

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
JULY 9, 2020**

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

Roll call was taken.

Members Present:

Roger Johnson – Chairperson

Bryan Lawrence

Roger Nelson

Lynda Ponting

Bud Stimmler

Steve Demeules

Staff Present:

Lynn Waytashek – Assistant Planning & Zoning Administrator

Mitch Glines – County Planner

Addison March – County Planner

Kelly Mittelstaedt – Secretary

Nelson made a motion to approve the minutes from the June 18, 2020 Board of Adjustment Meeting. Demeules seconded the motion. All in favor. Motion passed.

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

Johnson informed everyone the meeting would be audio recorded.

6:02 P.M. DAVID REETZ: Requesting a 50' variance in setback from the OHWL of Long Lake for a septic system upgrade. Required setback from a Recreational Development Lake is 100'. Address: 7612 38th Ave SE, Clear Lake, Mn Legal: Imholtes Lake Shore Acres Outlot B Sec 4, Twp 34, Rge 30 1.6 Acres Clear Lake Township Agricultural District and within the Recreational Development Lakeshore District of Long Lake.

Johnson read the variance request.

David Reetz, 7612 38th Ave SE, Clear Lake, Mn was present.

Mr. Reetz explained he is looking to bring his septic into compliance. The system he has now was partially redone in 1998 they did not do the lift station portion. The tank does have a cement bottom. Busse Septic did the design for him and will do the install if the variance is granted. By installing the new 1500-gallon tank it will take care of the lift station issue all together.

Demeules asked if the new tank location would be close to the old tank location.

Mr. Reetz said the existing tank will be crushed and the new tank will be almost on top of it.

Glines said the applicant is looking to replace a round tank with a new square pump tank. The new tank will be a 2-compartment tank.

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 50' variance in setback from the OHWL of Long Lake 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 with 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.
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 of the relevant Ordinance have had no control. Yes (X) No () Circumstances apply to the property which the owners of the property had no control over.
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 literal interpretation 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 () Circumstances do not result from the actions of the current or previous owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance requested is the minimum variance which would alleviate the practical 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 () This will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () This will result in adequate sewage treatment.
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 () Granting the variance will not result in the parking or loading of vehicles on public streets.
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 the 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 variance will not increase 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 and circumstances shall not be considered so long as a reasonable use of the property exists.

All in favor. Motion to approve passed.

Lawrence arrived at the meeting at 6:11 P.M. and did not vote on the above hearing.

6:12 P.M. JACQUELINE ANDERSON: Requesting a 25' variance in setback from the OHWL of Elk Lake for a septic system upgrade. Required setback from a General Development Lake is 75'. Address: 7210 107th Ave SE, Clear Lake, Mn Legal: Elk Ridge Lot 7 Sec 3, Twp 34, Rge 29 .31 Acres Clear Lake Township Agricultural District and within the General Development Lakeshore District of Big Elk Lake and Unnamed Lake #71-119.

Johnson read the variance request.

Jacki Anderson, 7210 107th Ave SE, Clear Lake, was present.

Ms. Anderson said she needed to replace her drainfield. She needs to pump the tank every 25 days for the last several months. She did have a design done and the cost to install that system would have been \$40,000. She has since had another design done and Gary Meyer is working on that design for her.

Glines explained the design that was submitted for the variance is a type 4 system with a pre-treatment. The applicant then decided to get another septic design, but the variance had already been published. If the variance is approved the newly designed system would be to follow those setbacks.

Waytashek said the board could act on the variance or table it until the new septic design is completed.

Johnson said the applicant told him she was going to get letters from the neighbors on the property line locations.

Ms. Anderson said she has the papers with her, and they will be notarized on Saturday. Her neighbors live in the cities, so it has been hard getting everyone together.

Glines said she has the county lot line agreement form.

Johnson asked when Gary Meyer was going to have the septic design done.

Ms. Anderson said he wants to meet with the neighbors to stake the property lines and the drainfield area and then he will finish the design.

Stimmler asked if she would need to go back to the Clear Lake Township Board with the new septic design.

Glines said the design could go from a type 4 system to a type 3 system.

Johnson said staff would still need to approve the septic system design.

The board decided they would be comfortable going forward with the septic variance.

Glines said he will communicate with the township on the design changes.

