

**MINUTES**  
**PINE COUNTY BOARD OF ADJUSTMENT**  
**September 7, 2016 4:30 p.m.**  
**Pine County Courthouse Board Room**  
**635 Northridge Dr, Pine City**

**Members Present:** David Koland, Tom Mestemacher, Richard Stepan, Gary Valvoda,  
**Members Absent:** Nancy Rys  
**Staff Present:** Caleb Anderson, Land and Resources Manager  
**Others Present:** John and Jill Brecount, Elliott Golly, Kevin Hofstad, Linda Wright, Mae De Nucci

**Call To Order:** 4:30 p.m. Chairman Mestemacher asked all to rise and recite the Pledge of Allegiance to the Flag.

**Approval of Minutes:**  
Stepan/Valvoda 3-0 to approve the Minutes of June 1, 2016 as presented.

**Staff Report:**

Staff **Caleb Anderson** described the variance request at 54176 Grindstone Rd W, Sandstone. A full description of the variance request is available in the Staff Report. **Anderson** added that a further impervious surface that was not measured was the amount of rip rap and rock retaining wall within the shore impact zone. These features are not regulated as impervious surface in the ordinance, however, because they are not penetrable by precipitation, would further the water quality impact of the entire project.

**Applicant's Statement:**

**Kevin Hofstad** described the project as a landscaping project that was designed to direct water away from the lake. **Hofstad** stated that the applicant is interested in conditions they can pursue to salvage the project. **Elliott Golly**, the contractor that installed the patio, stated that he is trained to apply pesticides on waterfront property and with that he is used to avoiding runoff to waterbodies. Also, **Golly** explained that both patio surfaces are sloped away from the lake. **John Brecount** shared that he appreciates water quality and he did not intend to break the rules. **Brecount** said he hope the Board of Adjustment can find flexibility in their determination. **Hofstad** closed the applicant's statement by reinforcing that the applicant would like an opportunity to mitigate the property's runoff without removing the patio.

**Public Hearing:**

The public hearing was opened at 5:00PM.

**Linda Wright** shared that she was concerned about the increased elevation of the upper patio and whether runoff would be directed to their property. **Wright** shared that she had voiced

concerns to Mr. Golly. Mr. Brecount then installed a drain tile that would help the water on her property drain.

The public hearing was closed at 5:04PM.

**County Attorney Statement:**

**County Attorney Reese Frederickson** was not present at the meeting but he submitted a letter with legal considerations, which staff **Caleb Anderson** read. **Frederickson's** legal opinion was that the variance be denied.

**DNR Statement:**

The **Minnesota DNR Hydrologist Danielle McNeil** submitted a letter, which staff **Caleb Anderson** read. The **DNR's** recommendation was to deny the variance as the state criteria for variance were not met.

**Discussion/Decision on Variance Request:**

**Valvoda** suggested that by removing a portion of the driveway they could reduce the amount of patio that would need to be removed. **Anderson** clarified that 371 square feet of patio at minimum would need to be removed from the shore impact zone and 374 square feet could be removed from the driveway

**Valvoda** asked where the tiling conducted on the neighbor's property is being drained to. **Anderson** responded that the tile outlets about 10' from the lake on a steep slope and that the DNR has sent guidance that this is a violation of MN Rules 6120.3300 Subp 11 (A) (1).

**Mestemacher** stated that the variance is not in harmony with the comprehensive plan. **Valvoda** stated that it impacts water quality via runoff therefore is not in harmony with the comprehensive plan.

**Mestemacher** stated that there are not unique circumstances to the property not created by the landowner. The landowner created the need for variance by constructing without permit. **Valvoda** added that there are no natural features preventing them from complying with ordinance.

**Mestemacher** noted that the variance would not alter the essential character of the locality aesthetically.

**Mestemacher** stated that the proposed variance does not use the property in a reasonable manner not permitted by the ordinance because it alters the hydrology of the property.

**Mestemacher** suggested that the variance determination be tabled to explore other options to mitigate the effects of the project. **Mestemacher** would like the DNR to visit the property and review it.

**Koland** stated that based on what has been shared the variance would need to be denied but there may be room to improve the request with a mitigation plan.

**Motion made by Mestemacher. Seconded by Valvoda 4-0 to table the variance request.**

**Old Business:**

none

**New Business:**

**Anderson** explained that the Board of Adjustment has been working without a set of by-laws and initiating by-laws would be a way to formalize the Board's role and how they are to operate so that expectations are clear.

**Koland** suggested that a provision be put in that officers cannot succeed themselves so that officer roles pass hands.

**Valvoda** asked if there would an option to have an at-large alternate to make sure that a quorum is maintained in a case where a Board member is not available. The group agreed this might be a good thing to include.

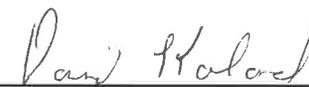
**Anderson** will work to incorporate those ideas and bring it back at the next meeting.

**ADJOURN**

Mestemacher/Koland 4-0 to adjourn the meeting at 6:18P.M.

**ATTEST:**

  
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Tom Mestemacher, Chairman

  
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David Koland, Secretary

