

**Becker County
Board of Adjustments
June 11, 2003**

Present: Board Members Tom Oakes, Harry Johnston, James Elletson, Jerome Flottesmesch & Terry Kalil.
Zoning Staff: Patricia Johnson, Administrator & Debi Moltzan

Vice Chair Johnston called the meeting to order at 7:30 p.m. Oakes made a motion to approve the minutes from the May 14, 2003 meeting. Elletson second. All in favor. Motion carried.

FIRST ORDER OF NEW BUSINESS: Kevin Erickson. A request for a variance to allow a garage 58 feet from the centerline of the road has been filed for the property described as: Lots 16 & 17, Meadow Bay Point, Section 24, TWP 139, Range 39, Height of Land Township. PID no. 15.0471.000.

Kevin & Kim Erickson along with Carl Malmstrom explained the application to the Board. The mobile home would be removed and replaced with a new home, but there would not be room enough on the lot to locate both the house and garage within the required setbacks. The overall encroachment would not be much more than what is there now.

Discussion was held as to whether the measurements were taken from the road right of way or the center of the road, if the road was in the center of the right of way, which way the doors would face, existing shed and concrete pad.

Speaking in favor of the application was Clifford Tingesdahl, spokesperson for a group of 6-8 people. No one spoke in opposition. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the road location, size of lot and existing structures.

Motion: Flottesmesch made a motion to approve a variance to allow a garage a minimum of twenty (20) feet from the road right of way based on the size and topography of the lot. Kalil second.

Further discussion was held regarding the existing storage shed encroaching into the road right of way.

Flottesmesch made a motion to amend the original motion to include the removal of the existing storage shed upon completion of the new garage. Kalil second the amended motion. New motion to read: approve a variance to allow a garage a minimum of twenty (20) feet from the road right of way based on the size and topography of the lot with the

stipulation that the existing storage shed be removed from the property upon completion of the new garage. All in favor. Motion carried.

SECOND ORDER OF NEW BUSINESS: Todd Boit. An application for a variance to allow a temporary second dwelling for elderly care taking has been filed for the property described as: E ½ of SW ¼ Less R/W & Less 1.53 ac for Hwy & 5.95 Ac; Section 8, TWP 139, Range 41; Detroit Township. PID No. 08.0108.000.

JoAnn Boit explained the application to the Board. Mrs. Boit lost her husband in December and would like to put a mobile home on her son's property to live in until she can no longer take care of herself.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Discussion was held. Oakes questioned if there would be a separate well and septic. Boit stated there would be. Elletson stated that the Board had acted on another similar application in 1999. Elletson referred to the conditions of the variance granted at that time, which included the mobile home could not have a permanent foundation, the mobile home could only be used by the person named in the variance, the mobile home could not be used as a rental unit, and the mobile home had to be removed at the time that the named person could no longer live in the home. Elletson asked Mr. Boit if she understood these conditions and if they were similar to what she was requesting. Boit stated that the conditions were what she was looking for.

Motion: Elletson made a motion to approve the variance to allow a second dwelling on the property consisting of a mobile home based on the fact that the use would not alter the character of the neighborhood and the lot is large enough to accommodate more than one dwelling with the following conditions: 1) The mobile home will be a temporary structure for a temporary period of time; 2) the mobile home will not be placed on a permanent foundation; 3) the mobile home will be lived in by Joann Boit only; 4) at the time Joann Boit is no longer living in the mobile home, the Boit's will contact the Zoning Office and make arrangements to have the mobile home removed from the property; 5) the mobile home will not become a rental unit. Kalil second. All in favor. Motion carried.

At this time, Board Member Charles Rew joined the meeting.

THIRD ORDER OF NEW BUSINESS: Tim Corwin. An application for a variance to construct an addition onto an existing dwelling 38 feet from the ordinary high water mark of the lake has been filed for the property described as: Lots 26 & 27, Fern Beach Third Addition; Section 2, TWP 138, Range 41; Lake View Township. PID No. 19.1308.000.

Corwin and Mark Raymond explained the application to the Board. The addition would be 38 feet from the lake, which would be a screen porch off the kitchen. The string line would allow a 13ft addition and the proposed addition would be 20 ft.

Discussion was held regarding the number of buildings on the lot, the use of the buildings, the shore impact zone, and the home on the adjoining lot that is being demolished.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from: Lake View Township in opposition; Kathryn Lommen in favor; and Wm & Patricia Ristvedt in favor. At this time, testimony was closed.

