

Morrison County Board of Adjustment
Morrison County Government Center Board Room

Minutes

May 2, 2023

Members Present: Dave Stish, Clint Kathrein, John Kunelius, Brent Lindgren and Marvin Trettel

Members Absent: None

Ex-Officio Members Present: Amy Kowalzek, Shannon Wettstein and Sharon Peterson

Ex-Officio Members Absent: Robert Wall

County Commissioners: Mike LeMieur and Bobby Kasper

County Commissioners Absent: Greg Blaine, Randy Winscher and Jeff Jelinski

Other Members: Matt LeBlanc and Brain Middendorf

Chairperson Dave Stish called the meeting to order at 9:12 p.m.

Pledge of Allegiance

Chairperson Dave Stish read the opening statement.

1. Kevin & Felicia Busch – 3945 320th St; Cushing, MN 56443 - Application for a Variance to construct a cabin within the bluff impact zone; located in pt of Gov Lot 1, Section 28, Township 132, Range 31, Scandia Valley Township.

Kevin & Felicia Busch were present.

Amy Kowalzek entered into record Sections 706B & E of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, two (2) surveys, rendering of proposed home, two (2) letters from Larson Engineering, letter from Katharine Leaf, letter from McMonigal Architects, five (5) aerial photos, lake view photo, twelve (12) site photos, staff report, survey zoomed in, conclusions from two (2) previous meetings, letter from MN DNR, survey showing the area within the bluff impact zone, survey, survey showing the building envelope, top of the bluff and bluff setback, DNR Sonar, aerial photo of the surrounding area and impervious surface calculation sheet. There were 164 notices sent to neighboring property owners. Two comments were received prior to the public hearing. Amy entered the finding of fact and decision questions.

Site visit: Amy Kowalzek, Dave Stish, Clint Kathrein, Brent Lindgren, Marvin Trettel and Shannon Wettstein visited the site on April 28, 2023.

A motion was made by Dave Stish to continue the meeting if it goes beyond 10:00 pm. The motion was seconded by Clint Kathrein. The vote was all in favor.

Kevin and Felicia Busch handed out and read a presentation packet.

Felicia Busch stated she was told that their lot was a conforming lot. It was stated not to build within the bluff or bluff impact zone. We should not need a variance for a setback to the side of the bluff. This will not create erosion. Removing the boathouse keeps coming up. We are not going to remove the boathouse; we need this for storage. We could get our variance if we lived in a County north of Morrison. Our building envelope should not be a reason not to give us a variance.

Audience Comment:

Shannon Wettstein – SWCD – stated she is a witness to the last two requests. I have submitted comments regarding the area on the property that will meet all setbacks. The soils on the property are suitable to drain well but are susceptible to erosion. I am part of the water plan process. It has been stated that I am not qualified to make a professional opinion. This is a steep slope all the way across the area. There is plenty of room to build meeting all setbacks. There is no hardship on this site besides the driveway. Future buildings are going to go in the spot they should place the home or go next to the home. This request has been denied in the past due to no hardship and the request is based on personal needs. It is possible that this site does not meet the needs of the applicant.

Kevin Busch showed in his presentation six sites that he visited similar to his and would like to know how they got to do what they did. Shannon Wettstein stated those sites had different criteria. There is plenty of room on this property to place the home and meet all setbacks. Most people don't have the room for a new site. It appears the applicant is viewing this through a very small lens.

Dave Stish stated he has been on this site three times now. There are other sites that are not kept as they should be or built the best. This is next to a steep slope and the proposed deck is right on the edge of the slope. The concern for the neighbor is not that great if you would build closer to them before cutting down any trees. There is a huge building envelope. Building at 125 from the lake will still give you a great view of the lake. This request is based on personal needs and design preferences.

John Kunelius asked who Dr. Faber is. Amy Kowalzek stated he is a landowner and President of the Lake Association. He teaches about erosion control. John stated an apology to the Bushes. It was stated the Board should view this property individually then the property was compared to six other properties. Which way would you like the Board to view your property? Kevin Busch stated that looking at all of the six examples not one of them damaged the bluff. The proposed foundation will help with erosion control. The foundation will stabilize the soil and not move much. Amy Kowalzek asked if there is any evidence that states if you place the structure here this is what is going to happen.

Felicia Busch stated this request will have no impact to the bluff.

Marvin Trettel stated that the site looks like it is kept in a natural state. The boathouse is a non-conforming structure. The lot is conforming. There is room to build a home and meet all setbacks. Placing a home right next to a neighbor is not a good idea. Placing a home within the bluff impact zone is also not a good idea.

Dave Stish stated this lot is a duplex lot size and could allow for a guest cabin.

The voting sheets were polled.

Kevin & Felicia Busch asked if the meeting could be tabled. Amy Kowalzek asked what the reason is to table or continue the meeting. Is there more information that needs to be gathered?

Felicia Busch stated it is late and we think the Board is operating with incorrect information. The Board needs to understand that they cannot use our building envelope as a reason to deny the variance. There should not be a setback to a side bluff.

Brian Middendorf stated it is up to the Board of Adjustment to decide if they would like to continue or table the meeting.

Dave Stish stated the Board of Adjustment has all of the information that is needed, and they are ready to vote.

A motion was made by Clint Kathrein to deny the Variance request. The motion was seconded by Dave Stish. The vote was three in favor and Brent Lindgren and John Kunelius opposed.

The public hearing was closed at 10:29 p.m.

A motion was made by Clint Kathrein to approve the April 4, 2023 minutes. The motion was seconded by Dave Stish. The vote was all in favor.

Correspondence - None

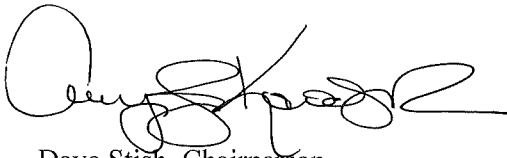
New business – None

Old business – None

A motion was made by John Kunelius to adjourn the meeting. The motion was seconded by Marvin Trettel. The vote was all in favor.

With no further business at hand, the hearing was closed at 11:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dave Stish". The signature is fluid and cursive, with a large initial "D" and "S".

Dave Stish, Chairperson
Brent Lindgren, Vice-Chairperson
John Kunelius, Secretary
Amy Kowalzek, Appointed Secretary
Morrison County Board of Adjustment