

**Becker County Board of Adjustments  
November 10, 2004**

**Present:** Members Tom Oakes, Harry Johnston, Jerome Flottesch, James Elletson, John Tompt, Terry Kalil and Zoning Staff Debi Moltzan.

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

**Minutes approval:** Elletson stated that under the 6<sup>th</sup> Order of Business, third paragraph, the word like should be changed to the word line. Kalil made a motion to approve the minutes from the October 2004 meeting with this change. Elletson second. All in favor.

Chairman Johnston asked Elletson to read the guidelines under which the Board must follow to grant a variance.

**FIRST ORDER OF BUSINESS: Keith Lockwood.** Request a variance to construct an addition onto a nonconforming structure that is within the shore impact zone on the property described as: Lots 4 & 5, Fern Beach; Section 30, TWP 138, Range 41; Lake View Township; Lake Melissa. PID Number 19.1270.000.

Lockwood explained the application to the Board. They have owned the cabin for about 5 years and need more space because the cabin is too small. The addition would be approximately 376 sq ft in size. They would be replacing the kitchen, bathroom and dining room. Their hardship is that they need more room.

Kalil questioned the work that has been done on the lakeside of the cabin, primarily the new doors on the lakeside. Lockwood stated that the old porch windows were removed and replaced. Kalil questioned when the deck was built. Lockwood stated that in 2000, they replaced the top boards and added a railing. Kalil questioned if the roofline of the old structure would be changed once an addition is added. Lockwood stated that a new roofline would be placed over the entire structure.

Tompt questioned if a new foundation would be placed under the addition. Lockwood stated that the slab would be removed and new footings put into place. Johnston questioned if the deck has been completely removed. Lockwood stated that some of the joists were replaced, the top boards were replaced and a railing added, but the entire existing deck had not been removed. Kalil questioned the use of the garage. Lockwood stated that it is used for a workshop and greenhouse.

Speaking in favor of the application was Gail Hahn, Lake View Township Supervisor. 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 setback of the cabin to the lake, extent of the work to be done on the addition and existing cabin, which is located within the shore impact zone. Kalil stated that this is a nonconforming structure located within the shore impact zone and although most of the work will be done outside of the shore impact zone, there will still be structural changes to the existing structure, which is in the shore impact zone. Kalil further stated that the lot is a deep lot and if a new structure were to be built, the new structure would have to be moved back. The current structure is located ahead of the string line.

Elletson also stated that the current structure is located ahead of the string line and there is adequate room to move the structure back. Elletson also stated that if a variance were granted, the structure would always remain in this location. Flottesmesch explained that a variance changes the ordinance as it pertains to that particular lot. Kalil stated that she could not find a hardship of the land to justify a variance; this request was a landowner hardship not a hardship of the property.

Elletson stated that the current structure could be maintained but not added onto or structural changes made. Elletson stated that this request does not meet the criteria for granting a variance.

**Motion:** Elletson made a motion to deny the variance based on the fact that no hardship of the property could be proven; the existing structure is located in front of the established building line; the existing structure is a nonconforming structure located within the shore impact zone and the structural changes are in conflict with the Zoning Ordinance; and there is adequate room to relocate a structure on the property not requiring a variance. Kalil second. All in favor. Motion carried. Variance denied.

**SECOND ORDER OF BUSINESS: Dolores Geer.** Request a variance to relocate a dwelling seventy-four (74) feet from the centerline of the township road; sixty-six (66) feet from the ordinary high water mark of the lake; and twenty-four (24) feet from the tributary stream on the property described as: Lot 10 Hanusch First Subdivision, Section 26, TWP 138, Range 42; Lake Eunice Township, Lake Eunice. PID Number 17.0715.000.

Geer explained the application to the Board. The existing mobile home would be removed and replaced with a different one. The new one would be further from the lake, stream and property line than the existing structure. The new structure would be larger than the existing, but it was the smallest mobile home they could find. The new structure would be 16 ft by 52 ft.

Elletson questioned if the lakeside addition on the existing mobile home would be removed. Geer stated that it would be removed. Flottesmesch questioned if the mobile home could be moved closer to the lot line, this would get it further from the stream. Geer stated that it would be possible but the entrance doors to the mobile home would be on the side facing the lot line. Flottesmesch then stated that it would be best to keep the structure 10 feet from the lot line for ingress and egress to the home. Tompt questioned if

the new structure would have an entryway. Geer stated that there would be no enclosure, just steps.