Further discussion was held. The Board questioned the ownership of the lot to the South. Corwin stated that he had an interest in the lot, but it was in separate ownership than the lot requesting a variance. Corwin stated that the house on the lot to the South was going to be removed, but they would not finish removing it until they had the variance.

Further discussion was held regarding the actual setback from the lake (the Board did not agree with the applicant's measurements) and the fact that if the structure to the South was being removed, where the actual string line would be. The Board felt that a 9 ft addition could be constructed at the building line. Corwin stated he could live with a 12 ft addition, but not a 9 ft addition.

The Board asked Corwin if he would like to table the application to come up with an alternative plan. Corwin did not want to table the application.

Motion: Elletson made a motion to deny the request for an addition 38 feet from the lake based on the fact that no hardship of the property could not be justified. Flottesmesch second. All in favor. Motion carried. Application denied.

FOURTH ORDER OF NEW BUSINESS: Kevin Kopperud. An application for a variance to construct a deck five feet from the edge of the bluff has been filed for property described as: Lot 1 Block 1 Buffalo Lake Shores; Section 1, TWP 140, Range 41; Richwood Township.

Kevin Kopperud and Mark Raymond explained the application to the Board. Four years ago they remodeled and changed the deck into a porch, now they want to add a walk way on the front with a deck on each side. No trees would be removed in the process. Raymond stated that the one deck would be for the bedroom which a glass door will be installed and that the bank is sound and stable.

Discussion was held regarding the construction of the deck and walkway and erosion.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding the setback, erosion, bluff setback, and safety.

Motion: Oakes made a motion to approve a variance to allow a deck five (5) feet from the edge of the bluff based on the fact that the deck would be safer than the existing dirt walkway and may prevent future erosion of the bank. Kalil second.

Further discussion was held. Flottesch felt that stipulations should be placed on the variance to include crushed rock under the deck to prevent erosion and the deck being placed on pillars instead of a permanent foundation so that the deck could never be built upon.

Oakes made a motion to amend his original motion to include the following stipulations: crushed rock must be placed under the deck to prevent future erosion; that the deck must be constructed on pillars, not a permanent foundation; and that the deck can never be built upon. Kalil second. New motion to read: approve a variance to allow a deck five (5) feet from the edge of the bluff based on the fact that the deck would be safer than the existing dirt walkway and may prevent future erosion of the bank with the following stipulations: crushed rock must be placed under the deck to prevent future erosion; that the deck must be construction on pillars, not a permanent foundation; and that deck can never be built upon. All in favor except Elletson. Motion carried.

FIFTH ORDER OF NEW BUSINESS: Wallace & Carol Johnson. An application for a variance to construct a garage 30 feet from the centerline of the township road has been filed on the property described as: Pt Govt Lot 2; Section 26, TWP 142, Range 40, Maple Grove Township. PID No 20.0380.000.

Wallace & Carol Johnson explained the application to the Board. The garage would not be on the lakeside of the property. Once the garage is built, one of the lakeside storage sheds would be removed. The cabin used to be 200 ft from the water and is now 19 feet from the water. The water on the back lot is also encroaching. The proposed location would need the least amount of fill. The property is located on a dead end road.

Discussion was held. Elletson questioned which way the doors would face. Johnson stated that the doors would face the road. Johnston stated that it looked like the garage could be moved further from the road a few feet. Kalil questioned if they would be backing out onto the road.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Maple Grove Township with concerns about snow removal. At this time, testimony was closed.

Further discussion was held regarding setback, snow removal, the wetland behind the proposed structure and the road width.

Motion: Flottemesch made a motion to approve a variance to allow a garage twenty (20) feet from the road right of way based on the topography of the lot. Elletson second.

Further discussion was held. Kalil stated that she would like to see the stipulation that one of the storage sheds be removed upon completion of the garage.

Flottemesch made a motion to amend his original motion to include the removal of the storage shed closest to the lake upon completion of the garage. Elletson second. The new motion to read: approve a variance to allow a garage twenty (20) feet from the road right of way based on the topography of the lot with the stipulation that the storage shed closest to the lake be removed upon completion of the garage. All in favor. Motion carried.

SIXTH ORDER OF NEW BUSINESS: Warren Koester. An application for a variance to construct a garage 14 feet from the edge of the township road has been filed for the property described as: Pt Govt Lot 3 & Lot 1 Sportsman Beach, Section 10, TWP 139, Range 40, Erie Township. PID No. 10.0095.001 & 10.0715.000.

