

Becker County Board of Adjustments
June 9, 2005

Present: Members Al Chirpich, Jim Elletson, Jim Bruflodt, Harry Johnston, Liz Huesman, **and Zoning Staff** Debi Moltzan.

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

Chirpich made a motion to approve the minutes from the May 11, 2005 meeting. Johnston second. All in favor. Motion carried.

Johnston read the criteria for granting of a variance.

FIRST ORDER OF BUSINESS: Larry Karels & Jerry Meininger. Request a variance to construct a primitive cabin on property that does not have public road frontage for the property described as Govt Lot 7 or the Fractional SW ¼ SE ¼; Section 23, TWP 141, Range 36; Two Inlets Township. PID Number 34.0129.000. The property is located on Mud Lake.

Karels explained the application to the Board. Karels & Meininger bought the property in 1993. They do not want to develop the property, but they do want a hunting camp with a three-season dwelling.

Elletson stated that the Board did not view the property but questioned the site plan that showed a storage building. Karels stated that a storage shed was on the property and that the shed had been broken into and partially burnt. Elletson questioned how far from the lake the storage shed was. Karels stated that it was approximately 120 feet from the lake, but it is a movable shed. Karels stated that there is a lot of vandalism and theft in this area.

Discussion was held regarding the size of the structure and the construction of the foundation.

Elletson asked Karels to explain how the property was accessed. Karels stated that there was several access to the property- state access, ATV trail and snowmobile trail. The trails are gated but not locked. Karels stated that the access from Cone Cover Road is a private trail.

Elletson explained past variance granted in similar situations. Karels stated that he is trying to find a legal access to the property. Johnston stated that, normally, the Board has allowed a 700 sq ft structure excluding privy and questioned how necessary it was to keep the storage shed. Karels stated that they need the storage shed to protect their personal property. Elletson asked if Karels would be willing to relocate the storage shed to the required 150 ft setback. Karels stated that it could be relocated.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Thomas Cone in opposition, Chris Cone in opposition, and Richard Cone in opposition. At this time, testimony was closed.

Chirpich questioned the letters, which did not make sense to him since Karels stated that there were four accesses to the property. Chirpich felt that more information was needed as far as access to the property and if the DNR agrees to the access. Karels showed a map of the trail system. Karels stated that they do not access through the Sandgren property, they access off the state forest trail. Further discussion was held.

Chirpich stated that a lot of snowmobile trails cross private property and snowmobile trails cannot be used during the off-season. The map identifies this trail as a trail crossing private land, not a forest road. Huesman felt the application should be tabled for more information or a written statement of access. Elletson felt that there should be written documentation for access to the property without trespassing on private land. Brufloft stated that he had no problem with the variance if a forest road accesses the property; but if the property is accessed by a snowmobile trail, it is another problem.

Karels asked for a postponement of the application until he could provide this information.

Motion: Huesman made a motion to accept the request for postponement to provide the Board with a statement of access to the property. Chirpich second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Terrence & Becky Rehder. Request a variance to construct a three season porch onto an existing dwelling 90 feet from the ordinary high water mark of the lake for the property described as: That part of SE ¼ SW ¼ & SW ¼ of SE ¼ known as Tracts B & C; Section 33, TWP 139, Range 42; Audubon Township. PID Number 02.0233.000. The property is located on Little Cormorant Lake.

Rehder explained the application to the Board. The upper deck is rotten and will be removed and replaced with a lower level three season porch, on the existing concrete patio. One corner of the structure would be 90 feet from the lake due to the fact that the property is a peninsula.

Johnston questioned if the 90 feet was to the deck or the house. Rehder stated that the house is 105 feet from the lake; the new porch would be 90 feet from the lake. Elletson questioned if this would be a screen porch. Rehder stated that the structure would be a screen porch with glass, so it is completely enclosed for the winter to prevent moisture problems. The porch would be 2.5 feet closer to the lake than the existing deck.

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 stated that the Ordinance would allow for a nonconforming deck addition of 15% of the house setback, which would allow for a deck to be 90 feet from the lake. Johnston stated that he would not have a problem with a screen porch but does have a problem with glass. The glass could eventually become a permanent structure in the future. Elletson stated that he has no problem with the screen porch as long as the variance is for the addition of the screen porch and not the replacement of the entire house. Chirpich stated that he did not have a problem with the screen porch as long as it was not year round or had a second story. Further discussion was held.

Motion: Brufloft made a motion to approve a variance to allow a three-season porch, constructed of screen and glass, ninety (90) feet from the ordinary high water mark of the lake based on the topography of the lot and location of the existing structure, with the stipulation that the porch addition cannot be insulated or heated and the variance is for the construction of the porch and not for the replacement of the house. Huesman second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Marietta Hartman. Request a variance to construct a dwelling 23 feet from the right of way of a township road for the property described as: Pt Lot 3 Beg 60 ft NW of SW Cor Lot 1 Modern Ac Th NW; Section 16, TWP 139, Range 41; Detroit Township. PID Number 08.0290.000. The property is located on Floyd Lake.

Hartman explained the application to the Board. This is a vacant lot and Hartman would like to construct a small house.

Elletson questioned the drawing, which showed a 244 sq ft. building. Hartman stated that the 244 sq ft was not a building but patio blocks that were used for a boat landing. Hartman stated that they would more than likely be removed. The Board complimented Hartman for having the property adequately marked and the site plan drawn to scale and understandable.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Pam Astrup in opposition; JoAnn Schwarz in opposition; Duane Carlene Mastel in opposition; Sharon McLean in opposition; and John Postovit, Floyd Shores, with concerns.

Discussion was held. Elletson stated that past variances have allowed structures 20 feet off the road right of way. Elletson stated that people are allowed to have reasonable use of the property. Johnston stated that he would like to see the roof run off directed toward the road. Further discussion was held regarding the size of the lot and size of the house. Consensus was that the house would be in harmony with the neighborhood.

Motion: Huesman made a motion to approve a variance to located a dwelling twenty-three (23) feet from the road right of way based on the substandard size lot of record with the stipulation that no structure be constructed on the concrete patio blocks and the

existing storage shed be removed before construction begins. Chirpich second. All in favor. Motion carried.

At this time, Larry Karels approached the Board. Karels presented the Board with a description of an access to his land, which was attached to the abstract. Discussion was held regarding this description. Consensus of the Board clarification is needed as to whether or not this description gives legal access to the Karel property.

FOURTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, July 7, 2005 at 8:30 am at the Planning & Zoning Office.

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

James Elletson, Chairman

ATTEST _____

Patricia Johnson, Zoning Administrator