

Becker County Board of Adjustments
October 13, 2004

Present: Members John Tompt, Jim Elletson, Harry Johnston, Terry Kalil, Jerome Flottesch; Zoning Administrator Patricia Johnson, and Zoning Staff Debi Moltzan.

Chairman Johnston called the meeting to order at 7:00 p.m. Debi Moltzan recorded the minutes.

Elletson made a correction to the September 2004 minutes. Elletson stated that the words "cannot be met" should be added to the top paragraph of the last page. Elletson then made a motion to approve the amended minutes. Kalil second. All in favor. Motion carried.

FIRST ORDER OF BUSINESS: Jeremy Williams. Since Mr. Williams was not present, this item would be discussed at the end of the meeting.

SECOND ORDER OF BUSINESS: Barry Bowers. Request a variance to construct a garage 67 feet from the centerline of the township road and 56 feet from the ordinary high water mark of the lake for the property described as: Lot 6 & N 40 ft of Lot 7 Bergquist Beach First Addition; Section 27, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0446.000.

Bowers explained the application to the Board. Bowers would like to place a garage on the property in line with the existing house.

Elletson questioned why the garage could not be moved back to meet the 75 feet setback from the lake. Bowers stated that he did not want to remove the oak tree. Flottesch stated that the intent of the ordinance is to get all structures further from the lake. If the current house was destroyed or removed, the house would have to be set back further than the existing location. Flottesch further stated that trees do not constitute a hardship.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Greg Hapka, in favor of the application. At this time, testimony was closed.

Further discussion was held regarding the size of the lot, location of the current house, characteristics of the neighborhood and location of the road. Kalil stated that she understood why Bowers desired the garage in that location, but felt it should be further back from the lake. Elletson felt that the required setback from the lake should be met and give a 20 ft setback from the right of way of the road. Flottesch stated that this would give the owner flexibility in configuring the garage. Elletson stated that a variance is forever, but trees are not. Tompt felt the garage would compliment the neighborhood if it were closer to the road.

Motion: Flottemesch made a motion to deny the variance as requested and to approve a variance to allow a garage a minimum of twenty (20) feet from the road right of way based on the size of the lot. Elletson second. All in favor. Motion carried. Variance approved.

THIRD ORDER OF BUSINESS: Dellis Schrock. Request a variance to construct an addition onto an existing structure 32 feet from the ordinary high water mark of the lake for the property described as: Unit 10 Clark Gable Cluster; Section 32, TWP 139, Range 41; Detroit Township. PID Number 08.0810.000.

Schrock explained the application to the Board. This addition would be placed within the allowed expansion area of the association. The association knew about the project and has no objections to the project.

Flottemesch questioned when this resort was converted to a planned unit development. Schrock stated that it was done about 30 years ago. Flottemesch stated that this conversion was done prior to the current shoreland regulations. The conversion allowed each unit an expansion area for future growth. The approved expansion areas do not meet today's shoreland regulations.

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 expansion area was approved in the original approval and the property owner's have the right to expand. Flottemesch stated that this is an approved development even though it does not meet today's requirements.

Motion: Kalil made a motion to approve a variance to allow an addition thirty-two (32) feet from the ordinary high water mark of the lake based on the fact that the addition will be constructed within the expansion area of a planned unit development approved prior to the current shoreland regulations. Tompt second. All in favor. Motion carried. Variance approved.

FOURTH ORDER OF BUSINESS: June Steiger. Request a variance to construct a garage 70 feet from the centerline of the county road on the property described as: Lots 3 & 4 Shoreham, Section 19, TWP 138, Range 41; Lake View Township. PID Number 19.1798.000.

Steiger explained the application to the Board. They would like to construct a garage on the property and the lot is too small to meet required setbacks.

Flottemesch questioned if there was a commons between the road and the property. Steiger stated that there was a commons between the road and her property, of which the commons is part of the setback from the centerline of the road. Tompt questioned if Steiger ever found out what the hump was in her yard. Steiger stated that it was the old

septic system location. Kalil questioned why the garage couldn't be moved further back on the lot. Steiger stated that she wanted it to line up with the old garage and was concerned about locating it too close to the old septic system.

No one spoke in favor of the application. Speaking in opposition to the application was Dave Knopf, Lake View Township Supervisor, with concerns about building too close or even on the commons and felt that the garage should be moved further from the road. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Flottesch stated that the house and garage on the lot to the south is further from the road than the proposed garage. Historically, the Board has been keeping structures a minimum of 20 feet from the right of way. Even though the commons is not a right of way, it is public land. The 20 feet separation allows parking on private property.

Motion: Kalil made a motion to approve a variance to allow a garage twenty (20) feet off the property line abutting the commons based on the size of the lot. Flottesch second. All in favor. Motion carried. Variance approved.

FIFTH ORDER OF BUSINESS: Steve Magnason. Request a variance to construct an addition 49 feet from the ordinary high water mark of the lake for the property described as: Lots 4 & 5, Block 2 Isthmus Beach Second Addition; Section 27, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0774.000.