Ms. Anderson said she still needs to get bids on the septic install.

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

Stimmler motioned and Lawrence seconded the motion to approve the 25' variance in setback from the OHWL of Elk Lake 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. If a Type IV septic is installed, than an operating permit is required with a renewal after five (5) years and renewed every year after as required by County Ordinance.
3. Lot line agreements with the neighbors or a survey will be required as the proposed septic system is closer than 20' to the side lot lines.
4. The existing tank will need to be pumped, inspected and certified prior to installing the new system. If the existing tank fails the compliance, it must be upgraded with the new system.

5. Proposed septic system must meet 7080.2270 (Floodplain areas) requirements.
6. The portion of the existing septic not being reused must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
7. The variance is only valid if septic permit has been obtained from the County, by the applicant within one (1) year of approval.
8. Staff needs to approve the septic design before install.

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 with 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 or property since enactment of the relevant Ordinance have had no control. Yes (X) No ()
Circumstances apply to the property over which the owners of the property since the enactment of the ordinance have had 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 ()
This 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 ()
The exceptional circumstances do not result from the actions of the current or previous owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No ()
The variance requested is the minimum variance which would alleviate the practical 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 ()
This will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ()
This will provide the adequate sewage treatment.
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 ()
Granting the variance will not result in parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic.
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 the 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 variance will not increase loss of sunlight, views or privacy of neighboring property.

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 so long as a reasonable use of the property exists.

All in favor. Motion to approve passed.

6:27 P.M. JEFF WAYTASHEK: (Property Owner: Sherwood West LLC)
Requesting a variance to Section 7 – (Agricultural District) Subdivision 6.3 – (Dimensional Regulations) – Requesting a 40’ variance from side property line. Required setback from the side property line is 100’. Legal: Sherwood West Plat Three Lot 1, Block 1 Sec 33, Twp 35, Rge 30 1.11 Acres Haven Township Agricultural District and within the Recreational Development Lakeshore District of Long Lake.

Johnson read the variance request.

Jeff Waytashek was present.

Mr. Waytashek is purchasing the property. The setback changed from 50’ to 100’ and now his proposed house will not fit on the property.

Steve Ayers, 19808 Dawson Lane, Farmington, Mn was present.

Mr. Ayers is the manager of Sherwood West, LLC which is the owner of the property. The property was originally platted in 1987. At the time 1-acre parcels were permitted. His father died in 2016 and had hung onto the properties. The children have been gradually selling the lots. There were 10 lots available and this is the last lot to sell. The purchase agreement was signed in February. The setback from Agricultural land at that time was 50’. In March the ordinance changed, and the setback changed. The owners of the Agricultural land approve of the variance request. The Agricultural land is not used for growing it’s used for conservation.

Glines explained the ordinance did change.

Ponting asked if there was any verbiage to grandfather any lots.

Glines said the key verbiage that went away was “if platted after April of 1996”.

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

Ponting motioned and Lawrence seconded the motion to approve the variance to Section 7 – (Agricultural District) Subdivision 6.3 – (Dimensional Regulations) – 40’ variance from side property line with the following conditions and “Findings of Fact”:

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. Must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
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 be in conflict with 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 or property since enactment of the relevant Ordinance have had no control. Yes (X) No () This definitely has unique circumstances being platted in 1987.
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 literal interpretation of the provisions of this ordinance would deprive the rights commonly enjoyed by others 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 ()
Exceptional or extraordinary circumstances that do not result in actions by the current owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance requested is the minimum variance which 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 ()
The variance will not alter the essential character of the locality and there is no significant effect on surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ()
There will be an adequate and approved 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 ()
There will be no additional parking and this is a residential 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 (X) No ()
It will not be a greater height or lesser shoreline setback.
10. The variance will not increase the 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 variance will not increase the loss of sunlight or views of other properties. These lots are large enough.
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 ()
There is no economic considerations that shall not be considered so as long as the reasonable use of the property is residential.

All in favor. Motion to approve passed.

6:44 P.M. ANDREW STOWE & JANET COUGHLIN - STOWE: Requesting a 78.9' variance in lot width for a new home. Required lot width on a Recreational Development Lake is 150'. Address: 5206 100th Ave SE, Clear Lake, Mn Legal: That pt of Govt Lot 2 as des as follows: Com at NE cor of NW ¼ . . . (full legal on file) Sec 28, Twp 35, Rge 29 .65 Acres Palmer Township Agricultural District and within the Recreational Development Lakeshore District of Briggs Lake.

