

GOODHUE COUNTY JUSTICE CENTER  
454 WEST SIXTH STREET RED WING MN 55066

The Goodhue County Board of Adjustment was called to order at 7:00 p.m. by Chairman Richard Sviggum in the Goodhue County Justice Center Building located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Richard Sviggum Stanley Klair Darwin Fox Brad Anderson  
Lisa Skipton Joanne A. Wood  
Absent: Conrad Rapp

Stanley Klair made a motion to approve the October 27, 2003 agenda. Seconded by Darwin Fox. Motion carried 4:0.

Brad Anderson made a motion to approve the minutes of the September 22, 2003 meeting. Seconded by Stanley Klair. Motion carried 4:0.

Staff Updates: Nothing to report at this time.

Conflict / Disclosure of Interest: None to be disclosed.

Dale Goplen – W ½ of SW ¼, Sec 2, T109N, R16W, lying N of Rd, Roscoe Township. The request is for an appeal to build a dwelling land rated 60 CER or greater under the "Ten Year Parcel of Record."

Dale Goplen was present and explained he would like an appeal to build a house on land that is rated over 60 CER in Roscoe Townsh

Richard Sviggum asked if the house would be on the RaB = 95 and if there were any other homes on the 80 acres.

Joanne Wood said the house would be on RaC2 = 66 or RaB. She said it was hard to tell exactly where the soils came together, so she added both soils to be on the safe side. She explained this is an 80-acre parcel that qualifies as a farm under the previous ordinance because it is vacant land. She said she believes the house is being proposed on the RaC2 soils which were actually 60 CER under the Grandfather Clause. She said there is an existing field road to access this site and she asked Mr. Goplen about his access road.

Dale Goplen said the existing field road is on County 10, however he said he could run the driveway off the Township Road. He said there was corn in the field, which made it more difficult to see where the two different soils were located. He said he believes the house would be going on RaC2 soil.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Brad Anderson said he was out to visit the site. He asked Mr. Goplen if the house would be located on the edge of the slope or more on the top of the knob. He said there was quite a slope to the Township road on the southwest.

Dale Goplen said the house would probably be more on the top of the hill.

Stanley Klair asked if the Township approved this.

Dale Goplen said he has the Township building permit.

Richard Sviggum asked if there were soils on this parcel that were under 60 CER.

Brad Anderson said there were LID and lower, but were wet ground. He said it makes sense to build the house near the road to not destroy any more cropland.

***Darwin Fox made a motion to approve the appeal to build a dwelling on soils rated over 60 CER (RaB/RaC2). Seconded by Stanley Klair. Motion carried 4:0.***

Findings: The location where the soil type contains less than 60 CER would require a driveway to be built across prime tillable land and LID soil type contains severe slope that would cause severe limitations and erosion problems. Placing the proposed dwelling on the site requested would keep more of the tillable land in production. There are special circumstances or conditions affecting the land.

Marcus Lunde – S300-ft of E ½ of W ½ of E ½ of NW ¼ of NW ¼, Sec 26, T110N, R16W, Minneola Township. The request is for a variance to build an accessory building less than the required 60-ft road right-of-way line.

Marcus Lunde was present and explained he would like to build an accessory building less than the required 60-ft road right-of-way setback. He said he has a one-car (16x20) garage there now and would like to build a two-car (32x26) garage. His property is zoned agricultural and he has residential lots next to him. He said he needs a variance to the 60-ft setback. He said he owns the original farmstead and a developer purchased the land and developed right next to this property, but this property stayed agricultural.

Joanne Wood said the (A-3) Urban Fringe zoning district requires a 60-ft road right-of-way setback and Nygren road services the subdivision next to Mr. Lunde and they can build 25-ft from the road right-of-way line. She asked Mr. Lunde if the existing garage was

ft from the road right-of-way and if he would be going closer to the road than what is already there or closer than 25-ft from the right-of-way.

Marcus Lunde said the garage is 40-ft from the edge of the road and not from the right-of-way. He said he believes he is working toward the road another 7-ft.

