

**Becker County Board of Adjustments
September 14, 2006**

Present: Members: Al Chirpich, Jim Bruflodt, Harry Johnston, Steve Spaeth, Jerry Schutz and Liz Huesman. Zoning Staff: Administrator Patty Johnson and Julene Hodgson

Chairman Harry Johnston called the meeting to order. Julene Hodgson took minutes.

Minute approval: The minutes were discussed with corrections noted: Motion under Timothy Dooher, old business, was Spaeth not Schultz. Motion under fourth order of business was changed to read All in favor except Schutz not Bruflodt. The Motion under fifth order of business was broke out to show each decision acted on more clearly for the four areas proposed. Spaeth made a motion to approve the minutes with the corrections from the August 8, 2006 meeting. Bruflodt second. All in favor. Motion carried.

Johnston explained the protocol for the meeting. Bruflodt read the criteria for granting or denying a variance.

Old Business:

APPLICANT: Doris Schmidt P.O. Box 47 Ada, MN 56510 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a dwelling 26.5 feet from the ordinary high water mark of the lake, due to the substandard sized lot of record. **Project Location:** 38555 296th Ave **LEGAL LAND DESCRIPTION:** Tax ID number: R.20.0229.000 Part of Govt Lot 2 Nemec Beach First Addition; Section 8, TWP 142, Range 40, Maple Grove Township. White Earth Lake

Previously tabled until new proposal, applicant Mrs. Schmidt and brother Ken Baker explained the application to the Board. Baker explained the reason for the variance is for a new dwelling on the small parcel. They wanted dwelling to tilt to look at lake and have more room in the back to park. Bruflodt asked if dwelling could be parallel to the back setback line to gain more footage from the OHW. Chirpich said it looked like side window would also give good view. Bruflodt asked if there were any plans to add a deck in front of the dwelling. Mr. Baker said yes, they would also like to put a deck onto dwelling. Chirpich noted it would be about three steps to get out patio door. They discussed previous decks and eco-stone pavers as possible access out of dwelling. Schutz said approval should be contingent on the dwelling to be set parallel to the back set back line. Spaeth discussed the mitigation of the shoreline and the requirements of planting.

No one spoke in favor of the application. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Chirpich stated he also felt the dwelling should be parallel to the back setback line and the shoreline restored. Spaeth noted the dwelling proposed is not much smaller than previously proposed dwellings that were tabled.

Motion: Schutz made the motion for a variance approval for the replacement of a dwelling due to a substandard sized lot with the stipulation that the house be parallel with the rear property line with a 5 ft rear property line setback and a maximum width of structure 28 ft as shown on plan submitted with application. The owner has to restore all of the lake shoreline with natural vegetation 20 feet deep with the exception of a 10 feet walkway going to the lake dock. Chirpich second. All in favor. Motion carried.

FIRST ORDER OF BUSINESS: APPLICANT: Nancy Olson 3780 Sawgrass Way #3324 Naples, FL 34112 **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a deck 87 feet from the ordinary high water mark of the lake due to the topography of the parcel. Project Location: 29809 Tageto Rd **LEGAL LAND DESCRIPTION:** Tax ID number: R 32.0428.000 Tageto Block 1 Lot 2; Section 8, TWP 141, Range 40 Sugar Bush Township. Big Sugarbush Lake

Bruce Nornis spoke on behalf of applicant Nancy Olson and explained the application to the Board. Nornis explained the reason for the variance is because they couldn't go back with structure due to the steep bank behind the structure. The Board noted there was rip rap rock added to upper part of parcel. Nornis stated it was placed on parcel about three weeks ago. Nornis said owner has plans for a split rail fence in the future. Spaeth said it could work to divert the parcels water to the right of property with a berm to hold the water from going right down into the lake. Spaeth asked if the deck would be 10' from the septic tank to which Nornis answered yes.

No one spoke in favor of the application. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. The Board stated they could put a stipulation on the variance for a berm to be placed in front of the dwelling and gutters to be placed on dwelling. They noted a 12 x 12 deck in the front yard and asked Nornis if Olson was aware that it was not allowed or previously permitted to be 32 feet from the OHW of the lake which is in the shore impact zone area. Administrator Johnson explained Section 12 Shoreland Standards of the Becker County Ordinance. The Board asked the dimensions of the deck that is being proposed to be added to the front of the dwelling.