ANDREW STOWE & JANET COUGHLIN - STOWE: Requesting a 4' variance in setback from the centerline of 52nd Street SE for a house and garage. Required setback from the centerline is 100'. Address: 5206 100th Ave SE, Clear Lake, Mn Legal: That pt of Govt Lot 2 as des as follows: Com at NE cor of NW ¼ . . . (full legal on file) Sec 28, Twp 35, Rge 29 .65 Acres Palmer Township Agricultural District and within the Recreational Development Lakeshore District of Briggs Lake.

Johnson read the variance requests.

Andrew Stowe, 5206 100th Ave SE, Clear Lake, Mn was present.

Mr. Stowe explained him and his wife, Janet, want to have a retirement home that will be handicapped accessible. The current house was built in the 1940's and has very steep steps. It would be difficult to renovate the house to be handicapped accessible. They would like to build something with no steps on the main level. The current house is 36' wide and they would keep the new house 36' wide too. The house will actually be further back from the lake than the current house is.

March said the current house is 1,008 sq ft with a 576 sq ft garage. The new house will be 1,872 sq ft with a 1,584 sq ft attached garage.

Demeules said the township wanted to see a run-off mitigation plan which is one of the conditions. They don't want the shoreline disturbed because it's established.

Mr. Stowe said there is a shed that will be taken down.

Demeules said the applicant worked with the township on right of way they wanted.

Johnson thought the house could be moved back about 10' from the lake. He thought it would help with run-off.

Mr. Stowe said it was already being moved back from the lake further than the existing house.

Lawrence said that would affect the road setback variance then.

March said that as part of the shoreland alteration permit the applicant will need to replace trees that are at least 6' tall.

Waytashek said the trees need to be planted by June 1, 2021.

March said that Stowe submitted a plan that the board has in their packet. He will be doing french drains. In addition, Mr. Stowe and his neighbor, Mr. Byron, will be doing either a joint vegetative swale or a dry creek bed. Those were the options that came out of the meeting with the SWCD. Staff would like them to decide which one they will be doing – either the swale or the creek bed.

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

Chris Byron, 5161 99th Ave SE, Clear Lake, Mn explained they met with Dan from the SWCD. The dry creek bed or the swales would be to mitigate rainwater that runs down the lots from the road and ends up in the lake. It's not necessarily to help with the runoff from the buildings, the french drains will take care of that, it's to help with runoff from the roads.

Johnson closed the public hearing.

Demeules motioned and Lawrence seconded the motion to approve the 78.9' variance in lot width for a new home with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. Must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
3. The 160 sq ft storage shed must be removed from the property prior to a building permit being issued from the Zoning Department.
4. The applicant must apply for and obtain a Shoreland Alteration Permit prior to any building permits being issued.
5. The applicant must install proper erosion control around the perimeter of project prior to any construction activity to minimize construction run-off. Erosion control must remain in place until vegetation is re-established.
6. The existing septic tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
7. No additional impervious surface may be added to the property in the future without first removing existing impervious surface so that the property does not exceed the 25% impervious surface limitation.
8. Must implement Drainage Plan (Packet Attachment E) including gutters along the roofline with downspouts that will empty into french drains and install either A) a vegetative swale or B) a dry creek bed by June 1, 2021.
9. The 11 trees that were removed for construction must be replaced prior to a shoreland alteration permit being finalized or by June 1, 2021.
10. 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 does 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 or property since enactment of the relevant Ordinance have had no control. Yes (X) No () This was a very narrow lot size and it doesn't bode well for construction.
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 () With the current condition it would not allow for any type of improvements.
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 lot size was established before any building was put on the property.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The house actually isn't getting any closer to the lake and the lot size of 150' wide is the minimum.
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 is similar houses in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () He believes there will be a septic upgrade.
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 () There will still be adequate parking in the area.
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 the 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 follows the regulations and it will not affect the 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 () They are not doing it to save money.

All in favor. Motion to approve passed.