Brad Anderson said he was out to the site. He said Mr. Lunde was going to be 25 to 27-ft from the road right-of-way line, requiring a 3 variance. He said the neighbors can build closer to the road than Mr. Lunde. Mr. Lunde can not move back because then he gets too close to the septic and other buildings. He said it makes sense.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

**Brad Anderson made a motion to approve the 35-ft variance (accessory building to be 25-ft from the road right-of-way line). Seconded by Darwin Fox. Motion carried 4:0.**

Findings: Since the parcel is located on the edge of an existing residential subdivision and Nygren Road is a minor road serving the subdivision, the variance will not alter the essential character of the locality. The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

Tom Gottas / Hurricane Hills – S ½ of NW ¼, Sec 24, T110N, R15W, Zumbrota Township. The request is for a variance to Article 8, Section 7, Subd 5, T which states “All campgrounds shall be equipped with at least one (1) central toilet, bathing, and laundry building which meets or exceeds the requirement of the MN Dept of Health”. Applicant is requesting a variance to operate a campground without meeting the above stated performance standard.

Barb Holst & Tom Gottas were present. Tom Gottas explained he operates Hurricane Hills Motocross. He said they have approximately one race per month and most people come in on Saturday and spend the night. He said they are not the typical campers that go to typical campgrounds. He said he would like a variance to the central toilet and bath building requirement. He said they operate typically from April to October.

Joanne Wood said this motocross has been in operation for a number of years and recently they came in to expand to allow daily riding and increase the number of scheduled events and allow camping for those events. She said they would be having 8-10 events per year and camping at those particular events only. The people are camping with RVs that are typically self-contained with their own water supply and sleeping area. She said she reviewed this with Environmental Health and her recommendation is to approve the variance request. She said it is not like a regular campground and no camping on a regular basis; a unique situation. She said she did not take any photos when she was out there. She said the Planning Advisory Commission recommended approval to the County Board for the events and campground. She said this is just another step in the process and the only way to get around it is a variance. She said Jason Petersen, Environmental Health Director, may answer questions.

Jason Petersen said Ms. Wood covered everything fairly well.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Stanley Klair asked if they were planning on expanding at all.

Tom Gottas said he has no desire to operate a campground, just the motocross track.

Joanne Wood asked Mr. Gottas if most people that come are from out of state or just locals.

Tom Gottas said riders come from the five state area. Some come as early as Friday, but the majority comes in on Saturday. He explained they are a points track and riders accumulate points. Those people move around from track to track accumulating points for the circuit. He said they don't come to their track every weekend, only during the events to accumulate points.

Brad Anderson asked Jason Petersen if he doesn't see any problems with the variance because this is not really a campground.

Jason Petersen said the camping is secondary to the motocross. He said they are not a typical campground and are not out advertising for camping. He said they are just servicing the people running the races. He said they could operate a special event license but that only allows up to two events per year. He said he does not see any problems that we haven't been able to address.

**Brad Anderson made a motion to approve the variance to allow the campground to operate for ten scheduled events without meeting the required performance standard as stated under Article 8, Section 7, Subd 5T based on Staff's recommendation and Public Health's recommendation. Seconded by Darwin Fox. Motion carried 4:0.**

Findings: Since the campground only allows camping to occur during the ten scheduled events & the majority of the campers camp in self-contained RVs, & further that the use is not intended as a traditional campground, the variance request is in harmony with the general purpose & intent of the official controls in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control. The motocross track is the main function of the property & camping is a function of the events & not a

independent activity. Additionally, most participants & guests have their own facilities including sufficient water & toilet facilities. The participants with RVs will not require laundry or showers due to the length of the event & the availability of the same in their vehicles.

Davis & Steven Foss – NE ¼ of SE ¼, Sec 7, T110N, R17W, Wanamingo Township. The request is for an appeal to an administrative decision regarding that this parcel would not qualify as a replacement site based on the definition under Article 2, Section 2, Subd 31 of the Goodhue County Zoning Ordinance.

Davis Foss was present and explained he has a replacement building site in Section 7 of Wanamingo Township. He said there is a definite foundation there, but there are no standing accessory buildings. There was an open area with a fence going around it that he wasn't sure if it would qualify as a defined farmyard. The two-story house was still standing in the mid 1950s. The well and foundation are still there. He said Brad Anderson and Joanne Wood were out to the site and took some pictures. He said the Goodhue County Assessors Office's records have it taxed as a building site and the old plat books going back to 1877 show a building site.

