



Historic Courthouse
635 2nd Street SE
Milaca, MN 56353

Phone: (320) 983-8308
Fax: (320) 983-8388

Zoning Office

Minutes

MILLE LACS COUNTY BOARD OF ADJUSTMENT Mille Lacs County Courthouse July 25th, 2022 7:00 p.m.

Members Present: Amy Birnbaum, Loren Lueck, Kyle Weimann, Chris Carlson

Members Absent: John Roxbury Jr.

Ex-officio Members Present: Keenan Hayes, Zoning Administrator

Others Present: None.

- I. Call to Order: The meeting was called to order at 7:00 p.m. by Mrs. Birnbaum.
- II. Pledge of Allegiance: Mrs. Birnbaum led those present in the Pledge of Allegiance.
- III. Approval of the Minutes:

Motion by Mr. Lueck, seconded by Mr. Weimann, to approve the June 27th, 2022 meeting minutes.

All members voted aye. Motion carried.

- IV. Old Business:

None.

- V. New Business:

Consideration of a Request by Jerrid Anderson (owner):

- Reduce the minimum building setback from the Ordinary High-Water Line of Mille Lacs Lake from seventy-five (75) feet to fifty (50) feet. **MLCDO Table 501.**
- Reduce the minimum building setback from the centerline of a township road from fifty (50) feet to thirty-one (31) feet. **MLCDO Table 501.**
- Reduce the minimum building setback from the side yard property line from ten (10) feet to nine (9) feet. **MLCDO Table 501.**

to allow the re-construction and expansion of the existing garage on the parcel legally described as Lots 3 & 4 Block C of Izaty's, Mille Lacs County, Minnesota. **Located at 9238 Eyota Way, Onamia, MN 56359.** PIN 17-400-0310.

Applicant Jerrid Anderson is present. The applicant explains the request for the garage reconstruction and expansion due to rough shape of building.

No written correspondence.

Mrs. Birnbaum opens the public hearing.

Hearing none.

Mrs. Birnbaum closes the public hearing.

Mr. Hayes reads and summarizes the Staff Report.

A. The variance proposes the use of land in a reasonable manner;

The applicant is proposing a reasonable use of the property.

B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner;

The plight of the landowner appears to be due to the shape of the lot as platted in 1911. The location of Eyota Way as constructed in relation to the property line creates difficulty to meet this setback. The narrowness of lot 3 does not allow for any structure to meet both the township road setback as well as the OHWL setback.

C. The variance, if granted, will not alter the essential character of the area;

Granting the variance should not alter the essential character of the area.

D. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems, and may include earth sheltered construction as defined by the State of Minnesota, when it is in harmony with official controls; and

Economic considerations do not appear to be part of the request.

E. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

Single family dwellings and accessory structures are an allowed use in the General Development Shoreland (S-2) zoning district.

Mr. Weimann asks Mr. Hayes about the impervious surface calculations format on the new permitting website.

No further discussion.

Motioned by Mr. Lueck to approve the variance as requested – Seconded by Mr. Carlson.

All in favor.

Motion carried.

Consideration of a Request by Scott Fossland (owner):

- Reduce the minimum building setback from the Ordinary High-Water Line of Mille Lacs Lake from seventy-five (75) feet to sixty-eight (68) feet. **MLCDO Table 501.**
- Reduce the minimum building setback from the centerline of a township road from fifty (50) feet to forty-two (42) feet. **MLCDO Table 501.**

to allow the re-construction of a new dwelling on a parcel legally described as TRACT "D" OF 9/19/69 SURVEY OF GOV LOT 1 & N 15 FT OF TRACT "E" OF 9/19/69 SURVEY OF GOV LOT 1, LYING SW'LY OF RD ESMT 15 43 25 .29 48-002-00 Mille Lacs LAKE, Mille Lacs County, Minnesota. **Located at 45177 Willow Rd, Isle, MN 56342.** PIN 05-015-1500.

