

**Becker County Board of Adjustments**  
**July 9, 2003**

**Present:** Members- Jerome Flottesmesch, Tom Oakes, Terry Kalil, Naomi Champ, Harry Johnston, Charles Rew and Jim Elletson.

Zoning Staff – Patricia Johnson, Administrator and Debi Moltzan.

Chairperson Naomi Champ called the meeting to order. Elletson made a motion to approve the minutes of the June 11, 2003 meeting. Oakes second. All in favor. Motion carried.

**FIRST ORDER OF OLD BUSINESS: Mike Seelye.** Mr. Seelye was not present. The Board decided to act on the application later in the meeting, to allow Seelye a chance to appear at the meeting.

**FIRST ORDER OF NEW BUSINESS: Paul Knosalla.** A request for a variance to construct an addition 60 feet from the centerline of a township road and 37 feet from the rear property line due to a substandard size lot of record has been filed for the property described as Lot 12 Brolin Beach First Addition, Section 16, Detroit Township, Floyd Lake.

Knosalla explained the application to the Board. The existing house is quite small and they would like to tear down the existing garage and replace that with a new house addition and then add on a new attached garage. The attached garage would be 60 feet from the centerline of the road or 37 feet from the right of way.

Elletson stated that the property already is over lot coverage so some of the impervious may have to be removed to come into compliance. Further discussion was held on the impervious issue.

Speaking in favor of the application was John Postovit, Floyd Shores Association, provided the impervious issue was brought into compliance. No one spoke in opposition. Written correspondence was received from Pelican River Watershed, in opposition to the application and Floyd Shores Association with concerns about the impervious coverage. At this time, testimony was closed.

Further discussion was held regarding the road setback and impervious lot coverage and ways to reduce impervious coverage.

Elletson made a motion to approve a variance to allow an addition sixty (60) feet from the centerline of the township road based on the size of the lot of record with the stipulation that the driveway surface area drain into a French drain system. Oakes second. All in favor. Motion carried.

**SECOND ORDER OF NEW BUSINESS Peter Hilleboe.** A request for a variance to construct an addition fifty-five (55) feet from the ordinary high water mark of the lake and three (3) feet from the septic tank on the property described as W 70 feet of E 160.70 feet of Lot 19; Section 20, TWP 138, Range 41, Lake View Township.

Hilleboe explained the application to the Board. With his medical conditions, he would like to construct an addition consisting of a bathroom and bedroom on the main floor.

Speaking in favor of the application was Gail Hahn, Lake View Township Supervisor. No one spoke in opposition to the application. Written correspondence was received from Pelican River Watershed in opposition to the application. At this time, testimony was closed.

Discussion was held. Flottemesch stated that the medical aspect had to be put aside and the Board had to look at the variance application to see if there is a hardship of the property. Johnston stated that the addition would be 24 feet further from the lake than the existing cabin. Elletson stated that, with the addition, lot coverage was under 25% but would like to see a stipulation making sure lot coverage would be under 25%.

Flottemesch made a motion to approve a variance to allow an addition fifty-five (55) feet from the ordinary high water mark and three feet from the septic system due to the size and shape of the lot and the location of the existing structure with the stipulation that lot coverage must remain under 25%. Elletson second. All in favor. Motion carried.

**THIRD ORDER OF NEW BUSINESS: Daniel Althoff.** A request for a variance to allow a garage sixty-one (61) feet from the centerline of the township road and sixty-three (63) feet from the ordinary high water mark of the lake on the property described as Pt Govt Lots 5 & 7 Beg 50 ft SW of SE cor L5; th NE 200 ft NW 201.5 ft SW 244.81 ft to PT NW of Beg & SE to Beg; Section 34, TWP 140, Range 40, Holmesville Township.

Althoff explained the application to the Board. He would like to remove the storage shed and add onto the existing garage. The addition would not be any closer to the lake or the road than the existing structure.

Johnston asked where the entrance to the structure would be since the septic system is just west of the present structure. Althoff stated that the entrance doors would stay where they are now and the rest would be storage.

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 regarding the setbacks and removal of the existing storage shed.

Oakes made a motion to approve the variance to allow a garage sixty-one (61) feet from the centerline of the township road and sixty-three (63) feet from the ordinary high water

mark of the lake based on the size and shape of the lot and the fact that the addition would not be any closer to the lake or road than the existing structure with the stipulation that the existing storage shed be removed from the property. Kalil second. All in favor. Motion carried.

Johnston stated that he would like to see the storage shed be removed as soon as possible. Althoff stated that the storage shed would be removed as soon as the new one is constructed.

**FOURTH ORDER OF NEW BUSINESS: Mark Ostlie.** A request for a variance to construct an addition fifty-two (52) feet from the ordinary high water mark of the lake has been filed for the property described as Lot 22 Block 4 Summer Island, Section 6, TWP 138, Range 42; Lake Eunice Township.

Ostlie explained the application to the Board. They would like to remove the existing three-season porch and replace with an addition, making more living space. The basement level would be one ft closer to the lake and the upper floor would be two feet closer to the lake.

Champ questioned why the addition could not be placed on the roadside. Ostlie stated that there is a recorded easement across the property.

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.

Flottesch stated that there was an earlier variance on this property for a three-season porch. Now there is a request to change the three-season porch into year round living space, getting closer to the lake. Soon there will be another request to add a deck even closer to the lake. Flottesch stated that he could not see a hardship to allow them to go closer to the lake. Johnston stated he had the same feelings and that the existing house was a reasonable size. If there was a need to expand, they could expand toward the back. Elletson stated that this house is in front of the string line and that allowing an addition closer to the lake would be a violation of the Zoning Ordinance.