Joanne Wood said the pictures show the foundation. She showed the Board different pictures that she took during a different site visit. She said there is a well and driveway access going back there.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Sviggum said this technically does not meet two of the three criteria listed in the current ordinance for a replacement building site. The Board has allowed appeals to replacement sites on foundations and a well in the past.

Brad Anderson said he doesn't know if it was a farm at one time, but he could definitely tell there was at least a house there. He said there were remnants of the fence and the well and access road is still there.

***Stanley Klair made a motion to approve the replacement site based on Staff's recommendation. Seconded by Brad Anderson. Motion carried 4:0.***

Findings: There are special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity. There being an existing foundation, well & driveway access located on the property.

Two members of the Wanamingo Township Board showed up after the decision was made.

Michael Daniels – Pt of N ½ of SW ¼ & SE ¼ of NW ¼, Sec 34, T112N, R18W, Stanton Township. The request is for an appeal to build a dwelling on land rated 60 CER or greater.

Michael Daniels was present and explained he would like an appeal to build a dwelling on land rated over 60 CER. He said he cannot believe the CER is that high. He said they can get a first crop of hay off the field, but after that there is nothing. He said he does not plan on using the quarry.

Joanne Wood said the house is being proposed on RaB=82 soil. She said there is a small quarry area close to the proposed site. She asked Mr. Daniels if he could push the building site back for a better location. She said the soil is RaB=82 where the quarry is located. She showed the Board some photos. She said it is her understanding that this building site meets all the other regulations, including the setback to the feedlot to the northwest.

Michael Daniels said there is a feedlot to the northwest and northeast and this site is over 2000-ft away.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Joanne Wood asked Mr. Daniels if he had talked to anyone with Stanton Township.

Michael Daniels said he is just weighing his options because he may possibly build there or may sell it. He said he just wanted to secure things before he made any decisions.

Brad Anderson said he doesn't know how the soil is rated 82 because while they walked around there are rocks everywhere.

Michael Daniels said there are about 15-acres there that are just a gravel pit. There is some good ground all the way around it. He said it is hard to keep the soil there and if there was a wet year, you might get some beans. They are proposing to use the adjacent property owners' driveway. He said he has no plans of using up any good ground.

Richard Sviggum asked Mr. Daniels if they had a specific site in mind.

Michael Daniels said he would like the site to be right where the gravel pit is located. He said the flags indicated the vicinity he would like the house. He said the gravel ridge runs all the way to the existing dwelling. He said you can see it when there is hay planted.

Brad Anderson said it makes sense to locate the house right there because you could get a good lawn in all directions, but you will be

picking a lot of rock.

Lisa Skipton asked if there was a house on the parcel.

Joanne Wood explained this section is zoned (A-2) Agricultural with 7 dwellings in the section and there is a ¼, ¼ density requirement.

**Brad Anderson made a motion to approve the appeal to build a dwelling on (RaB = 82) based on Staff's recommendation #2 to deny the proposed site and move it closer to the quarry. Seconded by Stanley Klair. Motion carried 4:0.**

Findings: To move the dwelling further to the west, closer to the quarry. There are not special circumstances or conditions affecting the land, building, or use referred to in the appeal that do not apply generally to other property in the same vicinity. By moving the site closer to the quarry, less tillable ground would be taken up by the access drive and the proposed dwelling.

Jay & Stephanie Halbert – Pt of SE ¼, Sec 13, T112N, R18W, Stanton Township. The request is for a variance to build an accessory building 800 sq ft over the 1200 sq ft limit (2000 sq ft total) and to locate the accessory building 15-ft from the west property line and not the required 30-ft property line setback (15-ft variance).

Jay Halbert was present and explained he is requesting a variance to build an accessory building over the 1200 sq ft limit on his lot. He said he went through the Township and all the required meetings and they approved the variance and building permit. He said he is just waiting for approval of a variance at this meeting so they can proceed. The building is for personal storage. He said he did not know there was a 30-ft property line setback with the County because the Township allowed the 15-ft request.

Richard Halbert said typically oversized buildings are not a problem. He asked if there was room for the structure without moving it closer to the neighbors' property line.

