

**Becker County Board of Adjustments**  
**May 12, 2004**  
**Corrected Minutes**

**Present: Members** Jim Elletson, Tom Oakes, Harry Johnston, John Tompt, Terry Kalil, and Jerome Flottesmesch.

**Zoning Staff:** Patricia Johnson, Administrator, and Debi Moltzan.

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

Discussion was held regarding the April 2004 minutes. The following changes were to be made:

Second page, last paragraph – combine with the previous paragraph to read: Further discussion was held. Johnston questioned the height of the structure. Johnson stated that the Planning Commission would deal with the height of the structure, if the variance were granted. Kalil questioned how the Board would have looked at this application had the application come in before the structure was built. Flottesmesch stated that this would have been difficult, looking at the application as it applies to the lot. Flottesmesch stated that the original variance allowed a substandard size lot, small than the other back lots for the purpose of an adequate septic system and for accessory and storage structures. This structure may not be completely on the lot, but may be on the road right-of-way. The septic system is located in the road right-of-way. The entrance of the garage is directly off the road with the doors being on the road right-of-way. A structure of this size may not have been allowed on this size lot.

Second Page – Written correspondence, Gerald Rasmussen is listed twice.

Third Page – The comment – Kalil stated that the wording of the 1995 Variance is very clear, that the back lot is for an adequate septic system and storage- was made before the motion.

Adjournment – The second was made by Tompt, not McGovern.

With these changes, Kalil made a motion to approve the April minutes. Oakes second. All in favor. Motion carried.

Johnston explained that the Board consists of five- (5) member board with one (1) alternate. Johnston stated that, as chairman, he would be the alternate and would not be voting.

**FIRST ORDER OF BUSINESS: Wayne Kuehl.** This application was tabled at the applicant's request at the November 2003 meeting. The property is located on Haugen Beach, Big Cormorant Lake.

Kuehl explained the application to the Board. His septic contractor located the septic system and he was able to move the garage to 98 ft from the lake and 62 feet from the centerline of the road.

Kalil questioned the septic location in relation to the driveway and if the driveway would be too close to the system. Kuehl stated that there would be ample room, the driveway would go up to the tank, but not interfere with the drainfield. Tompt questioned if the entire drainfield ran to the west. Kuehl stated it did.

Elletson stated that this would allow the cabin to be moved back out of the shore impact zone, should the cabin be destroyed or replaced. Flottemesch agreed.

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 location of the septic system, location of the cabin, future relocation of the cabin, and proposed location of the garage.

**Motion:** Oakes made a motion to approve a variance to construct a garage 60 feet from the centerline of the road based on the size of the lot and future relocation of the cabin and location of the septic system; and deny a variance 75 feet from the ordinary high water mark of the lake based on the fact that there is an alternate location for the garage meeting the required lake setback. Kalil second. All in favor.

**SECOND ORDER OF BUSINESS: Dick Lesage.** Requests a variance to construct two additional cabins in the first tier of development has been filed for the property described as Pt Lot 1 & 2; Section 20, TWP 141, Range 38; Round Lake Township. Property located on Ice Cracking Lake. PID Number 25.0078.000.

Lesage explained the application to the Board. The existing lodge would be removed along with one additional building and impervious area totaling 7200 sq ft. Two new cabins would be constructed. If the cabins are placed in the second tier where they should be, they would be too close to the road. The proposal would be to construct them so that the rear of the cabins is at the line separating tier 1 and tier 2.

Flottemesch asked if was Lesage's intentions to remove the lodge, turn the present parking lot into green space, if the new cabins were counted as tier 2 calculations and if tier 1 was at full capacity. Lesage stated that the lodge would be removed, the parking lot removed and grass planted, the two new cabins were calculated in the second tier, but would be placed in the first tier, and tier one was at full capacity. Flottemesch questioned if there would be any more tier 2 development. Lesage stated that there would be no more tier 2 development on the lakeside of the road.

Kalil questioned if pedestrian safety has been taken into consideration when the lodge is moved across the road. Lesage stated that he would like some type of lights and signage

placed. The speed limit has already been reduced in this location and it is located on a straight stretch of road.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Joe & Christy Thorndal, in favor of the application and Ruth Bergquist, with concerns about the application. At this time, testimony was closed.