Motion: Spaeth made the motion a variance to be approved to allow deck built onto dwelling 87 ft from the ordinary high water mark of the lake as per plan submitted due to the topography of the parcel with the following stipulations: The gravel area in front of the house and the area toward septic to include a 1 ft high berm to hold water from going toward the lake and waterflow to be directed to the east of the property. Gutters, downspouts added on lakeside of dwelling to be directed into french drains. Existing deck

located in the shore impact zone area to be relocated 50 ft from ordinary high water mark of the lake and not to be closer than allowable. Schutz second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: APPLICANT: Carol Hoss 13 36th Ave NE Fargo, ND 58102 APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a home with an attached garage 22 feet from the township road right-of-way due to the substandard sized lot of record. Project Location: 17140 S Corm Rd LEGAL LAND DESCRIPTION: Tax ID number: R 17.1036.000 Lot 6 of Palin Beach; Section 30, TWP 138, Range 42 Lake Eunice Township. Big Cormorant Lake

Applicant Bob Hoss and contractor Joey Kaiser explained the application to the Board. Hoss stated the reason for the variance is to remove all existing structures and impervious on the parcel and construct a new structure with attached garage approximately 22' from his property pins. The Board questioned his access into parcel. The owner currently gains access from neighbors on each side of his parcel, but he would also like to gain access off the township road to his property and drive right into his garage. Chairman Johnston shared with Board members that a previous variance had been granted in the same area in 1988 that was 63' from centerline of the road and that is also what this measurement would be from the centerline. The Board asked if the septic they are proposing would be in the road right of way. The Board stated they would have to get the approval from the township if that is to be proposed. Hoss stated he had his parcel surveyed and that his pins are known on his property.

No one spoke in favor of the application. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. Chairman Johnston reminded the Board they have granted approval for structures being 20 feet from the right of way in the past. Schutz said the owners would have to work with the mitigation that has been proposed.

Motion: Huesman made the motion a variance be approved to construct dwelling with attached garage 22 feet from the right-of-way of a township road due to a substandard sized parcel. The owners cannot exceed twenty five percent lot coverage and have to implement the mitigation proposal submitted with application. Spaeth second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: Kenneth Kuehl 48369 St Hwy 113 Ponsford, MN 56575 APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a 40 x 60 Detached Garage 37 feet from the State Hwy right-of-way due to the topography of the parcel. Project Location: 48369 St Hwy 113 LEGAL LAND DESCRIPTION: Tax ID number: R 12.0018.000 2.6 Ac Lot lying S of TR Hwy 113 Less S 600 Whitetail Ridge Section 4, TWP 142, Range 34 Forest Township. Bad Medicine Lake

Applicant Ken Kuehl and contractor Josh Morgan explained the application to the Board. Kuehl stated he has no where to put his vehicles and because of the slope of the parcel and a wetland, he felt this was the only area for the structure. The Board measured 94' to closest corner of proposed structure. Spaeth said there is a 50 feet right of way off of State Hwy 113 in the area of the owners parcel. The Board asked owner why he was proposing such a large structure and asked if he was aware of the language ruling in July of accessory structure size on lake frontage parcels. Administrator Johnson explained the approved ordinance that states an accessory structure on lake frontage lot must be located within the setback lines and cannot exceed 1200 sq ft in size. Mark Kuehl, son of applicant, said they wanted the large size proposed because of a 24 foot pontoon, fish boat, vehicles and ATV. The Board asked height of structure. Kuehl said it would have 10' sidewalls.

No one spoke in favor of the application. No one spoke in opposition of the application. There was a letter of support from Curt Goodmunson on file. At this time, testimony was closed.

Further discussion was held. The Board stated the lot has slopes and is a difficult parcel. Schutz stated there was no reason to approve that large of structure. Brufloft agreed. Spaeth said with smaller structure they could possibly go back farther from the lake but would have to consider wetland and possibly add something to help with drainage. The Board agreed that a 1200 sq ft building was still of good size. The Spaeth stated that even though this was a difficult parcel, the owner has almost 3 acres.

Motion: Schutz made the motion that a variance be denied due to the size requested and an undetermined hardship of the parcel. Brufloft second. All in favor except Spaeth. Majority ruling. Motion carried.

FOURTH ORDER OF BUSINESS: Timothy Olson 320 Mackley Ave S Thief River Falls, MN 56701 APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a deck and porch addition 28 feet from the ordinary high water mark of the lake due to the substandard sized lot of record. Project Location: 21447 Co Hwy 32 LEGAL LAND DESCRIPTION: Tax ID number: R 10.0562.000 Aljoe Beach 139 40 Lots 1,2,3,4,5; Section 3, TWP 139, Range 40 Erie Township. Cotton Lake

Applicant Tim and wife Kathy explained the application to the Board. The are requesting a variance because existing structure is located too close to the lake. The Board asked the height of the deck and the owners said it would require one maybe two steps. The Board noted owners have a guest cottage that is partially located in the Shore Impact Zone. The Board noted the concrete in front of the main dwelling structure should be removed. The guest cabin is at 44 feet from the lake and a small shed is located at the shoreline of the lake. Chirpich asked if owners are willing to put gutters on the house and put pervious material for walkways and in front of house to which they answered yes.

No one spoke in favor of the application. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion was held. The lot size was noted to be 32,000 sq ft. Administrator Johnson explained to be a duplex size lot you would need 225 ft of shoreline and 80,000 sq ft. of area to have two dwellings. Board stated walkways should be pervious, the shed could be relocated elsewhere on parcel and the proposed deck should be pervious. The owners stated they want to keep everything maintained and bought the parcel because of the guest cottage.

