

Becker County Board of Adjustments September 9, 2003

Present: Members Naomi Champ, Tom Oakes, Charles Rew, Harry Johnston, Terry Kalil, Jerome Flottesmesch, Jim Elletson. Planning & Zoning Staff: Debi Moltzan and Lisa Tufts

Chairperson Champ called the meeting to order at 6:00 p.m. Oakes made a motion to approve the minutes from the August 13, 2003. Johnston stated that there needs to be a correction in the eighth order of business to state that he removed himself from all discussion and voting due to a conflict of interest. Oakes made motion to approve minutes with the above mentioned correction. Kalil second. All in Favor. Motion carried.

FIRST ORDER OF BUSINESS: Jaye & Laura Edvall. Moltzan stated that the Edvall application was postponed until the October meeting at the applicant's request. Flottesmesch made a motion to postpone the hearing of the application until the October Board of Adjustment meeting at the request of the applicant. Oakes second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Richard Hamlin. An application for a Variance to subdivide a parcel into three individual parcels - 2 with less than 2,000 sq ft of buildable area has been filed for the property described as PT LOTS 2&3 SEC 21 & PT LOT 14 EDDY LODGE BEG AT PT ON W LN HWY#59 S 01 DEG 05' E 2647.4' ON & AL E LN SEC 20 & N 53 DEG 19' E 55' FROM NE LOTS 1, 2 AND 3 MELISSA BEACH; Section 21, TWP 138, Range 41, Lake View Township. Lake Melissa.

Brant Beeson, attorney representing Hamlin's, explained the application to the Board. The Hamlin's have been operating a resort business for a number of years and would now like to sell the property in a manner that is beneficial to the lake and neighbors. He went on to explain that all the building that are currently in the shore impact zone would be removed and that the remaining structures would be behind the established string line. Currently 14 families could be served at the resort and that there is an active marina on the site. The proposal would leave 3 single family sites with 3 docks. Although the buildable area is substandard sized using the 75 foot general development lake setback, using the string line method of determining setback would allow buildable area of 3775 sq. ft. on Tract A, 2695 sq. ft. on Tract B, and 3500 sq. ft. on Tract C. The string line method of determining setback is frequently used in the Lake Melissa area. All the lake frontage requirements have been met. Currently, there is 34% impervious surface lot coverage and with the proposed structure removal the impervious surface coverage would be less than 25%. The proposal is in harmony with the comprehensive plan.

Rick & Julie Hamlin spoke next to state that they have operated the resort for 9 years and would like to leave the lake better than when they got there. They will do this by removing the building out of the shore impact zone and discontinuing the marina. The marina currently has a large amount of water traffic and discontinuing the water front gasoline service would diminish the water traffic in the area substantially, which is preferential to the neighbors.

Bill Jordan, real estate professional, reiterated the benefits of eliminating buildings in the shore impact zone, the increased buildable lot size if the string line was used rather than the 75 foot setback, reducing water traffic in the area and lessened impervious surface coverage.

Champ questioned if the 3 remaining cottages had decks built to the front of them would they still be out of the shore impact zone. Jordan stated that he ran the string line from the adjacent cottages walls but they both have decks in front of them which would extend the string line further out if ran from deck to deck.

Kalil asked what if the buyer of Tract C doesn't want to combine the two cabins into one dwelling unit. Champ suggested the combination of the two cabins to be included in the motion.

Gail Hahn, Lake View TWP, spoke in favor of the request stating it would reduce the stress on the lake.

Michelle People spoke in favor of the request citing the area wouldn't be as busy and there would be less density.

No one spoke in opposition to the plan.

Moltzan read two letters from the file, Bob Merritt, DNR, wrote against the request due to increasing density; City of Detroit Lakes wrote that buildable area would be larger if string line used.

Moltzan explained the context of the letter from the DNR.

Testimony was closed.

Flottesch believes the hardship is the nearness of the road. Stated that a reduction from 15 sites to 3 would be an improvement. The lake frontage require has been met and the string line would be an appropriate method of establishing buildable area. Removing buildings from the shore impact zone is much better than having it remain at the density it is currently.

Elletson agreed that the string line would be appropriate as the proposed subdivision would gain sufficient buildable by area by using the string line at an 68 foot setback versus a 75 foot setback. Elletson stated that the benefits to the area outweigh the costs of not meeting the ordinance size requirement.

