

**Becker County Board of Adjustments
May 11, 2006**

Vice Chairman Jim Bruflodt called the meeting to order. Present were Members Jim Bruflodt, Steve Spaeth, Al Chirpich, Liz Huesman, Jerry Schutz, and Zoning Staff Debi Moltzan. Debi Moltzan took the minutes.

Huesman made a motion to approve the minutes from the April 2006 meeting. Spaeth second. All in favor. Motion carried.

Bruflodt explained the protocol that would be used for the meeting. Spaeth read the criteria for granting or denying a variance. Vice Chairman stated that due to the number of people in attendance for the Humane Society application and the accommodations, the order of the agenda would be changed.

FIRST ORDER OF BUSINESS: Becker County Humane Society. Request a variance to allow a Semipublic Use to be permitted in an agricultural zone, which would consist of an animal shelter, for the property described as: Th W 9 Ac of SW ¼ of NW ¼ Lying NE of Hwy #59; Section 16, TWP 139, Range 41; Detroit Township. PID Number E 08.0015.002.

Steve Anderson, President, explained the application to the Board. The Society has been granted a 99-year lease on the property for a shelter. The shelter would be 4000 sq ft in size and be able to house 25 cats and 25 dogs. The animals would be kenneled indoors with the exception of evening and morning hours, in which there would be exercise periods. If there is enough funding, the shelter would be open 8 to 5, six days a week. The area will also include an outside walking/exercising area so volunteers and animals do not have to leave the grounds.

Bruflodt questioned if the building would be located close to the Cozy Cove intersection or to the County access. Anderson stated that the building would be located on the southerly end of the property, closer to the County access. They will be sharing the driveway with the County, unless they can get permission to move the approach.

Chirpich questioned why the property was not being rezoned to commercial. Anderson stated that this use would be less intrusive than a commercial use and this was a shorter route to get the permits to begin construction and operation of the shelter.

Schutz questioned if there would be a retail area in the shelter. Anderson stated that there would be a small retail area. The retail area is mainly for supplies of food, leashes, collars, litter, etc. to accompany the animal home until the new parents could get to another store for main supplies. The profits would be put back into the operation of the shelter.

Spaeth questioned if the retail portion of the building fell under a commercial use. Anderson stated that the retail would be for the outgoing animals, not traffic off the street.

Speaking in favor of the application were:

Robin Friendshuh – re-emphasized that the retail center was for the care and welfare of the animals and the profits would role back into the operation of the shelter; currently animals are in foster homes and fostering is not easy or safe; a shelter is needed.

Jill Mickelson – Park Rapids is the most recent new shelter, located on the edge of town. There are 20 homes located within one mile of the shelter and there have been no problems, in fact new homes are being built near the shelter.

Lori Thompson – animals are good for both the young and the elderly; the shelter is very pro active in education.

Speaking in opposition to the application were:

Dan Holzgrove – not really opposed, just concerned about the landscaping.

Lloyd Johnson – concerned about noise and the number of animals outside at one time.

Curt Sitko – felt this process was skirting the issue of requiring a conditional use permit; felt the notice district was insufficient; the County was not giving the residents a chance to voice their opinion; concerned about how decibel levels of noise would be monitored; stated that he was not against the kennel, but against noise. Sitko also questioned how many of the Board Members would be voting on the issue. Schutz stated that everyone would be voting on the application except for him. Schutz stated that he would be abstaining from the vote but would be partaking in the discussion.

There were no letters for or against the application. At this time, testimony was closed.

Discussion was held. Chirpich questioned what would happen to the land if the County sold the lease. Anderson stated that the variance and operation of the shelter is subject to the lease. Spaeth questioned what outdoor enclosed kennels were. Anderson stated that there are 10 kennels located in a garage type structure. At the end of the dog runs are garage doors. The garage doors can be opened to allow fresh air and sunlight into the structure. Anderson also stated that the shelter relies on donations. As an example of one donation is Swheat Scoop. Swheat Scoop donates five years worth of kitty litter to the shelter. The shelter uses the litter for the use of the animals and is able to sell the rest for operating expenses.

Brufloft questioned who regulates the shelter. Friendshuh stated that the shelter is under strict regulation of the Board of Animal Health. Friendshuh stated that there will be more

problems neighborhood-barking dogs than with barking dogs at the shelter. Friendshuh stated that there will be more noise inside the structure than what can be heard outside of the structure.

