

**SHERBURNE COUNTY
BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 9, 2021**

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

Roll call was taken.

Members Present:

Roger Johnson – Chairperson
Steve Demeules
Roger Nelson
Lynda Ponting
Bud Stimmler
David Anderson

Staff Present:

Lynn Waytashek – Interim Planning & Zoning Administrator
Addison March – County Planner
Kelly Mittelstaedt – Secretary

Nelson made a motion to approve the minutes from the August 12, 2021 Board of Adjustment Meeting with a change to add the motion making and second for the Dolores Hennem request. 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.

6:01 P.M. CURTIS & JANET PROEHL: (Property Owner: Carefree Country Club) Requesting a 25' variance in setback from the OHWL of Fredrickson Slough for a deck & steps on front on Lot - #750. Required setback from the OHWL 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.

Curtis & Janet Proehl, owners of Lot #750, were present.

Mr. Proehl explained they are looking to get a variance for a deck and steps in front of a park model. The park model is 4 ½ feet off the ground. The lot is very small. They have trees on the lot, so they don't have much room to work with. They did get a variance for the existing Minnesota Room. The requested steps would be used to enter the Minnesota Room.

March explained currently on the property there is a 470 sq ft park model. The deck will extend beyond the existing Minnesota Room. Fredrickson Slough is across the road from the park model.

Ponting asked if the existing stairs on the retaining wall will continue to be used.

Mrs. Proehl said they would be building over those stairs.

Mr. Proehl said the deck will be the same height as the Minnesota Room. The deck is 8'x8' and it's behind the trees. The deck will be built over part of the retaining wall. The park closes October 15th, so their furniture is currently being stored.

Johnson said they could shorten the Minnesota Room by 8' and then would only need the variance for the stairs.

Mr. Proehl said the Minnesota Room is small to begin with.

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

Johnson asked if the deck was freestanding could it be considered a water oriented accessory structure.

Waytashek said since the property is owned by the community and then divided up into lots there could not be a water oriented accessory structure because the lots are not owned individually.

March said this property is in Becker Township and did receive approval from them.

Stimmler motioned and Ponting seconded the motion to approve the 25' variance in setback from the OHWL of Fredrickson Slough for a deck & steps with the following conditions and "Findings of Fact":

Conditions:

1. Prior to construction, a land use permit must be obtained from the County, and a building permit obtained from Becker Township.
2. The variance is only valid if a 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 ()
They are just adding steps to the Minnesota Room.
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 () It did not result from circumstances on the owner's control. It's a small lot and that's why they need a 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 () It would deprive the applicant of rights commonly enjoyed.
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 any extraordinary circumstances 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.
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 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 () The sewage treatment is provided by Carefree.
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 variance will not result in parking or loading of vehicles on any 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 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 () 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 ()
Circumstances shall not be considered. They are just building on to an existing house.

All in favor. Motion to approve passed.

Mr. Proehl thanked the board for approving the request. He stated the shoreline across the road is nothing but a slough. His neighbors have been there for 12 years and have never seen water in the area.

Johnson informed everyone the meeting would be audio-recorded for clarity of the minutes.

6:15 P.M. MIES PROPERTIES, LLC: Requesting a 5' variance in setback from the centerline of 32nd St SE for an addition on existing building. Required setback from the centerline is 130'. Address: 3653 32nd St SE, St Cloud, Mn Legal: That pt of NW ¼ of SW ¼ which lies . . . (full legal on file) Sec 16, Twp 35, Rge 30 8.96 Acres Haven Township Commercial District.

Johnson read the variance request.

Gary Verkinnes, Cornerstone Construction, was present to explain the variance request.

Mr. Verkinnes said the applicants are looking to put an 80'x200' sq ft addition on the east side of the building. The area in question is the north corner of the addition. The centerline of the road was moved at some point. The addition will not protrude past the existing building.

March explained staff did receive comments from the Public Works Department and Mn Dot and neither had any concerns about the proposed addition.

Demeules asked what the addition will be used for.

Mr. Verkinnes said the addition will be used to put together product when it comes in. They are now doing watercraft and pontoons.

Demeules asked about the proposed floor drains.

Mr. Verkinnes said they would go into an inflammable waste trap which they need to do for the State of Minnesota. It will then go into a tank. Approval for this comes from the State of Minnesota.

Ponting asked where the storm water on the property currently goes.

Mr. Verkinnes said currently it stays on site and goes to the east/back part of the lot. They would like to construct a holding pond in the southwest corner of the lot.

Ponting asked if the area has been delineated to show it's not a wetland. Stormwater cannot go in a wetland.

Mr. Verkinnes said they would make sure it's not a wetland. Even with the addition there would be plenty of room for where the water sits now.

Johnson asked if staff knew if there were any wetlands on the property.

Waytashek did not believe there were wetlands on the property.

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

The board discussed stormwater recommendations for the property.

Demeules motioned and Stimmler seconded the motion to approve the 5' variance in setback from the centerline of 32nd St SE for an 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 variance is only valid if a permit has been obtained from the County by the applicant within one (1) year of approval.
3. Encourage stormwater management on the site. Not affecting the building permit.

Findings of Fact:

1. Granting the variance will not be in conflict with the comprehensive plan. Yes (X) No ()
It's zoned for commercial and that's what it will stay.
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 actually not going any closer than the existing building, but the setbacks are being confined.
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 lets the property owners square off that side of the property without having to reduce the setback.

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 addition to an existing building.
5. The variance requested is the minimum variance which would alleviate the practical difficulty. Yes (X) No () It wouldn't make sense to make it any less.
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 zoned commercial and that's what it's being used for.
7. Adequate sewage treatment systems can be provided if the variance is granted. Yes (X) No () That is not an issue.
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 is a retail facility, and it has more than adequate 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 () 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 () This is setback from all other properties in the area.
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 addition will be a reasonable use of the property.

All in favor. Motion to approve passed.

6:26 P.M. Ponting motioned and Nelson seconded the motion to adjourn. Motion carried. Meeting adjourned.

Submitted by:
Kelly Mittelstaedt

