

**Becker County Board of Adjustments
February 8, 2007**

Present: Members: Bill Sherlin, Al Chirpich, Jim Bruflodt, and Steve Spaeth. Zoning Staff: Administrator Patty Johnson and Julene Hodgson.

Vice-Chairman Jim Bruflodt called the meeting to order. Julene Hodgson took minutes.

Minute approval: The minutes were discussed. Spaeth made a motion to approve the minutes from the November 9th, 2006 meeting. Chirpich second. All in favor. Motion carried.

Vice-Chairman Bruflodt explained the protocol for the meeting. Spaeth read the criteria for granting or denying a variance. Vice-Chairman Bruflodt announced the resignation of Board of Adjustment members Sinclair and Huesmann.

FIRST ORDER OF BUSINESS: APPLICANT: Jim Kortan, 20715 Oakland Beach Rd, Detroit Lakes, MN 56501. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Variance to construct a 14x28 addition to an existing attached garage located 20 feet from the road right of way, which deviates from the required 45 feet, due to the substandard sized lot of record. Project Location: 20715 Oakland Beach Rd
LEGAL LAND DESCRIPTION: Tax ID number: R080145000 Big Floyd Lake Pt Lot 3 Beg 705' NW 152.9' E & 284.73' NE of NW Cor Lot 1; Section 09, TWP 139, Range 41, Detroit Township.

Applicant Jim Kortan explained the application to the Board. The owner submitted a new plan to the Board with a smaller structure of 14x24 proposed 20' from the closest corner to the road right of way. He explained the addition being moved back toward the house. The Board discussed mitigation for the proposed lot coverage.

No one spoke in favor of the application. No one spoke in opposition of the application. There was a letter from Cola read to the Board. It spoke in favor of the application but expressed the need for storm water management for water runoff. At this time, testimony was closed.

Further discussion was held. The Board discussed the new plan submitted as being reasonable and making all other setbacks on the parcel. The Board discussed the owners options for rain gutters and possible french drains.

Motion: Chirpich made the motion a variance be granted to construct a 14x24 addition to an existing attached garage twenty (20) feet from the road right of way, due to the substandard sized lot of record. Mitigation with storm water management plan is to be recorded and followed per the Becker County Zoning Regulations. Sherlin second. All in favor. Motion carried.

SECOND ORDER OF BUSINESS: Peter Ciekliniski, 4629 Laomy Hills, Grand Forks, ND 58201 APPLICATION AND DESCRIPTION OF PROJECT: Request a Variance to construct an 18x28 Second Story addition onto an existing dwelling, add an 8x18 upper level deck, and replace the existing 8x36 and 14x20 decks that are located 42 feet from the ordinary high water mark of a General Development Lake. The variance is being requested as the structure is located ahead of stringline and due to the substandard size lot of record. Project Location: 23803 Pebble Beach Lane LEGAL LAND DESCRIPTION: Tax ID number: R191573000 Lake Sallie Block 3 Lot 1; Section 18, TWP 138, Range 41 Lake View Township

Applicant Peter Ciekliniski explained the application to the Board. He wants to move here and live here year around. He wants an addition for bedroom and office going up with partial second story because of existing lot coverage. Board member Spaeth discussed moving the structure back further on the parcel. The owner is aware of the mitigation process and the current dwelling has no eaves or rain troughs in place at this time. The Board explained the owner being ahead of string-line and the possible visual problem to one neighbor. The Board discussed the decks being pervious.

No one spoke in favor of the application. No one spoke in opposition of the application. There was written correspondence in the file from neighbor Lawrence Lewandowski stating they had no objection to the request as long as it goes no closer to the lake than what needs to be repaired or replaced. At this time, testimony was closed.

Further discussion was held. The owner will have to propose mitigation requirements to the Zoning Office. Spaeth suggested shoreline restoration of 40%. Mitigation point system requirement for the setback short-come will be comparative to that amount. Sherlin would like to see the deck reduced overall because of obstruction. Sherlin was against upper deck proposal. Chirpich agreed the deck protrudes ahead of stringline but the decks are needed to gain access from the doors of the dwelling. Owner suggested removing the upper deck in the corner and the lower deck would not be added on this end. They would be approximately 8 feet from the corner to the door. No additional stairs would be added to the original deck and there would be no stairs added to the upper deck. This would mean there would be one set of steps on ground level and all decking would be pervious.