Flottesch made a motion to deny the variance to allow an addition fifty-two (52) feet from the ordinary high water mark of the lake based on the fact that no hardship could be proven and there is room for an addition roadside not requiring a variance. Johnston second. All in favor.

**FIFTH ORDER OF NEW BUSINESS: James Odden.** A request for a variance to allow a deck thirty-seven (37) feet from the ordinary high water mark of the lake has been filed for the property described as Lots 13 & 14 Maple Ridge Beach Second Addition, Section 4, TWP 138, Range 42, Lake Eunice Township.

Brad Booth explained the application to the Board. The deck had been started without permits. Odden was told that he could have a 7 ft deck, but the Odden's would like to have a 10 ft deck.

Flottemesch stated that he questioned the nonconforming deck addition based on the fact that this is new construction not an existing structure. That allowance was put in the Ordinance for all the old structures but when new construction takes place, the deck is to be figured into the setbacks.

Further discussion was held regarding the house replacement, setbacks and established building line.

No one spoke in favor of the application. No one spoke in opposition to the application. Written correspondence was received in the form of a petition in favor of the application. At this time, testimony was closed.

Further discussion was held. Flottemesch stated that the deck should have been a consideration at the time the house was replaced. There is no hardship to allow a deck that close to the lake. A patio would be an alternative. Booth stated that maybe the application should be tabled until the owner could be present at the meeting. Further discussion was held. The Board felt that there was no reason to postpone a decision until the owner could be present.

Flottemesch made a motion to deny the variance to allow a deck thirty-seven (37) feet from the ordinary high water mark of the lake based on the fact that no hardship could be proven and the fact that this is new construction; the house is in line with the established building line; and that the deck should have been a consideration at the time the house was replaced. Kalil second. All in favor. Motion carried.

**SIXTH ORDER OF NEW BUSINESS: David Bucholz.** A request for a variance to allow a garage fifty-five (55) and thirty-four (34) feet from the centerline of township roads has been filed for the property described as Lot 9 Block 2 Ex E 5 ft Maple Ridge Beach, Section 5, TWP 138, Range 42; Lake Eunice Township.

Bucholz explained the application to the Board. The garage would be 55 feet from the main twp road and 34 feet from the dead-end twp road.

Flottemesch questioned the location of the garage doors. Bucholz stated that the garage door would face the side 55 ft from the road with maybe a walk-in door facing the 34 ft setback side.

Speaking in favor of the application was Dick Meyer. 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.

Elletson stated that the proposed lot coverage would only be 19%, but if the driveway were to be tarred, they should remember that the allowable lot coverage is 25%.

Kalil made a motion to approve a variance to allow a garage fifty-five (55) feet from the main township road and thirty-four (34) feet from the dead-end township road based on the size and shape of lot of record with the stipulation that lot coverage cannot exceed 25%. Elletson second. All in favor. Motion carried.

**SEVENTH ORDER OF NEW BUSINESS: Judy Vantassel.** A request for a variance to allow a dwelling seventy-three (73) feet from the centerline of the township road and seventy-eight (78) feet from the ordinary high water mark of the lake has been filed on the property described as Lots 8 & 9 Maple Ridge Beach Second Addition.

Vantassel explained the application to the Board. She is interested in buying the Bucholz cabin and relocating it on her property. Due to the size of the lot, the required measurements cannot be met.

Elletson questioned if there had been any consideration for a garage. Vantassel stated that if there would be a garage in the future, it more than likely would be placed on the other side of the drainage ditch.

Speaking in favor of the application was Dick Meyer. 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.

Discussion was held. Elletson stated that this was the most logical location for the cabin.

Elletson made a motion to approve a variance to allow a structure seventy-three (73) feet from the centerline of the township road and seventy-eight (78) feet from the ordinary high water mark of the lake based on the size and shape of the lot and the fact that this is the most logical location for a structure. Flottemesch second. All in favor. Motion carried.

**EIGHTH ORDER OF BUSINESS: Mike Seelye.**

The application was removed from the table. Johnson explained that Seelye has submitted a revised plan, reducing lot coverage to 26%.

Discussion was held regarding the size of the lot, the residential character of the neighborhood and the size of the building. Flottemesch stated that the intent of the Ordinance was to prohibit “farm sized buildings” in residential areas.

Kalil made a motion to deny the variance to allow structure ten (10) feet from rear lot line based on the fact that a hardship could not be found, the property has reasonable use, the addition would exceed lot coverage and the proposed garage addition is not compatible

with the surrounding residential neighborhood. Johnston second. All in favor. Motion carried.

**NINTH ORDER OF BUSINESS: Tiegen letter.**

The Board had received a letter from Thomas & Kitty Spaeth regarding a variance that had been denied in September 2002 asking for an opinion if they were to reapply for a variance. The Board held discussion about the letter. The consensus of the Board was that the variance had been denied once and that the Ordinance allows for a nonconforming deck addition without a variance, therefore another request for a deck larger than the nonconforming addition would be denied. The Zoning Office was to send a letter to the Tiegen's stating this.

**TENTH ORDER OF BUSINESS: Informational Meeting.**

The next informational meeting is scheduled for Thursday, August 7, 2003 at 8:30 a.m. at the Planning and Zoning Office.

**ELEVENTH ORDER OF BUSINESS: Change of Meeting Time.**

Discussion was held about changing the time of the regular meeting. Beginning the meeting earlier would allow for earlier ending times, especially when there are numerous applications.

Oakes made a motion to change the meeting time to 7:00 p.m. Kalil second. All in favor except Elletson who abstained from the vote. Motion carried.

Since there was no further business to come before the Board, Chairperson Champ adjourned the meeting.

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Naomi Champ, Chairperson

ATTEST

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Patricia Johnson, Zoning Administrator