Chirpich questioned what controls would be taken if there is a problem dog. Friendshuh stated that some of the recourses could include moving the dog to an interior pen rather than an outside run; or relocating to a foster home rather than the shelter. Friendshuh stated that the foster homes will not be eliminated just because a shelter is built.

Schutz questioned the size of the Park Rapids shelter in comparison to the proposed shelter. Mickelson stated that the Park Rapids shelter would be twice the size of the Detroit Lakes shelter.

Discussion was held on the design of the structure, plumbing, HAVC system and septic system.

Spaeth stated the proposed use would not be any worse that what is already out there. The property is located along the Highway 59 corridor, which is predominately commercial. Spaeth questioned if the property would be graded and mowed. Anderson stated that landscaping has not been planed yet because of budget but there will be a fence put up along the perimeter and weed control will be done. Anderson stated that the community has been interested in in-kind donations and has been approached by a landscaper regarding doing some landscaping for the shelter.

Huesman felt that the Humane Society has done a good job in planning their structure and addressing noise concerns.

Motion: Huesman made a motion to approve a variance to allow a semi-public use consisting of an animal shelter based on the fact that the use would not be detrimental to the surrounding area and is within the guidelines of the Zoning Ordinance and is not a prohibited use. Spaeth second with the amendment that the variance is for the Humane Society Animal Shelter only.

Huesman amended her motion to read: approve a variance to allow a semi-public use consisting of an animal shelter based on the fact that the use would not be detrimental to the surrounding area and is within the guidelines of the Zoning Ordinance and is not a prohibited use with the stipulation that the variance is only valid for the time period that the Becker County Humane Society owns/leases the property and operates the shelter. Spaeth second.

Chirpich again questioned what could be done if noise is obtrusive, if a lock down could be done. Anderson stated that a lock down could be done; the animal could be relocated within the shelter or removed from the facility.

Schutz stated that he did some measurements and found that the cul-de-sac on Town and Country Estates Road is approximately 1300 ft away from the proposed structure.

Spaeth called the question and a vote was taken with everyone voting in favor of the application except Schutz, whom abstained from voting. Majority in favor. Motion carried.

SECOND ORDER OF BUSINESS: James O'Connor. Request a variance to allow a home based machining business in an agricultural zone for the property described as: Pt NW ¼ SW ¼ Comm W Quar Cor Section 9 Th E 603.44 ft; Section 9, TWP 138, Range 42; Lake Eunice Township. PID Number 17.0098.001.

O'Connor stated that he is looking at buying this property and moving his business from the current location in Woodcrest Heights. Because this business is considered manufacturing, manufacturing is not allowed in an Ag zone without a variance. Since O'Connor began his business in 1998, there have been no complaints about noise. The parts manufactured are recyclable aluminum and plastic. There are no employees, just himself and his wife. The only traffic is the UPS truck and there is no signage for the business. O'Connor showed samples of the parts manufactured.

Speaking in favor of the application were Jim & Jeanne Mercer, current neighbors. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Discussion was held. Spaeth stated that this type of business is not any different than someone with a woodworking hobby.

Motion: Spaeth made a motion to approve the variance for a home based manufacturing business based on the fact that the use would not be detrimental to the surrounding area. Schutz second with the amendment of the following conditions:

1. The use is not a prohibited use;
2. The use would not alter the essential character of the locality;
3. The use would not adversely affect the health or safety of the persons residing or working in the area adjacent to the property;
4. The use would not be detrimental to the area, public welfare, or injurious to the property or improvements in the area adjacent to the property, because there are no toxic or hazardous materials and no noise;
5. No signs can be used to advertise the business or identify that the business is located on the property;
6. The business can not be expanded to a larger area on the property or expanded to include employees;
7. The business cannot change to a different type of business without a new permit from the Zoning Office;
8. The variance is only valid for the time period that O'Connor owns the property and actively operates the business.