Motion: Chirpich made the motion a Variance be approved to construct an 18x28 second story addition onto an existing dwelling with an upper level deck and replacement of existing ground level deck due to the substandard lot of record. The upper level patio door is to be located in the center of the second story with the deck no further than 6 inches past the west side of the patio door. Lower deck is to stay in line with upper deck. Mitigation with vegetative buffer and storm water management is to be recorded and followed per the Becker County Zoning Regulations. Sherlin second. All in favor. Motion carried.

THIRD ORDER OF BUSINESS: APPLICANT: DKD Investments, 28774 St Hwy 34, Detroit Lakes, MN 56501 APPLICATION AND DESCRIPTION OF PROJECT:

Request a subdivision to create two new tracts of land. The Variance request is for the existing structures to remain 11 feet from the dividing side property line in a commercially zoned area which deviates from the required 15 feet. Project Location: 28774 State Hwy 34 LEGAL LAND DESCRIPTION: Tax ID number: R080440000 Detroit Township Beg at Inter of E Line W 1/2 NE 1/4 & NW Ln Hwy 34 Th N 704' W 675' S 120' SW 225'; Section 25, TWP 139, Range 41.

Kent Disse explained the application to the Board. Disse would like to subdivide the property and the existing structures do not make the side property setback. The Board asked applicant why they wanted the property line where proposed and not on the east side of the small existing garage. The Board expressed concern that the owner is possibly creating his own hardship. The Board suggested the line be moved closer to the small garage than proposed to make the 15 feet property setback regulation for the larger existing structure located on the 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. Spaeth was in favor of moving the property line w/stipulation approving maintenance only on the old small garage. The Board asked if the large structure had rain gutters to which the owner answered no. The Board said the large structure would have to be guttered for water management because there is concrete and asphalt between both garages. The owner stated the water runs half to the north and half to the south of the structures. Sherlin disagrees with the Board granting a request for a Variance when it creates a hardship. Sherlin believes the issues of fire access, driving and entering access makes it hard to substantiate a hardship. The Board reaffirmed the first 500 feet of the property is zoned commercial with the remainder behind this property zoned residential. Administrator Johnson spoke of past Variance proceeding placing stipulations regarding maintenance only on existing structures. Spaeth asked for verification the owner goes to the City for the Certificate of Survey approval because of location. Vice-Chairman Brufloft stated the idea of putting strict limitations on the maintenance of the small garage limiting the structure would eventually dismiss the Variance. Sherlin stated the Board of Adjustment should look further into having something in place for proposals like this.

Motion: Chirpich made the motion a Variance be approved for existing 1708.9 sq ft garage to remain seven (7) feet West of proposed property line of farthest East lot of four (4) proposed lots. The existing structure can remain with no structural changes, modification or maintenance for the lifetime of the structure. Any new structure or the relocation of the existing structure would require proper permits and meet the current side property setback regulation. All in favor except Sherlin. Majority ruling. Motion carried.

FOURTH ORDER OF BUSINESS: APPLICANT: Duane Cossette, 3202 40th Ave S Unit A, Fargo, ND 58104 APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a 24x28 Second Story Addition onto the rear portion of an existing cabin 54 feet from the ordinary high water mark due to the substandard size lot of record. The front of the cabin is 36 feet from the ordinary high water mark of the lake (after removal of deck) and located in the shore impact area. The addition will be behind stringline. Project Location: 14640 Tradewinds Beach LEGAL LAND DESCRIPTION: Tax ID number: R171294000 Big Cormorant Lake Lot 48 Tradewinds Beach; Section 07, TWP 138, Range 42. Cormorant Township

Contractor Greg Nelson explained the application to the Board for the property owner Duane Cossette. The owner would like a second story addition onto the existing dwelling for additional bedrooms and bath. The overall height would be 22' for the addition to grow visually 7 feet. Spaeth stated that the existing structure is located in the Shore Impact Zone. The Board questioned why the whole structure could not be proposed to move back, which the next door neighbor did previously. The contractor spoke of the economics, cost and the use of the existing structure as it is with more room added. This would be placing the addition upward and not change the lot coverage. The contractor spoke of the mitigation proposed with removal of part of the existing structure out of the Shore Impact Zone. Spaeth spoke of the stringline method used showing the next door neighbors structure should be ruled out as that structure is also located in the Shore Impact Zone. Sherlin asked if the addition size proposed had changed from the first proposal that came in front of the Board in November 2006 that was denied. Administrator Johnson confirmed if a structure is located in the Shore Impact Zone area it should not be used in the stringline method of measurement. The Board asked if there were second story structures located in the neighborhood close to the water. The owner bought the cabin this way and has proposed the front deck removal and mitigation.

