigs said there are some wetlands on the property, and they wanted to make sure not to disturb them.

Glines said the applicants contacted him in January or February and he noticed the wetlands on the property so needed to wait until spring thaw to make sure the wetlands would not be impacted. They will be 25' from the edge of the road.

Waytashek said the property had a storage container on it and it has been removed. The storage container can't be brought back onto the property.

Johnson asked if the shed would be removed.

Mr. Tjostelson said it would be removed.

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

Demeules motioned and Ponting seconded the motion to approve the 64' variance in setback from the centerline of 108<sup>th</sup> Ave for a personal storage structure with the following conditions and "Findings of Fact":

**Conditions:**

1. Must obtain a building permit and pay the associated fees prior to starting work on this project.
2. The existing shed is required to be removed before a building permit is issued. Shed cannot be burned or buried on site.
3. Must install gutters on the building to control runoff.
4. Applicant must install erosion control near wetland prior to construction.
5. The lowest floor elevation must be at or above the Regulatory Floodplain Elevation of 970. A certificate of elevation may be required to ensure the structure meets elevation.
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 will not change the use of the land.
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 ( ) With the wetlands and the road it limits the placement of the shed. Hence the need for the variance.
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 pretty much the only useful use of the property.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owner(s) under the current Ordinance or State Law. Yes (X) No ( ) This is just a lot across the road from their property that has minimal amount of buildable area.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) Because of the wetland we don't want to get too close.
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 are other structures similar to this in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) There will not be any need for a septic on that property.
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 applicant actually is making sure to have a 25' apron for 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 (X) No ( ) That will not be an issue. It will not be very high.
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's no other residence on that side of the road.
11. Economic considerations or circumstances shall not be considered so long as a reasonable use of the property exists under the terms of the Ordinance. Yes (X) No ( ) The applicant is not doing this to save money. He just wants a storage shed.

All in favor. Motion to approve passed.

**6:52 P.M.** Nelson motioned and Demeules seconded the motion to adjourn. Motion carried. Meeting adjourned.

Submitted by:  
Kelly Mittelstaedt

