

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
JUNE 18, 2020**

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

Chairperson Johnson and vice – chair Lawrence were present at the meeting. Other members of the board were present virtually through WebEx.

Roll call was taken.

Members present:

Roger Johnson – Chairperson

Bryan Lawrence

Roger Nelson

Lynda Ponting

Bud Stimmler

Steve Demeules

Staff Present:

Nancy Riddle – Planning & Zoning Administrator

Lynn Waytashek – Assistant Planning & Zoning Administrator

Mitch Glines – County Planner

Kelly Mittelstaedt – Secretary

Demeules made a motion to approve the minutes from the May 14, 2020 Board of Adjustment Meeting. Nelson seconded the motion. All in favor. Motion passed.

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

6:03 P.M. TRAVELERS COUNTRY CLUB OF CLEAR LAKE: Requesting a 75’ variance in setback from the OHWL of unnamed lake #71-122 for a septic system. Required setback from a natural environment lake is 150’. Address: 8520 85th Ave SE, Clear Lake, Mn Legal: W ½ of SW ¼ Sec 8, Twp 34, Rge 29 81.18 Acres Agricultural District and within the Natural Environment Lakeshore District of unnamed lake #71-122.

Johnson read the variance request.

Tim Haeg, Watab Inc, was at the meeting to represent Travelers Country Club.

Mr. Haeg said the septic system will service 19 units and will be further from the lake than the current system. He has done his best to get the system as far away from the water as possible.

Stimmler said Clear Lake Township was in favor of the septic system.

Ponting asked where the current system was located.

Mr. Haeg explained where the current septic system was located according to the drawings the board members had in their packet.

Lawrence asked how much further the new system would be from the water than the existing system.

Mr. Haeg said the existing tank is 12' closer to the lake. The drainfield is deeper than they can probe so not sure where the end of the drainfield is. He thinks the existing drainfield extends toward the lake 20-30' closer than the new drainfield will.

Lawrence asked how many septic systems were on the site.

Mr. Haeg said he thought there were 4 but he does not have a long history with the site so he wasn't sure.

Johnson asked if the 19 units were connecting to the existing system.

Mr. Haeg said all the units are existing and there will not be any new or additional hook ups.

Johnson asked if anyone in the audience had any comments or questions.

Glines said he did receive an email from someone that just wanted clarification on what type of septic system was being installed.

Johnson closed the public hearing.

Stimmler motioned and Ponting seconded the motion to approve the 75' variance in setback from the OHWL of unnamed lake #71-122 for a septic system 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 system 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 ()
Granting the variance will not be in conflict.
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 other circumstances over which the owner has no 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 () It would deprive the applicant of rights commonly enjoyed by other properties in the same district.
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 does not result from their actions.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance is the minimum variance that would alleviate the difficulty.
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 the character of the locality.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () This is the actual upgrade of the sewage treatment 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 flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () It will not result in adverse effects of the highway or 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 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 or views or privacy of neighbors.
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 () Reasonable use of the property under terms of the Ordinance.

All in favor. Motion to approve passed.

6:17 P.M. Johnson adjourned the meeting.

Submitted by:
Kelly Mittelstaedt, Secretary