Further discussion was held. Elletson stated that he could support the variance with the understanding that these two cabins, even though placed in the first tier, would be counted in the second tier calculations. Flottesmesch agreed and further stated that if the cabins were placed in tier two, then a road variance would be required; with the road location, it would be safer to allow the cabins in the first tier.

**Motion:** Flottesmesch made a motion to approve a variance to allow two additional cabins to be placed in tier one based on the fact that the cabins would meet the required setback from the county road, allowing for better safety of the resort guests; the removal of the lodge, parking area and one additional building would decrease the amount of impervious surface on the lake side of the road and add additional green space; with the stipulation that the cabins are placed as far back in tier one as possible and that the cabins, even though placed in tier one, will be counted in the calculations of tier two. Oakes second. All in favor. Motion carried.

**THIRD ORDER OF BUSINESS: Lori Lockhart.** Request a variance to construct a garage 35 feet from the centerline of the county road has been filed for the property described as Lot 11 Chippewa Park, Section 3, TWP 139, Range 41; Detroit Township. The property is located on Little Floyd Lake. PID Number 08.0794.000.

Lockhart explained the application to the Board. The lot is not large enough to meet the required setbacks. She would like to have a garage to keep her car out of the elements. Up to now, she has been using the neighbor's garage.

Oakes questioned if the garage could be moved closer to the house. Lockhart stated that she would like to utilize the existing concrete slab and remove trees; this location is the least destructive. Lockhart stated that there are other garages closer to the road than the one she is planning.

Flottesmesch stated that lot coverage is over 30% and allowed lot coverage is 25%. With the construction of a French Drain, more lot coverage could be allowed. Flottesmesch also stated that the Board likes to keep structures a minimum of 20 feet from the road right of way. Further discussion was held regarding the setbacks and impervious. Lockhart stated that the material under the deck was landscape fabric. The Board agreed that this would make the deck pervious.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Brad Wentz, Becker County Highway Department, in opposition to the application. At this time, testimony was closed.

Further discussion was held. Elletson stated that it is only reasonable to allow a garage. To be consistent with other variances, he would like to see the structure 20 feet from the road right of way. Elletson further stated that he was troubled by the amount of impervious and that coverage should be reduced to 25%. Elletson stated that he could support a variance allowing the structure 20 feet from the right of way, and maximum impervious of 26 to 27%.

Further discussion was held. Kalil stated, that with the number of sidewalks, moving the garage closer to the house probably would not add much more impervious than what is there now. Flottemesch suggested giving a footprint and letting the landowner figuring out how the total plan would fit into the footprint.

**Motion:** Kalil made a motion to approve a variance to allow a garage twenty (20) feet from the road right of way and allow twenty-seven percent (27%) impervious lot coverage based on the size of the lot of record. Oakes second. All in favor. Motion carried.

**FOURTH ORDER OF BUSINESS: John Niemi.** A request for a variance to construct a new foundation under an existing structure 58 feet from the ordinary high water mark of the lake for the property described as: Lots 55 & 56, Abbey Lake Estates; Section 23, TWP 138, Range 41; Lake View Township. Property located on Abbey Lake. PID Number 19.0717.000.

Niemi explained the application to the Board. The structure was placed on the property in 1976. They would like to place a new foundation under the structure. There is no location on the lot that would meet all the required setbacks. The new foundation is needed to support the structure and make the structure more energy efficient.

Oakes questioned if the height of the structure would change. Niemi stated that the overall height may change by 2 to 3 feet.

No one spoke in favor of the application. No one spoke against the application. Sherwood Peterson, neighbor and owner of Lot 57, questioned if this would set a precedent for building on his lot. Johnson explained that each lot is looked at independently and at the time Peterson is ready to build, he would also have to apply for a variance. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held regarding setbacks and the new foundation. Oakes stated that there is a need for a new foundation; the rest of the house is in sound shape. Flottemesch stated that there is no location on the lot that meets the required setbacks;

that a variance is required no matter where a structure would be placed; the lot is a peninsula.