Johnson explained to the Board that a similar application was applied for and denied in 1998 because a hardship could not be proven and in 1979, a variance to allow a garage 6 ft from the right of way had been granted.

Magnason explained the application to the Board. The Magnason's have just purchased the house. They want to move there permanently and need to enlarge it to accommodate the family. Their first choice was to add lakeside an addition 8 ft by 28 ft. After much consideration, they have come up with an alternate plan to add onto the side 24 ft x 24 ft, which would be two story and add another story onto the one story portion of the house.

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 questioned the location of the proposed addition that was denied in 1998. Johnson stated that it would have been approximately one-half the size of the proposed addition in this application, lakeside. Flottesch stated that the proposed addition would add about 600 sq ft of living space to an already adequate structure. Tompt questioned the amount of impervious lot coverage. Johnston stated that he calculated the impervious coverage at 29.9%. Flottesch stated that there must be a trade off to reduce the amount of impervious if an addition is to be considered. Kalil was

concerned about the shore impact zone; the existing house is located within the shore impact zone and this would be an addition onto a nonconforming house. Elletson stated that this is a nonconforming structure; but if the house were to disappear, a new house would have to be constructed in about the same location due to the depth of the lot.

Flottesch suggested that this application be postponed to allow the owner time to come up with a plan to reduce the amount of impervious to accommodate an addition. Further discussion was held.

At this time, Magnuson asked to postpone his application to allow him time to come up with a new plan.

Motion: Flottesch made a motion to accept the applicant's request for postponement. Elletson second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Allen Lawrence. Request a variance to exceed lot coverage by 8.4% for a total of 33.4% lot coverage for the property described as: South ½ of Lots 32 & 33, Block 2 Dakotah Beach; Section 28, TWP 138, Range 41; Lake View Township. PID Number 19.1084.000.

Lawrence explained the application to the Board. Lawrence would like to remove the existing structure and replace it with a year-round structure. Because of their age and medical conditions, they do not want a two-story structure. There would be a 4-season porch on the front of the house and all decks would be made of Ecco Block.

Kalil stated that the garage appears to be used as a guesthouse. Lawrence stated that there are sleeping quarters in the garage, but no living quarters, no water or plumbing. Flottesch questioned if there was a commons between the Lawrence property and the lake. Lawrence stated that there was. Johnston questioned if the proposed location of the new house was off the commons. Lawrence stated that the new house would line up with the neighboring structures.

No one spoke in favor of the application. Speaking in opposition of the application was Dave Knopf, Lake View Township Supervisor. Knopf stated that the Township's concern was to make sure the structure would not be on the commons and that lot coverage should not exceed 25%. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Kalil stated that the Zoning Ordinance only allows one dwelling per parcel of land, so the guest quarters in the garage will have to be corrected. Johnston questioned if the Foltz building across the road belonged to them. Lawrence stated that it did. Flottesch stated that the setbacks would not be a problem if the string line of determination were met. Flottesch stated that since the existing cabin is being removed, this must be looked at as a bare lot and a bare lot would accommodate 1500 sq ft of impervious material, which would be a 30 ft x 50 ft house and nothing else.

Johnson stated that maybe a better site plan is required to make sure that the structure will be off the commons and off the road right of way.

Further discussion was held regarding the lot size, commons, road right of way, and neighborhood characteristics.

Motion: Flottemesch made a motion to deny a variance to exceed lot coverage based on the fact that there is no hardship of the property to justify a variance. Tompt second. All in favor. Motion carried. Variance denied.

SEVENTH ORDER OF BUSINESS: Jeremy Williams. This application was postponed at the September 2004 meeting to allow the owner to develop a better plan showing a footprint for a house, garage, storage shed, well and septic system. The property is located on Little Cormorant Lake.

Williams was not present at the meeting. Johnson explained to the Board that Williams revised his plan to accommodate a house, garage and storage shed in an area that would be a minimum of 60 feet from the centerline of the road and 60 feet from the ordinary high water mark of the lake. There was a written statement from a septic contractor stating that the site would not accommodate a septic system, that a holding tank would have to be installed.

The Board held discussion on the size and shape of the lot, location of the proposed structures, and the proposed location of the well and septic system. Flottemesch stated that Williams has fulfilled the request of the Board by coming up with a long-range plan. Johnston stated that the structures are located outside of the shore impact zone. Flottemesch stated that the structures are off the road right of way and there is ample parking off the right of way.

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.

Further discussion was held regarding the size and shape of the lot and footprint of the structures.

Motion: Kalil made a motion to approve a building site to be a minimum of sixty (60) feet from the ordinary high water mark of the lake and sixty (60) feet from the centerline of the township road based on the size, shape, and topography of the lot. Flottemesch second. All in favor. Motion carried. Variance approved.

EIGHTH ORDER OF BUSINESS: Informational Meeting. The tentative date for the next informational meeting is scheduled for Thursday, November 4, 2004 at 8:30 a.m.

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.

Harry Johnston, Chairman

ATTEST

Patricia Johnson, Zoning Administrator