Jay Halbert said the shed could be moved 15-ft. He said the neighbor does not have a problem with it being 15-ft from the property line. He said that is the difference between the County and the Township. He said he is building a stud wall building with steel sides and roof and a cement floor. He said it is going to be a nice looking building appearance wise. He said most of the sheds in the area are built with steel sides and roofs. He said there is less maintenance.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Richard Sviggum asked if the shed could meet the 30-ft setback.

Jay Halbert said he could do that.

**Stanley Klair made a motion to approve the variance for the 800 sq ft variance (2000 sq ft accessory building) and deny the variance to the property line setback based on Staff's recommendation. Seconded by Brad Anderson. Motion carried 4:0.**

Findings: No hardship exists to locate the proposed structure 15-ft from the West property line. Applicant would have room to move the structure closer to the house and further away from the neighbor's property line provided he move the tree. The plight of the landowner NOT due to circumstances unique to his property and WAS created by the landowner. The accessory structure will not alter the essential character of the locality and is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

Michael Griffith – Pt of N ½ of NW ¼, Sec 9, T112N, R17W, Cannon Falls Township. The request is for a variance to build an agricultural building 35-ft from the property line and not the required 100-ft property line setback (65-ft variance).

Michael Griffith and Jennifer Griffith were present. Mr. Griffith explained they would like to build an agricultural building closer to the property line than the 100-ft setback.

Joanne Wood asked if the chicken house could be moved further away so the shed wouldn't have to be so close to the property line.

Michael Griffith said the small structure was built on a platform and could be moved a little. He said the general plan is to try and do what looks best. The proposed building would be no closer than 35-ft from the property line.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Brad Anderson said he was out to the site and it seemed to him the chicken structure was 110-ft from the property line and wondered if they could move the proposed structure 15-ft to be 50-ft from the property line.

Michael Griffith said he does not know what to expect when the site guy comes out to level the site and he would like a little room to work with. He said he would like to make it as close to the fence as he could and still have enough room to get around the shed. He said he does not want the hassle of the shed being too close to the property line. He said the closest neighbor is more than a ½ mile from there and said the shed won't bother anyone. He said he plans on storing machinery and use for general farm use.

Richard Sviggum said it hasn't been a problem in the past and it would be different if it were in an urban setting.

***Darwin Fox made a motion to approve the variance to allow an agricultural building 35-ft from the north property line (65-ft variance) based on Staff's recommendation. Seconded by Brad Anderson. Motion carried 4:0.***

Findings: Due to topography, the existing fencing and layout of other structures located on the property, the variance will not alter the essential character of the locality. The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

Richard Samuelson - Pt of NW ¼ of SW ¼, Sec 26, T112N, R17W, Cannon Falls Township. The request is for an appeal to an administrative decision regarding that this parcel would not qualify as a replacement site based on the definition under Article 2, Section 2, Subd 31 of the Goodhue County Zoning Ordinance.

Richard Samuelson was present and explained he has a track of land in Cannon Falls Township with a unique setting with a wooded area and an old foundation standing by itself. He remembers the old grainry and there are remnants of an old road. He said years ago people collected the old boards and removed the old grainry. He said there is no proof of an old well, but a depression where there was probably an old spring.

Richard Sviggum said they have pictures showing the old foundation.

Brad Anderson said it is pretty obvious there was a foundation. He said you can see in the trees where there was a level spot where the road came in through the woods and of course the trees have grown up, but there is an area where the drive went into the woods.

Richard Sviggum asked if there were remnants of old accessory buildings.

Richard Samuelson said there is just the old foundation. He wasn't sure what the old foundation was used for, possibly a barn. He said the CER on the remaining crop land is quite high, but this area is rated 40 CER.

Richard Sviggum opened the meeting for public comment.

Tim Benson was present and explained he is present to represent his mother. He asked about the distance to feedlots. He said he is not sure if there was a house there.

Joanne Wood said a replacement building site does not have to meet a feedlot setback. She said replacement sites don't have to meet the same setbacks as a new building site. She said Mr. Samuelson would ultimately need to get a permit from the Township. She asked Mr. Samuelson if he looked into the Assessor's records.

Tim Benson said no one is sure there was a house; we are just guessing.

Richard Samuelson said the County did not keep that good of records that many years ago. He said he is not here to get a building permit, he is here to recognize this old site as an old building site. He said he has no plans to build a home at this point. He said he plans on farming for the next year.

