

**Becker County Board of Adjustments
November 12, 2003**

Present: Members - Harry Johnston, Tom Oakes, Jerome Flottemesch, James Elletson and Terry Kalil.

Zoning Staff – Patricia Johnson, Administrator and Debi Moltzan

Vice Chairman Johnston called the meeting to order at 7:00 p.m.

FIRST ORDER OF BUSINESS Rodney Stutzman. An application for a variance to construct a sunroom 38 ft from the ordinary high water mark of Buffalo Lake has been filed for the property described as Lot 10 Chippewa Shores, Section 6, TWP 140, Range 40, Holmesville Township. PID Number 16.0321.000.

Stutzman explained the application to the Board. The existing cabin already exists too close to the lake and the shoreline has eroded over the years. The sunroom would be constructed over a portion of the existing concrete so that no more cement would be poured closer to the lake.

Elletson asked Stutzman when he bought the property. Stutzman stated that he bought the property in 1992.

Kalil asked the reason for placing the screen porch at this location. Stutzman stated that the slab already existed, the location would not hinder the neighbor's view of the lake, placing the addition to the East would get too close to the lot line, and placing the addition to the West would mean entrance through the bedrooms.

Oakes stated that the addition would be located in the shore impact zone, which is highly protected. Flottemesch stated that 50 years ago, this lot probably was part of the lake bottom due to the dams upstream. Kalil questioned the condition of the cabin. Stutzman stated that the cabin is in sound shape.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Vern & Barb Funk, in favor of the application; Debra Levos, in favor of the application; and Erliss Wagner, in favor of the application. At this time, testimony was closed.

Further discussion was held regarding the string line, shore impact zone, alternate locations, location of the existing slab, and neighbor's site line. Flottemesch questioned the exact location of the sunroom on the existing slab. Stutzman stated that the sunroom would be located 7 ft from the east corner of the cabin. Kalil stated that the slab is already there and that putting it on the side would impact the neighbors. Flottemesch stated that the sunroom would not interfere with the sight line of the neighbors, but it is located within the shore impact zone. Flottemesch further stated that this would be a three-season porch and non-insulated. Elletson stated that the entire cabin is in front of

the established string line. The existing cabin is currently outside the shore impact zone. Oakes stated that the shore impact zone should be protected.

Motion: Oakes made a motion to deny the variance request for a sunroom 38 feet from the ordinary high water mark of the lake based on the fact the addition would be located in the shore impact zone; the entire cabin is in front of the established building (string) line; and no hardship of the property could be proven. Elletson second. All in favor. Motion carried. Variance denied.

SECOND ORDER OF BUSINESS: Wayne Kuehl. An application for a variance to construct a garage 75 feet from the ordinary high water mark of Big Cormorant Lake has been filed for the property described as Lot 6 Haugen Beach, Section 30, Township 138, Range 42, Lake Eunice Township. PID Number 17.0727.000.

Kuehl explained the application to the Board. The garage would meet the required distance from the road, but would be 75 ft from the lake.

Kalil questioned the location of the septic system. Kuehl stated that the drainfield ran east and west from the standpipe. Elletson questioned what problems moving the garage 10 ft closer to the road would create. Kuehl stated that he would then need a variance from the road and that he did not know exactly where his septic system was.

Further discussion was held regarding the relocation of the cabin, should anything happen to the cabin and the age of the septic system. Elletson stated that if anything would happen to the cabin, the cabin would have to be moved further from the lake and out of the shore impact zone. The location of the garage should allow for the relocation of the house. Further discussion was held as to finding the exact location of the septic system and an alternate site, should this one fail.

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.

Kuehl asked to postpone the application until he could find the exact location of his septic system and come up with a new plan for the garage that would not interfere with the septic system.

Motion: Flottesch made a motion to accept Kuehl's request for postponement of the application to allow Kuehl to locate the exact location of the septic system and come up with a new plan for the garage that would not interfere with the septic system. Kalil second. All in favor. Application postponed.

THIRD ORDER OF BUSINESS: Lorraine Hallstrom. An application for a variance to construct a dwelling 53 feet from the centerline of the county road and 94 feet from the ordinary high water mark of the lake and construct a garage 43 feet from the centerline of the county road and 75 feet from the ordinary high water mark of the lake has been filed

for the property described as Beg E Line hwy 525 ft W and 58.1 ft N of SE; Section 3, TWP 139, Range 40, Erie Township. PID Number 10.0016.000.

Earl Hallstrom explained the application to the Board. Hallstrom took the Board's advice from the past variance meeting. He will be removing the cabin that is near the lake and replacing it with a new structure. The existing garage will also be removed and replaced.

Flottemesch asked if the garage would be accessed directly from the county road. Hallstrom stated that it would be. Flottemesch questioned if the garage could be rearranged to obtain 20 ft off the road right of way, the present plan shows 18 ft from the right of way. Hallstrom stated that something could be worked out to accomplish that request.

Further discussion was held regarding the road, road right of way, new structures and proposed locations.

No one spoke in favor of the application. 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 second proposal is the best solution and would be the best use of the property if the garage could be moved to 20 ft from the road right of way. Kalil stated that this was a good job of long range planning.

Motion: Kalil made a motion to approve a variance to allow a garage twenty (20) feet from the road right of way and seventy-two (72) feet from the ordinary high water mark of the lake and allow a dwelling fifty-three (53) feet from the centerline of the county road and ninety-four (94) feet from the ordinary high water mark of the lake based on the size and topography of the lot. Elletson second. All in favor. Motion carried. Variance approved.