Kalil is concerned about the small buildable area on Tract B, but states that is an improvement over what is existing.

Flottesch stated that a letter from the Pelican River Watershed approves the proposal.

Motion. Oakes made a motion to approve the application as proposed Variance to subdivide a parcel into three individual parcels - 2 with less than 2,000 sq ft of buildable area based on the fact that the string line gives adequate building area and the approval of the City of Detroit Lakes, the Township Board, the Watershed District and the fact that the reduction of impervious surface coverage and removal of building from the shore impact zone is beneficial with the stipulation that only one dwelling be allowed per tract of land. Flottesch second. All in favor. Motion carries.

THIRD ORDER OF BUSINESS: David & Vicki Kise. An application for a Variance to construct a (n) garage 53 feet from the centerline of the township road has been filed for the property described as Block 2 Lots 6 & 7 Green Acres 1st Addition; Section 7, TWP 140, Range 36, Osage Township. Straight Lake.

David Kise explained the application to the Board. He stated that his lot lines angle and that due to the location of the septic system he could not meet the required setback. He needs the additional garage for storage.

Oakes asked him if it would be a pole barn type structure. Kise stated that it would not be a pole barn type structure and would be constructed to match the house.

Oakes asked if there would be land alteration involved for the construction. Kise stated that there would be a little pushing and fill and that there would be a step down.

Elletson asked if there was room to add on to the existing garage, where the dog kennel is now located and how far his pressure bed was from that area. Kise stated that it would interfere with his pressure bed because he would have to carve out the hill. He thought he would have to then build a retaining wall.

Elletson questioned the exact location of the drainfield. Moltzan referred to the Certificate of Compliance in the file.

Champ asked how many residents lived past him on the road. Kise stated two and that there were a couple of vacant lots.

Kalil asked if he was planning on adding another driveway for the proposed garage. Kise said yes because to use his current driveway he be driving over his drainfield and have to remove trees and that the power box was in the way. Flottesch stated that tree removal is not a hardship and the power box should be in the road right of way.

No one spoke in favor of the application. No one spoke in opposition to the application. There were no letters in the file. Testimony was closed.

Flottesmesch stated he could not find a hardship. The house and existing garage allows for reasonable use of the property and that the lot is large enough for a building to meet the ordinance. Although the road has low usage, every entrance create a potential hazard.

Kalil stated that either the drainfield isn't located according to the file information or it was drawn in an incorrect location on the site plan. She believes that there is reasonable use of the property and that the existing garage could be enlarged to allow for additional storage.

More discussion was held on location of septic system. Flottesmesch stated that by examining the location of the inspection pipes there should be enough room for an addition to the garage.

Motion. Flottesmesch made a motion to deny the variance request due to the fact that there is adequate room on the lot to build additional storage area and meet the requirements of the ordinance and that there is no hardship of the land. Oakes second. All in favor. Motion carried

FOURTH ORDER OF BUSINESS: Donald Wenaas. An application for a Variance to intensify a nonconforming structure in the shore impact zone 45 feet from the ordinary high water mark of Round Lake due to the substandard sized lot of record has been filed for property described as E 6 Rods of W 12 Rods of E 48 Rods of Lot 1; Section 7, TWP 141, Range 38, Round Lake S Township. Round Lake.

Donald Wenaas and Randy Ewerts, contractor, explained the application to the Board. The porch faces the lake and doesn't shed water well. He would like to put up gabled roof to allow for better run off.

Flottesmesch confirmed that Wenaas was not changing the footprint of the structure and just changing the roofline to gutter the water away from the structure.

Champ asked if the water damage and disrepair to the front porch would be refurbished. Wenaas stated yes.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no correspondence in the file. Testimony was closed.

Motion Kalil made a motion to approve the application to rebuild the roofline as proposed 45 feet from the ordinary high water mark of Round Lake due to the substandard sized lot of record and that the structure appeared to be structurally sound. Flottesmesch second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Lucilie & Jerry Dynek(Walker). An application for a variance to intensify a nonconforming structure by construct a(n) new foundation 30 feet from the centerline of the township road and 30 feet from the ordinary high water mark of lake on the property described as LOT 6; Section 30, TWP 142, Range 38, Round Lake Township. Many Point Lake.

Larry Muff, contractor, explained the application to the Board. The Dynek's have owned the property for many years and wanted to preserve the building by raising it up and putting a foundation underneath it.

Oakes mentioned that there were actually two old cabins on the property.