Demeules motioned and Stimmler seconded the motion to approve the 4' variance in setback from the centerline of 52nd Street SE for a house and garage with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. Must obtain a septic permit and pay the associated fees to Zoning prior to septic install.
3. The 160 sq ft storage shed must be removed from the property prior to a building permit being issued from the Zoning Department.
4. The applicant must apply for and obtain a Shoreland Alteration Permit prior to any building permits being issued.
5. The applicant must install proper erosion control around the perimeter of project prior to any construction activity to minimize construction run-off. Erosion control must remain in place until vegetation is re-established.
6. The existing tank must be abandoned per Minnesota Pollution Control Agency (MPCA) regulations and the required septic abandonment form submitted to Zoning.
7. No additional impervious surface may be added to the property in the future without first removing existing impervious surface so that the property does not exceed the 25% impervious surface limitation.
8. Must implement Drainage Plan (Packet Attachment E) including gutters along the roofline with downspouts that will empty into french drains and install either A) a vegetative swale or B) a dry creek bed by June 1, 2021.
9. The 11 trees that were removed for construction must be replaced prior to a shoreland alteration permit being finalized or by June 1, 2021.
10. 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 does 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 or property since enactment of the relevant Ordinance have had no control. Yes (X) No () This was a very narrow lot size and it doesn't bode well for construction.
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 () With the current condition it would not allow for any type of improvements.
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 lot size was established before any building was put on the property.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The house isn't actually getting any closer to the lake and the lot size of 150' wide is the minimum.
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 is similar houses in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () He believes there will be a septic upgrade.

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 () There will still be adequate parking in the area.
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 the 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 follows the regulations and it will not affect the 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 () They are not doing it to save money.

All in favor. Motion to approve passed.

7:02 P.M. CHRIS BYRON: Requesting an 86' variance in lot width for a new home. Required lot width on a Recreational Development Lake is 150'. Address: 5161 99th Ave SE, Clear Lake, Mn Legal: That pt of Govt Lot 2 Des as Follows: Comm at the NE Cor of NW ¼ of SE ¼ . . . (full legal on file) Sec 28, Twp 35, Rge 29 .63 Acres Palmer Township Agricultural District and within the Recreational Development Lakeshore District of Briggs Lake.

Johnson read the variance request.

Chris Byron, 5161 99th Ave SE, Clear Lake, Mn was present.

Mr. Byron said he and his wife have owned the property for 16 years and they want to replace the current cabin with their retirement home. He would like to put in a driveway to fit in with the neighborhood. He would have no problem moving the cabin back.

March said the existing home is 785 sq ft and they would like to replace it with a 1,344 sq ft home. It will have a walkout style basement. He is currently lining up the home with the Stowe proposed house.

Mr. Byron said currently the house is about 70' to 72' from the lake. They will line up with the neighbors and be 60' from the lake with the new proposed house.

Demeules would like to see the house moved back to the original setback from the lake.

Mr. Byron did not have a problem with that. He agreed to move the house 12' from what is being proposed.

Johnson asked if the existing garage was staying.

Mr. Byron said it was staying.

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 86' variance in lot width for a new home with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a building permit must be obtained from the County.
2. The applicant must apply for and obtain a Shoreland Alteration Permit prior to any building permits being issued.
3. The applicant must install proper erosion control around the perimeter of project prior to any construction activity to minimize construction run-off. Erosion control must remain in place until vegetation is re-established.
4. Must install gutters that shed water away from the lake and either A) a vegetative swale or B) a dry creek bed (Packet Attachment D) by June 1, 2021.
5. The 7 trees that were removed for construction must be replaced prior to a shoreland alteration permit being finalized or by June 1, 2021.
6. The variance is only valid if acted upon by the applicant with one (1) year of approval.
7. Revised drawings will need to be submitted for the building permit showing the house moved back an additional 12' from what is currently shown on the drawing.

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 or property since enactment of the relevant Ordinance have had no control. Yes (X) No () Platted years ago and extremely small lots.
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 () Current ordinance would not allow for any improvements on 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 () All the platting was done before anyone built on them.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It is not coming any closer to the lake than the current 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 are similar houses in the neighborhood.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Adequate septic is in use.
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 () There is adequate parking for the 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 (X) No () It is not getting closer to the lake and is setback further than the other houses.
10. The variance will not increase the 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 () Will not affect the 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 () Because all of the above.

All in favor. Motion to approve passed.