**Motion:** Oakes made a motion to approve a variance to construct a new foundation under an existing structure fifty-eight (58) feet from the ordinary high water mark of the lake and increase the height of the existing structure by three (3) feet based on the fact that this is a lot of record, the property is surrounded by water on three sides, that this is a structural change of the foundation only, and not an addition to enlarge the structure. Tompt second. All in favor. Motion carried.

**FIFTH ORDER OF NEW BUSINESS: Roger Reiersen.** Request a variance to construct a garage 30 feet from the centerline of one township road; 14 feet from the edge of a second township road and 5 feet from the rear property line has been filed for the property described as: N ½ of Lot 19 & Lot 20; Ravenswood Beach; Section 28, TWP 138, Range 41; Lake View Township. Property is located on Lake Melissa. PID Number 19.1691.000.

Reiersen explained the application to the Board. The lot is split into two pieces by the road. This structure would be on the “back lot”. The structure would like up with the other structures along the road, granted by variance.

Johnston questioned the location of the rear lot line. Reiersen stated that the cement markers have been found and the lot line marked. The old buildings, which are on the neighboring property, will be removed.

Discussion was held on the size of the lot, wetlands to the rear of the lot, lot coverage and location of the garage.

Speaking in favor of the application was Gail Hahn, Lake View Township Supervisor and David Francis, contractor. 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 impervious coverage does not seem to be an issued; the proposal would cover approximately 22% of the lot. Elletson further stated that the lot is situation in a way that run off would not run into the lake; the location of the wetland to the rear, there would not be development behind the garage; the variance is similar to others granted in that area; and the road is a dead end road. Flottesmesch agreed and stated that this is not a busy road and the exact right of way is not known.

Elletson questioned what the garage would be used for. Reiersen stated that it would be used for storage of lake equipment, not vehicles.

**Motion:** Kalil made a motion to approve a variance to allow a garage thirty (30) feet from the centerline of the West Township road; fourteen (14) feet from the edge of the South Township road; and five (5) feet from the rear property line based on the size of the lot of record; the road is a dead end road, not a thru road; the total project will remain

under the allowed 25% impervious lot coverage; and the variance is consistent with other variances in the immediate area. Elletson second. All in favor. Motion carried.

Flottemesch commented to Reiersen that an apron in front of the garage would have to be included in the 25% impervious lot coverage.

**SIXTH ORDER OF BUSINESS: Mike Engel.** A request to construct a garage 35 feet from the right of way of a township road has been filed for the property described as: Pt Lot 1; Section 13, TWP 140, Range 38; Shell Lake Township. Property is located on Shell Lake. PID Number 28.0065.000.

Philip Wendt explained the application to the Board. Engel wants a two-story garage now and plans to build a cabin in the future.

Flottemesch questioned the location of the proposed cabin. Flottemesch stated that this location should also be considered before construction begins. The lot is vacant and an overall plan should be known. Kalil questioned what the hardship of the property is, it seems that there is room to place a dwelling and garage without a variance. Wendt stated that he did not know the hardship; he just knew that the Engel's wanted a two-story garage. Kalil stated that this Board only deals with the location of the garage, not the height. By looking at the property, she does not see a hardship as outlined in the Ordinance. Further discussion was held regarding the size of the lot, the topography.

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 he did not see a hardship. Kalil agreed and stated that this is not a lot of record. Elletson stated that if the garage was moved to the 100 ft setback from the lake, a 24 ft garage could be placed and still meet the 78 ft setback from the centerline of the road. Flottemesch stated that a 24 ft garage is an adequate size garage and that Kalil had a point about no hardship of the property.

**Motion:** Oakes made a motion to deny a variance to allow a garage thirty-five (35) feet from the right of way of the township road based on the fact that the lot is buildable without a variance; the lot would have reasonable use without a variance; and there is no hardship of the property. Elletson second. All in favor. Motion carried. Variance denied.

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

The tentative date for the next informational meeting is scheduled for June 3, 2004 at 8:30 am at the Planning & Zoning Office.

Discussion was held regarding the Board giving recommendations to the Advisory Committee on upcoming revisions for the Zoning Ordinance. The Board will come up with suggestions and forward them to the Advisory Board.

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

\_\_\_\_\_ ATTEST \_\_\_\_\_  
Harry Johnston, Chairman Patricia L. Johnson, Administrator