

**Becker County Board of Adjustments
July 14, 2005**

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

Chairman Elletson called the meeting to order at 7:00 p.m. The minutes were taken by Debi Moltzan.

Bruflodt made a motion to approve the Minutes from the June 9, 2005 Meeting. Chirpich second. All in favor. Motion carried.

Elletson explained that at the last tour meeting, it was the consensus of the group to being the informational meetings and tours earlier than 8:30 am. Discussion was held regarding start times. Schutz made a motion to move the informational meeting to a starting time of 7:00 a.m. Bruflodt second. All in favor. Motion carried. The new time will begin at the August informational meeting.

Elletson explained the criteria for granting of a variance and explained the hearing procedure for the meeting.

FIRST ITEM OF BUSINESS: Larry Karels and Jerry Meininger. Johnson stated that this application was postponed from the last meeting to allow the applicant to provide a statement of access to the property. The request was for a variance to construct a primitive hunting cabin on property that does not have public road frontage.

Elletson stated that the Board has received a letter from Mark Carlstrom, MN DNR. In this letter, it states that Karels can get to their property using existing trails in the state forest that are open to highway licensed vehicles. However, this does not constitute legal access.

Discussion was held regarding the ways that Karels can access the land, which access was shortest, easiest and most used. Karels stated that there are four ways to access the property. Johnson stated that the Board cannot give access over private land. Johnson explained a forest management trail and a private easement. Karels stated that only the trail from Cone Cove Road crosses private land, the rest are state forest trails that abut a public road.

Discussion was held regarding the size of the structures.

Motion: Chirpich made a motion to approve a variance to allow a primitive hunting cabin on property that does not have public road frontage based on the fact that this would give the property reasonable use, with the following stipulations: construction of the structures does not mean that the Board has conveyed access to the property nor guarantees access to the property in the future; construction of a structure does not

guarantee emergency services now or in the future; the structure must remain primitive, with no septic system, no electricity, and no indoor plumbing; the total size for all structures (cabin and storage sheds) cannot exceed 700 sq feet; a privy will be allowed, which cannot be larger than 24 sq feet the owner must provide a statement of access from the State Forestry Department or other involved identity; all structures must either be constructed or relocated to meet the lake setback of 150 feet and other appropriate property lines. Spaeth second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: James & Brenda Crabill. Request a variance to construct a garage 34 feet from the road for the property described as: Lot 1, The Pines; Section 4, TWP 139 Range 38; Toad Lake Township. PID Number 33.0304.000.

Crabill explained the application to the Board. Crabill would like to remove the existing garage and construct a new garage 34 feet from the road. The lot is 50 feet wide and if he had to meet the required setback, he would have to remove another shed and several trees. The drainfield (mound) also interferes with the location of the garage.

Spaeth questioned the location of the west lot line in relation to the trees. Crabill stated that the little pine trees were the lot line. Chirpich questioned the location of the lot line in reference to the cabin and clothes line. Crabill stated that he does not know where the true property markers are located.

Schutz stated that it was hard to tell where the true property lines were located. Further discussion was held regarding the road right of way width, lot size, and drainfield location. Discussion was also held regarding what could be done to the existing garage. Consensus of the Board was that they could support a variance to allow a garage 20 ft from the road right of way, but the lot is not large enough to accommodate a garage of the proposed size.

At this time, Johnson explained that the Board could set a footprint for a variance or the homeowner could postpone the request to come up with an alternate plan. Crabill asked to postpone his application until the August 2005 meeting.

George Zick, Toad Lake TWP, stated that the garage is too close to the road and needs to be moved further from the road. No one spoke in favor of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Motion: Huesman made a motion to accept the applicant's request for postponement. Chirpich second. All in favor. Schutz suggested that Crabill may have to have the property surveyed to know exactly where the property lines are located.

At this time, Spaeth questioned if Item 3 could be moved upon the agenda since it was located in the same general location and the Township was present.

THIRD ORDER OF BUSINESS: Eugene Davidson. Request a variance to construct a dwelling 44 feet from the centerline of the township road and 35 feet from the ordinary high water mark of the lake for the property described as: 100 feet E & W by 250 feet N & S lying 310 feet E of SW Cor of Lot 5; Section 4, TWP 139, Range 38; Toad Lake Township. PID Number 33.0027.000.

Eugene & Ernestine Davidson explained the application to the Board. They would like to remove the existing structure and replace it with a new structure. The new structure would be 44 feet from the centerline of the road and 35 feet from the lake. The road divides the property into two pieces. There is a garage located across the road.