Motion: Spaeth made a motion to approve a variance to construct a pervious deck and porch onto the existing dwelling due to the substandard sized parcel with the following stipulations: The walkway proposed on side of the house and the steps going down toward shoreline are to be of pervious material. Gutters and french drains to be added to existing house and guest house to control water runoff. The shed in shore impact zone is to be relocated elsewhere and within the setback lines of the parcel. The porch is to remain open with no doors, windows or screens. The guest house is allowed to remain with no improvements done to the structure. This will give an expected life of approximately 10 years. The guest house must be removed within 10 years from the date of the variance approval or upon change of ownership.

Chirpich second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: John Dalen 300 NP Ave #307 Fargo, ND 58102
APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a cabin addition onto the rear of the existing dwelling that is 30 feet from the ordinary high water mark of the lake and a garage addition 90 feet from the center line of a county road due to the substandard sized lot of record. Project Location: 21560 Co Rd 117E LEGAL LAND DESCRIPTION: Tax ID number: R 33.0325.000 Lot 16 and parts of lots 17 & 18, 1st addition to the Pines; Section 4, TWP 139, Range 38 Toad Lake Township.
Toad Lake

Applicant John Dalen and Darlene from Yards and More explained the application to the Board. Dalen explained the reason for the variance request was to add an addition to the existing cabin that is located in the shore impact zone on substandard size of parcel. He proposed impervious removal, french drains, and rip rap work on the creek that runs through parcel. He noted he is adding onto the backside of house and detached garage. The new structure would be 19 ½ x 14 ½ with a second story above and a second story added onto present 1/3 of existing cabin. Dalen will also remove outhouse that is within 3 feet of the creek. Dalen will add basin beds and rock rip rap along with removal of walkways, parking areas and deck in front which will be replaced with pervious pavers. The Board asked what his lot coverage will be and he said with removal he will be between 21% and 22%.

Ivan Kangas spoke in favor of the application stating Dalen is trying hard to work with a non-conforming parcel. No one spoke in opposition of the application. There where

written correspondence in the file from Big Toad Lake Improvement Assoc. Fred Tuominen in support of the request and B.A. Arnold regarding water samples taken from small creek. At this time, testimony was closed.

Further discussion and deliberation was held. There is the small creek to take into consideration. The Board stated there is a lot of effort being put into proposal. The Board discussed the lining up the banks of the small creek during rip-rap process. The natural river bed is to remain. Administrator Johnson said they could bring people on board from the DNR and Soil and Water to help with the creek restoration.

Motion: Chirpich made the motion to approve a variance to construct an addition onto an existing cabin and garage due to the substandard sized parcel with the following stipulations: All mitigation must be followed according to the plan submitted with application. All walks and pavers will be pervious. Drive will be pervious. The appropriate entities to be consulted before and during work on creek area. Schutz second. All approved. Motion carried.

SIXTH ORDER OF BUSINESS: Larry Hlavincka 12521 92 Ave N Maple Grove, MN 55369 APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct a dwelling 32 feet from the center line of a township road and 75 feet from the ordinary high water mark of the lake due to the topography of the parcel. Project Location: 32871 355 St LEGAL LAND DESCRIPTION: Tax ID number: R 20.0365.000 PT Govt Lot 1 Comm NE Cor Govt Lot 1 TH W 935.88 to POB TH S497.31 to N Ln Rd Section 26, TWP 142, Range 40 Maple Grove Township. Strawberry Lake

Applicant Larry Hlavincka and wife Nancy Hlavincka explained the application to the Board. They are requesting a variance replace existing structure with newer dwelling 32 feet from the center of existing road. They have a low parcel and moving closer to the lake they felt would be too wet of area. New home proposed is 28 feet x 52 feet. They will move their current well to be out from under dwelling. They submitted a revised plan which included a deck on dwelling. The deck will be pervious.

No one spoke in favor of the application. No one spoke in opposition of the application. There was no written correspondence either for or against the application. At this time, testimony was closed.

Further discussion and deliberation was held. The Board stated that the owners had a lot of acreage but their usable area was limited. The shoreline is to remain natural. It is a dead end road with little traffic. The lake drains toward the back pond. They do have a small guest cottage on parcel. Administrator Johnson stated they have large enough parcel to accommodate the small cottage.

Motion: Brufloft made the motion to approve a variance to replace existing dwelling with dimensions submitted with application, along with a 12 x 20 pervious deck due to

the topography of the parcel. The existing shoreline must be left in natural vegetation regardless of current or future ownership. Huesman second. All in favor. Motion carried.

Informational Meeting.

The next informational meeting is scheduled for Thursday, October 5th, 2006 at 7:00 a.m. at the Planning & Zoning Office.

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

Jim Brufloft, Chairman

ATTEST

Patricia Johnson, Zoning Administrator