

**Becker County Board of Adjustments
September 15, 2005**

Present: Members Jerry Schutz, Al Chirpich, Steve Spaeth, Jim Elletson, Harry Johnston, Jim Bruflodt and Zoning Staff Debi Moltzan.

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

Bruflodt made a motion to approve the minutes from the August 11, 2005 meeting. Spaeth second. All in favor. Motion carried.

Chairman Elletson stated that the Board had viewed the properties and outlined the meeting procedure. Elletson defined what a hardship of the property was and Johnston read the criteria for granting or denying a variance.

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

This application had been postponed, at the applicant's request, at the October 2004 meeting to allow the applicant to come up with a new plan, addressing the amount of impervious coverage.

Magnuson explained that the original plan would have been 29% impervious coverage. Magnuson submitted information outlining the drainage system that is located on the property, which handles the run off from the house and driveway. The plan also showed the lot elevations, showing the direction of the water flow. Discussion was held regarding the drainage system, how it works, locations of the drains and topography of the lot.

Chirpich stated that there were no gutters on the lakeside of the house, which appeared that all the water coming off the lakeside of the roof would still drain toward the lake. Magnuson stated that there were five drains on the lakeside of the house.

Magnuson submitted a new plan showing the addition onto the side of the house instead of the lakeside of the house. A portion of the driveway would be removed and when the entire project was completed, the impervious coverage would be 25.5%.

Chirpich questioned what the variance was for. Moltzan read the variance request and stated that the request did not ask to exceed lot coverage. Johnston questioned the size of the proposed addition, stating that the plan shows 25 ft wide, but Magnuson had stated 30 ft wide. Magnuson stated that the addition would be 24 ft by 30 ft and place a second story on top of the existing structure. Spaeth questioned if the addition could be moved back one foot to stay out of the shore impact zone.

Schutz felt that there was not enough slope on the lot to keep the water from running toward the lake and that the lakeside drains are closer to the house than the eaves, not effectively handling the water. Magnuson stated that he could place gutters on the house and divert the water into drains.

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.

Elletson stated that there are two issues to deal with – impervious coverage and setback. Schutz stated that if the addition were setback one foot from the rest of the house, it would be difficult to place gutters on the structure.

Schutz suggested that gutters be placed on the entire lakeside of the house, have the water drain toward the driveway, reduce impervious coverage to 25% and allow the addition 49 feet from the lake. Johnston stated that the water needed to be directed away from the lake and would like to see the gutters on the house and have the water directed toward a correctly sized French Drain. Elletson stated that the Board and applicant should have a clear understanding about the deck. Elletson stated that he would like to see the entire lakeside deck disappear, since it was too close to the lake. Magnuson stated that he could place the deck on the east side of the structure instead of the lakeside.

Motion: Schutz made a motion to approve a variance to allow a 24 ft x 30 ft addition forty-nine (49) feet from the ordinary high water mark of the lake, this addition must be flush with the existing structure and no closer to the lake than the existing structure and allow a second story addition onto the existing structure with the stipulation that gutters be placed on the entire lakeside portion of the house and be diverted into a correctly sized French Drain, that the impervious surface be reduced to 25%, and the lakeside deck be removed and no new construction of a lakeside deck based on the location of the existing structure and the lack of lot depth. Chirpich second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Doris Schmidt. Request a variance to construct a dwelling 26.5 feet from the ordinary high water mark of the lake for the property described as: Pt Govt Lot 2 100 ft on Shore adj east side of Lot 8 Nemec Beach 1st Addition; Section 8, TWP 142, Range 40, Maple Grove Township. PID Number 20.0229.000

Jay Baker and Doris Schmidt explained the application to the Board. The existing mobile home would be removed and replaced with a double wide manufactured home, an average of 26.5 feet from the lake. When staking out the property, a new location was found, placing the structure up to the rear lot line and 31 feet from the lake.

Chirpich questioned if they had thought of other alternatives, such as a stick built home and rearranging the design, thus staying out of the shore impact zone. Baker stated that stick built would be much more expensive. Johnston stated that the Board took some

measurements when they visited the property and spent a lot of time on this application. Johnston introduced a plan showing a 1000 sq ft house that would fit on the property, staying out of the shore impact zone, five feet from the rear property line and 10 feet from the side lot line. Baker stated that this type of the house would not sit “square to the lake” and would not allow a nice view of the lake. Johnston stated that this small lot was not designed for a large home.

Speaking in favor of the application was Don Anderson. No one spoke in opposition to the application. Written correspondence was received from: Gordon Olson in opposition; Don Anderson in favor of the application; Harlan Hoff in favor of the application; Bob Merritt, DNR in opposition to the application; Ron Christensen in opposition; Wayne Horge and Karen Kalin Horge in opposition to the application. At this time testimony was closed.

Further discussion was held. Spaeth stated that the existing structure is not in good shape, but it is too close to the lake. The new proposal would place the structure even closer to the lake. Schutz felt that the structure should be out of the shore impact zone. Johnston also suggested that a structure 14 feet wide could be placed in the same location as the existing structure. A 14 ft wide structure would still be 5 feet from the rear lot line and no closer to the lake than the existing. Brufloft stated that most Boards would not have spent this much time trying to come up with a solution; most Boards would have denied the application.

Elletson stated that is difficult when most of the lot is located within the shore impact zone. Elletson stated that if the existing structure is maintained, no variance would be required. Chirpich stated that modular home manufacturers can build to suit and can construct non-typical designed homes to fit the lot.

Elletson explained that the applicant could ask for a postponement to think about the proposals suggested and come back to the Board with a different plan. Elletson stated that once a new plan is submitted, the applicant should re-stake the property showing the location of the new structure and have all property lines correctly identified, especially the rear property line.

