

**Becker County Board of Adjustments
April 12th, 2007**

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

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

Minute approval: The February minutes were discussed. There was an error in the first order of business motion. It should state Sherlin second. Chirpich made a motion to approve the corrected minutes from the February 8, 2007 meeting. Sherlin second. All in favor. Motion carried.

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

FIRST ORDER OF BUSINESS: APPLICANT: DAVID LYSNE 470 F 23rd St E
West Fargo, ND 58078 **PROJECT LOCATION:** Co Rd 117

LEGAL LAND DESCRIPTION: Tax ID number: R330100000 Toad Lake
N 2 Ac of Lot 1 Section 09, TWP 139, Range 38 Toad Lake Township.

APPLICATION AND DESCRIPTION OF PROJECT:

Request a Variance to construct a 28*34 building site 35 feet from the County road (ROW) and 20 feet from the rear property line due to the wetlands on the property. This would deviate from the setback of 45 feet from the County road (ROW) and 40 feet from the rear property line.

Applicant David Lysne explained the application to the Board. The proposed owner submitted a new site plan to the Board with a 900 sq ft slab area for eventual building site proposed 25 ft from the closest corner to the Road Right of Way and 5 ft from the east property line. He explained the original application measurements were submitted before actually locating property lines, therefore the parcel did not include as much high ground as first thought in proposed area. Lysne explained the parcel was platted in 1940, is a lot of record on its own, and is requesting reasonable use of the property. Mr. Lysne explained he thought this would produce a better tax base with a home rather than just an RV site. He explained Brad Grant from Soil and Water visited the site and marked an area of highland soils and the borders to restricted wetlands. The area would measure approximately 77 ft on the right side and approximately 48 ft on the other side. Mr. Lysne would then request a holding tank only for septic purposes and the well would be located 50 ft from the holding tank.

Chirpich spoke of the site visit and explained to Chairman Bruflodt that Board member Spaeth explained to Mr. Lysne to downsize concrete pad to better meet the setback from the County Road. Chirpich stated this proposal would also include 400 sq ft of fill that Soil and Water would allow as part of the 900 sq ft requested.

Sherlin referred to the wording on the request that stated it as a building site. Sherlin asked Administrator if this means the proposed owner could obtain an RV permit and then obtain a structure permit for a dwelling on this square footage at a later date. Administrator Johnson explained the RV permits are a yearly renewed permit and the wording of the Variance request would allow the owner to obtain an approved site permit for a structure at a later date without having to reapply for a Variance. Sherlin asked the square footage of building area on a parcel. Administrator Johnson stated 2,000 square feet on newly created standard sized parcels, but nothing stated for the older parcels.

No one spoke in favor of the application. Richard Laine was present and spoke in opposition of the application. Mr. Laine stated he subdivided property to the North of this area creating standard sized parcels. He expressed many people have looked at this property over the years and agreed there are a lot of wetland and road issues. Mr. Laine stated he followed the regulations for subdividing property to be suitable for sale and construction. He stated the current regulations may not fit this property because of it being established in 1940 and still vacant. Administrator Johnson stated a lot of record is allowed reasonable use. Chairman Brufloft stated that could mean a small tent area. Three letters in the file spoke in opposition of the application. Chirpich read the letters for all present. President of the Big Toad Lake Improvement Association Fred Tuominen stated this is a monitored and identified site as a significant source of pollutants entering Toad Lake. He stated as lakeshore development has increased, un-suitable property remaining near lakes are subject to consideration. He submitted that this property does not meet the ordinance standards for riparian property development and should remain in native condition if possible. Mr. Clark Lee stated the area contains natural drainage ditch areas that run through the field then to a creek that empties into Big Toad Lake. He stated impervious surface of any nature would add to the potential negative impact. Mr. Arlen Kangas stated the idea of a building site on the lot was incomprehensible and go against recent actions to protect water quality. Building in a wetland would not seem to be consistent with the heroic effort the County has been taking elsewhere in lake and environmental protection. At this time, testimony was closed.

Further discussion was held. The Board discussed the new plan submitted. Sherlin asked if the proposed ownership of the applicant made any difference in the process of requesting a Variance. Administrator Johnson and Chairman Brufloft confirmed it would not. Brufloft stated when he spoke to Board member Spaeth he too thought there would be more footage of setback made toward the County Road if the proposal was downsized and fit closer to the east property line. Sherlin stated this was a large parcel with questions of suitability if an undeveloped property has to automatically ask for a Variance. Sherlin stated he does not see a build-able area unless you encroach on setbacks. Brufloft reinforced that new plan submitted to encroach back closer to east property line did not gain any footage from the County Road Right of Way. Brufloft again discussed reasonable use could mean swimming there on weekends. The Board discussed the guidelines for granting a variance. In this case, each point could be argued but are used as just guidelines. Chirpich explained to Mr. Lysne it was his privilege to consider the option for tabling his application and coming back to the Board with a different plan. Mr. Lysne stated with the parcel being platted in 1940, what standards

would he have been able to do then. Chirpich stated what was applicable by today standards on what they can approve. Brufloft explained the Board would have to make a decision on application submitted with this hearing unless the proposed owner wants to request the application to be tabled. **At this time the proposed owner Mr. Lysne chose to table the application and requested be placed on the Agenda for the May Board of Adjustment public hearing as Old Business with re-notification.**

Informational Meeting. The next informational meeting is scheduled for Thursday, May 3, 2007 at 7:00 a.m. at the Planning & Zoning Office.

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

Jim Brufloft, Chairman

ATTEST

Patricia Johnson, Zoning Administrator