

Becker County Board of Adjustments
May 12, 2005

Present: Members Jim Elletson, Harry Johnston, Al Chirpich, Jim Bruflodt, Liz Huesman, Steve Spaeth, Zoning Administrator Patricia Johnson, and Zoning Staff Debi Moltzan.

Chairman Elletson called the meeting to order. Debi Moltzan was recording secretary.

Minutes: Elletson stated that there was a word omitted from the third order of business, second to the last line. The word “use” should be inserted after the word “reasonable”. Bruflodt made a motion to approve the minutes from the April 13, 2005 meeting, with corrections. Spaeth second. All in favor. Motion carried.

Elletson outlined the procedure to be followed during the meeting. Johnston read the criteria under which a variance can be granted.

FIRST ORDER OF BUSINESS: James Nordhaugen.

Johnson explained that the application had been denied last month. Johnson stated that applicant felt that the application should be reconsidered since there was only one veteran board member present. Elletson explained that the application had been postponed by the applicant to allow time to come up with alternate plan; and when the alternate was submitted, the alternate plan was denied. Now the applicant is requesting the application to be reconsidered.

Mike Elsert stated that suggestions were made at the previous meeting, which were followed when devising the new plan and yet the new plan was denied. Elsert felt reconsideration should be given. Elsert stated that he does realize that a hardship of the Board may not be the same as a hardship of the property owner.

Chirpich felt that if the structure was moved to meet the 10 ft setback from the property liens, they would not be able to utilize the large door on the existing garage. Elsert stated that they may have to shrink the size of the garage. Elsert stated that this is a large lot, but there is no other place to locate a garage. Elsert stated that they were guessing where the lot lines were and may have to have the lot surveyed. Johnston stated that the lot is a wide lot, but not a deep lot and there is a topography problem. Elletson questioned the history of the guesthouse. Elsert stated that the guesthouse was there when Nordhaugen bought the property. Johnson stated that the file indicates that there was a garage, but it is not known when it was converted; there is no permit for the garage but the garage could have been constructed prior to Zoning.

Johnston questioned if the structure would be used as a garage or for storage. Elsert stated that it was intended for storage, but may now be used as a garage for a smaller vehicle. Elsert also stated that if they had been told from the start that they could not

have a garage it would have been easier to accept, rather than being led to believe they could have one if conditions were met; meet the conditions and then be denied.

Further discussion was held. Johnston questioned if there was any information on the garage conversion to guesthouse. Johnson stated there was none. Spaeth stated that the primary reason for denial was that the structure was too close to the lot lines. Huesman stated that if the guesthouse was originally a garage, it could be converted back to a garage, they would have storage and reasonable use of the property. Elsert stated that the Board cannot penalize someone for buying something that already exists. Johnston stated that if date of the guesthouse conversion was known, the outcome of the decision could be different. Johnston felt that a garage should be given with a 10 ft setback from the lot lines even if the size had to be reduced and no closer to the lake than existing stakes. Brufloft suggested that the new structure be no closer to the lake than the NE corner of the guesthouse.

Motion: Brufloft made a motion to rescind the original motion. Spaeth second. All in favor. Motion carried.

Brufloft made a motion to allow a storage shed/garage ten (10) feet from the Northwest lot line; ten (10) feet from the road right of way; and no closer to the lake than the Northeast corner of the guesthouse; with the entrance to the garage from south side based on the topography of the lot. Spaeth second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Robert Traiser. Request a variance to construct an addition onto an existing structure thirty-two (32) feet from the ordinary high water mark of the lake for the property described as: Unit One of Clark Gable Cluster; Section 32, TWP 139, Range 41; Detroit Township. PID Number 08.0801.000.

Traiser explained the application to the Board. The addition would be placed within the expansion area of the unit. They will remove an existing addition and replace it with a 16 ft by 19 ft addition.