Kalil questioned if they were structurally sound. Muff could say that they were not structurally sound but the interior was in good repair and the property owners wanted to save them.

Champ made note that a variance would be required even if the existing cabin were removed and a new structure put in their place.

Kalil asked what would happen if, when the structures were lifted, they fell apart. Moltzan stated that would depend on exactly how the Board stated its motion for a variance.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no correspondence in the file. Testimony was closed.

Elletson stated that although the current location is nonconforming, the building can't be moved back much because of the road but he is not in favor of allowing them to remain either.

Flottesmesch stated that it appeared that the building were beyond repair and on a small lot with 2 residences. It is time for the owner to rethink the proposal and possibly rebuild. He would understand a variance to construct in the same location but allow only one dwelling.

Motion. Elletson made a motion to deny the variance request due to the fact that there are two dwellings in poor repair on one parcel of land and that it is not in the spirit of the ordinance to allow the nonconformity to continue. Johnston second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Jerome & Claudia Lima. An application for a Variance to construct a(n) storage shed and deck 30.5 feet from the road, 5 feet from the side property line 5 feet from the ordinary high water mark of Munson Lake and a porch addition 75.5 feet south of the centerline of the a township road has been filed on the property described as Lot 30 & 29 Woodland Beach and THAT PART OF LOT 2 LYING N OF LOT 30 WOODLAND BCH; Section 8, TWP 138, Range 41, Lake View Township. Lakes Sallie & Munson.

Moltzan stated that the were two separate variances being requested since it was discovered that the request was for two separate buildable tracts of land.

Jerome Lima explained the application for the porch addition to the Board. He stated that he began a weekend project of residing and reshingling his existing entry and when the old coverings were removed he noticed that the rafters, boards around the windows, and the floor joists were rotten from water damage. This happen on a Saturday when the Planning & Zoning office wasn't open and he had to cover what had been removed. So they went ahead and made the repairs by squaring off the foundation to straighten the walls and put facia underneath to correct the water problem under the cabin.

Flottesmesch questioned if the present addition is 75.5 feet from the centerline of the road. Lima stated yes. Johnston state that the township road was only a 33 foot road.

Tamara Knapper spoke in favor of the addition it looks better and is further from the road than the previous one. Gail Hahn, Lake View TWP, stated that the township board had no opposition to the application.

No one spoke in opposition of the application.

Moltzan summarized three letters from the file. Al & Joanne Knapper in favor of porch addition. Shawn Beadle in favor. Patrick Norberg - porch larger than previous one and built without a permit.

Testimony was closed on the request for a porch addition.

Motion. Flottesmesch made a motion to approve the variance for a porch addition 75.5 feet from centerline of the township road to the substandard sized lot of record. Elletson second. All in favor. Motion carried.

Champ announced that the Board would now consider the application for a variance for the storage shed and deck. The Lima's stated that they would like to postpone the hearing on this, as they are in a boundary line dispute regarding this parcel. Flottesmesch asked them how much time they felt they needed to resolve this issue and they said next June.

Motion. Flottesmesch made a motion to accept the request of the applicants to postpone the hearing until the June Board of Adjustments meeting. Oakes second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Chester & Betty Levenson. An application for a Variance to construct a(n) garage 20 feet from the centerline of the township road and 9 feet from the east side property line has been filed on the property described as LOTS 4 & 5 Block 3 Pebble Beach; Section 18, TWP 138, Range 41, Lakeview Township. Lake Sallie.

Chet and Betty Levenson explained the application to the Board. They have an existing bathhouse down by the lake that they currently use for storage. They would like to remove the bathhouse but need someplace to store the contents. The existing garage was built as a carport in 1955 and in 1979 Floyd Svenby, Zoning Administrator, allowed them to enclose it at 9 feet from the side property line. So they are asking for a variance to complete the garage to add more storage, 9 feet from the side property line.

Flottesch confirmed that the addition would be in line with the present garage.

Kalil questioned the access and whether it would have a gable roof. Levenson said that it would have a gabled roof with a 4070 door.

Speaking in favor of the addition were John Burnet, neighbor; Donald Thompson, neighbor; and Jim Watland, neighbor. Gail Hahn, Lake View TWP, stated the Township Board had no opposition.

No one spoke in opposition to the application. Moltzan read two letters from the file in favor of the application from John McLaughlin and Donald Thompson. At this time testimony was closed.