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 the proposed house would be behind the string line and that the proposed location is the most reasonable location on the lot. Flottemesch suggested specifying a specific footprint with the entrance on the westerly side to protect erosion to the stream. Kalil questioned if it was necessary to set a specific size limitation in case the Geer's found a different mobile home. Geer stated that the mobile home has already been bought, so it would not make a difference to them.

**Motion:** Flottemesch made a motion to approve a variance to relocate a mobile home seventy-four (74) feet from the centerline of the township road; sixty-six (66) feet from the ordinary high water mark of the lake; and twenty-four (24) feet from the tributary stream with the stipulation that all entrances to the structure must be on the westerly side of the structure, as per site plan submitted with the variance application, based on the size and shape of the lot and location of the tributary stream, lake and road. Elletson second. All in favor. Motion carried. Variance approved.

**THIRD ORDER OF BUSINESS: Kenneth McLean.** Request a variance to construct an addition onto an existing structure eighteen (18) feet from the ordinary high water mark of the lake for the property described as: Unit 9, Clark Gable Cluster, Section 32, TWP 139, Range 41; Detroit Township; Long Lake. PID Number 08.0809.000.

McLean explained the application to the Board. The addition would be placed in the same location as the existing deck. The structure is located in the Clark Gable Cluster Development.

Flottemesch questioned if the addition would be placed within the approved expansion area of the unit. McLean stated that it would be. Johnston stated that the cluster development was approved in the 1970's.

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 fact that this development and the expansion areas were approved under a different ordinance and before the shoreland regulations came into effect and although the request does not meet the ordinance, prior approval had been given and the request could not be denied.

McLean stated that, more than likely, the stairway would be placed on the side of the structure so it would be further from the lake. Flottemesch stated that ingress and egress

to the structure must be allowed and that the addition does meet the requirements of the planned unit development and the expansion area.

**Motion:** Flottemesch made a motion to approve a variance to allow an addition onto the existing cabin eighteen (18) feet from the ordinary high water mark of the lake based on the fact that the addition is within the expansion area of the condominium association that was approved under a previous Ordinance. Kalil second. All in favor. Motion carried. Variance approved.

**FOURTH ORDER OF BUSINESS: Kathy Berg.** Request a variance to construct an addition onto an existing structure forty-eight (48) feet from the centerline of the township road and fifty (50) feet from the ordinary high water mark of the lake for the property described as: Lots 4 & 5, Birch Beach; Section 24, TWP 139, Range 39; Height of Land Township, Little Toad Lake. PID Number 15.0401.000.

Berg explained the application to the Board. She would like to add onto the cabin and the only way that it can be added onto is to the side due to the location in reference with the lake, road and septic system. Berg further stated that the fuse box is located in the shower and the cabin is difficult to use in this situation; the roof is bad and the walls are moldy behind the knotty pine.

Flottemesch questioned if the addition would be a single story addition. Berg stated that the addition would be a single story addition to “square off” the cabin. The structure would be 24 ft by 38 ft overall when complete. Tompt questioned if the rear lot line went up to the fence. Berg stated that it did not. Tompt then asked if the Township maintains the road. Berg stated that the Township did not maintain the road. Kalil questioned if there was living quarters in the shed closest to the lake. Berg stated that they have been sleeping in there because the current bedroom in the cabin is moldy.

Discussion was held on the size of the lot and where the Board would allow a new structure. Johnston suggested giving a footprint and letting the homeowner decide if she wanted to add onto the existing structure or build new.

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 impervious lot coverage would be approximately 11 percent; the building is behind the established building line; and this is the most reasonable location for a structure. Flottemesch stated that, if this were a blank lot, this would probably be the location that a structure would be allowed.

**Motion:** Elletson made a motion to approve a variance to allow a 24 ft by 38 ft structure in the same location as the present structure, as shown on the site plan submitted with the variance application, based on the fact that this is the most reasonable location for a structure on this nonconforming lot and the structure is behind the established building

line; the owner can either add onto the existing structure or build a new structure in this location. Oakes second.

