

Morrison County Board of Adjustment
Morrison County Government Center Board Room
Minutes

June 14, 2022

Dave Stish called the meeting of the Morrison County Board of Adjustment to order at 6:00 p.m.

Members Present: Dave Stish, Clint Katherine, Brent Lindgren and Marvin Trettel.

Members Absent: Dave Brutscher

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

Ex-Officio Members Absent: Robert Wall

County Commissioners: Mike LeMieur

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

Other Members:

Pledge of Allegiance

1. Matthew Faust – 33203 East Shamineau Dr; Motley, MN 56466 – After-the-Fact application for a Variance to add onto a non-conforming structure and place a septic within the setback to the lake; located in Lots 11 & 12 of Deering Bay Lots, Section 16, Township 132, Range 31, Scandia Valley Township.

Matthew Faust and Jordan Tuma were present.

Amy Kowalzek entered into record sections 301, 301.6, 706.1 and 706.3 of the Morrison County Land Use Ordinance, plat map with the parcel location, after the fact variance application, background information questions, after the fact background information questions, survey map with stormwater plan, two aerial photos, four (4) site photos, staff report, five (5) previous photos and impervious surface calculation sheet. There were 73 notices sent to neighboring property owners. There was no comment was received prior to the public hearing. Amy entered the finding of fact and decision questions and the After the Fact Variance Considerations.

Matthew Faust stated there is a current septic on the property, the new septic will be further from the lake. The original permit was to just replace the basement and add drain tile. Was not aware that I should have checked back when things changed. I thought the permit had been issued and it had not due to the septic payment and plan.

Dave Stish asked what variances are being asked for tonight. Amy Kowalzek stated it is an After the Fact variance to continue the expansion of the non-conforming home by the change in height. Also, a variance to place a septic within the setback to the lake. We did have a two-year ordinance for Shamineau and Crookneck lake to allow people to raise their cabins without variances. This project was completed by raising the cabin and adding fill. We could not apply this ordinance to this project. A suggestion was made to the applicant to shoot the elevations of the structure for floodplain concerns. If the permit is granted, then we will work with the applicant to complete other floodplain requirements.

Dave Stish stated that the 15' of fill that will go around the home will be about 12.5' into the shore impact zone.

Clint Kathrein asked where the existing septic is now. Matthew Faust stated close to the wetland. The new one will be moved to 40' from the wetland.

Dave Stish stated Dave Stish, Marvin Trettel, Brent Lindgren, and Amy Kowalzek viewed the property on June 10, 2022. Clint Kathrein viewed the property on June 4, 2022.

Dave Stish stated there is 100% impervious surface on the property now. The structure was moved back 20' and if it was in front of us before we would have probably made you move it back to 50' from the lake.

Matthew Faust stated there is a very small building envelope on the property.

Audience Comment:

Shannon Wettstein – SWCD – stated her office has been on site and reviewed the property at different times. Neighboring property is the applicant's parents. Lake on one side and wetland on the other two sides. There was an after the fact fill of wetland on the back of the lot. They were allowed to keep the fill since they were under their allowed amount. There was talk about more grading and filling at the DRT meeting. The front of the cabin is no longer vegetated.

Dave Stish stated that the applicant has shown that the water could be directed away from the home and away from the lake. Shannon Wettstein stated there is a way to make sure the water does get directed away from the lake.

Clint Kathrein asked what the end result of the property going to be. Matthew Faust stated the driveway will stay. We will plant a native buffer, trees and grass. Around the house will possibly have about 2' of rock. There is a crown that helps keep the water from going straight to the lake.

Brent Lindgren was not present for this application.

The voting sheets were polled.

A motion was made by Marvin Trettel to approve the Variance request with conditions. The motion was seconded by Clint Kathrein. The vote was all in favor.

The Board decided there was not needed to complete the After the Fact questions.

2. Shamineau Properties II LLC/Matthew Brown & Chris Porisch – Application for a Variance to construct a dwelling within the bluff impact zone; located in pt of Gov. Lot 7, Section 9, Township 132, Range 31, Scandia Valley Township.

Matt Brown and Chris Porisch (proposed buyers) were present.

Amy Kowalzek entered into record sections 706.1 B and 706.1 E of the Morrison County Land Use Ordinance, plat map with the parcel location, variance application, background information questions, site plan, site plan with building in Semicircle and site plan with building outside of the Semicircle, site plan with road to building envelope, three (3) site photos, rendering of the proposed structure, two (2) aerial photos, six (6) lake view photos, six (6) site photos, staff report, certificate of survey, site plan of proposed land split and site plan with building envelope. There were 46 notices sent to neighboring property owners. There was one comment received prior to the public hearing. Amy entered the finding of fact and decision questions.

Dave Stish stated Dave Stish, Marvin Trettel, Brent Lindgren, and Amy Kowalzek viewed the property on June 10, 2022. Clint Kathrein viewed the property on June 4, 2022.

Matt Brown stated they want to purchase the property. We believe this is the most stable place to add the cabin.

Clint Kathrein asked about bluffs. Amy Kowalzek stated that there are certain criteria to reach the level of a bluff and they are only in shoreland properties. Bluffs are very unique land features. When it does not drain toward the water it will not be considered part of a bluff. The proposed structure is proposed to be within the bluff impact zone.

Marvin Trettel stated the cabin could be moved back to be further from the lake. Matt Brown stated they have not looked into this idea due to the slope and the road. We are here to protect the lake and also want to protect the structure. Marvin asked what the distance from the cabin to the lake is. Amy Kowalzek stated that distance is not on the survey. Amy measured on the aerial to get approximately 230' from the lake.

Matt Brown stated they are trying to keep the lot size very minimal and leave the rest of the property natural.

Clint Kathrein stated that no matter where the structure is the runoff is going to stay the same. If they place it within the bluff impact zone they are actually further from the lake.

Audience Comment:

Travis Grossman – stated this is a unique bluff. There are areas for the water to go without going to the lake. If they have to build in the building envelope there is no place for the water to go but right to the lake. The goal is to protect the bluff in all aspects. There is a minimal amount of degrees that change the area to a bluff status vs not a bluff.

Shannon Wettstein – SWCD – stated she attended the DRT Meeting. The lot is 2000 plus feet deep, there is room on the property to place a second dwelling within the setback requirements. The soils are sandy in this area and can sluff during the construction times. Always been against proposals within a bluff. Once they are disturbed, they are very hard to reestablish.

Craig Marcott – purchasing the neighboring property. Where will the driveway come from? Concerned about the impact creating the driveway will have.

The voting sheets were polled.

A motion was made by Dave Stish to deny the Variance request. The motion was seconded by Clint Kathrein. The vote was all in favor.

The public hearing was closed at 8:04 p.m.

A motion was made by Dave Stish to approve the May 17, 2022 minutes. The motion was seconded by Brent Lindgren. The vote was all in favor.

Correspondence - None

New business – Next months meeting may be a longer meeting.

Old business – None

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

With no further business at hand, the hearing was closed at 8:06 p.m.

Respectfully submitted,

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