Motion. Johnston made a motion to approve a variance to allow the existing garage to remain and an addition to the existing garage to be constructed 20 feet from the centerline of the township road and 9 feet from the side property line due to the substandard sized lot of record with the stipulation that the bathhouse be removed. Rew second. Champ asked for another second as Rew was an alternate Board Member. Elletson second. All in favor. Motion carried.

EIGHTH ORDER OF BUSINESS: Lorraine Hallstrom. An application for a Variance to intensify a nonconforming structure 16 feet from the ordinary high water mark of Cotton Lake and construct an addition to the garage 52 feet from the centerline of the county road has been filed on the property described as Beg on E Line Hwy 525' W and 58.1' N of SE Sat 6th n; Section 3, TWP 139, Range 40, Erie Township.

Bill Wilson, attorney for Earl Hallstrom, explained the application to the Board. He stated that the request is for two separate variance issues one regarding remodeling the house and the other regarding construction of a garage. The main portion of the house was built in the 1930's and an addition was put on in 1990. The addition wasn't sided and there is some water damage because the original structure wasn't square. Hallstrom would like to raise the roofline because it is very low and put an addition to the corner and end. The plan is to refurbish both the house and garage. The existing garage is a single stall and 62 feet from the centerline of the township road. Hallstrom would like to add a stall going toward the road, the addition can't go toward the lake because of the steep slope on the lot. The proposed garage would be 32' x 42'. There is currently 1905 square feet of lot coverage not including a concrete stairway.

Mr. Hallstrom stated that the exterior of the house and garage would be finished similarly to the boathouse and would be an improvement to the area. He has a narrow lot and would be going no closer to the lake with the house changes and the garage addition would be similar to the others in the area.

Jon Sabo, neighbor spoke in favor of the application. No one spoke in opposition. There was no correspondence in the file. Testimony was closed at this time.

Oakes stated that it is not a good idea to allow an addition to a house that is already in the shore impact zone.

Kalil spoke regarding the slope of the lot and wanted to know where the driveway would be. Hallstrom stated the entrance would be on the same side it currently is.

The Board held discussion regarding the condition of the structure and location of the house addition.

Wilson stated the addition would just fill out the jog in the current structure. And Hallstrom stated he believed the structure to be sound.

Flottesch mentioned that the home 2 lots to the south of Hallstrom's is a good example of good lot usage. A variance would be needed to in any case on Hallstrom's lot but rebuilding in a different location should be considered.

Elletson agrees with Flottesch noting it doesn't make sense to allow the enlargement of a structure that is currently in questionable repair.

Flottesch states that other alternatives should be considered.

Elletson states that there are two issues, the house and the garage. The garage variance would be acceptable but not the house.

Johnston asked how will the addition make the house more livable. Hallstrom states it would add one bedroom. Todd Hallstrom, son, states that the roof is rotten and needs repair.

Elletson questions if it would be feasible to build a house where the garage is proposed.

Kalil states concern over whether the present structure is worth trying to salvage or if the applicant would be better off building outside of the shore impact zone.

Champ states she doesn't want to deny the variance request and asked the applicants if they would like to postpone the remainder of the hearing and create an alternate plan. The applicant stated they want to save the current structure.

Motion. Kalil made a motion to deny the variance due to the poor condition of the house structure and if variance allowed for garage it would make an additional hardship for future building of a new dwelling outside of the shore impact zone. Elletson second. Johnston thinks the variance request for the garage is reasonable. Flottesch explained that there is a variance on file for the 1990 addition and that the request for enlargement of the footprint of the structures continue and that the applicant needs to consider the long term usage of the property before building any thing additional. Kalil, Flottesch, Oakes, Elletson voted in favor of motion too deny. Johnston opposed.

Motion to deny variance carried. Champ recommended to applicant seek expert help in determining highest and best use of the property.

NINTH ORDER OF BUSINESS: Richard Meyer. An application for a Variance to intensify a nonconforming structure by raising existing roof of a dwelling 40 feet from the ordinary high water mark of Little Cormorant Lake has been filed of the property described as Block 2 Lots 5 & 6 Maple Ridge Beach; Section 5, TWP 138, Range 42, Eunice Township.

