

Becker County Board of Adjustment
March 10, 2004
Regular Meeting

Present: Members: Harry Johnston, Tom Oakes, Terry Kalil, James Elletson, and Jerome Flottesch; Zoning Staff: Patricia Johnson, Administrator and Debi Moltzan; Gretchen Thilmony, Assistant County Attorney.

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

Oakes made a motion to approve the minutes from the January 2004 meeting. Elletson second. All in favor. Minutes approved. Elletson made a motion to approve the minutes from the December 2003 meeting. Kalil second. All in favor. Minutes approved.

FIRST ORDER OF BUSINESS: James Bergren. An application for a variance to construct an addition 36 feet from the centerline of County Road #22; 26 feet from the ordinary high water mark of the lake; and exceed lot coverage by 6% (31% total impervious coverage) has been filed on the property described as: Lot 3 New Port Beach; Section 27, TWP 138, Range 42; Lake Eunice Township. PID No. 17.1024.000.

Bergren explained the application to the Board. This is a summer home that he would like to turn into a year round home. The addition would go on top of existing concrete, thus not adding much more impervious than what is existing.

Johnston questioned the width of the existing driveway. Bergren stated that the driveway is concrete, 10 feet in width. Flottesch asked if the garage would be closer to the road than what is existing now. Bergren stated that the addition would be 10 to 12 feet closer to the road, but not as close as the neighbor's garage. Kalil questioned if the garage would be a two-car garage. Bergren stated that it would be more like a 1 ½ car garage. The garage would be insulated and heated to house the laundry facilities.

Elletson questioned the width of the road. Johnson stated that the road, in that area, is a 66 ft right of way, according to the County Highway Department. Elletson then questioned what was different from the request in 2001. Bergren stated that there was not much difference, except that one neighbor that opposed the variance is no longer a neighbor. Bergren stated that this application would not hinder anything.

Oakes questioned what the hardship was. Bergren stated that he needed room for storage and laundry facilities.

Further discussion was held regarding the impervious coverage and location of lot lines.

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. Kalil stated that she calculated the impervious coverage to be 33%. Kalil further stated that she could not find a hardship of the property, which is not created by the landowner. This request is the same as the previous one that was denied except for the fact that one opposing neighbor is no longer in the picture.

Bergren stated that this addition would not be hurting anything and that he wants the space to be able to keep his property neat and clean. The hardship would be that he has never lived here year round. Elletson questioned how long Bergren owned the property. Bergren stated that he owned the property for 6 years.

Flottemesch stated that a hardship must be of the land, not the landowner. Each lot of record is allowed a residence, but the size of the structure may be limited by the size of the lot. This lot already has 30% impervious coverage, which exceeds the allowable 25% coverage. The addition would put coverage over 30%. The addition would be 4 ft off the road right of way and which would be parking on the road right of way. A portion of the addition would be located in the shore impact zone. This lot has reasonable use now. One of the Board's duties is to improve situations, not aggravate the situations.

Johnson stated that the Board must strictly enforce the Ordinance. As regulations change, zoning changes and focuses change.

Further discussion was held.

Motion: Kalil made a motion to deny the variance for an addition 36 feet from the centerline of the County Road; 26 feet from the ordinary high water mark of the lake; and to exceed lot coverage by 6% (31% total impervious coverage) based on the fact that no hardship of the property could be proven; the addition would increase the nonconformity of a nonconforming structure; the structure is located within the shore impact zone; the lot already exceeds lot coverage; and the structure would be located too close to the road right of way. Oakes second. All in favor. Motion carried. Variance denied.

SECOND ORDER OF BUSINESS: Tentative Date for Informational Meeting. The next informational meeting is scheduled for Thursday, April 8, 2004 at 8:30 a.m. at the Zoning Office.

THRID ORDER OF BUSINESS: Election of Officers. Election of officers will be postponed until the April Meeting.

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

Harry Johnston, Vice Chairman

ATTEST

Patricia L. Johnson, Administrator