Further discussion was held regarding the setbacks and the wording of the motion. Elletson wanted the motion to stand as stated. All in favor except Kalil. Majority in favor. Motion carried. Variance approved.

**FIFTH ORDER OF BUSINESS: Randy Gravelle.** Request a variance to allow three substandard size lots in contiguous ownership to be two buildable lots, deviating from Section 17, Subd 9 of the Zoning Ordinance which states, in the shoreland areas the lot shall be in separate ownership from abutting lands and all sanitary and dimensional requirements of the Ordinance are complied with insofar as practical. When adjacent substandard parcels are in the same ownership, they shall be joined into one parcel and shall no longer be allowed as individual building sites for the property described as: Lots 12 and 13 Modern Acres and Pt Lot 2 Beg at SW Cor Lot 12 Brolin Beach Th W 86 ft N 135 ft E Al Lk to the W Ln Lot 12 & S 138.10 ft to Beg; Section 16, TWP 139, Range 41; Detroit Township; Floyd Lake. PID Numbers 08.0293.000 & 08.1137.000.

At this time, Chairman Johnston turned the meeting over to Vice-Chair Kalil and abstained from discussion and decision on this application due to a conflict of interest.

Leon Hanson then explained the application to the Board. Hanson would like to buy the vacant lot (described by metes and bounds) and build a permanent home.

Flottesch questioned what the exact request was for. Hanson stated that since the Gravelle's own three lots side by side and the lots do not meet the required lot size, they need a variance to split the metes and bounds tract off from Lots 12 & 13 Modern Acres and have them as two buildable lots.

Flottesch questioned if the three lots are in the same ownership. Hanson stated that they are in the same ownership.

Speaking in favor of the application were Dean and Randy Gravelle. No one spoke in opposition to the application. There was a letter of opposition to the application from the City of Detroit Lakes. At this time, testimony was closed.

Further discussion was held regarding the size of the lots, if they would be split into two lots, the close proximity of these lots to the City of Detroit Lakes, and required lot size if the lots were to be sewered and watered.

Kalil stated that the two lots would still larger than the neighboring lots and are in character with the neighborhood. Flottesch questioned how long the Gravelle's have owned the lots. Randy Gravelle stated that one lot was purchased in 1964 and the other in 1968. Elletson stated that the language in the Ordinance is very clear but there is sufficient evidence to over ride and grant a variance. Elletson stated that the lots were in separate ownership prior to the enactment of the Ordinance, Subdivision Ordinance and

shoreland regulations. This enactment created the hardship. Tompt stated that common sense says that these should be separate lots. Flottemesch stated that the two lots are even bigger than some of the back lots along this beach. Kalil agreed that the enactment of the Ordinance created the hardship.

**Motion:** Tompt made a motion to allow a variance to make two buildable lots out of three substandard contiguous lots with the stipulation that the metes and bounds tract have a minimum of 100 ft of lakeshore frontage and a minimum of 90 feet of road frontage, which will be accomplished by readjusting the easterly lot line between what is known as Lot 13 of Modern Acres Beach and the westerly lot line of the metes and bounds tract based on the fact that the enactment of the Zoning Ordinance created the hardship for the property owner (there was contiguous ownership prior to the Zoning Ordinance being enacted). Elletson second. All in favor, except Johnston, who abstained from the application. Motion carried. Variance approved.

At this time, Kalil turned the meeting back over to Johnston.

**SIXTH ORDER OF BUSINESS: DNR Letter.**

Moltzan explained that Bob Merritt, Department of Natural Resources, asked for the Board of Adjustments help by way of a letter from the Chairman of the Board. The DNR has been questioning the actions taken by the Cormorant Township Board when dealing with variances in Cormorant Township. Merritt asked that the Chairman look at some past variances granted by Cormorant Township and give his opinion on how the County Board of Adjustments would have handled the same application. The Zoning Office has drafted the letter for the Board to review. With the Board's approval, the letter would be signed by the Chairman and sent to the DNR.

Flottemesch made a motion to authorize the Chairman to sign the letter and forward to the DNR. Kalil second. All in favor. Motion carried.

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

The next informational meeting is scheduled for Thursday, December 2, 2004 at 8:30 a.m. at the Planning and Zoning Office.

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

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Harry Johnston, Chairman

ATTEST

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Debi Moltzan, Planning & Zoning