Richard and Bonnie Meyer presented the application to the Board. They bought the property in 1969 and changed the roofline in 1974 to create bedrooms. Now they find that they can't insulate the ceiling due to the cathedral ceiling and the slope of the roof is such that they have no cupboard space and limited window area. They would like to jack the roof up to a normal pitch would allow them a 8 foot sidewall. They will make the roofline match the rest of the cottage and the overhang will be 6" further from the lake than it is currently. When the roofline was changed in the 1970's the lake was 60 feet from the cottage and the water has risen since that time. The lot coverage will be at 20% with a wrap around roof.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no correspondence in the file. Testimony was closed.

Flottesch states the request is reasonable since the structure is in good repair and will make the kitchen area more usable.

Motion. Flottesch made a motion to approve the variance request for intensifying the nonconforming structure by changing the roofline 40 feet from the Ordinary Highwater Mark of Little Cormorant Lake due to the substandard sized lot of record and location of existing house. Kalil second. All in favor. Motion carried.

TENTH ORDER OF BUSINESS: Dale Kriewald. An application for a Variance to intensify a nonconforming structure 32 feet from the ordinary high water mark of Strawberry Lake has been filed for the property described as Pt Lot 7 Beg 142' N of SE Cor Lot 7 th NW 98.4' Rec NE 81' Al Rd SE 120' SW al LK 71' of NW 14' to Beg; Section 26, TWP 142, Range 40, Maple Grove Township. Strawberry Lake.

Dale Kriewald explained the application to the Board. He needed to make an addition to the to add a bathroom and he discovered water damage as he was working on the addition because there was no foundation. His contractor, Ron Muff, discussed that further water damage would occur if the cabin was not lifted. The cabin was only 20' x 24' and there was not room for a bathroom.

Kalil asked if there he was planning on putting on a deck. Dale stated he had no plans for a deck but would need a stoop to enter the cabin. He would prefer the stoop on the north end based on the direction of the door swing.

Elletson questioned the size of the stoop. Kriewald stated he would like a 6' x 8'. Elletson stated that during the site visit they measured a distance of 46 feet from the ordinary highwater mark and the request is for 32 feet from the ordinary highwater mark. A 4' by 6' stoop would be allowed by ordinance so a 6' by 8' would require a variance also.

Oakes stated that a 6' by 8' stoop would be in stringline with the neighbors.

No one spoke in favor of application. No one spoke in opposition to application. No correspondence in file. Testimony closed.

Kalil stated that she disproved of an after-the-fact variance request in the shore impact zone. Consideration should be as to whether or not the variance request would have been approved if it had been requested before the foundation was in or would the Board have required the cabin to be moved back? She stated that it was 105 feet to the centerline to the road and that there was enough room to move the cabin back.

Elletson stated that the entire lot is only 171 feet deep so a variance would still be required. The cabin is now behind the string line. Elletson agrees with Kalil that the request has to be considered as if the foundation was not in place but that adding a bathroom is reasonable use.

Flottesch states that the addition is 4 feet further from the lake than the existing cabin.

Kalil states the cabin was nonconforming and Kalil dislikes the idea of approving a variance for an after the fact request because it gives the impression that it is acceptable to build without a site permit.

Champ believes it is a modest improvement.

Elletson questions if the cabin could have realistically been moved out of the shore impact zone.

Oakes states the deck request is also nonconforming and that only a 4 foot by 6 foot stoop is allowed by ordinance.

Motion. Flottesch made a motion to approve the intensifying of the cabin by allowing the foundation and 12 foot by 10 foot addition to remain as it is located behind the string line. Oakes questions the porch. Flottesch states that the porch is behind the string line. Oakes second. Flottesch, Oakes, Johnston in favor. Elletson, Kalil opposed. Motion carried.

ELEVENTH ORDER OF BUSINESS: Bill & Joann Christlieb. An application for a Variance to subdivide a nonconforming lot into 2 substandard size lots has been filed for the property described as Lots 1-4 Block 2 Townsite of Osage; Section 20, TWP 140, Range 36, Osage Township.

Bill Christlieb explained the application to the Board. He stated that he owns the Osage Store and when they remodeled the store to allow for the Osage Post Office, he needed more room for parking and bought additional lots. He would like to subdivide the lots and sell the house on lot 4 to his son. The Post Office had the property surveyed

and the pins are in place and easily locatable. The 4 lots that he owns are in contiguous ownership and within 1000 feet of the lake and thus had to appear before the Board for subdivision approval.

Elletson asked what a standard sized lot in an unincorporated townsite is. Moltzan stated one acre.