Spaeth questioned if this was the only area of expansion. Traiser stated that this is the only area they would be expanding in, there is still an expansion area in the rear. Johnston explained that this was a condominium plat that was approved in the 1970's. Each unit was given expansion area, which was recorded with the plat. Now the expansion area does not meet shoreland standards and the owners need a variance to do the expansions.

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. Johnston questioned why a variance was needed when the expansion area was approved and recorded. Johnson stated that the expansion area is allowed only according to the zoning regulations. Since the structure is located within

the shore impact zone and does not meet structural setbacks, a permit cannot be issued administratively, a variance is required. Elletson stated that similar variances have been granted within the cluster development, as long as the additions have been within the expansion area.

Motion: Chirpich made a motion to allow an addition onto the existing cabin, thirty-two (32) feet from the ordinary high water mark of the lake based on the fact that the addition is within the expansion area of a recorded cluster development. Spaeth second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Jeff Schlauderaff. Request a variance to construct a garage 120 feet from the ordinary high water mark of the lake for the property described as: Pt Govt Lot 7, Beg at SE Sec Cor, Wly along Oake Lake 1420.52 ft Th 471.5 ft NW to Ctr of Cnty Rd; Section 7, TWP 139, Range 41; Detroit Township. PID Number 08.0101.001.

Schlauderaff explained the application to the Board. He would like to construct a garage. There is plenty of width to the property, but the lot is not deep enough to meet the required setbacks. Johnston questioned if there would be a new driveway constructed. Schlauderaff stated that he would be utilizing the existing driveway. Elletson stated that there would be a need for a variance from either road or lake due to the depth. Chirpich questioned the location and why it wasn't brought closer to the road to better line up with the home. Schlauderaff stated that they wanted to save the evergreen trees, use the existing driveway and to utilize the existing sidewalk to tie the home into the garage.

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, setback from lake and road, right of way width. Spaeth stated that the layout fits with the home. Johnston stated it would be a safety benefit to utilize the existing driveway.

Motion: Spaeth made a motion to approve a variance to allow a garage one hundred twenty (120) feet from the ordinary high water mark of the lake based on the depth and topography of the lot with the stipulation that the existing driveway is utilized. Chirpich second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Carol Williams. Request a variance to construct a house, garage and storage shed seven (7) feet from the right of way of a township road for the property described as: Lot 1 Peyton Place and Pt Lot 7; Section 33, TWP 138, Range 40; Burlington Township. PID Numbers 03.0548.000 & 03.0343.001.

Williams and Brian Hanson explained the application to the Board. Williams would like to construct a garage, remove mobile home and replace it with a doublewide; and construct a storage shed. There is an existing variance allowing structures 108 feet from

the lake. The structures would be 15 feet from the edge of the road. Spaeth questioned if the 15 feet is from the property line or road edge. Williams stated that the 15 ft is from the property line. Spaeth questioned if the property has been surveyed. Williams stated that the property has been surveyed and she knows where all the pins are located.

Elletson questioned the wording of the previous variance. Johnson read variance, which addressed the lake setback, but at that time, there was not an issue with the road setback. Williams stated that the doublewide would be in the same location as the single wide, but because of the width difference, the doublewide would be closer to the road. Williams would like to keep the structures as close to the road as possible to allow a larger front yard towards the lake. Chirpich questioned if the road was maintained by the TWP. Williams stated that the Township did not maintain the road. Johnston questioned if this would be a year-round home. Williams stated that she plans to have it as a year-round home. Elletson questioned if the road was a platted road. Johnson stated that the road had been platted, but never constructed to specifications, which was not required at the time the plat was done. Chirpich questioned what the suggested setback should be from right of way. Johnston stated that the Board has been trying to hold to a setback of 20 feet from the right of way, if the entrance is directly off the road, to allow for off the right-of-way parking.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Burlington Township, in opposition to the application. At this time, testimony was closed.

