

Morrison County Board of Adjustment
Morrison County Government Center Board Room

Minutes

November 15, 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 and Marvin Trettel

Members Absent: Dave Brutscher

Ex-Officio Members Present: Amy Kowalzek and Sharon Peterson

Ex-Officio Members Absent: Robert Wall and Shannon Wettstein

County Commissioners: Greg Blaine

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

Other Members: Matt LeBlanc

Pledge of Allegiance

- 1. George & Beverly Kattleman – 31607 Lowry Circle; Cushing, MN 56443 – Application for a Variance to add onto a non-conforming structure; located in Lot 17 and pt of vac 66 ft, Section 28, Township 132, Range 31, Scandia Valley Township.**

This agenda item has been postponed until December 13, 2022.

- 2. Mark & Allison White – 13355 Thomas Dr; Little Falls, MN 56345 – Application for a Variance to add onto a no-conforming structure; located in Lot 9 of Highland Park Terrace, Section 18, Township 40, Range 32, Little Falls Township.**

Allison White was present.

Amy Kowalzek entered into record Sections 301, 301.6 & 706.3 of the Morrison County Land Use Control Ordinance and Section F of the Mississippi River Comprehensive Plan, plat map with the parcel location, Variance application, background information questions, site plan, two (2) aerial photos, aerial photo showing the building envelope, five (5) site photos, staff report and impervious surface calculation sheet. There were 100 notices sent to neighboring property owners. One comment was received prior to the public hearing. Amy entered the finding of fact and decision questions.

Brent Lindgren stated he visited the property today. Dave Stish stated himself, Amy Kowalzek, Marvin Trettel and Clint Kathrein viewed the property on the 10th of November.

Marvin Trettel asked why the property was purchased if it did not meet your needs. Allison White stated that at the beginning things did meet our needs but as the family dynamic changes things don't work as well as they did. Marvin asked about building across the property. Allison stated they would like to keep the safety features and only have one heater for the garage areas.

Clint Kathrein stated there is pretty good drainage for the home that goes to the road on the road side of the home but runs to the river on the river side. Possible condition to direct the water away from the road. Allison asked what the garage has to do with the water. Clint stated because you are too close to the river. We try to keep as much run off from going to the river as possible. Allison stated she would be willing to allow for this as a condition.

Marvin Trettel stated as part of the comprehensive plan it is part of our job to maintain the quality of all public waters. Allison White stated they purchased the property in this condition.

Brent Lindgren stated that the area near the road on the south side of the property is a low spot. It would take quite a bit of fill to get this area ready for a structure.

Dave Stish stated in the past this was a conforming lot. Once Mississippi Headwaters was adopted, the lot size changed and now this is a non-conforming lot and structure. Allison White stated they are proposing the structure where it is so it will not be visible from the river. Dave stated he is unable to find a practical difficulty in this application. There is a building envelope on the site. Allison stated that they are not able to put the garage on the north side of the property due to the septic system being in this area. The propose structure size is 24' x 24'.

Audience Comment:

Wendy Bunnell - Stated she lives in the house next door with the detached garage. There is no objection to this request.

Charles Parins – Little Falls Township – The Township does support the request. Below the impervious surface and there are ways to catch some of the water before it gets to the river. Not going any further than any other homes in the area. People are always having issues not having enough indoor storage. As a Township we would rather see people's things indoor than outside building up on the lawn.

Mike Wochnick – Stated he supports the request. People are asking why purchase something that does not meet your needs. It is not always easy to find homes that meets everyone's needs. There are many things that pollute the river such as vehicle waste on the bridge that goes right into the river.

Possible conditions were discussed.

The voting sheets were polled.

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

3. Daniel Amundson – 1794 West Shamineau Dr; Motley, MN 56466 – Application for a Variance to raise a non-conforming structure; located in pt of lots 10 & 11 of Hought's Outlots; Section 18, Township 132, Range 31, Scandia Valley Township.

Daniel Amundson was present.

Amy Kowalzek entered into record Sections 301, 301.6, 706 & 706.3 of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, site plan, two (2) aerial photos, seven (7) site photos, staff report, aerial photo showing the road right of way, two (2) aerial photos showing past flooding of the area, aerial photo showing map contour lines of the area, impervious surface calculation sheet and a letter from the Township regarding the application. There were 107 notices sent to neighboring property owners. No comment was received prior to the public hearing. Amy entered the finding of fact and decision questions.

Daniel Amundson stated he changed the garage height to only going up 12" instead of the previous request of going up 15". Don't want to keep having the garage damaged by the water.

Dave Stish stated there was four variances the last time the request was submitted. This request has reduced the number of variances. There is still an issued of finding a practical difficulty for the not meeting the side yard setback. Daniel Amundson stated he moved it over as far as he could without getting too close to the septic system and still have some parking area.