Speaking in favor of the application was Jeff Christlieb, son of applicant. No one spoke in opposition. No letters in the file. Testimony closed.

Elletson stated that the entire site of 4 lots has less area than one acre.

Flottesch stated that it is not the intent of the county to cause hardships to unincorporated cities and the lot size meets the intent of townsite.

Elletson stated that the owner should be able to sell one 60 foot lot to his son.

Motion. Elletson moved to approve the variance to subdivide the 4 lots in contiguous ownership for deed transfer as the lots are platted in an unincorporated townsite. Oakes second. All in favor. Motion carried.

TWEVELTH ORDER OF BUSINESS: Wayne Wilson. An application for a Variance to construct a(n) dwelling 66 feet from the centerline of a county road and 50 feet from the ordinary high water mark of Big Cormorant Lake has been filed on the property described as Lot 10 Block 5 Summer Island; Section 6, TWP 138, Range 42, Eunice Township. Big Cormorant Lake.

Wayne Wilson explained the application to the Board. He bought the lot from his parents and would like to build a house for his daughter. He has spoken with the lake association; Grant Ohm, septic contractor; and several of his neighbors regarding the building and need for a variance. Wilson presented photographs from several angles to show the topography of his lot and neighboring lots. According to the plat his lot is 50 feet wide and the west property line is 208 feet in length and the east property line is 245 feet in length. The County Highway Department put County Highway 6 in the wrong location so he now has a 50 foot wide lot that is 186 feet on the west property line and 192 feet on the east property line. He would like to build 50 feet from the ordinary highwater mark of the lake and 66 feet from the centerline of Co Hwy 6. When County Highway 6 was built in its present location an old road bed nearer the lake was vacated and many residents use this area for building 50 feet from the OHW. The topography of the slope and the old road bed work well for a walkout basement and front yard. Wilson is requesting to be 66 feet from the centerline of the county highway because he would like to build a garage and have parking space. This would leave 70 feet to build a house on. He has had a septic contractor out to determine the location for the septic system and a contractor design a house for the highest and best use of the property. The request is in the sight line of the neighbor to the east. They have a mobile home 70 feet from the OHW.

Kalil confirmed that the request was for a walkout basement similar to the neighbors to the west.

No one spoke in favor of the application. Speaking in opposition was Lois Pronovost, she had concerns of how the applicant was going to get to his proposed well. Also, speaking in opposition was Mark Ostlie, neighbor across Co Hwy 6, his concern was as to whether or not the area on the site plan north of the highway was being taken into consideration because he believes this property belongs to him. Moltzan stated that the area being considered was south of the Co Hwy. There were no letters in the file. Testimony was closed.

Elletson stated that the impervious surface coverage was under 25% and that the lot naturally drains away from the lake. He thinks the plan makes good use of a small lot of record. The request is reasonable.

Flottesch agrees with Elletson. He stated that the Board spent a lot of time on the site during their tour and the request is for use similar to the neighborhood. It appears that the lot to the east has had considerable landscaping done to remove the natural ridge. The request is for a reasonable sized house.

Motion. Elletson made a motion to approve a variance to construct a dwelling and garage 66 feet from the centerline of the county highway and 50 feet from the ordinary high water mark of the lake due to size and shape of lot and gives reasonable use of the property. Flottesch second. All in favor. Motion carried.

THIRTEENTH ORDER OF BUSINESS: Randy & Sharon Stites. An application for a Variance to construct a(n) garage 62 feet from the centerline of a township road and to exceed allowable lot coverage by 9% has been filed on the property described as Lot 5 Sandy Beach Park; Section 27, TWP 138, Range 42, Lake Eunice Township, Lake Eunice.

Gary Heitkamp, contractor, presented the application to the Board. The Stites would like to build a new 22 foot by 26 foot garage over the paved driveway. He showed the elevations and the drainage flow on the lot to show that the lot does not drain to the lake but to the back corner of the lot. He stated that the site plan stated and incorrect measurement and that the request should be for a distance of 46 feet from the centerline of the road not 62 feet. The property owners would like to keep the blacktop on the driveway if possible but might be willing to surrender it to get the new garage. He stated this home is a retirement home for 2 people but that they have many visitors.

Oakes stated that he see no hardship.

No one spoke in favor of the application. No one spoke in opposition to the application. There was no correspondence in the file. Testimony was closed.

Kalil stated she sees no hardship. There is a large house with a two stall garage on a small lot. It seemed like reasonable use of the property.