At this time, Baker and Schmidt asked for a postponement.

Motion: Chirpich made a motion to accept the applicant’s request for postponement. Spaeth second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Sheila Johnson. Request a variance to construct a dwelling 80 feet from the ordinary high water mark of the lake for the property described as: Lots 65 & 66, Block 5 Abbey Lake Estates; Section 23, TWP 138, Range 41; Lake View Township. PID Number 19.0727.000 & 19.0728.000.

Paul Balega, Century 21, and Dennis Craswell explained the application to the Board. The structure would be placed 80 feet from the lake. The structure would be a 26 ft wide

seasonal cabin. The structure would be placed out of the wetland. The septic system will be a holding tank; the land would not accommodate any other type of system. Balega stated that these are lots of record and the wetlands have been identified. Balega stated that the SWCD would allow up to 400 sq ft of fill in the wetlands. Balega stated that this would be the most reasonable use of the property. Craswell stated that he is the adjoining property owner and will be giving Johnson a legal easement for driveway access and parking on his lot.

No one spoke in favor of the application. No one spoke against the application. Gail Hahn, Lake View Township, had questions and concerns. Hahn stated that the Township does not want people backing out onto the road. Hahn questioned if the deck could be placed on the side of the cabin instead of the lakefront of the cabin and if there would be a future garage. Written correspondence was received from Brad Grant, SWCD, stating the wetland concerns and Bob Merritt, DNR, in opposition. At this time testimony was closed.

Further discussion was held. Spaeth questioned if the high water mark had been established. Moltzan stated that an OHW had been ordered, which would take some time before it would be completed. Spaeth stated that action could not be taken without knowing where the OHW is. Johnston and Brufloodt agreed.

Elletson stated that the applicant could ask for a postponement until all information has been obtained. Craswell stated that they needed to get the correct answers. At this time, Craswell & Johnson asked for a postponement.

Schutz suggested that the following information also be provided when the application is resubmitted to the Board:

1. Elevations of the lot;
2. Copy of the easement for ingress and egress and turn around;
3. Exact location of the Ohw; and
4. Any plans for a future garage

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

FOURTH ORDER OF BUSINESS: Leon Hanson. Request a variance to construct a dwelling 48 feet from the ordinary high water mark of the lake for the property described as: Pt Govt Lot 2 & Pt Lot 13 of Modern Acres Beach; Section 16, TWP 139, Range 41; Detroit Township. PID Number 08.0293.000.

Hanson explained the application to the Board. The lot was recently bought and they would like to construct a new house on the lot. The house would be a single story rambler. The house would be placed slightly ahead of the established building line.

The Board held discussion. Elletson stated that, according to the Board's measurements, the proposed house would be about two feet in front of the string line as measured from

house to house and about one foot behind the string line as measured from the adjoining house on one side and adjoining deck on the other side. Johnston stated that the required setback from the right of way is 45 feet, so the house could be moved closer to the road two feet.

Speaking in favor of the application was Randy Gravelle. Speaking in opposition were Paul & Gail Knosalla. Written correspondence was received from Bob Merritt, DNR, in opposition; Eric & Bridget Johnson in opposition; Betty Johnson in opposition; John Postovit, Floyd Shores Government Liaison Committee in opposition; Carlene Mastel in opposition; and Pamela Astrup in opposition. At this time testimony was closed.

Further discussion was held. Johnston stated that a survey of the property was done in November 2004, so the property pins are accurate. Elletson stated that the majority of the questions and concerns deal with the string line. Brufloft felt the applicant should move back to the string line.

Motion: Johnston made a motion to deny the request to construct a dwelling ahead of the string line based on the lack of hardship and that the final project cannot exceed 25% impervious lot coverage; this would still allow the applicant to construct a dwelling at the established building line. Spaeth second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Richard Eveslage. Request a variance to construct a dwelling 44 feet from the ordinary high water mark of the lake for the property described as: Lots 2 & 3 Fairhaven Beach; Section 17, TWP 138, Range 41; Lake View Township. PID Number 19.0342.000.

Richard and Ann Eveslage explained the application to the Board. The singlewide mobile home would be replaced with a doublewide mobile home. The new structure would not be any closer to the lake than the existing structure, which is a singlewide with an addition consisting of a deck and screen porch. Due to the access road, steep hill and lake location, the structure cannot be placed in any other location.

No one spoke in favor of the application. Gail Hahn, Lake View Township, stated that the Township was opposed to the application because it was too close to the lake. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Schutz stated that he had concerns about run off to the lake. The larger structure will generate more run off toward the lake. Schutz stated that there should be gutters, down spouts and French drains for the run off.

Motion: Spaeth made a motion to approve a variance to construct a dwelling forty-four (44) feet from the ordinary high water mark of the lake due to the topography of the lot with the stipulation that gutters and down spouts be placed on the dwelling and that the down spouts be discharged into a correctly sized French drain, designed with the

assistance of the Pelican River Watershed District. Schutz second. All in favor. Motion carried.

SIXTH ORDER OF BUSINESS: Informational meeting; expense reports; Conservation Overlay District and Shoreline Development Index.

The next informational meeting is scheduled for Thursday, October 6, 2005 at 7:00 a.m. at the Planning & Zoning Office.

Third Quarter expense reports are due. Beginning 9/1/05, mileage was increased from \$0.405 per mile to \$0.485 per mile.

Information regarding a Conservation Overlay District and Shoreline Development Index were given to the Board members for comments. The proposals were prepared by the Zoning Ordinance Review Committee. Comments are due October 5, 2005.

Since there was no further business to come before the Board, Brufloft made a motion to adjourn the meeting. Elletson second. Meeting adjourned.

James Elletson, Chairman

ATTEST

Patricia Johnson, Administrator