

**SHERBURNE COUNTY  
BOARD OF ADJUSTMENT  
MINUTES  
JUNE 15, 2023**

Chairperson Johnson called the meeting to order at 5:30 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  
Mitch Glines – County Planner  
Kelly Mittelstaedt – Secretary

Johnson recommended changing the minutes from the May 11, 2023 Board of Adjustment Meeting to reflect the vote for Orrock Townships variance requests did not include Adams who was the applicant. It was a 6-0 vote to approve.

Demeules made a motion to approve the minutes from the May 11, 2023 Board of Adjustment Meeting with the above changes. Shaw seconded the motion. All in favor. Motion passed.

Johnson informed everyone the meeting would be audio-recorded.

**5:32 P.M. CATHERINE A LA GOW & GARY M SIMPSON:** Requesting a 30' variance in setback from the bluff for a septic system upgrade. Required setback from the bluff is 30'. Address: 7384 32<sup>nd</sup> Ave SE, Clear Lake, Mn Legal: That pt of S 400' of N 1200' . . . (full legal on file) Sec 5, Twp 34, Rge 30 10.04 Acres Clear Lake Township Scenic River District and within the Mississippi River Scenic District.

Johnson read the variance request.

Catherine La Gow & Gary Simpson, 7384 32<sup>nd</sup> Ave SE, Clear Lake, Mn were present.

Glines explained the way the main line is coming out of the house leaves options for the tanks very limited. The old tanks will be crushed and buried, and the new tanks will go in the same location. The new drainfield will meet the bluff and river setback. The tanks will meet the river setback.

Demeules asked if the tanks would be getting any closer to the bluff than the existing tanks.

Glines said they will be going pretty much in the same location as the old ones due to the main line that comes out of the house.

Demeules asked if the existing septic system was a failed system.

Mr. Simpson said the drainfield failed.

Glines said he didn't think the Planning & Zoning Office received an official non-compliance but the drainfield isn't working. The system was installed in 1976.

Johnson said the drainfield location is actually improving.

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

Stimmler motioned and Demeules seconded the motion to approve the 30' variance in setback from the bluff 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 existing septic tank and drainfield must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
3. Must install erosion control between the new septic system and river prior to installation. Erosion control can be removed once vegetation is re-established.
4. 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. It's an upgrade of a 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 ( ) There are no circumstances over which the owners of the property have 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 ( ) The applicant is just asking to upgrade the existing 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 are no extraordinary circumstances that result from the actions of this owner.
  5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ( ) This is the minimum variance required and it will put the drainfield further away from the river.
  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. It's a residential area, it's an upgrade of the septic system most of which will be underground and unseen.
  7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ( ) That's why we are getting 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 ( ) It will not interfere with traffic what-so-ever on 32<sup>nd</sup> Ave.
  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.
  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.
  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.

**5:39 P.M.** Adams motioned and Anderson seconded the motion to adjourn. Motion carried.  
Meeting Adjourned.

Submitted by:  
Kelly Mittelstaedt