Koester explained the application to the Board. The existing garage would be removed and a larger garage built in the same location. The garage cannot be moved further from the road because the elevation drops sharply.

Flottemesch questioned if the doors would be facing the road. Koester stated that the door would face the road. Flottemesch questioned if the garage could be turned 90 degrees. Koester stated that if the garage would be turned 90 degrees, one could not back a boat into the garage.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Flottemesch questioned how many doors the garage would have. Koester stated that he was planning on one door. Kalil stated that there were not too many options. Elletson stated that there was no better location.

Motion: Kalil made a motion to approve a variance to allow a garage 14 feet from the edge of the Township road based on the topography of the lot and with the stipulation that only one garage door be installed on the road side of the garage and the door be placed on the East one-half of the garage. Flottemesch second. All in favor. Motion carried.

SEVENTH ORDER OF NEW BUSINESS: Harriet Wangberg. An application for a variance to place a dwelling twenty (20) feet from the road and sixty (60) feet from the

ordinary high water mark of the lake on the property described as: Pt Lot 6, Beg 226.9 ft W & 292.3 ft N of SW Cor Lot 6 Th SE 87.8 ft NE Al Lk 75 ft NW 100 ft & SW 75 ft to Beg – Life Est to Harriet Wangberg; Section 26, TWP 142, Range 40, Maple Grove Township. PID No. 20.0396.000.

Belinda Donley explained the application to the Board. The Donley's will be leasing the lot from Wangberg and are doing the work for Wangberg. This is a substandard size lot and they want to put a mobile home on the lot. The road is a dead end road, with only one lot beyond the Wangberg lot.

Oakes questioned if the road was an easement road. Donley stated that the road was just an easement.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from the Township with concerns of snow removal. At this time, testimony was closed.

Donley stated that the Township does not plow this portion of the road, they quit at the year-round structure further up the road.

Motion: Flottemesch made a motion to approve a variance to allow a dwelling twenty (20) feet from the road and sixty (60) feet from the ordinary high water mark of the lake based on the size and shape of the lot of record. Kalil second. All in favor. Motion carried.

EIGHTH ORDER OF NEW BUSINESS: Jim & Karen Montgomery. An application for a variance to construct an addition onto the existing dwelling twenty-eight (28) feet from the ordinary high water mark of the lake; a garage eight (8) feet from the side lot line; and increase the nonconformity of the existing deck by enclosing the deck with screen walls on the property described as: Lot 24, Block 1, Blackhawk Mountain Beach First Addition; Section 5, TWP 138, Range 42, Lake Eunice Township. PID No. 17.0573.000.

Montgomery, along with Leon Schlitz, explained the application to the Board. The existing A-frame cabin would be removed and replaced with a new structure. The plan is to make this a year round structure rather than a seasonal.

Flottemesch questioned if the house could be moved two feet further from the bay. Schlitz stated that it could be done, to tie into the existing house and for looks, it would be better as presented and more trees would have to be removed. Elletson questioned if the new structure would be higher than the existing A-frame. Schlitz stated that there might be a two-foot difference, with the new structure being two feet taller.

Karen Montgomery stated that there would be more green space between the new structure and the bay because the walkway would be removed.

Speaking in favor of the application were Joe and Avalee Upton, and Patricia Cascaes. No one spoke in opposition to the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Flottemesch stated that there is a hardship of the property with the lot being long and narrow with lake on two sides. The lot on one side is elevated over this lot. The lots on the other side are in the bay, so no ones views are obstructed. The existing house and proposed addition are setback from the main part of the lake, just encroaching on the bay. Kalil stated that with the removal of the walkway, there would be more green space between the house and the bay.

Motion: Elletson made a motion to approve a variance to allow an addition onto the existing dwelling twenty-eight (28) feet from the ordinary high water mark of the bay side of the lake; to allow the existing deck to be enclosed with screen; and deny the side yard setback for the garage because the side yard setback could be met based on the size and shape of the lot, giving the lot reasonable use. Oakes second. All in favor. Motion carried.

NINTH ORDER OF NEW BUSINESS: Leif Thrane. An application for a variance to locate a recreational vehicle seventy –five (75) feet from the ordinary high water mark of the lake on the property described as: Outlot A less Sly ½ & 20 ft roadway; Section 19, TWP 138, Range 42; Lake Eunice Township. PID No. 17.0634.000.

Thrane explained the application to the Board. He is selling his home and winters in Texas. He would like to come back to the area in the summer and stay in his recreational vehicle. This would be a perfect location for a RV.