7:15 P.M. ERIC FALK & MELISSA PEDERSEN: Requesting a 75' variance in setback from the OHWL of Briggs Lake for an addition on existing house. Required setback from a Recreational Development Lake is 100'. Address: 10494 55th St SE, Clear Lake, Mn Legal: All that part of Govt Lot 6 Desc as follows . . . (full legal on file) Sec 27, Twp 35, Rge 29 2.24 Acres Palmer Township Agricultural District and within the Recreational Development Lakeshore District of Briggs Lake.

Eric Falk, 10494 55th St SE, Clear Lake, Mn was present.

Mr. Falk said they would like to build an addition on the back of the house. They would get bigger bathrooms, a laundry room and bigger kitchen.

March said the current house is 1,477 sq ft and the addition will be 814 sq ft for a total of 2,291 sq ft. Staff has received confirmation from a licensed septic person that the septic is sized to accommodate the proposed addition.

Demeules said the bank on the property is steep and the applicant will not be disturbing the bank.

Mr. Falk said they like the natural look of the bank and gutters will drain toward the woods.

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

Demeules motioned and Lawrence seconded the motion to approve the 75' variance in setback from the OHWL of Briggs 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 from the County.
2. The applicant must apply for and obtain a Shoreland Alteration Permit prior to any building permits being issued.

3. The applicant must install proper erosion control around the perimeter of project prior to any construction activity to minimize construction run-off. Erosion control must remain in place until vegetation is re-established.
4. No disturbance of the lakeshore or hillside shall take place with the proposed addition.
5. 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 or property since enactment of the relevant Ordinance have had no control. Yes (X) No () With the size of the lot the house was built too close to the lake to begin with.
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 () With the position of the house there would not be any ability to make improvements.
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 there quite a while before these people.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It will be built on the back side of 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 are numerous similar houses in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No ()
The current system is adequate.
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 () There is adequate off-road 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 ()
It will be on the back side of the house and it's the furthest away from the lake.
10. The variance will not increase the 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 () No height issue and there is plenty of room and will not affect the 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 () With all the above reasons.

All in favor. Motion to approve passed.

7:20 P.M. RONALD & MICHELLE HALL: (Property Owner: Carefree Country Club) Requesting a 94' variance in setback from the OHWL of Fredrickson Slough to remove existing park model addition and build a new addition on Lot - #727. Required setback from Fredrickson Slough is 150'. Address: 12311 185th Ave SE, Big Lake, Mn Legal: S ½ of NE ¼; SE ¼ of NW ¼ . . . (full legal on file) Sec 36, Twp 34, Rge 28 328.85 Acres Becker Township Zoned by Becker Township and within the Forested River District of Snake River and Natural Environment Lakeshore District of Fredrickson Slough.

Johnson read the variance request.

Ron and Shelly Hall, 727 Park Place, Carefree Country Club, Big Lake were present.

Mr. & Mrs. Hall explained they would like to remove the existing addition because it's in bad shape. No foundation for the addition - it will be floating.

Johnson said everything is going away from the slough.

Demeules asked if the place was seasonal.

Mr. Hall said it was.

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 94' variance in setback from the OHWL of Fredrickson Slough to remove existing park model addition and build a new addition with the following conditions and "Findings of Fact":

Conditions:

1. The applicant must apply for and obtain a Land Use Permit.
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 plan of Carefree Country Club.
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 of the relevant Ordinance have had no control. Yes (X) No ()
Circumstances apply to this property over which the owners of the property have 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 ()
The literal interpretations of the provisions of the ordinance 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 ()
The exceptional circumstances do not result from the actions of the current or previous owners.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () The variance requested is the minimum variance which 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 essential character of the locality and no significant effect on surrounding properties.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () Adequate sewage treatment system is provided to this 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 flow of traffic of the streets because the driveway is inadequate length or width. Yes (X) No () Granting the variance will result in parking or loading of vehicles on public streets as to interfere with the free flow of traffic.
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 the 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 variance will not increase loss of sunlight, views or privacy of 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 so long as a reasonable use of the property exists.

All in favor. Motion to approve passed.

7:28 P.M. Nelson motioned to adjourn the meeting. Demeules seconded the motion. All in favor. Meeting adjourned.

Submitted by:
Kelly Mittelstaedt, Secretary