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. Spaeth stated the new proposal was a better plan but the proposal is still adding to a non-conforming structure located in the Shore Impact Zone and ahead of stringline. Sherlin stated the intent is to get more structures out of this area, which Spaeth agreed this is the goal of the Board. Chirpich wondered if owner thought of proposal of building onto the back of existing structure and then removing part of structure located in the Shore Impact Zone area. The Board discussed reasonable use of the area. The Contractor was given the opportunity to table the application and bring a new design to the Board. If not tabled, the Board must act on the proposal presented to the Board tonight. The Contractor proposed not to table the application.

Motion: Sherlin made the motion a Variance be denied due to an undemonstrated hardship of the property. Spaeth second. All in favor. Motion carried.

FIFTH ORDER OF BUSINESS: APPLICANT: Michael Bartholomay, PO Box 1411, Detroit Lakes, MN 56502 APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a 602 sq foot addition to the rear of an existing 30x34 cabin, and a second story addition onto the complete structure located 41' feet from the ordinary high water mark of the lake, which deviates from the 100 foot setback, due to the substandard sized lot of record. Project Location: 16455 Long Beach Dr
LEGAL LAND DESCRIPTION: Tax ID number: R081081000 Long Lake
Lot 14 Long Lake Beach; Section 32, TWP 139, Range 41. Detroit Township

Owner Michael Bartholomay explained the application to the Board. He is aware that 50 feet back would locate the structure out of the Shore Impact Zone. Owner chose to research the Ordinary High Water mark to confirm measurement to the existing structure.
Mr. Bartholomay decided to table his application at this time.

SIXTH ORDER OF BUSINESS: APPLICANT: Nancy Trickey, 904 Rhinehart Dr, East Grand Forks, ND 56721 APPLICATION AND DESCRIPTION OF PROJECT:
Request a Variance to alter the roof line on an existing structure that is located 16 feet from the top of a bluff, which deviates from the required 30 feet, due to the topography of the lot. The roof will be raised a half a story to match the roof line of an approved addition. Project Location: 20162 S Twin Dr
LEGAL LAND DESCRIPTION: Tax ID number: R150135000 South Twin Lake A Tract 100x300 Lying 490 S 600 E and 400 S of NW Cor; Section 12, TWP 139, Range 39. Height of Land Township

Nancy Trickey and contractor Ben Hass explained the application to the Board. She was approved for an addition onto the existing dwelling, but wasn't aware that because of the bluff setback regulations she would not be able to raise the roofline of the old to match the new. The old roof needs repair. The bluff setback area is 30 feet. Spaeth expressed the roofline change could correct the current issue of structural water runoff to the lake. The Board asked if the old structure included a loft area. The owner answered yes, and the new roof area height would be open toward the lake. This would be adding a 6 feet kneewall to the existing structure. There will be no foundation change to the existing structure. The shoreline is natural vegetation and will remain natural.

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. Sherlin questioned again how much structural work would be done to the old cabin. The Board agreed it would do more damage to remove the existing slab on front part of old cabin than to let it remain and just change roofline. Spaeth had erosion concerns regarding the L shaped areas of the dwelling away from the bluff. The Board suggested french drain areas or possible water garden retention area for storm-water runoff. Board again cautioned any disturbance any closer to the bluff area would do more harm to that area.

Motion: Spaeth made the motion a Variance be approved to alter the roofline on an existing structure due to the topography of the lot. The roofline will be raised half (1/2) a story to match the roofline of the approved addition. Mitigation with storm

water management plan to include rain gutters and french drains or basin. Sherlin second. All in favor. Motion carried.

Informational Meeting. There are no applications for March, the next informational meeting is scheduled for Thursday, April 5, 2007 at 7:00 a.m. at the Planning & Zoning Office.

Board Chairman and Vice-Chairman Nomination. Spaeth nominated Vice-Chairman Bruflo to the Board of Adjustment Chairman position. Chirpich Second. All in favor. Motion carried.

Bruflo nominated Spaeth to the Board of Adjustment Vice-Chairman position. Sherlin 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. Motion carried.

Jim Bruflo, Chairman

ATTEST

Patricia Johnson, Zoning Administrator