Oakes questioned if a holding tank would be installed for the septage. Thrane stated that a tank would be installed. Elletson stated that there was a size limitation on recreational vehicles and if his recreational vehicle fell within the limitations. Thrane stated that it did.

Speaking in favor of the application was Ralph Kirchoff. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Discussion was held.

Motion: Oakes made a motion to approve a variance to locate a recreational vehicle seventy-five (75) feet from the ordinary high water mark of the lake based on the size and shape of the lot and that it gives reasonable use of the property. Flottemesch second. All in favor. Motion carried.

TENTH ORDER OF NEW BUSINESS: Mike Hasser. An application for a variance to construct a dwelling seventy-five (75) feet from the ordinary high water mark of the lake for the property described as: Lots 8 & 9, Block 1 Boyer’s Piney Acres and Pt Govt

Lot 1: Comm NE Cor Th W 1320.22 ft Al N Ln to POB; Th W 330.05 ft to Straight Lake, Th Swly Al Lk 283.47 ft, Th NE 100 ft to N Ln Govt Lot 1 & POB; Section 18, TWP 140, Range 36; Osage Township. PID No. 21.0357.000, 21.0358.000, 21.0146.001.

Hasser explained the application to the Board. The location of the wetlands on the lot restricts the building location and the lot being on a point restricts the building location. The house and garage would be seventy-five (75) feet from the lake and a comfortable distance from the wetlands.

Flottemesch questioned if the wetlands have been delineated. Hasser stated that they had been some time ago. Kalil questioned the location of the septic system. Johnson stated that the best placement would be determined after a site evaluation.

Speaking in favor of the application was Mike Colgrove. Speaking in opposition were Paul Joyce, Barb Southward, Jan Pritchard, Dave Southward and Gordon Olson. Written correspondence was received from Gordon Olson, in opposition to the application. At this time, testimony was closed.

Johnson explained that these lots were lots of record. If these lots were part of a new subdivision, they would not be allowed because all newly created lots must be buildable without a variance. The Board must allow building on a lot of record.

Flottemesch stated that most of the testimony heard referred to structures meeting the Ordinance. The State of Minnesota says that any governmental agency having zoning regulations must have a Board of Adjustments. The purpose of this board is to allow lots of record to be developed. A contingency to buy does not mean anything, if a variance is not granted for this buyer, a new buyer or owner could come in to apply for a variance. Flottemesch further stated that the wetland and point does hinder development. There is no location on that lot that would meet the required setback.

Kalil stated that she does hear what the group has to say, but the Board must find a building location on that lot. Building site permits cannot be issued until an approved septic system plan is in place. There is not an alternative building location that satisfies the Ordinance. Elletson agreed. Johnston stated that this a platted lot with access to a platted road, even if the road has not been built. A platted road does not mean that it is a Township road.

Motion: Kalil made a motion to approve a variance to location a dwelling seventy-five (75) feet from the ordinary high water mark of the lake due to the topography of the lot and location of the wetlands. Flottemesch second. All in favor. Motion carried.

ELEVENTH ORDER OF NEW BUSINESS: Mike Seelye. An application for a variance to construct a garage ten (10) feet from the rear lot line on the property described as: Lot 14, Block 4, Shoreham, Section 19, TWP 138, Range 41; Lake View Township. PID No. 19.1774.000.

Seelye explained the application to the Board. He would like to construct a garage ten feet from the rear property line, which will probably be closer to 16 feet from the rear line. The new structure would be 42 ft x 34 ft.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lake View Township, taking no action on the request. At this time, testimony was closed.

Discussion was held regarding lot coverage, setbacks, impervious removal and the 60-day rule. Present lot coverage is at 26%, proposed lot coverage would be approximately 31.5%. Elletson stated that if there was an approved drainage plan in place he may justify the 31.5% lot coverage. Johnston felt that large of a structure does not belong in a residential area.

At this time, Seelye asked to have the application tabled to work out another plan.

Motion: Flottesch made a motion to table the application at the applicant's request to allow the applicant to work out another plan. Kalil second. All in favor. Motion carried.

TWELVTH ORDER OF NEW BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, July 3, 2003 at 8:30 a.m. at the Planning & Zoning Office.

Since there was no further business to come before the Board, Kalil made a motion to adjourn the meeting. Oakes second. All in favor. Motion carried. Meeting adjourned.

Harry Johnston, Vice Chairman

ATTEST

Patricia L. Johnson, Administrator