Flottesch stated that although the garage would not be increasing the impervious surface coverage a previous variance for an addition was approved in November of 2001.

Motion. Kalil made a motion to deny the request for a variance because no hardship exists. Oakes second. Johnston states that even if the blacktop on the driveway was removed they would still be over the allowable 25% lot coverage. All in favor to deny the variance request. Motion carried.

FOURTEENTH ORDER OF BUSINESS: Don & Nancy Kinslow. An application for a Variance to construct a garage 30 feet from the centerline of a county road and 87 feet from the ordinary high water mark of Cotton Lake has been filed on the property described as .19 AC LYING 2 RDS E & 100' N OF 1/4 COR IN S PT LOT 2; Section 11, TWP 139, Range 40, Erie Township Cotton Lake.

Don and Nancy Kinslow explained the application to the Board. They just purchased the house and would like more storage. They mentioned that the proposed garage is located over the drainfield but they are very willing to work with the board and their recommendations.

Flottesch confirmed that the doors on the proposed garage are facing the roadside. Mr. Kinslow stated that it appeared that there was enough room to back out on the lot and not directly into the roadway and that they could possibly move the garage back to accommodate the backing issue.

Flottesch suggested that they turn the garage and use the current driveway to back onto instead of backing onto the road right of way. The Kinslow agreed that that would be possible.

Johnston suggested that they move the garage toward the property line and make a turnaround.

Elletson questioned whether they were planning on paving the driveway because the impervious lot coverage is at 23.8% presently and would be at 31% with the proposed garage. The Kinslow's stated that they had not planned on paving the driveway. They also said they could remove some of the paving blocks that surround the shed or that they could remove the shed altogether. Elletson would like to see the stipulation in the motion that the impervious surface coverage be no more than 25% and that the driveway be converted to gravel.

Johnston stated that with an 8/12 pitch the height of the garage would be 20 feet and that would exceed the allowable 18 ½ foot height allowance on accessory structures. Mr. Kinslow said he would modify the height.

Gary Heitkamp spoke in favor as many neighbors have garages in the road right of way. No one spoke in opposition. There was no correspondence in the file. Testimony was closed.

Moltzan stated that allowing the variance and thus requiring removal of the drainfield would violate Minnesota State Statute Chapter 7080 regarding septic systems.

Elletson stated he would like to see a new plan with the septic system in the correct location and impervious surface coverage reduction. Johnston added that the garage location on the new plan should be at least 5 feet off the road right of way.

Mr. Kinslow requested postponement of a decision on his hearing until the October Board of Adjustment meeting so that he may make a new plan.

Motion. Flottesch made a motion to accept the postponement request for the decision. Kalil second. All in favor. Motion to postpone decision carried.

FIFTEENTH ORDER OF BUSINESS: Chari Honrud. An application for a Variance to construct a (n) dwelling and garage 87 feet from the centerline of a township road and 100 feet from the ordinary high water mark of Abbey Lake has been filed for the property described as Lot 38, Block 1 Abbey Lake Est; Section 23, TWP 138, Range 41, Lake View Township. Abbey Lake.

Chari Honrud and her fiancé, Gary Olson, presented the application to the Board. They would like to build a home on Abbey Lake. They intend to put the drainfield on the roadside and the house on the lakeside.

Elletson stated that according to the ordinance the setback from a Natural Environment Lake is 150 feet and if they moved the entire plan back 9 feet they would still make the appropriate road setback.

Olson stated he would like parking area and there is a large bank in the back.

Flottesch stated the proposed deck would be 1 foot behind the stakes that were in place during the Board tour, yet 9 feet further from the lake. The property owners would still be afforded the same view but be a little further from the lake.

Gail Hahn, Lake View TWP, stated that the township board concurs with the Board of Adjustment.

No one spoke in favor of the application. No one spoke in opposition. There was no correspondence in the file. Testimony closed.

Motion. Elletson made a motion to approve a variance with the garage 78 feet from the centerline of the township road and the house moved back 9 feet from the location shown on the plan in the file due to the substandard size of the lot. Flottesch second. All in favor. Motion carried.

SIXTEENTH ORDER OF BUSINESS: Informational meeting. The next informational meeting is scheduled for October 8, 2003 at 8:30 a.m.

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

Naomi Champ, Chairperson

ATTEST

Patricia L. Johnson, Zoning Administrator