Applicant Scott Fossland is present. The applicant explains the request for the new dwelling construction and explains a significant portion of the land was lost during a storm in the last couple years.

Written correspondence:

7/25/2022
Stanley Tomczyk
45149 Willow Road
Isle, MN 56342

I Stanley Tomczyk would like to object to the set back request due to the raising up of the Fossland property causing water issues on my land. I have contacted Dilan Christianson in regards to the issue and sent photos of prior water events due to placing fill on his property and the Olsen property. Currently the drainage is leading to my property causing water events.

I would like to know the correct elevation once fill is completed.

How high can he go or not go. The dirt work currently is being conducted by Troy Olsen his neighbor. Does this have to be done by a licensed excavator ???

Plus are there any records kept as to the amount of cubic yards of fill that have been put down since the Fossland's acquired the property.

Who in the end will conduct a final grade inspection.

I would like to know from Scott what the final grade will look like on my side of the property line.

I would like a representative from the county to look at this situation with me and the Fossland's please.

I would like to work out a amicable solution to this since the Fossland's and the Olsen's are my neighbors

I will send photos of prior water events in subsequent emails

Please take time to look at past water events when they had put fill in.

Photo' in further emails.

Thank You for bringing this up in your meeting.

Mr. Lueck asks where Mr. Fossland is sitting with this issue. Mr. Fossland explains he has talked to his neighbor and that he will be raising the grade for his proposed dwelling as high as necessary to meet the regulations for a flood hazard area. Mr. Lueck asks if anybody from Mille Lacs County has looked into this issue. Mr. Hayes explains the need to raise the dwelling out of the floodplain and elevation data will be required from Mr. Fossland before and after the dwelling is constructed.

Mrs. Birnbaum questions Mr. Fossland about the size and layout of the proposed dwelling.

Mr. Weimann and Mrs. Birnbaum question Mr. Fossland about the impervious surface calculations for the property.

Mrs. Birnbaum closes the public hearing.

Mr. Hayes reads and summarizes the Staff Report.

F. The variance proposes the use of land in a reasonable manner;

The applicant is proposing a reasonable use of the property.

G. The plight of the landowner is due to circumstances unique to the property and not created by the landowner;

The plight of the landowner appears to be due to the size of the lot as platted.

H. The variance, if granted, will not alter the essential character of the area;

Granting the variance should not alter the essential character of the area.

I. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems, and may include earth sheltered construction as defined by the State of Minnesota, when it is in harmony with official controls; and

Economic considerations do not appear to be part of the request.

J. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

Single family dwellings and accessory structures are an allowed use in the General Development Shoreland (S-2) zoning district.

Mrs. Birnbaum asks if the variance for the lake setback is necessary. The board discusses the proportions of the proposed structure. Mr. Weimann indicates that, while it is a long structure, it is not out of character with the surrounding properties.

Mr. Weimann asks about the well setbacks for the property.

Mr. Weimann asks about the impervious surface calculations for the property, stating that the proposed total impervious is near the max, and that a driveway may not fit. Mr. Carlson asks if pervious pavers could be used. Mr. Hayes says they could not be used to lower impervious.

Mr. Carlson states that he believes this a reasonable use and that residents on the east side of the lake have lost a lot of shoreline.

Mr. Weimann asks Mr. Fosslund if he has plans to re-naturalize the lakeshore to prevent further erosion. Mr. Fosslund states he would like to.

Mr. Weimann states that the lot is small and it would require a variance to fit a modern house on the property and that this is a reasonable use.

No further discussion.

Motioned by Mr. Lueck to approve the variance as requested – Seconded by Mr. Carlson.

All in favor.

Motion carried.

VI. Other Business:

None.

VII. Adjournment:

Motion by Mr. Weimann, seconded by Mr. Carlson, to adjourn the meeting.

Motion carried with all members voting aye.

The meeting of the Mille Lacs County Board of Adjustment adjourned at 7:33 p.m.