Spaeth questioned how close the existing structure is located to the lake. Davidson stated that the existing house is located one foot closer to the lake than the proposed house. Discussion was held on the location of the shore impact zone, road right of way, type of road servicing the property, location of existing house and size of proposed house.

Further discussion was held on the location of the road, past practice for setbacks, the fact that the road is a dead-end road not a through road. Brufloft stated that there is approximately 140 feet from the road to the lake. Spaeth stated that using a 28 ft house, the structure would be located outside the shore impact zone and 20 feet off the road right of way.

Speaking in favor of the application was George Zick, Toad Lake 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 keeping the new structure out of the shore impact zone, existing garage location and possible road improvements. Discussion was also held regarding setting a footprint for a new structure or having the applicant postponing the application.

Motion: Spaeth made a motion to approve a variance to allow a structure ten (10) feet off the road right of way (43 feet from the centerline of the road) and fifty (50) feet from the ordinary high water mark of the lake due to the substandard size lot of record and location of existing road. Schutz second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Joseph & Joan Ruliffson. 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 5, Clark Gable Cluster; Section 32, TWP 139, Range 41; Detroit Township. PID Number 08.0805.000.

Ruliffson explained the application to the Board. The existing cabin is 32 feet from the lake. The cabin is located within Clark Gables Cluster. The addition would replace the existing deck and would be within the expansion area allowed by the Association. The condominium association was established in 1975.

Speaking in favor of the application was Pam Berg. 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 association expansion areas, date that the condominium was established and location of existing cabins. Elletson stated that the application is consistent with what has been done in the past.

Motion: Huesman made a motion to approve a variance to allow an addition onto an 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 previously approved condominium association. Chirpich second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Brian Cole. Request a variance to construct a dwelling 26 feet from the road and 65 feet from the ordinary high water mark of the lake for the property described as: Lots 25 & 26 Chippewa Shores First Addition; Section 6, TWP 140, Range 40; Holmesville Township. PID Number 16.0336.000 & 16.0337.000.

Cole explained the application to the Board. The existing mobile home has been removed from the property and the new structure would be constructed 26 feet from the road and 65 feet from the lake.

Cole stated that he is willing to move the home closer to the lake to be off the road right of way. The structure is proposed at 24 ft by 28 ft.

Elletson stated that his notes indicated that the boathouse and fish cleaning shed would be removed. Cole questioned why those structures would have to be removed since lot coverage is less than 25%. Chirpich stated that these two lots are considered as one lot and that only one dwelling is allowed and the boathouse is actually a cabin. Cole stated that the structure was made livable when the mobile home was removed.

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 lot size, road right of way, and other structures located on the lot.

Motion: Schutz made a motion to approve a variance to allow a dwelling ten (10) feet from the road right of way and seventy (70) feet from the ordinary high water mark of the lake based on the size of the lot of record and with the stipulation that the boathouse and fish-cleaning house be removed from the property. The boathouse must be removed from the property by the time that the new cabin construction is complete. Huesman second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Leslie & Dianna Helgeson. Request a variance to construct a dwelling 64 feet from the ordinary high water mark of the lake for the property described as: Lot 2, Block 1 White Oaks Beach; Section 6, TWP 138, Range 42; Lake Eunice Township. PID Number 17.1325.000.

Helgeson explained the application to the Board. The existing structure has been removed and they would like relocate a new structure 64 feet from the lake. The structure would be a 28 ft by 40 ft double wide mobile home. Since the application had been submitted, it was found that the actual measurement to the lake is 57 feet. The structure cannot be moved further from the lake due to the location of the septic system.

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.

Chirpich stated that the proposed house is in front of the established building line. Chirpich suggested that the septic tank be relocated and the proposed house be moved further from the lake. Chirpich stated that if the string line (established building line) were used, a variance would not be required. Discussion was held regarding the string line, allowing a structure at the string line, postponing the application to allow the applicant to reconfigure their plan or setting a footprint.

Motion: Huesman made a motion to deny the variance based on the fact that there is room on the lot to locate a structure at the established building line, which would not require a variance. Spaeth second. All in favor. Motion carried.

SEVENTH ORDER OF BUSINESS: Informational Meeting.

The tentative date for next informational meeting is scheduled for Thursday, August 4, 2005 at 7:00 am at the Planning & Zoning Office.

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

James Elletson, Chairman

ATTEST

Patricia Johnson, Zoning Administrator