Tim Benson said this step in the process is leading to building a house there.

Lisa Skipton said Mr. Samuelson is coming to the Board to appeal for a replacement site, he is not asking for a building permit. She said Mr. Samuelson has to go to the Township and the County for a building permit. She said right now Mr. Samuelson is asking for a replacement building site.

Tim Benson said no one knows there was a house there. He asked who had to say there was a house there. He said the foundation could have been a barn or a blacksmith shop. He said we can't just put a house there with no proof.

Richard Sviggum said there was obviously something there.

Pat Benson said he lives in Section 26 of Cannon Falls Township and that they have been down this road before with the Township. He said they proved there was never a dwelling there. An elderly neighbor lady that lived there for many years remembers the grainry. His uncle said there was a grainry, but no dwelling. He said he looked back at old plat books dating back to 1897. He showed the Board some papers. He explained when Mr. Oly Holms purchased the 80 acres he lived in a house but never lived on this 40. He said there was no mark on the plat book for a dwelling going all the way back to 1897. He said there was never a dwelling. He said there is a foundation and he won't dispute that, but there was never a dwelling there.

Richard Samuelson said he does not know if there was a dwelling there, but he knows there was a grainry. He asked who would build a barn without building a space to sleep. He said years ago they burnt houses for the nails. He said he is not trying to fool anyone and there is no one here to answer the question. He said the other 40-acres Mr. Benson is talking about, they never were joined with this 4 acres. He said this was an independent 40-acres. He said Mr. Benson is trying to say the house was on the other 40-acres and the barn was 1000-ft away. He said he has owned this parcel since the 1970s and 8-acres was owned by Mr. Johnson and then sold to Mr. Harrison in the 60s.

Hal Harrison was present and explained he lives on the 8-acres adjacent to this parcel. He thought the rule was if there was 40-acres

with a dwelling, there would never be more homes allowed. He said he has seen the three sided foundation that is as old as the hills. said he can't imagine a house being built on top of that. He said it looks like the makings of the grainry.

Richard Samuelson said the grainry was an independent building away from the foundation.

Tim Benson said 40-acres were mostly pasture.

Pat Benson said he can distinctly see the road from 1938 aerial photo. He showed the Board some more papers. He said the 1897 pl book never documented a dwelling on this parcel.

Richard said if they are looking for papers, he doesn't have any. He said the history of this area is that there was an old cart road to Cl Valley and Cannon Falls. He said when they started building roads for cars, this road was abandoned. He said the pictures prove there was something there. He said people did not build a barn a 1000-ft from the house in those days.

Richard Sviggum said the neighbors are concerned at how people can get a building site when there was no building site there. He said there is no real evidence of a house being there.

One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Joanne Wood asked when the 8-acres was split off.

Richard Samuelson said the 8-acres and house were split off in the 1960s, before he owned it.

Brad Anderson asked Ms. Wood about the language in the Ordinance. (House or foundation)

Joanne Wood explained that it was the intent for the "Foundation" to be the house foundation. She said in some appeal cases there has been a foundation for the house and the accessory building. She said she doesn't know if there is a way to prove there was a house there at one time or not. She said there is definitely a foundation there. She asked if we reviewed this under the Parcel of Record / Grandfather Clause.

Richard Samuelson said the parcel does qualify under the Parcel of Record but believes there is a feedlot setback issue. He said he is not here to get a building permit, but just wants clarification. He said the Township has a 1000-ft dwelling setback and ¼ mile from feedlots. He said he missed the 1000-ft by 50-ft. He said he did try a year ago to obtain a building permit. He said he is not a developer he wants a clarification on the old foundation.

Brad Anderson said he may be too liberal, but he feels it is a replacement site.

Richard Sviggum said people will build a barnyard for animals away from their home. He said there is usually some remembrance of a house being there.

***Darwin Fox made a motion to deny this appeal based on the fact that there was no defined farmyard, there being no standing accessory buildings, and the determination of foundation was not clear. Seconded by Stanley Klair. Motion carried 3:1 with Brad Anderson dissenting.***

Findings: There were no special circumstances or conditions affecting the land, building, or use referred to in the appeal. There were no defined farmyards, no standing accessory buildings, and the determination of the foundation was not clear.