Spaeth amended his motion to read: approve the variance for a home based manufacturing business based on the following and with the following conditions:

1. The use is not a prohibited use;
2. The use would not alter the essential character of the locality;
3. The use would not adversely affect the health or safety of the persons residing or working in the area adjacent to the property;
4. The use would not be detrimental to the area, public welfare, or injurious to the property or improvements in the area adjacent to the property, because there are no toxic or hazardous materials and no noise;
5. No signs can be used to advertise the business or identify that the business is located on the property;
6. The business can not be expanded to a larger area on the property or expanded to include employees;
7. The business cannot change to a different type of business without a new permit from the Zoning Office;
8. The variance is only valid for the time period that O'Connor owns the property and actively operates the business.

All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Randel Peterson. Request a variance to subdivide a parcel of land into three nonresidential lots, the proposed lots are to be attached to lots across the road and used for accessory buildings, on the property described as: Park Lot, Bijou Shores and Woodlands; Section 29, TWP 139, Range 43; Lake Park Township. PID Number 18.0346.000.

Peterson explained the application to the Board. The park lot would be divided into three tracts; the Tract 1 to be adjoined to Lot 7; Tract 2 to be adjoined to Lot 6; and Tract 3 to be attached to Lot 4. Tract 3 is the only tract that he has not received confirmation from, but if that sale fails, it can be attached to any one of the other lots in the subdivision. The lots would be used for accessory garages, not dwellings.

Schutz questioned if there were similar plans for Lots 15 & 16. Peterson stated that he does not own those lots, they are owned by people who have lots on the lakeside.

Chirpich and Spaeth questioned the wording on the plat, which stated that the park lot was to be in common ownership with the all lot owners of the plat. Peterson stated that he does not remember what they did when the plat was approved, but he bought out the other investors and has ownership of the park lot. Peterson felt that if the transaction had not been legitimate, he would not have gotten a deed.

Speaking in favor of the application was Dale Bohner. 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 sizes, attachment to other lots, ownership and accessory uses.

Motion: Spaeth made a motion to approve a variance to allow the subdivision of one tract of land into three tracts based on the fact that the use would not be detrimental to the surrounding area with the stipulation that each lot be attached to a riparian lot, that there be no dwellings or guesthouses on the lots and the variance is contingent upon clear ownership of the lot by Randel Peterson. Chirpich second. All in favor. Motion carried.

FOURTH ORDER OF BUSINESS: Roger Reirson. Request a variance to construct a house addition and deck 16 ft from the road right of way for the property described as N ½ of Lot 19 and Lot 20, Ravenswood, Section 28, TWP 138, Range 41; Lake View Township. PID Number 19.1691.000.

Andy Pettow, contractor, and Reirson explained the application to the Board. A portion of the house would be removed and reconstructed. The new addition would be approximately 16 feet from the road right of way, which would be further from the road than the existing portion being removed. Pettow stated that the concrete would be removed and mitigation paperwork has been submitted and approved for the lot coverage.

Chirpich questioned the lakeside deck. Pettow stated that the deck would be 8 ft by 20 ft and not enclosed, there would be a portion 8 ft by 8 ft that would be enclosed.

Spaeth questioned the complaint about the detached garage being used for a guesthouse. Reirson stated that the attached garage was being used as a guesthouse, but not the detached garage. The beds from the house, along with other furniture, have been moved to the detached garage for storage while the house is under construction.

Speaking in favor of the application was Tom Kinlin. Speaking with concern for the closeness to the road was Gail Hahn, Lake View Supervisor. There was no written correspondence either for or against the application. At this time, testimony was closed.

Spaeth stated that this is a dead end road and the chances of major road improvements were slim and the road is not located in the center of the road right of way. The actual driving surface is on the easterly portion of the right of way.

Motion: Chirpich made a motion to approve a variance to allow an addition to the existing house sixteen (16) feet from the road right of way based on the location of the existing house and the fact that the addition would actually be further from the right of way than the portion of the house being removed. Schutz second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: Informational Meeting.

The next informational meeting is scheduled for Thursday, June 1, 2006 at 7:00 am.

Spaeth stated that the Fireman's Convention will be in town that weekend and he is committed to convention. Spaeth questioned if the date of the informational meeting could be changed.

Spaeth made a motion to change the meeting of the informational meeting to Wednesday, May 31, 2006 at 7:00 am at the Planning & Zoning Office. Chirpich second. All in favor. Motion carried.

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

Jim Bruflo, Vice Chairman

ATTEST

Patricia Johnson, Administrator