Further discussion was held. Chirpich questioned what the typical practice was when the Township is in opposition. Elletson stated that the information submitted by the Township must be taken into consideration and act on the application accordingly. Johnston stated that this is a substandard size lot of record with a poor road, and the applicant knows where the property lines are. Spaeth questioned the two parcel numbers and two legal descriptions. Johnson stated that they are two adjacent parcels, which are considered as one buildable site. Spaeth questioned the measurements of the lot. Further discussion was held.

Motion: Brufloft made a motion to allow all structures a minimum of twenty (20) feet from the road right of way and one hundred eight (108) feet from the ordinary high water mark of the lake based on the depth of the lot of record with the stipulation that the entrance to the storage shed be on the south side of the structure. Huesman second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: John Volkerding. Request a variance to amend Document #518876 to construct a garage fifty (50) feet from the centerline of the township road for the property described as Lot 20 RV Corbetts Second Addition; Section 20, TWP 138, Range 41; Lake View Township. PID Number 19.0983.000.

Dave Anderson and Volkerding explained the application to the Board. They would like to amend the original variance, which was for a garage 65 ft from road. The

measurement was taken from the center of the garage and the curvature of the road was not taken into consideration. The closest point of the garage would be 50 feet from the centerline. Elletson questioned if Volkerding owned land across the road. Volkerding stated that he did and that his drainfield is located across the road. Johnston questioned why the variance needed to be amended. Johnson stated that the variance granted was 65 feet, any deviation with a setback less than that would require a new variance.

Speaking in favor of the application was Bill Jordan. Gail Hahn, Lake View Supervisor, had concerns about the impervious lot coverage. Molly Volkerding was in favor of the application. Written correspondence was received from William Hawkins in favor of the application. At this time, testimony was closed.

Further discussion was held regarding the impervious coverage. Johnston questioned the size of the garage. Volkerding stated that impervious material would be removed to make the final project be below the 25% coverage, which would allow the garage size to be increased. Volkerding stated that echo block or other pervious material would be used for the driveway. Anderson stated that the garage is 30 ft by 52 ft.

Motion: Johnston made a motion to amend Document #518876 to allow a garage fifty (50) feet from the centerline of the township road due to the fact that the lot is not large enough to meet the required setbacks with the stipulation that the guesthouse, along with other impervious material, be removed so that the property complies with the 25% impervious regulation. Huesman second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: David Crothers. Request a variance to construct an addition onto the existing house forty-eight (48) feet from the centerline of a county road on the property described as: Part Lots 4, 5 & 6; Linden Park; Section 19, TWP 138, Range 41; Lake View Township. PID Number 19.1459.000.

Crothers, along with Bill Jordan and John Buhaug, explained the application to the Board. The addition could be constructed to the roadside of the existing cabin. Constructing the addition horizontally would be better than constructing the addition vertically. The property is located on a natural preservation route, so in the future; there would be limited road improvements.

Discussion was held regarding the setback from the road. The Board explained that the setback from the road is the shortest distance between the road and the structure, not the distance directly parallel with the structure. The Board stated that the closest measurement is actually 43 feet from the centerline of the road.

No one spoke in favor of the application. No one spoke in opposition to the application. Written correspondence was received from Janet Pratt, in favor of the application. At this time, testimony was closed.

Further discussion was held. Elletson questioned if the existing structure was in front of the string line. Discussion was held regarding a nonconforming structure and additions

onto nonconforming structures. Johnson stated that, if a variance was granted, the variance would be limited to the addition and not the replacement of the existing home.

Motion: Spaeth made a motion to approve a variance to allow an addition onto an existing structure forty-three (43) feet from the centerline of the county road due to the size of the lot with the stipulation that the variance is for the 15 ft by 30 ft addition and does not constitute replacement or structural changes to the existing structure. Johnston second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, June 2, 2005 at 8:30 am at the Planning & Zoning Office.

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

James Elletson, Chairman

ATTEST _____
Patricia Johnson, Zoning Administrator