Wayne Karlsrud – Lots 4-6, Block 36, T112N, R13W, Florence Township. The request is for a variance to build an accessory building 208 sq ft over the 800 sq ft limit (1008 sq ft total).

Wayne Karlsrud was present and explained he would like to build an accessory building over the 800 sq ft limit (1009 sq ft total). He said he went through the Frontenac Heritage Committee and the Township. He plans on storing his antique cars and personal storage.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Brad Anderson said he was out there for a site visit and Mr. Karlsrud has two lots or three real small lots. He said it looks like they are using the second lot for the shed and he thinks it fits right in with the neighborhood.

***Stanley Klair made a motion to approve the 208 sq ft accessory building variance (1008 sq ft total). Seconded by Brad Anderson. Motion carried 4:0.***

Findings: The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control; the variance will not alter the essential character of the locality.

Tom & Sandy Giles – Lot 30 & 31, Block 5, Wacouta Beach, Wacouta Township. The request is for a variance to build an addition

(garage & 4-season porch) 5-ft from the septic tank (5-ft variance) and 5-ft from the septic drainfield (15-ft variance) and for the drainfield to be 0-ft from the road right-of-way line (10-ft variance) in an (R-1) Suburban Residential zoning district.

Tom & Sandy Giles were present. Tom Giles explained they would like a variance for a new garage. They plan on converting the existing garage into living space and add a new attached garage and new septic. He said they are trying to place a lot into one small lot.

Jason Petersen, Environmental Health Director, was present and explained he usually doesn't comment on property line or road setback line issues. He said the setbacks were created to keep water lines from being too close to buildings and future use of buildings. He said with the water line pressure and the topography of property the water runs off and ponding water creates issues. He said the setback is 20-ft and they never had a negative comment of going down to 10-ft because it gives enough room to create a swale for runoff. He said this lot is very tight. He said this is the Board's decision. He said the setbacks were created for the protection of the septic system. He said he has not seen an updated site plan, so he is not sure what the applicant is actually requesting.

Joanne Wood said she met with Jason and Barney Flueger. She said they figured and refigured. She said they are so limited because of the size of the property and the bluffland. She said they talked about removing the tree and moving the garage closer to the bluff to allow more separation to the drainfield. She said they are asking for a 0-ft setback from the road right-of-way line and a 5-ft setback from the drainfield and a 5-ft setback from the septic tank. She said they have tried to work the numbers so many times and it is very difficult. She asked if moving the tree and small shed were an option.

Sandy Giles said it is possible to take the tree out, but she is concerned that removing the tree will create the bluff to wash away. She said anything that is deep rooted she would like to keep, so the integrity of the land there and stop erosion. She said they are almost at the end of the road. There are two more homes on the road. She said the house was built in the 1960s and the codes have all changed radically. She said currently the septic is in the back where it should not be. She said the tree is further back than the house.

Tom Giles said if they had to move back, the shed would come out.

Lisa Skipton said she doesn't see on the site plan where the septic is going. They viewed the site plan. She asked if giving this type of variance, are we creating more problems.

Jason Petersen said the runoff from the garage itself creates a problem. He said if they slope the ground away from the foundation and install gutters it will reduce some problems, but not necessarily the best option.

Richard Sviggum asked if reducing the size of the addition was an option.

Lisa Skipton asked if they want to skimp or short change on the septic because they may have to do more repairs later. They are taking a risk for someone who is going to have the property 20 years.

Sandy Giles said they have talked with Barney Flueger about gutters and putting a pebble field around the garage. She said her father owned and built the house and installed a pebble field because there was a problem with drainage and runoff. She said they plan on doing something to have the water run away from the drainfield.

Richard Sviggum opened the meeting for public comment.

Nancy Harris was present and explained she is trying to help the Giles. She said the Giles need a bedroom that is not a shoe box. She said the plan is to convert the existing garage into a master bedroom and bathroom. She said the basement is not acceptable and adding a second story is not an option either.

One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Joanne Wood said the Board has given variances in this area before. She said the lots are small and the rules on separation have changed making it difficult on property owners. She asked if the variance will create a problem down the road.