Brent Lindgren stated he visited the property today. Dave Stish stated himself, Amy Kowalzek, Marvin Trettel and Clint Kathrein viewed the property on the 10th of November.

Clint Kathrein stated it appears the garage to the north is not meeting the setbacks as well. Daniel Amundson stated he does not believe it does meet setbacks.

Dave Stish suggested to vote on the application on two parts, one for the height of the structure and the setback to the road right of way and the other for the structure to be within the side yard setback.

Audience Comment: None

The voting sheets were polled.

A motion was made by Marvin Trettel to approve the Variance request to raise the garage and to be within the setback to the road right of way. The motion was seconded by Dave Stish. The vote was all in favor.

A motion was made by Dave Stish to deny the Variance request to allow the structure to be within the side yard setback. The motion was seconded by Brent Lindgren. The vote was three in favor and Marvin Trettel opposed.

Dave Stish stated there will be a recess. Reconvene at 7:58 pm.

A motion was made by Clint Kathrein to re-open the variance to add conditions to the first request. Dave Stish seconded the motion. The vote was all in favor.

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

4. Brett Speer – No Property Address – Application for a Variance to allow more than three dwellings per quarter/quarter; located in pt of W ½ of SW ¼ of SE ¼; Section 02, Township 42, Range 32, Ripley Township.

Brett and Rylee Speer were present.

Amy Kowalzek entered into record Section 604.9 of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, site plan, two (2) aerial photos, three (3) site photos, staff report, aerial photo showing the number of homes within the quarter/quarter and aerial photo showing the area zoning. There were 37 notices sent to neighboring property owners. One comment was received prior to the public hearing. Amy entered the finding of fact and decision questions.

Brent Lindgren stated he visited the property today. Dave Stish stated himself, Amy Kowalzek, Marvin Trettel and Clint Kathrein viewed the property on the 10th of November.

Clint Kathrein stated that at the site visit his questions were answered.

Marvin Trettel stated this shows that you are willing to work with the neighbor on helping support agriculture land.

Dave Stish stated this was a well put together application and the request is consistent with rural residential property which this neighborhood already is.

Audience Comment:

Darvin Keehr – Ripley Township – The Township is in favor of the request. There are homes in this area anyway and one more will not hurt.

The voting sheets were polled.

A motion was made by Brent Lindgren to approve the Variance request. The motion was seconded by Marvin Trettel. The vote was all in favor.

5. Mathew & Christina Gallus – Application for a Variance to add onto a non-conforming home within the setback to a feedlot; located in pt of S ½ of SW ¼, Section 20, Township 127, Range 29, Two Rivers Township.

Mathew & Christina Gallus were present.

Amy Kowalzek entered into record Section 1208.1 of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, site plan, aerial photo of site plan, two (2) aerial photos, two (2) site photos, staff report, aerial photo showing the feedlot and neighboring feedlot, and letter from neighboring feedlot to the west in favor of the request. There were 21 notices sent to neighboring property owners. One comment was received prior to the public hearing. Amy entered the finding of fact and decision questions.

Marvin Trettel asked if the addition was due to bio-security for the feedlot. Mathew Gallus stated that is correct. Anyone that comes to the home this is the only entrance. Marvin stated he has been into the home many times and the current entry is very small. Jeff Solorz is the neighboring feedlot and when he retires are the applicants going to purchase the property. Mathew Gallus stated that is the plan.

Clint Kathrein asked about the minimum acreage of a feedlot. Amy Kowalzek stated the minimum acreage is 20 acres for a Tier I feedlot. Amy stated approving this variance would not create a variance situation for the neighboring feedlot since it is already in a variance situation on its own.

Clint Kathrein stated the home will be on the property longer than the barns. The bio-security is a major factor in feedlots.

Dave Stish stated if the request gets denied could they still build a garage. Amy Kowalzek stated they could build a detached garage that meets setbacks or an attached garage that does not further encroach into the non-conforming setback.

Amy Kowalzek stated this is a conforming Tier I feedlot. The concerns that were submitted are not requirements of this feedlot.

Brent Lindgren stated he visited the property today. Dave Stish stated himself, Amy Kowalzek, Marvin Trettel and Clint Kathrein viewed the property on the 10th of November.

Audience Comment: None

The voting sheets were polled.

A motion was made by Marvin Trettel to approve the Variance request. The motion was seconded by Brent Lindgren. The vote was all in favor.

The public hearing was closed at 8:48 p.m.

A motion was made by Dave Stish to approve the October 25, 2022 minutes. The motion was seconded by Clint Kathrein. The vote was all in favor.

Correspondence - None

New business – Kattlemans request needs to change their request to add the setback to the septic.

Old business – None

A motion was made by Clint Kathrein 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 8:50 p.m.

Respectfully submitted,

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