FOURTH ORDER OF BUSINESS: Ray & Linda Harris. An application for a variance to construct a garage 50 feet from the centerline of the township road due to the topography of the lot has been filed for the property described as Lots 7 & 8 Block 7, Townsite of Osage, Section 20, TWP 140, Range 36, Osage Township. PID Number 21.0459.000.

Harris explained the application to the Board. The garage would be located 50 feet from the centerline of the road. If he moved it back to the required 78 ft setback, the garage would be in the middle of the lot, block the view for three neighbors and would be located in a low spot; the topography of the lot drops off approximately 4 to 5 feet.

Flottemesch, for clarification, asked if the lot was located in a platted townsite, which was never incorporated into a city. Harris stated that was true. Elletson questioned if the garage doors would be facing the road. Harris stated that they would. Johnston stated that he would like to see the garage 20 ft from the road right of way for consistency.

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 townsite, the platted lots and streets and the topography.

Motion: Elletson made a motion to approve a variance to allow a garage fifty-three (53) feet from the centerline of the road based on the topography, this location would protect the septic system, the location is compatible with the surrounding townsite area, and it would give reasonable use of the property. Oakes second. All in favor. Motion carried. Variance approved.

FIFTH ORDER OF BUSINESS: Terrence & Camille Storey. An application for a variance to construct a screened porch 42 ft from the ordinary high water mark of Leif Lake has been filed for the property described as Lots 13, 14 & 15, Block 4, Summer Island, Section 6, TWP 138, Range 42, Lake Eunice Township. PID Number 17.1207.000.

Gene Hill, contractor, explained the application to the Board. Hill stated that the property owners would like to have a screened porch on the lakeside of the house, which would be closer to the lake than the original variance.

Kalil stated that the original variance was granted in August 2002 and that she was not part of the Board at that time. After reviewing the minutes from that meeting, the minutes show that there were no plans for a deck or screen porch, but there was going to be an 8 ft patio. Hill stated that the plan submitted did not have the screen porch on it and that the owner thought that he could build up to the point where the old cabin was located.

Oakes stated that the majority of the screen porch would be located in the shore impact zone and the screen porch should be located elsewhere. Flottesmesch stated that if the deck were to be built to the sides of the lakeside notch in the house, no variance would be needed because it would meet the lake setback granted in the first variance.

Johnson stated that Storey felt that the sunroom had been included in the first application, which the application and minutes do not reflect. Johnson stated that the 6 ft deck to the side of the notch could be allowed, any other decks would require a variance, the 15% deck addition does not apply for new construction.

Kalil stated that the minutes from the previous meeting were very clear. Flottesmesch stated that a deck or porch should have been considered at the previous meeting, not afterward. Johnston questioned if there is a patio door facing the lake. Hill stated that there would be.

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.

Elletson stated that there are four issues to be looked at: 1) the screen porch addition places the house in front of the string line; 2) the screen porch will be in the shore impact zone; 3) this would change a variance that is only one year old; 4) the impervious coverage is either maxed out or exceeded, there is not enough information to make that determination. Elletson stated that he could not see a hardship of the property to allow another variance; the property does have reasonable use.

Kalil agreed that there was not enough information to calculate the impervious coverage. Kalil also stated that there are too many requests coming before the Board for decks after the house has been constructed, the deck must be included in the entire plan. Kalil stated that if the doors are in, then maybe it needs to be looked at for an access from the doors, but then, the house is not completed yet and could be changed.

Flottemesch stated that the deck should have considered before, with the entire picture. Flottemesch also stated that if the porch had been included with the original plan, a different variance would have been considered at that time.

Motion: Kalil made a motion to deny the request for a screened porch forty-two (42) feet from the ordinary high water mark of the lake based on the fact that there is a lack of a hardship of the property, the majority of the proposed structure would be located in the shore impact zone, and the original variance granted is only one year old and the porch should have been considered at that time. Elletson second. All in favor. Motion carried. Variance denied.

SIXTH ORDER OF NEW BUSINESS: Shari Correll. An application for a variance to construct a dwelling 55 ft from the ordinary high water mark of the lake has been filed for the property described as Lots 14 & 15, RS Dutton's Subdivision, Section 5f, TWP 138, Range 41, Lake View Township. PID Number 19.1140.000.

Correll explained the application to the Board. A new house with a walkout basement will be constructed on the property. The cabin closest to the lake will be removed prior to construction of the new home. The garage has already been removed. The cabin closest to the road will be removed upon completion of the new house.

Flottemesch reaffirmed the timetable for removal of the existing structures. Correll stated that the cabin closest to the lake would be removed prior to construction and the cabin closest to the road removed after construction.

Discussion was held regarding the string line, removal of cabins and size of lot. Elletson stated that the location of the new house would be in line with the string line.

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. Elletson stated that this would be good use of the property.

Motion: Flottemesch made a motion to approve a variance to allow a dwelling fifty-five (55) feet from the ordinary high water mark based on the size of the lot, that this would be good use of the lot, and that three nonconforming structures would be removed and replaced with one structure, with the stipulation that one cabin be removed from the property prior to construction and the other cabin be removed from the property by December 31, 2004. Elletson second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting was scheduled for Thursday, December 4, 2003 at 8:30 a.m. Due to a staffing schedule problem, the informational meeting will need to be rescheduled. After discussion, the Board decided to hold the informational meeting on Tuesday, December 2, 2003 at 8:30 a.m.

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

Harry Johnston, Vice Chairman

ATTEST _____
Patricia Johnson, Zoning Administrator