Sandy Giles said her parents built the current home in 1968. There was a small cabin there before. She said they would like to incorporate into the existing structure because they would like more space. She said they have the bluff across the road that is state owned. She said they have looked into sharing septic, but Strobels are already sharing with their neighbor and the other side is too close to the well. She said the septic has to be situated where it is.

Jason Petersen said he talked to Barney Flueger. He said his opinion is to try to maintain at least a 10-ft setback from a drainfield. He said septic systems are designed to last and he wondered if someone else would pay the price. He asked if they could redesign the 11 ft wide driveway to make up some room. He said there is very little option for these people.

Richard Sviggum asked if gutters and diverting the water would help.

Jason Petersen said it would help. He said when foundations are dug for frost footings they dig a 3-ft wide trench. It is dug up and is a natural fill and is not the best thing to be doing.

Nancy Harris and Sandy Giles discussed possibly turning the proposed garage.

Brad Anderson asked Mr. Petersen if the septic tank was an issue.

Jason Petersen said the tank is going under the driveway and he is not convinced it has to be there. He said they are installing a pressure bed.

Stanley Klair asked Ms. Wood if there was any concern about the lot coverage.

Joanne Wood said she looked at it under the (R-1) rules and the Shoreland rules. She said she calculated it out today.

Richard Sviggum asked how the County is on being 0-ft from the right-of-way.

Jason Petersen said they treat a right-of-way line as a property line. He said if they wanted to run the water line in the right-of-way, they have to keep a 10-ft setback. He said he doesn't see a water line running out there in the future. He said if they do that, the wells and septic systems would need to be abandoned.

**Brad Anderson made a motion to approve the variance to build an addition 5-ft from the septic (5-ft variance), 10-ft from the septic drainfield (10-ft variance from septic drainfield) & for the drainfield to be 0-ft from the road right-of-way line (10-ft variance to right-of-way). Seconded by Stanley Klair. Motion carried 4:0.**

Findings: A hardship exists due to limited area regarding the lot size and topography (bluffland). The applicant is limited to build an addition and meet the minimum setbacks for the on-site septic system. The variance will not alter the essential character of the locality. The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

Mark Swanson & Ann Correll – Lot 6, Block 4, Wacouta Beach, Wacouta Township. The request is for a variance to build an accessory building 112 sq ft over the 800 sq ft limit (912 sq ft total); to locate the accessory building 5-ft from the east property line (3-ft variance); and to locate the accessory building 9-ft from the septic drainfield (11-ft variance) in an (R-1) Suburban Residential zoning district.

Mark Swanson was present and explained he would like a variance to remove a 16 x 20 garage and replace it with a 912 sq ft garage. The proposed garage would be 5-ft from the east property line and the neighbor has the same setback on his garage. The proposed garage would also be 9-ft from the septic drainfield. He said there are some very large oak trees and he doesn't want to get too close to them. He said his drainfield is oversized. He said they installed it for a 4-bedroom home and they only have a 3-bedroom home. He said he brought a note from the neighbor stating they don't object. He said the proposed garage would be built with a floating slab and no frost footings.

Jason Petersen said the setback is over 10-ft from the drainfield and they have done this before.

Richard Sviggum opened the meeting for public comment. There was no one present to speak for or against the request. One member of the Board of Adjustment was out to the site (Anderson). *There was a motion made, it was seconded, and carried to close the public hearing.*

Brad Anderson asked if the little building was going or staying.

Mark Swanson said the small shed will be moved because it is on skids. He said the shed won't be around a long time, but it will be used during the construction of the new building.

Joanne Wood said he is moving the building farther away from the property line. The existing building is 2-ft and the proposed will be 11-ft.

**Brad Anderson made a motion to approve the variance to build an accessory building 112 sq ft over the 800 sq ft limit (912 total); to locate the accessory building 5-ft from the east property line (3-ft variance); and to locate the accessory building 11-ft from the septic drainfield (9-ft variance). Seconded by Darwin Fox. Motion carried 4:0.**

Findings: The variance will not alter the essential character of the locality. There is an existing garage and the proposal will locate the garage further from the lot line. The variance is in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

Comprehensive Plan Update – nothing was mentioned.

Other Business – none.

Meeting adjourned.

Respectfully submitted,

Lavon Augustine  
Zoning Technician / Recording Secretary