

Morrison County Board of Adjustment
Morrison County Government Center Board Room

Minutes

September 27, 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 Kathrein, Brent Lindgren, Dave Brutscher and Marvin Trettel

Members Absent: None

Ex-Officio Members Present: Amy Kowalzek and Sharon Peterson

Ex-Officio Members Absent: Robert Wall and Shannon Wettstein

County Commissioners: Mike LeMieur

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

Other Members:

Pledge of Allegiance

1. Bob & Mary Andersen – 5223 320th St; Cushing, MN 56443 – Application for a Variance to construct a home and patio within the bluff/bluff impact zone; located in pt of Gov Lot 1, Section 26, Township 132, Range 31, Scandia Valley Township.

Bob and Mary Andersen, Patricia Mann-Dolan and Bradley Harst (contractor) were present.

Amy Kowalzek entered into record section 706, 706.1 B & E of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, survey site plan, four (4) rendering drawings of the proposal, thirteen (13) site photos, staff report, survey showing the building envelope and impervious surface calculation sheet. There were 68 notices sent to neighboring property owners. Three comments were received prior to the public hearing. Amy entered the finding of fact and decision questions.

Bob Andersen stated the home has been here for 75 years and the property has some practical difficulties. Appreciate the viewing from the Board. Our perspective is that we are here with a few inches' determination of a bluff instead of several feet.

Dave Stish stated the Board members viewed the property: Clint Kathrein on September 24, 2022, Dave Stish on September 26, 2022, Dave Brutscher on September 22, 2022 and Marvin Trettel, Brent Lindgren and Sharon Peterson on September 23, 2022.

Dave Brutscher stated he appreciates that the shoreline was left natural. Appreciate the time that was taken to work with Land Services before applying for a Variance. Bob Andersen stated he wants to keep the shoreline natural.

Dave Stish stated the retaining walls and walkways look like they need to be replaced. Bob Andersen stated that is correct. Marvin Trettel stated that at the viewing the stairs on the left would be removed at some point. Bob Andersen stated that was correct. This is not the set of stairs most people use. We plan to do something with this area at the same time as the home. Marvin asked if there was a talk with Soil & Water about a plan for what to do with the patio area. Bob stated he talked with Sharon Peterson and it was noted that the patio has to be 50' back from the lake. Marvin stated he is concerned with erosion while construction is going on. Bob stated they will plan to add silt fence.

Dave Stish asked what is allowed in the bluff. Amy Kowalzek stated from the toe to the top of the bluff is ultimately all the bluff impact zone and nothing except a stairway lift or landing would be allowed in this area. Stairs would be allowed to float over the bluff. Dave stated how far from the lake would end of the bluff impact zone be. Amy stated about 150 feet.

Brent Lindgren asked about the few inches variance. Bob Andersen stated that if this was not considered a bluff then I would not need a variance. It is only considered a bluff by a few inches to make the bluff elevation.

Clint Kathrein asked how much of an issue is it that it is only considered a bluff by a few inches. Amy Kowalzek stated that it would not matter the inches or number of feet it is still considered a bluff. This property has all the criteria that is required to be considered a bluff. There are many factors in considering the impact of building within a bluff or bluff impact. zone.

Clint Kathrein asked why not build where you are and just replace the structure. Bob Andersen stated when they purchased the property, they were told they could add up to 50% of the home square footage. Now this is not in the ordinance and cannot do this. Amy Kowalzek stated this language was taken out by State Statue. We must apply the ordinance rules that are in place at the time someone is asking.

Bob Andersen asked if he could ask for a variance and put it in the same place just add to it. Amy Kowalzek stated yes, but the request would need to be amended. Bob stated to build behind the bluff impact zone is not an option. Think it would be easier to maintain the area that we need to excavate if we can build where we are asking and keep the patio area.

Dave Stish stated it appears the patio would be out of the shore impact zone but still within the bluff and the home would be behind the 75-foot setback but still within the bluff impact zone.

Clint Kathrein asked if there would be less risk to the lake if we allow this variance than if we allow him to rebuild where his is at now.

Marvin Trettel stated this is a beautiful property. At the viewing it was mentioned that you still would want to be able to stay closer to the lake.

Audience Comment: None

The voting sheets were polled.

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

The public hearing was closed at 6:55 p.m.

A motion was made by Clint Kathrein to approve the September 13, 2022 minutes. The motion was seconded by Marvin Trettel. The vote was all in favor.

Correspondence - None

New business – None

Old business – None

A motion was made by Brent Lindgren to adjourn the meeting. The motion was seconded by Dave Stish. The vote was all in favor.

With no further business at hand, the hearing was closed at 6:55 p.m.

Respectfully submitted,

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